

# LICENSING REQUIREMENTS

FOR

SCHOOL-AGE PROGRAMS & SUMMER  
PROGRAMS & DAY CAMPS



**OKLAHOMA DEPARTMENT OF HUMAN SERVICES**  
Oklahoma Child Care Services



Effective Date: 7/01/10

## 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

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### 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:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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Your Name

Date

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



**REQUIREMENTS FOR SCHOOL-AGE PROGRAMS  
AND SUMMER DAY CAMPS  
(340:110-3-220 THROUGH 340:110-3-242)**

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## PART 14. REQUIREMENTS FOR SCHOOL-AGE PROGRAMS

### Section 220. Purpose

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

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

### Section 221. Definitions

The following definitions apply unless the context clearly indicates otherwise.

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

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

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

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

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

"**Child with disabilities**" means a child who has a physical or mental condition that results in substantial limitations in self-care, language, learning, mobility, or self-direction.

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

"**Department**" means 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.

"**Infection control**" means the policies, procedures, and techniques used to control and prevent the spread of infection, for example, hand-washing, sanitizing, personal hygiene, diapering and toileting, appropriate handling and disposal of soiled or contaminated items, sick child exclusion policies, and immunization policies.

"**Lead teacher**" means a staff person who is responsible for duties such as program development, implementation and evaluation.

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

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

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

"**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.

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



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

**"School-age program"** means a program that provides care and supervision for school-age children, for example, before-school and after-school programs, extended-day programs, day camps, summer camps, and summer park programs.

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

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

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

## **Section 222. Necessity and issuance of license**

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

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

(1) 15 hours or less per week; or

(2) during typical school hours by a public or private school that offers elementary education from kindergarten through third grade.

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

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

(1) licensure as a child care facility;

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

(3) residing in a child care facility.

(e) An unlicensed program may not advertise as licensed.

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

(g) Claims as to standards of care or specialized service are prohibited from being made or placed in advertisements unless the program has staff members who are professionally qualified to offer such specific services.

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

(i) When OKDHS denies or revokes a program's license, the responsible entity cannot make application for a new child care facility license within the state for five years

following notification to the responsible entity of the license revocation or denial and during an appeal process.

### **Section 223. Organization**

(a) **Responsible agent.** A school-age program is operated by a public or private organization or an individual.

(1) A public school-age program is created and exists by an act of the State, county, city or other political subdivision and operated under the control of a governmental agency.

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

(3) A proprietary school-age program's owner is responsible for the policy and financial structure of the program.

(b) **Purpose.** A statement defining the purpose or function of the program is filed with Oklahoma Department of Human Services (OKDHS) and includes:

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

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

(1) The items displayed 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;
- (I) dates fire and tornado drills were conducted; and
- (J) a time schedule for use of outdoor play space if the program is licensed for 24 or more children and has outdoor play space of less than 75 square feet per child. (Also see Section 229(d)(2)(C).)

(2) Form 07LC093E, Insurance Exception Notification, if applicable per Section 224(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. (See Supplement II)

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

- (A) a temporary, 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 requirement;

- (E) legal action against a program or staff person that involves or affects a child in care or the operation of the program;
  - (F) any known criminal charges or child abuse investigations involving staff that are pending or have had a disposition;
  - (G) an accident involving transportation unless there were no injuries and only minor damage to the vehicles;
  - (H) any injury to a child requiring emergency medical attention; and
  - (I) the death of a child that occurred while the child was in care.
- (5) The program is required to notify Licensing at least 30 days prior to:
- (A) a change in ownership or sