

## 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 PART-DAY CHILDREN'S PROGRAMS  
(340:110-3-35 through 340:110-3-49.7)**

<b>Section 35. Purpose and Policy of the Law .....</b>	<b>1</b>
<b>Section 36. Definitions.....</b>	<b>1</b>
<b>Section 37. Necessity and Issuance of License .....</b>	<b>2</b>
<b>Section 39. Organization .....</b>	<b>2</b>
(a) Sponsor.....	2
(b) Purpose.....	2
(c) Responsible agent.....	3
(d) Notifications.....	3
(e) Public access to records - Compliance Posting.....	4
(f) Compliance file.....	4
(g) Effect of change in ownership or location on license.....	4
<b>Section 40. Policy and Procedure.....</b>	<b>4</b>
(a) Content.....	4
(b) Personnel policy .....	5
(c) Insurance.....	5
(d) Access to the program .....	5
<b>Section 41. Records .....</b>	<b>5</b>
(a) Program records.....	5
(b) Children's records .....	5
(c) Staff records .....	6
<b>Section 42. Requirements for Part-Day Program Employees .....</b>	<b>6</b>
(a) General .....	6
(b) Criminal history investigations .....	6
(c) Restrictions.....	7
(d) Child abuse .....	8
(e) Health.....	8
(f) Employee qualifications.....	8
(g) Responsibilities .....	8
(h) Professional development.....	9
<b>Section 43. Supervision of Children .....</b>	<b>10</b>
(a) General .....	10
(b) Infants, toddlers and twos .....	10
(c) Preschool-age children.....	10
(d) School-age children.....	10

(e) Staff-child ratios.....	10
(f) Swimming guidelines.....	12
<b>Section 44. Physical Facilities .....</b>	<b>12</b>
(a) Location and construction .....	12
(b) Auxiliary spaces .....	12
(c) Safety and sanitation.....	13
(d) Licensed capacity.....	15
<b>Section 45. Indoor Equipment.....</b>	<b>16</b>
(a) General .....	16
(b) Minimum equipment for infants .....	16
(c) Minimum equipment for toddlers .....	17
(d) Minimum equipment for two-year-olds .....	17
(e) Minimum equipment for three-year-olds.....	17
(f) Minimum equipment for four and five-year-olds .....	17
(g) Minimum equipment for school-age children.....	18
<b>Section 46. Outdoor Safety and Play Equipment .....</b>	<b>18</b>
(a) Play space.....	18
(b) Surfaces .....	18
(c) Playground safety.....	19
<b>Section 47. Care of Infants, Toddlers and Two-Year-Olds.....</b>	<b>19</b>
(a) Environment .....	19
(b) Feeding .....	19
(c) Diaper changing .....	20
(d) Toilet learning.....	21
(e) Program .....	21
<b>Section 48. Learning Experiences .....</b>	<b>21</b>
(a) Activities.....	21
(b) Television and videos.....	21
(c) School-age children.....	21
<b>Section 49. Water Activities .....</b>	<b>21</b>
(a) Parental permission.....	21
(b) Supervision .....	21
(c) Safety .....	22
(d) Swimming pools.....	22
(e) Restrictions.....	22

<b>Section 49.1. Rest Time .....</b>	<b>22</b>
(a) Rest arrangements for preschool children.....	22
(b) Rest arrangements for infants, toddlers and two-year olds .....	22
(c) Sleeping space and equipment .....	23
(d) Supervision .....	23
<b>Section 49.2. Behavior and Guidance .....</b>	<b>23</b>
(a) Appropriate discipline .....	23
(b) Staff requirements .....	23
(c) Acts prohibited.....	24
<b>Section 49.3. Health .....</b>	<b>24</b>
(a) Cleanliness.....	24
(b) Health records .....	24
(c) Immunizations .....	25
(d) Disease control.....	25
(e) Medication .....	25
(f) Injuries.....	26
(g) Emergency procedure .....	26
(h) First aid kits .....	26
<b>Section 49.4. Food and Nutrition .....</b>	<b>26</b>
(a) Meals.....	26
(b) Food service plan .....	27
(c) Menu posting.....	27
<b>Section 49.5. Transportation .....</b>	<b>27</b>
(a) Program responsibility .....	27
(b) Driver qualifications .....	28
(c) Staff-child ratios.....	28
(d) Safety procedures .....	28
(e) Passenger restraints .....	29
(f) Vehicle requirements.....	29
<b>Section 49.6. Food Service and Sanitation Requirements .....</b>	<b>30</b>
(a) General .....	30
(b) Food supplies .....	30
(c) Potentially hazardous foods .....	30
(d) Food protection .....	31
(e) Food preparation .....	31
(f) Use of food .....	31
(g) Transporting food .....	32

(h) Catering services.....	32
(i) Personnel .....	32
(j) Food equipment, utensils and storage items .....	32
(k) Cleaning and sanitizing equipment and utensils.....	32
(l) Storage area.....	33
(m) Food service handwashing facilities .....	33
(n) Food preparation and service areas.....	34
(o) Construction and maintenance of physical facilities .....	34
<b>Section 49.7. Fire Safety .....</b>	<b>35</b>
(a) Minimum construction requirements.....	35
(b) Fire safety codes .....	36
(c) Exits.....	36
(d) Doors.....	36
(e) Alarm systems and extinguisher.....	36
(f) Hazardous areas .....	36
(g) Electrical.....	37
(h) Evacuation .....	37
(i) Training .....	37
(j) Housekeeping.....	37
(k) Outside .....	37
<b>SUPPLEMENT I Oklahoma Child Care Facilities Licensing Act.....</b>	<b>38</b>
<b>SUPPLEMENT II What is Child Abuse? .....</b>	<b>54</b>
<b>SUPPLEMENT III Play Equipment - Recommended .....</b>	<b>55</b>
<b>SUPPLEMENT IV Minimum Immunization Requirements.....</b>	<b>62</b>
<b>SUPPLEMENT V Injury Report Form - Sample .....</b>	<b>66</b>
<b>SUPPLEMENT VI Minimum Meal Pattern Plan for Children.....</b>	<b>67</b>
<b>SUPPLEMENT VII Child Passenger Restraint System .....</b>	<b>68</b>
<b>SUPPLEMENT VIII Fall Zones.....</b>	<b>72</b>
<b>SUPPLEMENT IX Bleach Solution .....</b>	<b>74</b>
<b>Revisions to Requirements .....</b>	<b>75</b>
<b>Index.....</b>	<b>76</b>

## **PART 2. REQUIREMENTS FOR PART-DAY CHILDREN'S PROGRAMS (340:110-3-35 through 340:110-3-49.7)**

### **Section 35. Purpose and policy of the law**

It is the declared purpose and policy of the Oklahoma Child Care Facilities Licensing Act [10 O.S. § 401 et seq.] to:

- (a) ensure maintenance of minimum standards for the care and protection of children away from their own homes;
- (b) to encourage and assist the child care facility in attaining maximum standards; and
- (c) to work for the development of sufficient and adequate services for child care.

### **Section 36. Definitions**

The words and terms used in this Part shall have the following meanings unless the context clearly indicates otherwise.

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

**"Child"** means a person under the age of 18 years.

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

**"Department"** means the Oklahoma Department of Human Services (OKDHS).

**"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.

**"Hazard"** means an identifiable situation that is likely to inflict injury or cause harm.

**"Infant"** means a child 0 through 9 months of age.

**"Infection control"** means the policies, procedures, and techniques used to control and prevent the spread of infection, e.g., handwashing, sanitizing, personal hygiene, diapering and toileting, appropriate handling and/or disposal of soiled items, sick child exclusion policies, immunization policies.

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

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

**"Part-day children's program"** means a facility that provides care and supervision for children and that operates for more than 15 but less than 30 hours per week.

**"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 three to five years of age that has not entered kindergarten.

**"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, over-seeing and guiding a child or group of children. This includes awareness of and responsibility for the on-going 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.

"**Toddler**" means a child 10 through 23 months of age.

"**Volunteers**" means persons who provide services to the program without cost or compensation.

### **Section 37. 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 unless licensed by the Oklahoma Department of Human Services (OKDHS). Under Child Care Facilities Licensing Act, a child care facility is a public or private residential facility, child placing agency, foster family home, group home, child care center, part-day child care program, or family child care home. In order to provide care for children in a child care facility, a license is required to be obtained from OKDHS which is issued on the basis of meeting minimum requirements essential for the health and welfare of children in care. (See Supplement I.)

(b) An application for a license is made on forms provided by OKDHS and in the manner prescribed. All licenses are in force until the facility closes or the license is revoked. A one-year provisional license may be issued to any applicant whose services are needed but who is temporarily unable to conform to all the rules and regulations of OKDHS.

(c) No business unrelated to child care is conducted in a part-day children's program during the time care is provided.

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

(e) A business located in the same building as the program is required to have its own entrance, bathrooms and be separate from children.

(f) OKDHS may revoke a license or deny an application if a licensee violates any provisions of this Act. No license is revoked or denied unless the holder of such license is given 30 days notice in writing of the grounds of 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.

(g) When OKDHS denies or revokes a program's license, the responsible entity may not make application for a new child care facility license within the state for five years following notification of the responsible entity of the revocation or denial of a license; and during an appeal process.

### **Section 39. Organization**

(a) **Sponsor.** A part-day children's program may be sponsored by a public or private group or by an individual. It may be operated by public or private community organizations or by private ownership.

(b) **Purpose.** A statement defining the purpose or function of the part-day child care program is filed with the Oklahoma Department of Human Services (OKDHS). The statement includes:

- (1) the licensed capacity;
- (2) age of children accepted;
- (3) hours of operation;
- (4) type of care; and
- (5) services offered.

**(c) Responsible agent.**

(1) A not-for-profit children's program operates under a governing board responsible for developing of policies and establishing and maintaining a sound financial structure.

(2) A proprietary program's owner is responsible for the policy and financial structure of the program.

(3) A public program is created and exists by act of the state, county, city or other political subdivision. The operation shall remain under the control of a governmental agency.

**(d) Notifications.** Requirements pertaining to notifications are contained in this subsection.

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

- (A) the program's license, permit or notice of denial or revocation of license;
- (B) name of the person responsible for the program 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) the daily program schedule;
- (F) emergency procedure;
- (G) weekly menu of all food provided by the program;
- (H) evacuation plan; and
- (I) a record of monthly fire drills.

(2) Form 07LC093E, Insurance Exception Notification, if applicable per Section 40(c), is posted in clear view of the main entrance to the facility.

(3) In accordance with Section 7103 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 OKDHS. It is a misdemeanor for any person to fail to report.

(4) The program is required to notify Licensing Services on the next working day of:

- (A) unscheduled or permanent closing of the program;
- (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 requirements;
- (E) legal action against a program or staff person which pertains to licensing requirements;
- (F) any known criminal charges or child abuse investigations involving staff which 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 which occurred while the child was in the program.

(5) The program is required to notify Licensing Services at least 30 days prior to any of the proposed changes listed in (A) - (E) below:

- (A) a change in owner(s) or sponsorship;
- (B) change in name of the program;
- (C) any change or alteration to the physical facility that affects the amount of usable square footage or compliance with any requirements;
- (D) anticipated closing or relocation of the program; and/or
- (E) proposed change in the licensed capacity of the program.

(e) **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 Child Care Licensing Services, with confirmed 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 42(c) are posted in a prominent place for as long as they are employed or living in the facility.

(f) **Compliance file.** A compliance file that is 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 Oklahoma Child Care Services (OCCS) 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 Child Care Licensing Services, with findings of unconfirmed to include findings of services not needed or services recommended; and

(3) Form 04CP004E, Child Welfare Investigative Summary Notification to Child Care Licensing Services, with findings of confirmed, for one year from the completion of the investigation.

(g) **Effect of change in ownership or location on license.** When changing ownership or location:

(1) the license is not transferable and is returned to OKDHS; and

(2) the program is required to meet current licensing requirements.

**Section 40. Policy and procedure**

(a) **Content.** A written statement of the program's policy and procedure is available to staff and parents and includes but is not limited to:

(1) a brief program description;

(2) ages of children accepted;

(3) days and hours of operation, including the holidays the program is closed;

(4) fees;

(5) the location and accessibility of the licensing compliance file;

(6) procedure for receiving and releasing children from the program, including a method of verifying the identity of a caller or person picking up a child;

(7) procedure concerning children's personal belongings and money;

(8) procedure for the handling of illnesses and injuries, including procedures when away from the program;

(9) procedure for storing and administering children's medicines;

(10) mandatory reporting of child abuse;

- (11) procedure for notifying parents of field trips;
  - (12) procedure for transportation of children;
  - (13) procedure for caring for children who arrive late for field trips when that child's group has already left the program;
  - (14) meals and snacks, including days when children are on field trips; and
  - (15) discipline policy.
- (b) **Personnel policy.** When there are more than 10 staff persons, the program is required to provide written personnel policy to staff that includes:
- (1) job responsibilities, qualifications and lines of authority; and
  - (2) staff performance evaluation and termination procedure.
- (c) **Insurance.** A child care facility maintains 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.
- (d) **Access to the program.** Parents of enrolled children are permitted reasonable access to all parts of the program's physical facility during hours of operation.

#### **Section 41. Records**

- (a) **Program records.** Licensing staff have access to records and reports in accordance with the requirements contained in this Section.
- (b) **Children's records.** Records are obtained for each child in the program at the time of admission and regardless of the length of time in the program.
- (1) All records are kept current.
  - (2) Identification and health records are kept on forms provided by OKDHS or on other forms that contain:
    - (A) the child's name, date of birth, name of parent(s), home address, parents' place 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 person(s) permitted to pick up the child;
    - (E) health information;
    - (F) current immunization record;
    - (G) name, address, and telephone number of a physician to call in an emergency;
    - (H) date of acceptance and withdrawal from the program; and
    - (I) medication and transportation permission if applicable.
  - (3) Children's records are kept at the facility and available to staff during all hours of program operation.
  - (4) Daily attendance records for each child are maintained and kept readily available for a minimum of 120 days.

(c) **Staff records.** Staff records that are required to be completed and maintained at the facility or made available to licensing are:

- (1) staff information sheets provided by OKDHS that include:
  - (A) name, date of birth, 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 and child abuse investigations.
- (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;
- (3) staff health records which include at a minimum 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. See Section 42(b)(3) and (4) and (c) regarding requirements for employees;
- (4) attendance records for each staff;
- (5) documentation of request and/or results of a criminal history review; and
- (6) 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 42. Requirements for part-day program employees**

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

- (1) provide documentation annually that he or she meets the health and training requirements contained in this Part;
- (2) recognize and act to correct hazards to physical safety, both indoors and outdoors;
- (3) be able to work with children without recourse to physical punishment, mistreatment or child abuse; and
- (4) demonstrate good judgment as evidenced by prudent and responsible behavior that reasonably ensures the health and safety of children in the program.

(b) **Criminal history investigations.**

- (1) **Owner or director responsibility.** The program's owner or director submits:
  - (A) a completed criminal history investigation conducted within the last 12 months including dispositions on all charges; and
  - (B) a criminal history review request on a form provided by OKDHS, to Oklahoma Child Care Services (OCCS) licensing records office requesting an Oklahoma State Courts Network search for:
    - (i) any person making application to establish or operate a part-day children's program;
    - (ii) each applicant prior to employment, including all caregivers, substitutes, auxiliary staff and any other person employed by the program;
    - (iii) adults, including providers' spouses or adult children, who live in the facility; and

- (iv) persons age 18 years or older prior to their residence in the facility.
- (2) **Owner or director responsibility.** Program's owner or director 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.
- (3) **Exceptions.** Criminal history investigations are not required for:
  - (A) staff who move to a new program 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.
- (4) **Authorized agencies.** Criminal history investigations are acceptable only when:
  - (A) conducted by the Oklahoma State Bureau of Investigation (OSBI); or
  - (B) conducted by the authorized agency in the previous state(s) of residence if the individual has resided in Oklahoma less than three years.
- (5) **Sex Offender Registry.** The OSBI report must include a search of the Oklahoma Department of Corrections' files maintained by the OSBI pursuant to the Sex Offender Registration Act.
- (6) **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 program is restricted from knowingly employing a person who:
    - (A) 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) gross irresponsibility or disregard for the safety of others; 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 Offender Registration Act.
  - (2) The program director may request a waiver from the requirements listed above in (c)(1). However, a waiver may not be requested or granted to any person who has been convicted of a sex offense pursuant to the Sex Offender Registration Act or any person required to register under the Mary Rippy Violent Crime Offenders Registration Act.

- (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.
- (3) Any person whose health or behavior would endanger the health, safety or well-being of children is prohibited from being on the premises or having contact with children in care.
- (4) An employee under the effects of alcohol, illegal drugs or medication which impairs functioning is prohibited from providing child care services.
- (d) **Child abuse.**
- (1) Any staff who has reason to believe that a child has been abused is required to promptly contact the local OKDHS human services center or the statewide toll-free Child Abuse Hot Line, 1-800-522-3511.
- (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) **Other health problems.** If it is reported or observed that an employee has a physical, mental or emotional condition that impairs his or her ability to perform assigned job responsibilities, a report of a physical or psychological examination by a licensed physician or mental health professional may be required by Licensing.
- (f) **Employee qualifications.**
- (1) **Director.** A director hired after the effective date of these requirements is required to be at least 21 years of age, have a high school diploma or General Educational Development and one year of satisfactory experience in a child care or part-day children's program.
- (2) **Teachers.** Teachers hired after the effective date of these requirements are required to be at least 18 years of age.
- (3) **Assistant teachers.** Assistant teachers are at least 16 years of age.
- (g) **Responsibilities.**
- (1) **Director.** The director is the person responsible for the day to day operation of the program and is responsible for:
- (A) appointing a staff member to take responsibility for the operation of the program in the director's absence;
- (B) maintaining a facility which meets the minimum requirements;
- (C) submitting to OCCS licensing records office criminal history investigations and obtaining dispositions on any charges shown on the report that lack dispositions;
- (D) obtaining and documenting three references, excluding relatives, for new staff;
- (E) supervising the conduct of staff, volunteers, or others who provide services in the facility; and
- (F) cooperating with licensing representatives and other appropriate agencies in maintaining compliance with requirements or improving the quality of care.
- (2) **Teachers.** Teachers have primary responsibility for the direct care of children.

(3) **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 or teacher does not directly supervise more than two assistant teachers.

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

(4) **Volunteers.** Volunteers counted in the staff-child ratio are required to meet all requirements set forth in this Section; and are under the direct supervision of the director or a designated staff member.

(5) **Substitutes.** Substitutes are required to carry out the assigned responsibilities of the position they are filling.

(h) **Professional development.**

(1) **Orientation.** Each director and staff member is required to receive orientation to include:

(A) infection control;

(B) injury prevention;

(C) handling common childhood emergencies, including choking;

(D) the program's policy and procedure and staff responsibility for implementing them;

(E) requirements for Part-day Child Care Programs;

(F) staff's assigned duties and responsibilities;

(G) emergency procedures in the event of injury, severe weather, fire, including use of fire extinguishers, and similar emergency equipment;

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

(I) the daily schedule;

(J) the method used to inform staff of any special health, nutritional or developmental needs of children in the program; and

(K) confidentiality of information regarding children and their families.

(2) **Health and safety training.**

(A) There is staff on or off the program premises whenever children are in care, including during transportation, who have current documentation of certification in age-appropriate first aid and cardio-pulmonary resuscitation (CPR) as approved by OCCS 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, for example, sprains, fractures;

(ix) dental emergencies;

(x) head injuries;

(xi) allergic reactions;

(xii) eye injuries;

(xiii) loss of consciousness;

- (xiv) electric shock; and
- (xv) drowning.
- (3) **Ongoing training.** The director and staff are required to obtain training that is relevant to job responsibilities including age-appropriate childhood education. Training may include workshops, conferences, use of videos, and other such training.
- (4) **Food service training.** Within one year of employment, the person primarily responsible for food service 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.
- (5) **Documentation of training.** Training is documented for each staff member and includes the topic, training provider, and date.

### **Section 43. Supervision of children**

- (a) **General.** The program shall ensure that all children are adequately supervised at all times. [See definition of "supervision of children" contained in Section 36.]
  - (1) When the program provides or arranges for activities off the premises, there shall be an adult staff member with each group, and appropriate staff ratios shall be maintained.
  - (2) When play areas are accessible to the public, boundaries shall be identified to children. Supervision of enrolled children shall be possible, e.g., space reserved for program use only, children easily identifiable to staff.
- (b) **Infants, toddlers and twos.** Staff required to meet staff-child ratios shall be present in the room and able to see and hear all children at all times including nap time.
- (c) **Preschool-age children.** At nap time, when children are resting quietly, at least one staff person shall be within vision and hearing of children. Other staff required to meet staff-child ratios shall remain in the building.
- (d) **School-age children.** Children shall generally be within the vision or hearing of staff. However, staff may assess whether children, who have a good understanding of the program's rules and policies regarding appropriate behavior, shall have the privilege of taking part in a short-term activity that is not within the vision or hearing of staff. Staff shall make personal contact at least every 10 minutes.
  - (1) Staff shall be able to provide immediate intervention if needed.
  - (2) Staff shall know the whereabouts of each child at all times and the nature of his or her activities.
- (e) **Staff-child ratios.** The number of children in a group is limited to facilitate staff-child interaction and constructive activity among children.
  - (1) There shall be staff present with the children to correspond with the chronological age and grouping of the children present. There shall be a substitute staff member present in the absence of regular staff.
  - (2) The following requirements for staff-child ratio and maximum group size listed in (A) - (J) shall be met. Each group of children shall meet one of the staff-child ratio selections listed. Either a single-age grouping or a mixed-age combination may be

used as needed to accommodate low attendance, special activities or sibling groups. The requirements for staff-child ratio and maximum group size are:

- (A) infants (0 through 9 months)
    - (i) staff-child ratio is 1:4
    - (ii) maximum group size is 8;
  - (B) toddlers (10 through 23 months)
    - (i) staff-child ratio is 1:6
    - (ii) maximum group size is 12;
  - (C) two-year olds
    - (i) staff-child ratio is 1:8
    - (ii) maximum group size is 16;
  - (D) three-year olds
    - (i) staff-child ratio is 1:12
    - (ii) maximum group size is 24;
  - (D) four and five-year olds
    - (i) staff-child ratio is 1:15
    - (ii) maximum group size is 30;
  - (E) six-year olds and over
    - (i) staff-child ratio is 1:20
    - (ii) maximum group size is 40;
  - (F) 0 through 35 months
    - (i) staff-child ratio is 1:6 (no more than 2 under 10 months per staff)
    - (ii) maximum group size is 12;
  - (G) 0 through school age
    - (i) staff-child ratio is 1:8 (no more than 2 under 2 years per staff)
    - (ii) maximum group size is 16;
  - (H) 2 through school age
    - (i) staff-child ratio is 1:12 (no more than 4 2-year olds per staff)
    - (ii) maximum group size is 24;
  - (I) 3 through school age
    - (i) staff-child ratio is 1:15 (no more than 6 3-year olds per staff)
    - (ii) maximum group size is 30; and
  - (J) 4 through school age
    - (i) staff-child ratio is 1:18 (no more than 8 4-year olds per staff)
    - (ii) maximum group size is 36.
- (3) In any other grouping not listed in (2) of this subsection, the age of the youngest child shall determine the ratio and maximum group size.
- (4) A group is determined by the number of children being cared for by the same caregiver or group of caregivers in a designated area.
- (A) Groups shall have assigned staff and be recognizable by both staff and children.
  - (B) If more than one group of children uses the same room and includes children under three years of age, the room shall be physically divided by the use of furnishings, dividers, temporary or permanent walls. For groups of children over three years of age, there shall be well-defined areas that are appropriately equipped for each group of children.

(C) Groups, with their assigned staff, may be combined for special group activities, e.g., outdoor play, meals, sleeping, field trips. Designated area requirements will not apply during these activities.

(f) **Swimming guidelines.** Staff-child ratios listed in (1) - (6) below shall apply when children are swimming and are not participating in swimming lessons with a certified instructor. [Also see Section 49 regarding supervision of children engaged in water activities.] Staff-child ratios when children are swimming are:

- (1) under 2 years, a staff-child ratio of 1:1;
- (2) 2-year olds, a staff-child ratio of 1:2;
- (3) 3-year olds, a staff-child ratio of 1:6;
- (4) 4 and 5-year olds, a staff-child ratio of 1:7;
- (5) 6-year olds and over, a staff-child ratio of 1:10; and
- (6) When children of two or more ages are grouped together, staff ratio for the youngest child shall apply.

#### **Section 44. Physical facilities**

(a) **Location and construction.** The program shall be located in an area that offers minimum hazards to the health, safety and welfare of the children.

(1) The facility shall comply with the building codes and food service regulations applicable at the issuance of its license.

(2) Heating and cooling systems shall be operable and meeting fire safety requirements [see Section 49.7].

(3) Any alteration, addition or new construction shall comply with current requirements.

(A) Paint containing lead in excess of 0.06 per cent shall not be used when surfaces are repaired or when any new surfaces accessible to children are painted.

(B) Construction, remodeling or alterations of structures taking place during a program's hours of operation shall be done in a manner that prevents hazards or unsafe conditions, e.g., fumes, dust, safety hazards.

(4) A program shall have approval from the health department if meals are prepared and served and from the fire department.

(5) A warm, dry properly ventilated basement may be used if approved by the fire official.

(b) **Auxiliary spaces.**

(1) **Capacity.** The following areas are auxiliary spaces and shall not be counted in determining the capacity of the program:

(A) bathrooms and kitchens;

(B) offices, teachers' lounges and work rooms, and hallways;

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

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

(E) storage closets, supply rooms; and

(F) space occupied by furniture not for children's use.

(2) **Toileting and handwashing facilities.** Toileting and handwashing facilities shall:

(A) be located in the same building where the children are in the program;

(B) be easily accessible to children and staff;

(C) contain operable flushing toilets and hand sinks in good repair;

(D) be maintained in a clean and sanitary condition with adequate ventilation;

- (E) contain toilet paper within easy reach of children;
- (F) have non-absorbent floor surfaces in toilet areas;
- (G) have hand sinks with hot and cold or tempered running water (the temperature between 100 and 120 degrees F.). If the temperature exceeds 120 degrees, a tempered valve shall be used;
- (H) contain soap for handwashing within easy access of children;
- (I) contain individual sanitary towels or mechanical hand dryers and waste containers within easy access of children;
- (J) have one toilet and one sink for every 15 children;
- (K) potty chairs to facilitate toilet training for children which shall not be counted as meeting the required number of toilets;
- (L) empty and sanitize potty chairs immediately after each use;
- (M) have bathroom doors which need not be self-closing. However, when a bathroom is used only by preschool children, bathroom doors are not required; and
- (N) rooms in which children under three years of age are in diapers, have an operable sink with hot and cold or tempered water, either in the same room or in a bathroom that opens directly into the room. [See Section 47(b)(6).]

(3) **Kitchens.** Kitchens shall be a separate area built, remodeled or arranged in such a way as to discourage unsupervised access by children or unauthorized persons.

(c) **Safety and sanitation.**

(1) **Physical environment.** The program shall:

- (A) maintain a structurally sound interior and exterior in good exterior in good repair, e.g., walls and ceilings free from holes, peeling paper and paint;
- (B) provide barriers with openings of no more than four inches on porches, elevated walkways and elevated play areas of more than two feet in height;
- (C) provide railings for stairways of four or more steps, both steps, both inside and outside;
- (D) maintain floors free of broken tile, torn carpet and holes;
- (E) maintain windows and doors free of broken glass and/or other hazards;
- (F) mark clear glass doors at children's eye level;
- (G) maintain window and door screens to minimize entry of insects;
- (H) provide self-closing apparatus on all screen and storm doors;
- (I) maintain an indoor temperature between 65 and 85 degrees F.;
- (J) maintain lighting levels that are bright enough to accommodate activities with comfort and allow staff to see children's facial features at all times;
- (K) be kept clean and sanitary at all times by:
  - (i) cleaning up spills and soil immediately;
  - (ii) sweeping and/or mopping floors daily;
  - (iii) vacuuming carpets and spot-cleaning as needed;
  - (iv) wet scrubbing carpeting when visibly soiled;
  - (v) cleaning walls and ceilings when visibly soiled;
- (L) be kept free of vermin infestation including rodents and insects;
- (M) provide a room or space in which children who become ill can be separated from other children; and

(N) prohibit the use of tobacco products on the premises during program hours. (If smoking is permitted outside the facility, it shall be limited to a designated area out of the presence of children.)

(2) **Emergency preparedness.** The program shall:

(A) have immediate access to an operable direct-line telephone for both incoming and outgoing calls;

(B) post by each telephone the name and address of the facility 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); and

(C) conduct and document a fire drill on an average of one time each month a program is in session and a tornado drill each spring.

(3) **Hazards.** The program shall:

(A) be free of hazards;

(B) store cleaning materials, detergents, aerosol cans, pesticides, health and beauty aids, poisons and other toxic materials in their original labeled containers so that they are inaccessible to children. If smaller containers are used for these products, they shall be properly labeled with the product name, and warning information shall be maintained at the facility;

(C) store medicines, cleaning solvents, and/or hazardous items so that they are inaccessible to children and in a manner which prevents contamination of food;

(D) ensure that firearms, pellet or BB guns, bows and arrows, darts, cap guns or fireworks are inaccessible to children; firearms shall be stored unloaded in a locked cabinet separate from ammunition;

(E) keep all compressed gas cylinders used for helium or other gases secured in such a way as to prevent the cylinders from falling over;

(F) ensure that electrical cords are inaccessible to infants and toddlers;

(G) remove any plant that is toxic from any area that is accessible to children;

(H) ensure that pesticides or other toxic chemicals are used in strict compliance with label instruction and applied when children are not present; and

(I) keep containers or buckets of standing liquid inaccessible to children unless as part of a planned and supervised learning activity.

(2) **Animals.** If animals are kept on the premises, the program shall comply with the requirements listed in (A) - (M) below.

(A) Parents shall be advised of the presence of animals.

(B) Any pet or animal present at the facility, indoor or outdoors, shall be in good health, show no evidence of carrying disease, be friendly toward children, and present no threat to the health, safety and well-being of children.

(C) Animals shall be maintained in a visibly clean manner.

(D) Any animal, including birds, hamsters, dogs, cats, etc., having evidence of disease, e.g., diarrhea, skin infection, severe loss of appetite, weight loss, lethargy or any unusual behavior or symptoms, shall be isolated and examined by a licensed veterinarian.

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

(F) Dogs and cats shall be vaccinated for rabies and maintained on a flea, tick and worm control program.

(G) When vaccinations are required, proof of current compliance of current compliance shall be kept on file.

(H) No ferrets, turtles, birds of the parrot family or any wild or dangerous animal shall be kept at the program.

(I) Animals shall be restricted from areas where food is stored, being prepared and/or served.

(J) Areas of confinement, i.e., cages, pens, shall be cleaned of excrement daily.

(K) Animal litter boxes shall not be located in kitchens or areas accessible to children.

(L) Outdoor play areas shall be cleaned of excrement daily or more often as needed.

(M) In the event that an animal bites a child and the skin is broken, the program shall immediately notify the child's parent and the county or state health department and document this in the program's records.

(d) **Licensed capacity.** The total licensed capacity of a part-day program is determined by separately computing the capacities for indoor space, outdoor space and bathroom facilities. The licensed capacity shall not exceed the lowest computed capacity for indoor space, outdoor space and bathroom facilities. The maximum number of children being cared for by the facility, on or off the premises at any one time, shall not exceed the number of children specified on the license.

(1) **Indoor play space.**

(A) Programs shall have a minimum indoor play space of 35 square feet of floor area per child which is routinely used by children. This does not include auxiliary spaces.

(B) No room shall be routinely occupied by more children than can be accommodated at 35 square feet per child. Play space that cannot accommodate children at 35 square feet per child may be used for a limited period of time.

(C) 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 program is licensed for less than 24 children, there shall be a minimum outdoor play space of 75 square feet per child for the total licensed capacity.

(B) When a program is licensed for 24 or more children, there shall be 75 square feet per child of outdoor play space for at least one-third of the total number for which the program is licensed, provided that the minimum amount of outdoor space will accommodate 24 children (1800 square feet).

(C) Part-day programs operating prior to November 1, 1995 may request an exemption from the requirements contained in (A)-(B) of this paragraph if no child attends for more than three hours a day.

(D) Programs licensed for 24 or more children providing outdoor play space of less than 75 square feet per child shall:

(i) plan a time schedule to show when every group of children is outdoors so that every child has an opportunity for outdoor play each day;

(ii) submit a copy of the current schedule to the Department; and

- (iii) post a copy of the current schedule so that parents and staff members are aware of the outdoor play periods.

#### **Section 45. Indoor equipment**

(a) **General.** The required equipment will assist staff in providing for the physical, intellectual, emotional and social development of each child.

(1) A variety of equipment shall be accessible to all children on a daily basis. (See Supplement III, Suggested Indoor Equipment for Part Day Programs.)

(2) Play equipment shall be:

(A) complete, sturdy and in good working condition;

(B) maintained in a safe and sanitary condition;

(C) lead free, e.g., crayons, paint;

(D) of appropriate size and type to meet the developmental needs of that age group;

(E) provided in quantities proportionate to the number of children in each age group and the number of children for which the program is licensed.

(3) Sleeping equipment and bedding shall meet the requirements in Section 49.1.

(4) Indoor climbing equipment over four feet high shall have impact-absorbing mats in fall zones.

(5) To ensure safety, staff shall monitor play equipment for potential hazards, e.g., toys with strings, loose parts, sharp edges, etc.

(6) The director shall constantly re-evaluate equipment as enrollment varies.

(b) **Minimum equipment for infants.**

(1) Basic items required are:

(A) crib or playpen with mattress, one per child

(B) crib sheets and covers, one of each per child;

(C) high chair, one for every four infants;

(D) diaper-changing table;

(E) adult-height shelf;

(F) individual adult-size chair for each staff person;

(G) separate individual space for personal belongings;

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

(I) adequate supply of diapers, facial tissue, disposable wipes or wash cloths, soap, bath towels, etc.; and

(J) extra supply of sheets and covers.

(2) Cribs shall meet the requirements for safety contained in (A) - (D) below;

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

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

(C) Mattresses shall fit the crib snugly with no more than one inch between the mattress and crib.

(D) Drop-side latches shall hold sides securely and not be reachable by the child in the crib.

(3) Mattresses and playpen pads shall be at least one-inch thick and covered with a durable, washable, waterproof, form-fitting material.

**(c) Minimum equipment for toddlers.**

(1) Basic items required are:

- (A) a crib or playpen with mattress, mat or cot, one per child;
- (B) a sheet and cover, one of each per child;
- (C) adequate table and chair space or high chairs as needed for meals and snacks;
- (D) baskets or low open shelves for toy storage;
- (E) separate individual space for personal belongings;
- (F) an adult-height shelf;
- (G) a diaper-changing table;
- (H) adequate containers with tight-fitting lids or moisture-proof bags for soiled or wet diapers or clothing; and
- (I) an adequate supply of diapers, wash cloths, soap, bath towels, facial tissue, disposable wipes, extra supply of sheets, covers, etc.

(2) The program shall comply with crib safety features safety features listed in (b)(2) of this Section.

(3) Mattresses and playpen pads shall be at least one-inch thick and covered with a durable, washable, waterproof, form-fitting material.

**(d) Minimum equipment for two-year-olds.** When two-year old children are in care, the basic items required are:

- (1) a cot, bed or mat with a sheet and cover for each resting or ill child;
- (2) adequate table and chair space as needed for meals and snacks;
- (3) separate individual space for personal belongings;
- (4) baskets or low open shelving for toy storage;
- (5) adequate containers with tight-fitting lids for soiled diapers; and
- (6) an adequate supply of diapers, disposable wipes or individual wash cloths, soap, bath towels, and facial tissue.

**(e) Minimum equipment for three-year-olds.** When three-year-old children are in care, the basic items required are:

- (1) a cot, bed or mat with a sheet or cover, for each resting or ill child (see also Section 49.1(a) regarding parents being allowed to provide sleeping equipment);
- (2) separate individual space for personal belongings;
- (3) adequate table and chair space as needed for meals and snacks;
- (4) two linear feet of low open shelves per child for play equipment; and
- (5) an adequate supply of facial tissue, disposable wipes or individual wash cloths, soap and towels.

**(f) Minimum equipment for four and five-year-olds.** When four and five-year-old children are in care, the basic items required are:

- (1) a cot, bed or mat with a sheet and cover, for each resting or ill child;
- (2) separate individual space for personal belongings;
- (3) adequate table and chair space as needed for meals and snacks;
- (4) two linear feet of low open shelves per child for play equipment; and
- (5) an adequate supply of facial tissue, disposable wipes or individual wash cloths, soap and towels.

(g) **Minimum equipment for school-age children.** When school-age children are in care, the basic items required are:

- (1) a cot, bed or mat with a sheet and cover for each resting or ill child;
- (2) adequate table and chair space as needed for meals and snacks;
- (3) separate individual space for personal belongings;
- (4) two linear feet of shelving space per child which shall be accessible to children and may be at various heights;
- (5) safe storage for on-going projects and small items;
- (6) an adequate supply of facial tissue, disposable wipes or individual wash cloths, soap, towels, and feminine hygiene products; and
- (7) sufficient clothing in various sizes in case of accidents.

## **Section 46. Outdoor safety and play equipment**

### **(a) Play space.**

- (1) Play space shall be situated to:
  - (A) permit children to reach it safely;
  - (B) provide a shaded area; and
  - (C) allow supervision of areas where children cannot be easily seen.
- (2) Play space shall be enclosed by a building or fence at least four feet high with at least one exit that is away from the building. However, when care is provided for school-age children only, fencing is not required on all sides if properly protected from traffic and other hazards.
- (3) The fence shall:
  - (A) begin at ground level;
  - (B) be at least 48 inches high; and
  - (C) be maintained in a stable, secure, upright and good condition.
- (4) An exemption from the requirements contained in (2) - (3) of this subsection may be requested when children's safety can be assured. The request shall be submitted in writing to the statewide licensing coordinator for approval.
- (5) Gates shall be kept closed while children are outside.
- (6) Play space shall be maintained:
  - (A) in a safe and clean condition;
  - (B) free of hazards; and
  - (C) free from tall weeds and grass, untrimmed shrubbery, standing water, litter, etc. to prevent vermin and insect infestation.

### **(b) Surfaces.**

- (1) Outdoor play areas shall have more than one type of surface.
- (2) All climbers, swings, slides or revolving equipment shall have impact-absorbing surfaces under them and throughout the fall zone [see definition in Section 36].
  - (A) Impact-absorbing materials include loose materials (bark mulch, pea gravel, shredded tires, etc.) or compact materials (outdoor rubber mats, synthetic turf, etc.).
  - (B) Grass shall only be acceptable as impact-absorbing material if the highest accessible part of the equipment is four feet or less. The highest accessible part of a swing structure is the height at which the chain attaches to the supporting structure.

(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. When equipment is moved or added, the fall zones for adjacent equipment shall not overlap. (See Supplement VIII, Fall Zones) However,:

(A) the fall zone for traditional swings that move forward and backward in which children are not secured by a bar or strap shall 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 that move in a circle, e.g., tire swings, shall extend in every direction a distance of six feet plus the length of the chain; and

(C) fall zones on the sides of equipment may not be necessary if the potential for falls in that direction is minimal, e.g., the sides of a swinging structure.

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

(5) Surfaces of impact-absorbing materials, such as rubber mats, gym mats and synthetic turf, shall be designed to cushion falls of up to five feet. Documentation of the cushioning properties of the material shall be presented to the Department.

(6) Turf and matting shall be maintained by repairing rips, tears and loose seams.

**(c) Playground safety.**

(1) Equipment shall be age-appropriate and of sturdy, safe construction, easy to clean, free of hazards, and kept in good repair.

(A) Equipment shall have no angles or openings that could entrap any part of a child's body or head.

(B) There shall be no pinch, crush or shear points on equipment, e.g., exposed or open gears on rotating devices or underneath equipment such as axle assemblies on rotating devices.

(C) Equipment shall be installed, maintained and used in accordance with the manufacturer's instructions.

(D) Unless portable by design, equipment shall be securely anchored, and anchors shall pose no hazard to children.

(2) Play space and equipment shall be arranged so that there is no hazard from conflicting activities.

(3) Fall zones shall be free of all obstacles.

(4) Swing seats shall be constructed of durable, lightweight, relatively pliable material, e.g., nylon webbing, rubber, plastic.

**Section 47. Care of infants, toddlers and two-year-olds**

(a) **Environment.** Infants, toddlers and two-year olds shall be in an environment that protects them from physical harm and stimulates physical, intellectual, emotional and social development.

(b) **Feeding.** Infants and toddlers shall be fed the infant formula and diet prescribed by the child's physician or authorized by the child's parent.

(1) Infants up to the age of six months shall be held while being bottle-fed. Bottles shall not be propped by any means at any time or placed in cribs.

(2) Infants of more than six months shall be held while bottle-fed until they are able to hold their bottles securely.

- (A) Staff shall be discouraged from placing children in bed with bottles due to increased risk of choking, ear infections and tooth decay.
- (B) Bottles shall be removed at once when empty or when children have fallen asleep.
- (3) Infants and toddlers no longer being held for feeding shall have a definite place for eating. They may sit in infant seats, high chairs with a safety strap or in low chairs at low tables without restraints.
- (4) Staff members shall wash their hands thoroughly with soap and water before feeding children including bottle-feeding.
- (5) Bottles and baby food provided by parents shall be labeled with the child's name.
- (6) Baby foods that have come into contact with the feeding spoon shall be discarded.
- (7) If microwave ovens are used, the requirements listed in (A) - (B) shall be met.
  - (A) Staff shall be trained in assessing proper temperatures.
  - (B) A warning to check food temperature before feeding children shall be posted on all microwave ovens.
- (c) **Diaper changing.**
  - (1) Staff shall be instructed in the proper procedure for diaper changing and the procedure for diaper changing shall be posted in the diaper-changing area.
  - (2) If cloth diapers and training pants are used, they shall not be rinsed when soiled. Fecal content may be disposed of in a toilet, but soiled diapers or training pants shall not be rinsed in the toilet.
  - (3) If disposable gloves are used, staff shall discard them immediately after each diaper change and wash their hands.
  - (4) Staff members shall wash and scrub their hands thoroughly with soap and warm, running water after each diaper change.
  - (5) Diapers shall be changed promptly when wet or soiled.
  - (6) Rooms in which children under three years of age are in diapers shall have an operable sink with hot and cold running water either in the same room or in a bathroom that opens directly into the room. This 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) programs 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.
  - (7) The diaper-changing table shall be:
    - (A) adjacent to or near the sink with a clean and moisture-proof surface;
    - (B) sturdy and maintained in good repair;
    - (C) a minimum of three feet above the floor; and
    - (D) kept free of all objects except those used for diaper changing.
  - (8) The surface shall be sanitized after each diaper change. If moisture-proof disposable surface products are used, staff shall discard them immediately after each diaper change and sanitize the surface.
  - (9) Individual clean washcloths, towels or disposable towelettes shall be used to thoroughly cleanse the child and shall be washed or discarded after each use.

(10) Clean cloth diapers or clean disposable diapers shall be used.

(11) Soiled items shall be placed in a sealed moisture-proof bag or stored in a covered container that is cleaned daily.

(12) Children shall not be left unattended on the diaper-changing table.

(13) If disposable gloves are used, staff shall discard them immediately after each diaper change and wash their hands.

(d) **Toilet learning.** The plan and progress in toilet learning shall be discussed with the parents.

(1) Toilet learning shall be relaxed and pressure free.

(2) A child shall be encouraged through regular use of a toilet or potty chair for short periods of time not to exceed ten minutes.

(3) Staff shall respond promptly when a child requests toileting assistance.

(4) A child shall be encouraged for appropriate use of the potty chair or toilet.

(5) Staff shall not show disapproval or punish children for accidents.

(6) A child's clothing shall be changed immediately following a toileting accident. Soiled clothing shall be placed in a sealed moisture-proof bag to be sent home.

(7) Staff shall wash their hands with soap and water after each toileting and shall assist children with handwashing.

(e) **Program.** Staff shall be present in each room occupied by children at all times.

(1) To ensure consistency and stability in meeting the needs of infants, toddlers and two-year-olds, care shall be provided by familiar staff members whenever possible.

(2) Children shall be:

(A) removed from their cribs often when not sleeping;

(B) provided with play equipment during the intervals they may be awake in their cribs; and

(C) provided opportunities to play freely on a clean, safe floor.

(3) Staff shall provide frequent stimulation in a variety of ways including talking to, playing with, and holding and rocking children.

(4) Language development shall be encouraged by staff members through individual interaction with each child, such as singing, talking, reacting to the child's sounds, naming objects, reading stories and playing musical games.

(5) Additional requirements regarding rest arrangements are found in Section 49.1.

#### **Section 48. Learning experiences**

(a) **Activities.** The program shall plan and provide a variety of learning experiences that are age and developmentally appropriate, meet children's needs and stimulate learning.

(b) **Television and videos.** Television and videos, if used, shall be age-appropriate and used with discretion and selectivity.

(c) **School-age children.** Staff shall have the skills and training to respond appropriately to the needs of school-age children.

#### **Section 49. Water activities**

(a) **Parental permission.** The program shall have on file written signed permission from parents for all children participating in swimming activities.

(b) **Supervision.** Any play activity that involves water shall be supervised constantly, including supervision of children in dressing areas.

- (1) Staff-child ratios for swimming shall be met [see Section 43(f)].
  - (2) Staff shall be in or at the water and prepared to enter it at any time.
  - (3) If children are using a pool with a depth of 18" or less of water, there shall be a staff member present who has successfully completed training in first aid and CPR appropriate to the ages of the children.
  - (4) If children are using a pool with a depth of more than 18" of water, a certified life guard shall be present.
  - (5) If the life guard is a staff member of the program, he or she:
    - (A) shall have 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;
    - (B) shall not be counted in meeting the staff-child ratios; and
  - (6) Swimming shall be prohibited when the appropriate numbers of staff members are not present.
- (c) **Safety.** Each time children go swimming, staff shall first review all swimming and safety rules.
- (1) Before children are permitted in water over their shoulders, their swimming skills shall be tested by a staff member.
  - (2) There shall be a system, known to children and staff, for checking the children when they are in the water.
  - (3) Lifesaving equipment shall be available at the pool side in accordance with the Oklahoma State Department of Health's publication, Design Standards and Operational Criteria for Public Bathing Places, OSDH Engineering Bulletin.
- (d) **Swimming pools.** Swimming pools used by the program are considered public bathing places and include permanent wading pools, in-ground pools and above ground pools.
- (1) Swimming pools shall maintain water quality, occupancy and fencing standards as described in Design Standards and Operational Criteria for Public Bathing Places, OSDH Engineering Bulletin.
  - (2) Diving shall not be permitted unless the pool meets design criteria for a diving pool.
- (e) **Restrictions.**
- (1) No ponds, pools, hot tubs, stock tanks or other potential water hazards shall be accessible to children.
  - (2) Swimming, wading and boating shall not be allowed at a lake, pond or other body of water. However, school-age children may participate in shoreline activities and boating if requirements contained in Section 49(b)(1)-(6) are met.
  - (3) Children shall not be permitted to use saunas, spas or hot tubs.
  - (4) Portable wading pools shall not be permitted.

#### **Section 49.1. Rest time**

- (a) **Rest arrangements for preschool children.** If a child needs to rest, sleeping equipment shall be provided. Parents may be allowed to bring sleeping equipment that is clean and sanitary and taken home each night.
- (b) **Rest arrangements for infants, toddlers and two-year olds.**
- (1) To reduce the risk of Sudden Infant Death Syndrome (SIDS), infants under 12 months of age are placed on their back for sleeping unless there is a medical reason

why 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) The program shall provide individually assigned cribs, port-a-cribs, or playpens with mattresses or pads. [Also see Section 45(b)(2)] Children ten months and older may sleep on a low cot or mat when able to stay on it.

(4) Infants' rest schedules shall correspond as closely as possible to their individual needs and schedules established by their parents.

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

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

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

(c) **Sleeping space and equipment.** All sleeping equipment shall be maintained in good repair, free of holes and tears, in a safe and sanitary condition.

(1) Sleeping equipment used by more than one child shall be sanitized after each child's use.

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

(3) If a program provides mats as sleeping equipment, the mats shall be at least one inch thick and covered with durable, washable, form-fitting, waterproof material. Inflatable mats shall not be permitted.

(4) Sheets and covers shall be changed whenever soiled. Crib sheets shall be changed at least daily and other bedding at least weekly.

(5) All cribs shall be accessible from more than one direction. However, consecutively attached cribs purchased prior to November 1, 1995 are permitted if every other crib is not used.

(6) Stacked cribs or playpens shall not be used.

(7) Children shall not be permitted to sleep on the floor without proper sleeping equipment.

(d) **Supervision.**

(1) Requirements pertaining to number and location of staff during nap time contained in Section 43(b) and (c) shall be met.

(2) The light level shall allow for all children to be observed at all times.

## **Section 49.2. Behavior and guidance**

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

(b) **Staff requirements.** All staff members shall:

(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 behavior exhibited;

(3) give clear directions and provide guidance on the child's level of understanding;

(4) redirect children by stating alternatives when behavior is unacceptable;

(5) use "time-out" periods only as necessary and not to exceed five minutes for preschool-age children. (One minute of time-out for each year of a child's age is recommended.)

(c) **Acts prohibited.** No staff member shall:

(1) subject children to punishment of a physical nature, e.g., 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) put anything in or on a child's mouth as punishment;

(3) restrain a child by any means other than holding for no longer than necessary for the child to regain control;

(4) subject children to punishment of a psychological nature, e.g., humiliation by derogatory or sarcastic remarks about them, their families, race, gender, religion or cultural background;

(5) subject children to harsh or profane language or actual or implied threats of physical punishment;

(6) punish and/or threaten children in association with food, rest or toilet training;

(7) isolate a child without supervision or place him or her in a dark area; or

(8) seek or accept parental permission to use any punishment or acts prohibited by the requirements contained in this subsection.

### **Section 49.3. Health**

(a) **Cleanliness.** Staff shall attend promptly to children's personal hygiene needs.

(1) Caregivers shall 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; and

(E) after handling or feeding pets.

(3) Children shall be encouraged to wash their hands with soap and water before eating, after toileting, after handling pets and after playing outdoors or in sand or water.

(4) When a child over three years of age in diapers is cared for in a room without a diaper-changing area, arrangements shall be made for sanitary diaper-changing, hand-washing and privacy.

(5) A child's wet or soiled clothing shall be changed immediately, and a supply of clean clothing shall be available.

(6) Toys and items that are in contact with children's mouths shall be washed and sanitized after each child's use or as needed. If contaminated by other body fluids, toys and equipment shall be set aside to be washed and sanitized.

(7) Any toilet article, e.g., wash cloths, towels, combs, toothbrushes, shall be individually assigned and stored. Such articles shall not be used jointly by or on children.

(b) **Health records.** Upon admission of their child to a part-day program, parents shall be 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 shall have or are in the process of obtaining all required immunizations at the medically appropriate time. (See Supplement IV, Minimum Immunization Requirements.) However, if a program chooses to accept a child for whom an exemption is claimed, documentation of the exemption shall be kept on file at the facility.

(d) **Disease control.** At the time of enrollment, each program shall inform parents of the policy regarding ill children.

(1) Each child shall be carefully observed by staff members for symptoms of illness or infestation.

(2) Any child showing symptoms of illness or infestation shall be separated from the group. Parents or the child's physician shall be notified as needed.

(3) The local or state health department shall be notified upon discovery of any case of hepatitis, meningitis, Shigellosis, Giardiasis, measles, rubella, whooping cough, tuberculosis or any Hemophilus influenza invasive disease in any person associated with the program. If a program has concerns about the health of a child, the local or state health department may be contacted.

(4) Any cot or crib, bedding and play equipment shall be cleaned and sanitized following use by an ill child.

(5) Staff shall use disposable, nonporous gloves when cleaning up blood, vomit or body fluids that may contain blood. Disposable gloves shall be discarded immediately after use, and hands shall be washed.

(6) A commercial disinfectant or a bleach solution of two teaspoons of bleach to one gallon of water, made fresh daily, shall be used to disinfect surfaces whenever needed. For diaper changing the solution shall be two teaspoons of bleach to one-half gallon of water or one teaspoon of bleach to one quart of water or one-half teaspoon of bleach to one pint of water. (See Supplement IX, Bleach Solution)

(7) Parents shall be notified as soon as possible if their children have been exposed to a contagious illness.

(8) Staff persons with symptoms of a communicable disease or illness shall not be present in the program.

(e) **Medication.**

(1) When a child needs medication, the parent shall sign an authorization for the program to administer each medication. Directions for the proper amount (dosage), and time and days medication is to be administered shall be recorded.

(2) If a child has a chronic medical problem, the parent may sign a medication authorization for up to a six-month period for prescribed medication to be given when symptoms occur. However, parents shall be notified whenever medication is administered.

(3) No prescription medication shall be given unless the medication being administered is a part of a prescribed therapeutic treatment.

(4) Medication shall be provided by the parent in the original container and labeled with the child's full name.

(5) Staff shall administer medication according to the label directions and only to the child for whom it is intended.

(6) To avoid duplication, each dosage administered shall be recorded by designated staff and the records readily available to parents.

(7) All medications shall be inaccessible to children and stored in a manner which prevents contamination of food.

(8) When medication is out-of-date or the child has withdrawn from the program, the medication shall be returned to the parent or disposed of properly.

(f) **Injuries.** The program shall:

(1) contact poison control with any suspected child poisonings;

(2) notify parents as soon as possible of any known cuts, burns, animal bites or injuries that may need evaluation by a physician; and

(3) maintain a log or report of all injuries that occur at the program. (See Supplement V, Injury Report Form.)

(g) **Emergency procedure.** Emergency procedure for severe injury or acute illness shall be written and prominently displayed in the facility. The emergency procedure shall contain the steps to be taken in case of emergency, including:

(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 any incident addressed in Section 39 (d)(3)(F)-(H).

(h) **First aid kits.** Readily available first aid kits shall be maintained in the program as well as on each field trip away from the facility.

(1) Each kit shall be a closed container for storing first aid supplies, accessible to staff at all times but inaccessible to children.

(2) First aid kits shall be restocked as needed.

(3) The first aid kit shall contain at least:

(A) disposable nonporous gloves;

(B) scissors, blunt-tipped;

(C) tweezers;

(D) thermometer;

(E) bandage tape;

(F) sterile gauze pads;

(G) rolled flexible or stretch gauze;

(H) non-medicated adhesive strips;

(I) current standard first aid text or equivalent first aid guide; and

(4) First aid kits taken on field trips shall also include:

(A) liquid soap and water or individually packaged towelettes;

(B) pen/pencil and note pad;

(C) cold pack;

(D) coins for use in pay phone; and

(E) poison control center telephone number, 1-800-222-1222.

#### **Section 49.4. Food and nutrition**

(a) **Meals.** Children remaining in the program for over a four-hour period shall be served a meal.

(1) The program may permit children to provide their own meals.

(2) If a child fails to bring a meal, the program shall provide one.

(3) If the program provides meals on a regular basis, the meals shall meet at least one-third of the total daily nutritional requirements. (See Supplement VI, Minimum Meal Pattern Plan for Children.)

(4) Children shall be encouraged, but not forced, to eat.

(5) The program shall have refrigeration available for all perishable foods and milk at 45 degrees or below. A thermometer shall be in the refrigerator or ice chest.

(6) If an ice chest is used to refrigerate perishable foods or milk, the requirements contained in (A)-(C) shall be met.

(A) The food shall be served within four hours and shall not be reserved or re-refrigerated.

(B) Packaged food shall not be stored in contact with water or undrained ice.

(C) Wrapped sandwiches shall not be stored in direct contact with ice.

(b) **Food service plan.** The program shall file with the Department a statement of its food service plan and sample menu which reflects the hours of operation and includes meals if required and snacks if provided.

(1) Programs that provide food service shall meet the food service requirements contained in Section 49.6.

(2) Programs providing limited food service [see definition in Section 36], including planned educational and learning experiences, are not required to meet the Food Service Requirements contained in Section 49.6.

(3) Only non-potentially hazardous food items may be brought from individual homes for consumption by a group or groups of children in a part-day program.

(4) If potentially hazardous foods [see definition in Section 36] are prepared, the program shall meet the requirements contained in Section 49.6(c).

(5) All potentially hazardous foods shall be prepared and prepackaged in an approved facility meeting Food Service Requirements and transported, stored and served to maintain the safety of the product.

(c) **Menu posting.**

(1) Current weekly menus of all foods provided by the program shall be posted at all times so that parents are aware of food being served to their children.

(2) Menus shall be closely followed, although reasonable substitutions are permissible if posted.

### **Section 49.5. Transportation**

(a) **Program responsibility.** When transportation, including field trips, is provided by paid staff or volunteers, all requirements regarding transportation are met.

(1) The part-day children's program (program) ensures that the vehicle and operator of a vehicle used to transport children are in compliance with all applicable state laws.

(2) The program maintains on file written permission from parents or guardian for transportation of their child.

(3) Parents are provided 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 49.

(4) The program is responsible for supervision of the children beginning at the designated pick-up time.

(5) The driver is responsible for leaving the child only at the designated drop-off point or with the person designated by the parent. The program obtains written instructions and approval from the parent for such a plan.

(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 Oklahoma Department of Human Services (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, must:

(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. Local transportation may be provided for children without a second staff person when:

(A) the program has only one staff person;

(B) only one or two children are transported; or

(C) no more than four children, who are at least two years of age, are transported.

(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 program to show approximately where the vehicle is at all times.

(2) The driver is provided with:

(A) a copy of the scheduled route;

(B) the name, address, and telephone number of the program;

(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 the 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 may not ride more than 60 minutes one way except for field trips.

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

(7) Vehicles containing children are never left unattended.

(8) Use of tobacco products is prohibited while children are 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 VIII, Child Passenger Restraint law.)

(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 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 age 12 years and younger are prohibited from sitting in the front seat of an airbag equipped passenger vehicle unless an airbag cut off switch is installed and activated or if 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 is not used to transport children in excess of the maximum seating capacity. 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 if thrown about as a result of a collision.

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

(5) Each vehicle has door locks. Doors are kept locked when the vehicle is moving.

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

(7) A first aid kit as described in Section 49.3(h) is available in the vehicle at all times.

- (8) Vehicles owned by the program:
  - (A) are visibly marked with the name and telephone number of the facility or sponsoring organization; and
  - (B) have an operable heater, capable of maintaining a temperature of 65 degrees Fahrenheit in the vehicle, and a ventilation system.
- (9) 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 49.6. Food service and sanitation requirements**

(a) **General.** Programs providing food service shall meet the requirements contained in this Section [also see Section 49.4].

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

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

(b) **Food supplies.**

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

(2) **Home-canned/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.** The program:

(A) shall use only Grade A pasteurized fluid milk and fluid milk products for drinking;

(B) shall use pasteurized dry milk or evaporated milk for cooking purposes only;

(C) shall store milk and milk products at 45 degrees F. or below;

(D) shall store milk in the original carton;

(E) may place milk from the original container in approved pitchers for serving.

However, milk removed from the original container shall not be returned to the original container or stored for later use.

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

(5) **Ice.** Ice used for any purpose shall be made from water which comes from an approved source and shall be used only if it has been manufactured, stored, transported and handled in a sanitary manner.

(c) **Potentially hazardous foods.** Potentially hazardous foods requiring cooking shall be cooked to heat all parts of the food to a temperature of at least 140 degrees F. However, the requirements contained in (1)-(5) of this subsection also shall be met.

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

- (2) **Poultry, stuffed meats and stuffings.** Poultry, poultry stuffings, stuffed meats and stuffings containing meat shall be cooked to heat all parts of the food to at least 165 degrees F with no interruption of the cooking process.
- (3) **Pork.** Pork and any food containing pork shall be cooked to heat all parts of the food to at least 150 degrees F.
- (4) **Egg products.** Only clean, whole-shell eggs without cracks, which meet applicable grade standards and are held at 45 degrees F during storage, are permitted.
- (A) Raw unpasteurized eggs shall not be used in uncooked food, e.g., ice cream, egg nog.
- (B) Raw eggs which have been shelled shall not be held in excess of four hours.
- (5) **Reheating foods.** Potentially hazardous foods that have been cooked and then refrigerated shall be reheated rapidly throughout to 165 degrees F or higher before being served.
- (d) **Food protection.** Foods shall be covered and protected from contamination while being stored, prepared, displayed or transported.
- (1) Medicines and other hazardous items shall be stored in a manner which prevents contamination of food.
- (2) Refrigeration units and insulated facilities needed to assure maintenance of all food at 45 degrees F or below, except during preparation and service, shall be provided.
- (3) A thermometer shall be provided in a conspicuous place in each refrigerator or freezer.
- (4) All perishable foods (fruits and vegetables) shall be stored at temperatures that will protect them against spoilage.
- (5) All potentially hazardous food shall be maintained at safe temperatures (45 degrees F or below or 140 degrees F or above) except during necessary periods of preparation and service.
- (6) Damaged or unlabeled cans shall not be used.
- (7) Frozen food shall be kept at 10 degrees F or below except when being thawed at refrigerator temperature of 45 degrees F or under cool, potable running water (70 degrees F or below).
- (8) Containers of food shall be stored off the floor on clean surfaces in such a manner as to be protected from splash and other contamination.
- (e) **Food preparation.** Food shall be prepared with a minimum of manual contact on food-contact surfaces and with utensils that are clean and have been sanitized.
- (1) Each time 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 shall begin with food-contact surfaces and utensils that are clean and have been sanitized.
- (2) Raw fruits and vegetables shall be thoroughly washed with potable water before being cooked or served.
- (f) **Use of food.** Individual or family-style portions of food once served shall not be served again. However, 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 shall apply to the transporting of all food from one location to another for service.

(1) All potentially hazardous food shall be kept at 45 degrees F or below or 140 degrees F or above during transportation.

(2) During transportation of food, all food shall be in covered containers or completely wrapped or packaged as to be protected from contamination.

(h) **Catering services.** When catering services are used:

(1) the meals shall be obtained from a food service establishment approved by the health department; and

(2) procedures and equipment for transporting meals shall be approved by the health department.

(i) **Personnel.**

(1) **Health.** Persons shall not work in any capacity in any area of food service while infected with or a carrier of any disease in a communicable form or while afflicted with boils, infected wounds, sores, acute respiratory infection or diarrhea.

(2) **Hygiene.** All employees shall wear clean outer garments, maintain a high degree of personal cleanliness and conform to hygienic practices while on duty.

(A) Employees shall 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 facility.

(B) Employees shall keep their fingernails clean and trimmed.

(j) **Food equipment, utensils and storage items.** All equipment and utensils shall be designed and constructed of safe, non-toxic materials and shall be smooth, easily cleanable, durable and in good repair.

(1) All equipment shall be installed so that cleaning of the equipment and adjacent areas is facilitated.

(2) Adequate food service utensils shall be provided to assure complete food service for one meal for the licensed capacity of the program.

(3) Tableware shall be washed, rinsed and sanitized after each use.

(4) To prevent cross-contamination, kitchenware, utensils and food-contact surfaces of equipment shall be washed, rinsed and sanitized after each use.

(5) Cooking devices shall be cleaned as often as necessary and shall be free of encrusted grease deposits and other soils.

(6) Non-food contact surfaces of all equipment, including tables, counters and shelves, shall be cleaned at such frequency as is necessary to be free of accumulations of dust, dirt, food particles and other debris.

(k) **Cleaning and sanitizing equipment and utensils.** Equipment, utensils and service items shall be maintained in a sanitary condition, using one of the methods listed in (1) - (3) of this subsection.

(1) **Dishwashing machines.** Commercial or domestic dishwashing machines are acceptable with heat or chemical sanitizing cycles when properly installed and operated in a manner that allows completion of a sanitizing cycle without opening the machine. Adequacy of the sanitizing cycle shall be 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, suitable to ensure the rinsing and sanitizing of all equipment, utensils and tableware, are provided.

(B) Manual washing, rinsing and sanitizing shall be conducted in the sequence listed in (i) - (iv) below.

(i) Sinks shall be cleaned prior to use.

(ii) In the first compartment equipment and utensils shall be thoroughly washed with an approved detergent in a solution that is kept clean.

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

(iv) In the third compartment, equipment and utensils shall be sanitized.

(C) Food-contact surfaces of all equipment and utensils shall be 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 shall then be air-dried in a self-draining position before being stored.

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

(A) Single-service articles shall be stored in closed cartons or containers that protect them from contamination.

(B) Single-service articles shall be used only once.

**(l) Storage area.**

(1) Adequate space shall be:

(A) provided for the storage of sanitized equipment, utensils and service items; and

(B) storage space shall be above the floor in a clean, dry location so that food contact surfaces are protected from splash, dust and other contamination.

(2) Only such poisonous and toxic materials as are required to maintain sanitary conditions and for sanitization purposes may be used or stored in the food preparation area.

(3) Poisonous and toxic materials shall be identified and used only in such manner and under such conditions as will not contaminate food or constitute a hazard.

**(m) Food service handwashing facilities.** Handwashing facilities equipped with hot and cold running water with a mixed valve faucet shall be provided in the food preparation area in any facility licensed after June 1, 1987. However, when a program operates in housing that was originally designed as a family residence, handwashing facilities in a bathroom on the same floor as the kitchen shall be deemed convenient and adequate.

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

(2) Facilities shall be kept clean and in good repair.

(3) Food preparation and dishwashing sinks shall not be used for handwashing purposes.

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

(1) **Floors.** The floor surface in all rooms or areas in which food is stored or prepared shall be of smooth, nonabsorbent materials.

(A) Unsealed concrete and carpet are not permitted.

(B) Floors shall be so constructed as to be easily cleanable and kept in good repair.

(2) **Walls and ceilings.** Walls and ceilings, in areas in which food is prepared or utensils or hands are washed, shall be kept in good repair, be easily cleanable 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, shall be well lighted.

(B) All lighting fixtures shall be shielded.

(4) **Ventilation.** Rooms shall be properly ventilated.

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

(B) Ventilation systems shall comply with applicable state and local fire prevention requirements and shall, 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 shall be kept clean, neat and free from litter and rubbish.

(A) Cleaning operations shall be conducted in such a manner as to minimize contamination of food and food contact surfaces.

(B) Soiled linens, coats and aprons shall be 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) **Buildings.** Buildings used to house part-day programs shall be structurally sound.

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

(B) Windows and doors shall be maintained in good repair, free of broken glass and/or hazards.

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

(D) Floors shall be cleanable and in good repair. All uncovered floors shall be sealed, including concrete and wood floors.

(E) All uncovered floors shall be sealed including concrete and wood floors.

(2) **Premises.** The program shall ensure proper maintenance of the premises.

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

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

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

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

(A) When not on a public water supply, i.e., well water, water shall meet local and state testing requirements.

(B) Hot and cold running water under pressure shall be provided in all areas where food is prepared or equipment, utensils or containers are washed.

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

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

(A) Plumbing constructed after June 1, 1987 shall be installed in compliance with the Building Officials and Code Administrators Plumbing code or applicable local ordinance.

(B) There shall be no 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.

(6) **Electrical.** The electrical distribution system shall be 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 shall be installed in compliance with the current National Electrical Code.

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

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

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

(C) Garbage disposals, if used, shall be of suitable construction and installed in compliance with state and local standards.

(D) All garbage and rubbish shall be disposed of frequently and in such a manner as to prevent a nuisance.

(E) All hazardous material shall be disposed of properly.

#### **Section 49.7. Fire safety**

(a) **Minimum construction requirements.** Current local codes shall be enforced for all new construction including additions or major alterations of existing licensed programs and conversion of buildings not previously licensed as part-day children's programs. In the absence of such ordinance, the state-adopted building code shall apply.

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

(2) Programs in operation on the effective date of these regulations shall continue to comply with the construction and fire safety codes applicable at the issuance of their license.

(b) **Fire safety codes.** The program shall comply with the following requirements for fire safety. These requirements are examples of the regulations contained in the BOCA (Building Officials and Code Administrators) Code, the state-adopted building code.

(1) **Floors other than grade level.** No child in age group 0 through 35 months may be housed on any floor other than grade level in wood frame or of ordinary construction unless the building contains a complete, approved, automatic sprinkler system.

(2) No mobile home, whether mobile or permanently situated, shall be issued a license as a part-day children's program.

(c) **Exits.** No exit may be blocked by equipment, furniture or other objects.

(1) All exit doors shall be openable from the inside without the use of a key.

(2) Any exit door that is locked shall be able to be unlocked, unlatched and opened with a single motion.

(d) **Doors.**

(1) All outside exit doors shall swing in the direction of exit travel if the building is occupied by more than 50 children. Panic hardware shall be provided for doors subject to use by an occupancy load of 100 or more persons per building.

(2) Every closet door latch shall be such that children can open the door from inside the closet.

(3) Every bathroom door shall be designed to permit opening of the locked door from the outside in an emergency, and the opening device shall be readily accessible to the staff.

(e) **Alarm systems and extinguisher.**

(1) Operable smoke detectors shall be placed in each room in which children are in care.

(2) Smoke detectors shall be installed no more than 30 feet apart on the ceiling or on the wall 4-12 inches below the ceiling.

(3) Smoke detectors shall be tested at least monthly and batteries replaced at least yearly.

(4) There shall be a manually operated fire alarm system on each floor of buildings with more than 50 children.

(5) Portable fire extinguishers suitable for Class B or Class BC fires or Class BC fires shall be installed in kitchens and cooking areas, and additional extinguishers suitable for Class A fires shall be installed throughout the program. (Consult the local fire authority or State Fire Marshal for the number, size and type of extinguisher to be installed.)

(6) All fire extinguishers shall be inspected, serviced and tagged annually by a competent authority.

(7) Disposable extinguishers are not acceptable unless equipped with a pressure gauge.

(f) **Hazardous areas.** Separation requirements shall be met in new construction or in a building not previously licensed for child care.

(1) Programs are not required to provide this separation for the kitchen if:

(A) no frying is done and a notice is posted stating that frying is not permitted; or

(B) there is a UL-approved automatic fire extinguishing system.

(2) Every central heating unit and gas-fed hot water heater shall be enclosed in separate suitable rooms or closets with exterior air provided for combustion. These enclosures shall not be used for storage or as habitable space.

(3) All electric and gas-fed water heaters shall be equipped with a temperature pressure valve.

(4) Use of open-faced space heaters, unvented space heaters or electric portable heaters is prohibited throughout the facility.

(A) Electric baseboard heat is permissible if it is wired directly in the electrical system and no objects are allowed to come in contact with the heating element.

(B) Gas-fed, unvented heaters mounted in the wall shall not be used and shall have the knobs removed while children are in the facility.

(5) Fires in wood-burning fireplaces are prohibited during hours children are in the program.

(6) A guard shall be provided around heaters, including floor furnaces, when necessary to protect children from hot surfaces.

(7) Window air conditioning units shall be equipped with appropriate covers.

(8) Commercial cooking equipment will require installation of a range hood and automatic fire extinguishing system if any type of frying is done. The range hood and automatic fire extinguishing system shall comply with NFPA #96 standard.

**(g) Electrical.**

(1) The use of temporary wiring or extension cords as permanent wiring is prohibited. However, extension bars are acceptable if there is documentation that a circuit breaker or fuse is built into the unit.

(2) Appliance cords shall not be spliced, knotted, stapled, run over or through piping, run through concealed spaces or from one room to another.

(3) Electrical outlets which are not in use shall be covered with safety devices unless they are not within reach of children, in areas not used by children or in programs only caring for school-age children.

**(h) Evacuation.**

(1) A floor plan of the building shall be exhibited on each floor of the building showing prime and alternate evacuation routes from each area of the building.

(2) Staff shall perform immediate and safe evacuation of all children.

**(i) Training.** Employees shall receive training regarding fire extinguishers and evacuation.

(1) Staff shall be familiar with locations and the use of portable fire extinguishers.

(2) Each staff member shall be familiar with evacuation procedures and routes.

**(j) Housekeeping.** Accumulations of papers or trash shall be removed from the building as soon as possible.

**(k) Outside.**

(1) Outside play areas shall be free of trash, tall grass and standing water.

(2) Burning of trash on the premises is not permitted while children are in care.

## SUPPLEMENT I

### OKLAHOMA CHILD CARE FACILITIES LICENSING ACT

Oklahoma Statute  
10 O.S. Section 401 through 418  
(Amended May, 2009)

#### 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 submission of fingerprints, a home assessment, and any other assessment required

## SUPPLEMENT I

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;
  9. Any child care facility that provides care and supervision for fifteen (15) or fewer hours per week;

## SUPPLEMENT I

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.

## SUPPLEMENT I

### 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 sufficient to satisfy any further request for that document. The Department may promulgate rules regarding the electronic submission of required documents.

## SUPPLEMENT I

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.
- 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.

## SUPPLEMENT I

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.
- 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

## SUPPLEMENT I

- 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,
  - (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.

## **SUPPLEMENT I**

### **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.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.
- 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.

## **SUPPLEMENT I**

### **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:

## SUPPLEMENT I

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

## SUPPLEMENT I

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.

## SUPPLEMENT I

- 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.

## SUPPLEMENT I

- 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.

## **SUPPLEMENT I**

### **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 any county office of the Department of Human Services or to the 24-hour statewide Child Abuse Hotline, 1-800-522-3511.

## SUPPLEMENT III

### PLAY EQUIPMENT - RECOMMENDED

<b>NUMBER OF INFANTS:</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>
<b>MOTOR DEVELOPMENT</b>								
Large Muscle, e.g., set of soft blocks, tunnel or crawl-through apparatus, large balls, infant activity center, pull-up apparatus	1	1	1	1	2	2	2	2
Small Muscle, e.g., nesting containers, washable dolls, balls (variety of sizes, plastic animals)	1	2	3	4	5	6	7	8
<b>SENSORY DEVELOPMENT</b>								
Things to Hear, e.g., rattles, musical toys, squeaky toys	1	2	3	4	5	6	7	8
Things to See, e.g., mobile, murals, pictures	1	2	3	4	5	6	7	8
Things to Touch, e.g., feely toys, feely ball, textured items	1	2	3	4	5	6	7	8
<b>LANGUAGE DEVELOPMENT</b>								
Washable picture books	1	2	3	4	5	6	7	8
Story books to be read by teacher	1	2	3	4	5	6	7	8
<b>MUSIC</b>								
Tapes or records	2	2	2	2	4	4	4	4
Infant swing, swing chair or alternative individual space	1	1	1	1	2	2	2	2

### SUPPLEMENT III

<b>NUMBER OF TODDLERS:</b>	<b>1-2</b>	<b>3-4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8-9</b>	<b>10-11</b>	<b>12</b>
<b>MOTOR DEVELOPMENT</b>								
Large Muscle, e.g., set of large plastic or cardboard building blocks, two-step slide, rocking boat, inter-locking panels, indoor riding toy (without pedals), rocking toy, sit and spin	1	1	2	2	3	3	4	4
Push and pull toys	2	4	5	6	7	8	10	12
Small Muscle, table manipulative, e.g., stacking toys, nesting toys, 2-4 piece puzzles, table blocks, pounding toys	3	6	9	12	14	16	20	24
Rubber animals	1	2	3	4	5	6	7	8
Balls or various sizes	1	2	3	4	5	6	7	8
Hand-held trucks, cars, etc.	2	4	5	6	7	8	10	12
<b>SENSORY DEVELOPMENT</b>								
Things to Hear, e.g., musical toys, wind-up toys, xylophone, shakers	1	2	3	4	5	6	7	8
Things to See, e.g., pictures, posters, murals (assorted sizes and colors), windsock, banners	1	2	3	4	5	6	7	8
Things to Touch, e.g., textured surfaces, non-toxic fingerpaint, water play with accessories, play dough	1	2	3	4	5	6	7	8
<b>LANGUAGE DEVELOPMENT</b>								
Washable picture books	2	4	5	6	7	9	11	12
Story books to be read by teacher	2	4	5	6	7	9	11	12
Puppets	1	1	1	1	2	2	2	2
<b>PRETEND</b>								
Washable dolls	1	2	3	4	5	6	7	8
Choose from: pots and pans, shoes, scarves, aprons, purses, play telephone, etc.	3	6	9	12	15	18	21	24
<b>MUSIC</b>								
Tapes or records	2	2	2	2	4	4	4	4

## SUPPLEMENT III

NUMBER OF 2 YEAR OLDS:	1-2	3-4	5-6	7-8	9-10	11-12	13-14	15-16
<b>MOTOR DEVELOPMENT</b>								
Large Muscle, no more than two of the same item, e.g., set of large plastic or cardboard building blocks, two-step slide, rocking boat, interlocking panels, indoor climbing apparatus, rocking toy, large floor push toy, crawl-through apparatus	2	2	3	4	5	6	7	8
Push and pull toys	1	2	3	4	5	6	7	8
Small Muscle, table manipulative toys e.g., stacking toys, nesting toys, 2-4 piece puzzles, table blocks, pounding toys	2	4	6	8	10	12	14	16
Balls or various sizes	1	2	3	3	4	4	5	5
Hand-held trucks, cars, etc.	2	3	5	6	8	9	10	12
Animals (plastic, rubber, or wood)	1	2	3	4	5	6	7	8
<b>PRETEND</b>								
Dolls	1	2	3	4	5	6	7	8
Items of dress-up clothes, e.g., capes, aprons, shoes, purses, hats, scarves	1	2	3	4	5	6	7	8
Choose from: 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
<b>MUSIC</b>								
Musical toys	1	1	2	3	3	3	4	5
Tapes or records	2	2	2	2	4	4	4	4
<b>LANGUAGE DEVELOPMENT</b>								
Mitten-type puppets	1	1	2	2	3	3	4	4
Picture books for children's independent use	2	4	6	8	10	12	14	16
Story books for teacher to read to children	2	4	6	8	10	12	14	16

## SUPPLEMENT III

<b>NUMBER OF 3 YEAR OLDS:</b>	<b>1-3</b>	<b>4-6</b>	<b>7-9</b>	<b>10-12</b>	<b>13-15</b>	<b>16-18</b>	<b>19-21</b>	<b>22-24</b>
<b>MOTOR DEVELOPMENT</b>								
Large Muscle, set of building blocks (minimum of 20 pieces) with accessories	1	1	1	1	1	1	1	1
No more than two of the same item, e.g., rocking boat, interlocking panels, indoor climbing apparatus, large floor push toy	2	2	2	2	3	3	4	4
Small Muscle, table activities e.g., matching games, lotto, nesting toys, stringing 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, e.g., lego, tinker toys, bristle blocks, konnectos	1	1	2	2	3	3	4	4
Small hand-held toys, e.g., cars, trucks, airplanes, boats	3	3	6	6	9	9	12	12
<b>ART</b>								
Easel surface	1	1	2	2	2	2	2	2
<b>PRETEND</b>								
Dolls with accessories	2	2	4	4	6	6	8	8
Items of dress-up clothes, e.g., hats, neckties, capes, purses, vests, aprons, shoes	2	4	6	8	10	10	12	12
Choose from: housekeeping items, e.g., appliances, set of dishes and utensils, set of pots and pans, set of clean-up toys (broom, mop, dust pan, etc.), doll bed or cradle, child-size rocking chair, water play equipment, steering wheel	2	4	6	8	10	10	12	12
Creative play sets with accessories, e.g., farm, playhouse, garage, airport	1	1	2	2	3	3	4	4
<b>LANGUAGE DEVELOPMENT</b>								
Books	12	24	36	48	60	72	84	96
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
<b>MUSIC</b>								
Tapes or records	2	2	4	4	5	5	6	6

## SUPPLEMENT III

<b>NUMBER OF 4-5 YEAR OLDS:</b>	<b>1-4</b>	<b>5-8</b>	<b>9-11</b>	<b>12-15</b>	<b>16-19</b>	<b>20-23</b>	<b>24-26</b>	<b>27-30</b>
<b>MOTOR DEVELOPMENT</b>								
Large Muscle, set of building blocks (minimum of 20 pieces) with accessories	1	1	1	1	2	3	4	4
No more than two of the same item, e.g., rocking boat, interlocking panels, indoor climbing apparatus, large floor push toy	2	2	2	2	3	3	4	4
Small Muscle, table activities e.g., matching games, lotto, nesting toys, stringing beads, parquetry blocks, peg boards and pegs, 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, e.g., lego, tinker toys, bristle blocks, konnectos	1	2	3	4	5	5	6	6
Small hand-held toys, e.g., cars, trucks, airplanes, boats	2	4	6	8	10	12	14	16
<b>ART</b>								
Easel surface	1	1	2	2	2	2	2	2
<b>PRETEND</b>								
Dolls with accessories	2	2	3	3	4	4	5	5
Accessory items related to occupation, e.g., chef's hat, brief case, medical kit	2	2	4	4	5	5	6	6
Items of dress-up clothes, e.g., hats, neckties, capes, purses, vests, aprons, shoes	8	8	10	10	12	12	14	14
Choose from: housekeeping items, e.g., appliances, set of dishes and utensils, set of pots and pans, set of clean-up toys (broom, mop, dust pan, etc.), doll bed or cradle, child-size rocking chair, water play equipment, steering wheel	2	4	5	6	7	8	9	10
Creative play sets with accessories, e.g., farm, playhouse, garage, airport	1	1	2	2	3	3	4	4
<b>LANGUAGE DEVELOPMENT</b>								
Books	16	32	44	60	76	92	104	120
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
<b>MUSIC</b>								
Tapes or records	2	2	4	4	5	5	6	6

## SUPPLEMENT III

<b>NUMBER OF SCHOOL-AGE CHILDREN:</b>	<b>1-5</b>	<b>6-10</b>	<b>11-15</b>	<b>16-20</b>	<b>21-25</b>	<b>26-30</b>	<b>31-35</b>	<b>36-40</b>
<b>Motor Development</b> , e.g., jump rope, ping pong or table tennis, frisbee, hula-hoop, pogo stick, hopscotch, horse shoes, croquet, bean-bag toss, pool table, carom board, marbles, jacks	5	5	10	10	12	12	15	15
<b>Sports Equipment</b> , e.g., soccer, softball, t-ball, volleyball, basketball, tether ball, badminton	2	2	4	4	5	5	6	6
<b>Arts and Crafts</b> , e.g., materials for sewing, weaving, costume making, knitting, puppets, craft kits	2	3	4	5	6	7	8	9
<b>Art Supplies</b> , e.g., paste, scissors, various sizes and color of paper, crayons, marking pens, lead pencils, colored pencils, non-toxic paints, chalk, clay	5	6	7	8	9	10	11	12
<b>Manipulatives</b> , e.g., 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
a variety of interlocking toys (minimum of 20 pieces per set), e.g., lego, konnectos, mini loc blocks, bristle blocks, unifix cubes, rig-a-jig, towerfics, lincoln logs, tinker toys, waffle blocks, parquetry blocks	2	2	4	4	7	7	8	8
small hand-held toys, e.g., cars, trucks, miniature characters	2	3	4	5	7	8	9	10
<b>Pretend</b>								
shatterproof mirror	1	1	1	1	2	2	2	2
dolls with accessories, e.g., action figures, fashion dolls	1	2	3	4	5	5	6	6
accessory items related to occupation, e.g., chef's hat, brief case, medical kit	2	2	4	4	5	5	6	6
items of dress-up clothes, costumes, accessory items related to occupation, e.g., hats, neckties, capes, purses, vests, aprons, shoes, coats, 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

## SUPPLEMENT III

<b>NUMBER OF SCHOOL-AGE CHILDREN:</b>	<b>1-5</b>	<b>6-10</b>	<b>11-15</b>	<b>16-20</b>	<b>21-25</b>	<b>26-30</b>	<b>31-35</b>	<b>36-40</b>
choose from: pretend kit/prop box, e.g., office, barber/beauty shop, fix-it shop, pizza parlor, post office, dance studio, water/sand play with accessories, carpentry corner with wood, saw, hammer nails, creative play sets, e.g., doll house, farm, airport	1	2	3	4	5	6	7	8
a variety of blocks (minimum of 20 pieces per set) of various sizes, shapes, colors, pipe works, marble works, large waffle blocks, large interlocking blocks, various sizes of tubes	2	2	4	4	7	7	8	8
<b>Language Development</b>								
books (age-appropriate)	5	5	10	10	15	15	20	20
comic books, magazines (age-appropriate)	5	5	10	10	15	15	20	20
listening tapes, puppets with theater, flannel boards with pieces, writing center, chalk boards, vcr with child-oriented tapes	2	2	4	4	6	6	8	8
science items, e.g., magnifying glasses, ant farm, plants, magnets, aquariums, science pictures, small live animals (hamster, lizard, rabbit, etc.), rocks, shells, microscope	2	2	4	4	6	6	8	8

### OUTDOOR PLAY EQUIPMENT - RECOMMENDED

When selecting outdoor play equipment, keep in mind the ages, developmental levels and number of children. A minimum of one item from each of the five different categories listed below is recommended.

- Climbing apparatus sized to the age of children in care
- Swinging apparatus
- Crawl-through apparatus
- Wheeled or riding toys
- Balance apparatus
- Balls, bean bags, frisbees, etc.
- Sand and water play with accessories

## SUPPLEMENT IV

### MINIMUM IMMUNIZATION REQUIREMENTS

Section 411 of Title 10 of the Oklahoma Statutes mandates that children attending child care obtain, at the medically appropriate time, the following vaccines: DTaP (diphtheria, tetanus and pertussis vaccine), Hib vaccine (*Haemophilus influenzae* type B), PCV (pneumococcal vaccine) MMR (measles, mumps, rubella vaccine) Hepatitis A vaccine, Hepatitis B vaccine, Varicella (chickenpox) vaccine and IPV (inactivated polio vaccine). The Oklahoma State Board of Health's recommended immunization schedule is found on the following page.

#### EXEMPTIONS FROM THE LAW

Exemptions from the immunization requirements are authorized in the law for medical, religious and personal reasons. Following is a summary of information concerning these exemptions, including procedures for their authorization.

**Medical.** Section 413 of Title 10 of the Oklahoma Statutes states that any minor child, through his parent or guardian, may submit to the health authority charged with the enforcement of the required immunization program, a certificate signed by a licensed physician stating that the immunization would endanger the life or health of the child. The child would be exempt from the immunization.

**Religious or Other.** Exemptions based on religious or other objections to immunizations are also allowed. The parent or guardian must present a signed written statement briefly summarizing his or her objections.

**Personal.** Exemptions may also be authorized for children whose parent or guardian objects to immunizations on philosophical grounds but is not necessarily a member of a church or group, which subscribes to religious beliefs contrary to the practice of immunization. As with religious exemptions, the parent or guardian must present a Certificate of Exemption complete with a brief statement summarizing his or her objections to immunizations. Lost or unobtainable immunization records are not grounds for personal exemptions.

**Exemption Procedures.** Certificate of Exemption forms (ODH 216A) are available to child care centers and schools from the Immunization Service of the Oklahoma State Department of Health for parents and guardians claiming an exemption for their children. In documenting a medical exemption, the parent or guardian is responsible for obtaining the signature of the physician. For other exemptions and for family emergencies, the parent or guardian must complete the form.

#### FAMILY EMERGENCIES

This provision applies in those rare instances where a true family emergency exists, such as a death in the family. A childcare operator may allow a child to enter and remain for up to 30 calendar days without an immunization record. Ideally, the record should be presented at the earliest possible opportunity. If at the end of the 30-day period the parent or guardian has not produced an acceptable record, the childcare operator should exclude the child.

## SUPPLEMENT IV

### SCHEDULE FOR REQUIRED CHILDHOOD IMMUNIZATIONS FOR OKLAHOMA

This schedule indicates the recommended age for the routine administration of currently licensed childhood vaccines. Vaccines are listed under the routinely recommended ages. Bars mean the vaccine may be given at any point over that period of time. A circle means the vaccine should be given at that age.

	Birth	1 Mo	2 Mos	4 Mos	6 Mos	12 Mos	15 Mos	18 Mos	2 years	4-6 Yrs
Hepatitis B	1		2			3				
DTaP			1	2	3	4				5
Hib			1	2	3	4				
Polio			1	2	3					4
MMR						1				2
Varicella						1				
Pneumo. Conjugate			1	2	3	4				
Hepatitis A						1	2 6-18 mos. after 1 <sup>st</sup> dose			

## SUPPLEMENT IV

### RECOMMENDED IMMUNIZATION SCHEDULES AND MINIMUM INTERVALS

#### **DTaP**

##### ***Recommended Schedule***

2, 4, 6, & 12-18 months, & 4-6 years

##### ***Minimum Intervals***

4 weeks between doses 1, 2, and 3. Six calendar months between doses 3 and 4 and doses 4 and 5 – If 4 mos. between doses 3 & 4, dose 4 does not have to be repeated

#### **Tdap**

##### ***Recommended schedule***

Single dose - 11-12 years & older

##### ***Minimum Intervals***

A 5-year interval between Td and Tdap is encouraged, but Tdap may be given at an interval of less than 5 years if the benefits outweigh the risk

#### **Hib (Haemophilus influenzae type b)**

##### ***Recommended Schedule***

2, 4, 6, & 12-15 months for HibTITER & ActHIB  
2, 4, & 12-15 months for PedvaxHIB

##### ***Minimum Intervals***

HibTITER & ActHIB – 4 weeks between doses 1, 2, & 3, the 4<sup>th</sup> (booster) dose should be administered no earlier than 12 months of age and at least 8 weeks after dose 3  
PedvaxHIB –4 weeks between doses 1& 2.  
The 3<sup>rd</sup> (booster) dose should be administered no earlier than 12 months of age and at least 8 weeks after dose 2  
PedvaxHIB is in the combination vaccine COMVAX

#### **IPV (Polio)**

##### ***Recommended Schedule***

2, 4, & 6-18 months, & 4-6 years

##### ***Minimum Intervals***

4 weeks between doses 1, 2, 3, & 4

#### **DTaP-HepB-IPV (Brand name Pediarix)**

##### ***Recommended Schedule***

2, 4, & 6 months

##### ***Minimum Intervals***

Not before 6 weeks of age, 4 weeks between doses 1 & 2, 8 weeks between doses 2 & 3 and 16 weeks between doses 1 & 3 and 3<sup>rd</sup> dose not before 24 weeks of age

#### **DTaP-Hib (Brand name TriHIBit)**

##### ***Recommended Schedule***

12-18 months - 4th dose of the DTaP & Hib series

##### ***Minimum Intervals***

One dose at 12 months or older if child has received at least one prior dose of Hib vaccine 2 or more months earlier, and TriHIBit will be the last dose in the Hib series

#### **MMR**

##### ***Recommended Schedule***

12-15 months & 4-6 years

##### ***Minimum Intervals***

1<sup>st</sup> dose - 12 months of age & 2<sup>nd</sup> dose at least 4 weeks after 1<sup>st</sup>

## SUPPLEMENT IV

### **MMRV (Brand name ProQuad®)**

#### ***Recommended Schedule***

12-15 months & 4-6 years

#### ***Minimum Intervals***

12 weeks between doses 1 and 2 for children  
12 years and younger

If 28 days between doses 1 & 2, dose 2 does  
not have to be repeated

4 weeks between doses 1 and 2 for individuals  
13 years and older

### **Varicella**

#### ***Recommended Schedule***

12-15 months & 4-6 years

#### ***Minimum Intervals***

12 weeks between doses 1 and 2 for children  
12 years and younger

4 weeks between doses 1 and 2 for individuals  
13 years and older

### **Hep A**

#### ***Recommended Schedule***

HAVRIX – 2 doses: 12 months, 6-12 months  
after 1<sup>st</sup>

VAQTA – 2 doses: 12 months, 6-18 months  
after 1<sup>st</sup>

#### ***Minimum Intervals***

6 calendar months between doses 1 & 2

### **Hep B**

#### ***Recommended Schedule***

Birth, 1-2 months, 6-18 months

#### ***Minimum Intervals***

4 weeks between doses 1 & 2, 8 weeks  
between doses 2 & 3, 16 weeks between doses  
1 & 3, & 3<sup>rd</sup> dose should not be administered  
not before 24 weeks of age

### **Hep B/Hib (COMVAX)**

#### ***Recommended Schedule***

2, 4, and 12-15 months

#### ***Minimum Intervals***

4 weeks between doses 1 & 2. The 3<sup>rd</sup>  
(booster) dose should be administered no  
earlier than 12 months of age & at least 8  
weeks after dose 2

### **Pneumococcal Conjugate (PCV7) (Brand name Prevnar)**

#### ***Recommended Schedule***

2 months, 4 months, 6 months, & 12-15  
months

#### ***Minimum Intervals***

4 weeks between doses 1, 2, & 3; 8 weeks  
between doses 3 & 4; 4<sup>th</sup> (booster) dose no  
earlier than 12 months of age



**SUPPLEMENT V**

**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 VI

### MINIMUM MEAL PATTERN PLAN FOR CHILDREN

MEAL	1-2 YEAR OLDS	3-5 YEAR OLDS	6-12 YEAR OLDS
<b>BREAKFAST</b> (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
<b>MIDMORNING OR MIDAFTERNOON SNACK</b> (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
<b>LUNCH OR SUPPER</b>			
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 VII**

### **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.

## **SUPPLEMENT VII**

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

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 VII

### 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.”

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.

## SUPPLEMENT VII

### **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?**

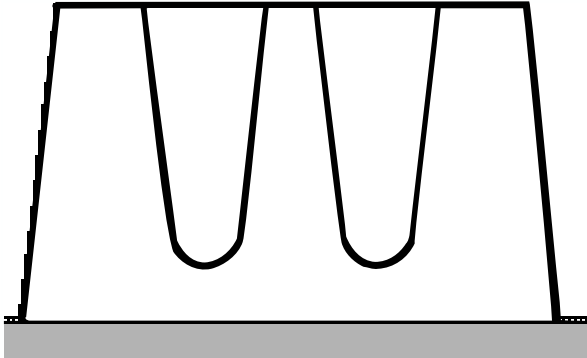
- a. EMSA distributes at least 100 free seats in Oklahoma City and 100 in Tulsa at child safety seat checks each month.
- b. All county health departments distribute free seats, mostly to WIC-eligible clients.
- c. Contact SAFE KIDS to find out other resources in your area.
- d. SAFE KIDS offers subsidized 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.

### **8. 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](mailto:safekids@ouhsc.edu).

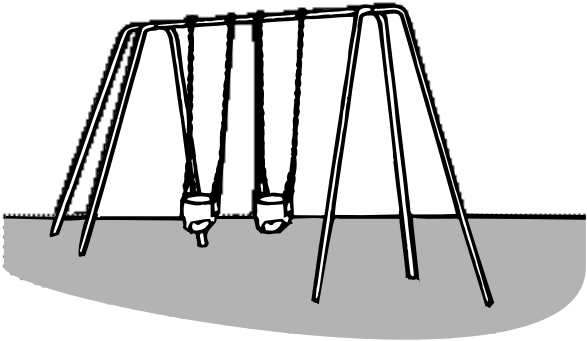
## SUPPLEMENT VIII

### FALL ZONES



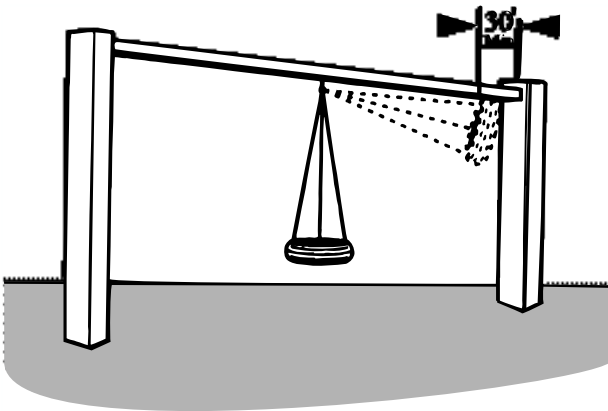
#### **SINGLE-AXIS SWINGS**

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.



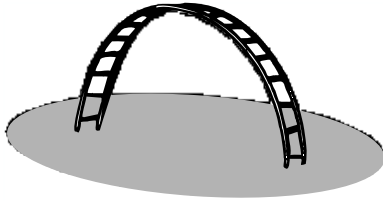
#### **MULTI-AXIS OR TIRE SWINGS**

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.

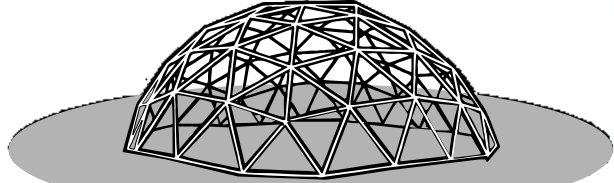
## SUPPLEMENT VIII

### CLIMBING STRUCTURES

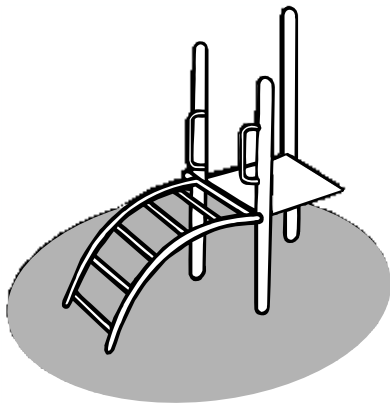
A minimum of six feet in all directions from the perimeter of the equipment.



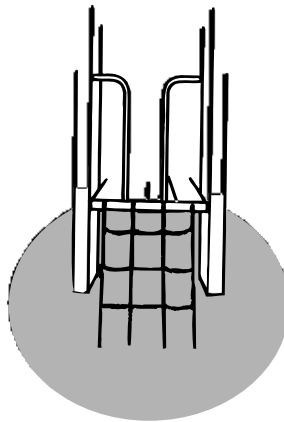
Simple Arch Climber



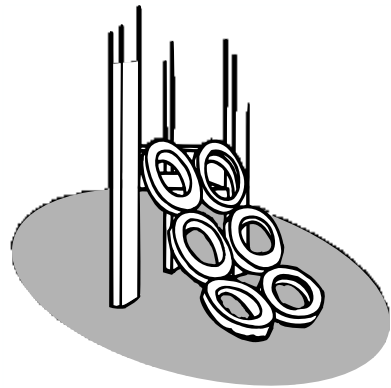
Geodesic Dome Climber



Arch Climber



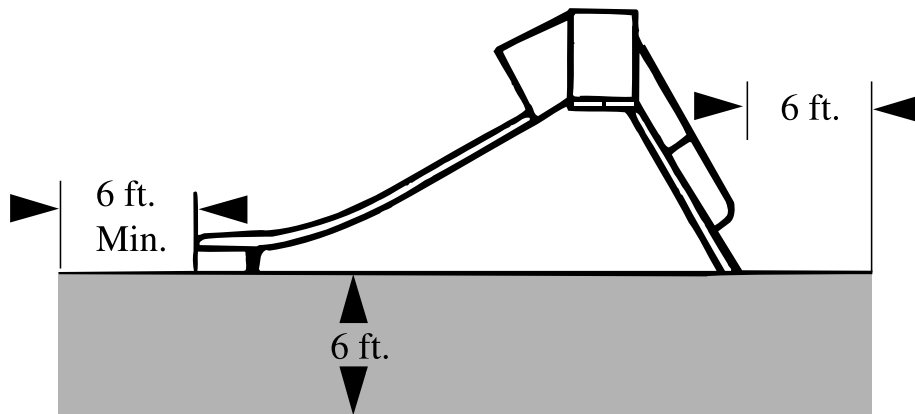
Chain Net Climber



Tire Climber

### SLIDES

Six Feet in all directions from the perimeter of the equipment



## **SUPPLEMENT IX**

### **BLEACH SOLUTION**

**REMEMBER TO MIX FRESH SOLUTION DAILY**

#### **TO SANITIZE DIAPER CHANGING TABLE**

$\frac{1}{4}$  cup bleach to 1 gallon of water = 800 ppm  
2 tablespoons (1 oz.) bleach to  $\frac{1}{2}$  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  $\frac{1}{2}$  gallon of water = 200 ppm  
1 teaspoon (1/8 oz.) bleach to 1 qt. Of water = 200 ppm  
 $\frac{1}{2}$  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. = 2 pts. = 32 fl. oz.  
1 gal = 4 qts. = 128 oz.

## **REVISIONS TO REQUIREMENTS FOR PART-DAY CHILDREN'S PROGRAMS**

Below is the time-frame reflecting the most recent legislative revisions to the Oklahoma Child Care Facilities Licensing Act:

May 8, 2009	Liability Insurance
May 21, 2009	Criminal History Reviews

The above changes resulted in revisions to Licensing Requirements which were approved through the following process:

June 10, 2009	Child Care Advisory Committee recommends approval of proposed requirement revisions.
July 28, 2009	Commission for Human Services approves proposed requirement revisions.
August 18, 2009	Governor approves proposed requirement revisions.
October 1, 2009	Effective date of requirement revisions.

# Index

<b>Accidents</b> ..... <b>See Injuries</b>	
Notification of Licensing .....	3
<b>Animals</b> .....	14
<b>Basements</b> .....	12
<b>Bathrooms</b> ..... <b>See Toileting and Handwashing Facilities</b>	
<b>Behavior and Guidance</b> .....	23
<b>Bleach Solution</b> .....	25, 74
<b>Bottles</b>	
Labeling.....	20
Propping.....	19
<b>Business, Located in Center</b> .....	2
<b>Caregivers</b> .....	<b>See Employees</b>
<b>Change of Ownership</b> .....	4
<b>Child Abuse</b>	
Cooperating in Investigation.....	8
Reporting Investigations Involving Staff .....	3
Reporting of Suspected.....	4, 8
Restricted Employees .....	7
Supplement (What is Child Abuse?) .....	54
<b>Cleanliness</b>	
Bathrooms.....	12
Facility .....	13
Outdoor Space .....	18
<b>Compliance File/Posting</b> .....	4
<b>Cribs</b>	
Pillows/Other Unnecessary Items .....	23
Required Equipment.....	16
Safety Guidelines .....	16
Stacked, Use of.....	23
<b>Criminal History</b>	
Exempt Employees .....	7
Filing of Records .....	6
Owner/Director Responsibility .....	6
Prohibitions to Employment.....	7
Sex Offenders Registry .....	7
Waiver .....	7
<b>Death of a Child, Notifying Licensing</b> .....	3
<b>Definitions</b> .....	1
<b>Diaper Changing</b> .....	13, 20
<b>Director</b>	
Qualifications.....	8
Responsibilities.....	8
<b>Doors</b>	
Bathroom .....	13
Exit Doors .....	36
Marking of.....	13
Screens .....	13
Self-Closing.....	13
<b>Emergency Preparedness</b> .....	14
<b>Emergency Procedure</b>	
Posting.....	3
<b>Employees</b>	
General Requirements.....	6
Prohibitions to Employment .....	7
Qualifications, Director.....	8
Qualifications, Staff.....	8
Records .....	6
Responsibilities.....	8
<b>Entrapment</b> .....	<b>See Outdoor Space Equipment</b>
<b>Equipment</b>	
Access to .....	16
Four and Five-Year-Olds .....	18, 59
Impact Material, Indoor Equipment .....	16
Infants.....	16, 55
Maintenance .....	16
Outdoor.....	18
Safety .....	16
School-Age .....	18, 60
Three-Year-Olds .....	17, 58
Toddlers.....	17, 56
Two-Year-Olds.....	17, 57
<b>Fall Zone</b>	
Definition.....	1
Diagrams .....	72
Guidelines.....	19
<b>Fence</b> .....	18
<b>Fire Drills</b>	
Recording .....	3, 14
<b>Fire Safety</b>	
Doors .....	36
Electrical Cords and Outlets .....	37
Evacuation.....	37
Exits.....	36
Fire Extinguishers.....	36
Heating .....	12
Smoke Detectors .....	36

Staff Training .....	37	Toilet Learning .....	21
<b>First Aid</b>		<b>Injuries</b>	
Kit .....	26	Log .....	26
Training .....	9	Notifying Licensing .....	3
<b>Food and Nutrition</b>		Notifying Parents .....	26
Infants and Toddlers .....	19	Supplement (Injury Report Form)	
Meal Requirements .....	26, 67	.....	66
Menu Posting .....	3	<b>Insurance .....</b>	<b>5</b>
<b>Food Service and Sanitation</b>		<b>Kitchen</b>	
Dishwashing .....	32	Access .....	13
Garbage and Rubbish Disposal .	35	<b>Law .....</b>	<b>See Oklahoma Child Care</b>
Hand-Washing Facilities .....	33	<b>Facilities Licensing Act</b>	
Protection from Contamination .	30, 31	<b>Law, Purpose of .....</b>	<b>1</b>
Refrigerator/Freezer Temperature		<b>Licensed Capacity .....</b>	<b>15</b>
.....	31	<b>Lighting .....</b>	<b>13, 34</b>
Single-Service Articles .....	33	<b>Maintenance</b>	
Training .....	10	Floors, Windows, and Doors .....	13
<b>Groups</b>		Walls and Ceilings .....	13
Assigned Staff .....	11	<b>Medication .....</b>	<b>25</b>
Size .....	11	<b>Nap Time .....</b>	<b>See Rest Time</b>
Use of Room Dividers .....	11	<b>Not-for-Profit Child Care .....</b>	<b>3</b>
<b>Guns..... See Weapons</b>		<b>Notifications .....</b>	<b>3</b>
<b>Handrails .....</b>	<b>13</b>	<b>Oklahoma Child Care Facilities</b>	
<b>Handwashing.....</b>	<b>21</b>	<b>Licensing Act .....</b>	<b>38</b>
<b>Hazards</b>		<b>Outdoor Space</b>	
Barrier Openings, Elevated		Fall Zones .....	19
Outdoor Areas .....	13	Fence .....	18
Electrical Cords, Access to .....	14	Impact Absorbing Material .....	18
Gas Cylinders .....	14	Location .....	18
General .....	14	Maintenance .....	18
Outdoor .....	18	Safety .....	18
Storage of Toxic Items .....	14	Shade .....	18
<b>Health</b>		Square Footage .....	15
Disease Control and Reporting .	25	Surfaces .....	18
Space for Sick Children .....	12	<b>Paint, Lead .....</b>	<b>12</b>
<b>Immunizations</b>		<b>Parents</b>	
Schedule .....	63	Access to the Program .....	5
<b>Impact Absorbing Material .....</b>	<b>18</b>	<b>Playground .....</b>	<b>See Outdoor Space</b>
<b>Infants, Toddlers, and Two-Year-</b>		<b>Policy and Procedure</b>	
<b>Olds</b>		Center Policy .....	4
Diaper Changing .....	20	Personnel Policy .....	5
Feeding .....	19	<b>Posted Items .....</b>	<b>See Notifications</b>
Program .....	21	<b>Preschool-Age Children</b>	
Rest Arrangements .....	21	Rest Arrangements .....	22
Staff/Child Ratio .....	10	Staff/Child Ratio .....	11
Supervision .....	10	Supervision .....	10

<b>Professional Development (Training)</b>		General.....	9
Documentation .....	10	Responsibilities.....	9
Food Service .....	10	<b>Supervision</b>	
Health and Safety.....	9	Definition.....	1
Orientation.....	9	Rest Time .....	22
<b>Proprietary Child Care.....</b>	<b>3</b>	School-Age.....	10
<b>Public Access to Records.....</b>	<b>4</b>	<b>Swimming .....</b>	<b>See Water Activities</b>
<b>Public Child Care .....</b>	<b>2</b>	<b>Telephone</b>	
<b>Records</b>		Emergency Phone Numbers.....	14
Children's Attendance .....	5	Location and Access.....	14
Children's Identification and Health .....	5	<b>Temperature</b>	
Licensing Access.....	5	Indoor .....	13
Staff Attendance.....	6	Water .....	13
Staff Health, OSBI, Staff Sheet ...	6	<b>Toilet Learning .....</b>	<b>21</b>
<b>Rest Time</b>		<b>Toileting and Handwashing Facilities</b>	
Equipment .....	23	Accessibility .....	12
Sleeping on Floor, Prohibition ...	23	General Requirements.....	12
Staff/Child Ratios.....	11	Number of Toilets/Sinks.....	13
Supervision .....	23	<b>Tornado Drill.....</b>	<b>14</b>
<b>School-Age Children</b>		<b>Training.....</b>	<b>See Professional Development</b>
Learning Experiences.....	21	<b>Transportation</b>	
Staff/Child Ratio .....	11	Accidents, Reporting of.....	3
Supervision .....	10	Driver Qualifications.....	28
<b>Smoke Detectors</b>		Passenger Restraints .....	29
Testing .....	36	Permission.....	5, 27
<b>Smoking</b>		Staff Ratios/Supervision .....	28
Posted Notice .....	3	Supplement (Seatbelt Law) .....	68
Prohibition .....	14	Vehicle Requirements.....	29
<b>Space</b>		<b>Turberculosis Testing.....</b>	<b>8</b>
Indoor Square Footage .....	15	<b>Vermin Infestation.....</b>	<b>13</b>
Outdoor Square Footage.....	15	<b>Volunteers.....</b>	<b>9</b>
<b>Staff.....</b>	<b>See Employees</b>	<b>Waiver .....</b>	<b>See Criminal History</b>
<b>Staff/Child Ratios</b>		<b>Water</b>	
Chart .....	10–12, 11	Supply.....	34
Group Size .....	10–12, 11	Temperature .....	13
Naptime.....	12	Tempered Valve, Use of.....	13
Swimming.....	12	<b>Water Activities</b>	
Transportation .....	28	General Guidelines .....	21
<b>Stairways</b>		Staff/Child Ratios.....	12
Railings .....	13	<b>Weapons</b>	
<b>Substitute</b>		Storage .....	14
Criminal History Investigations ...	6		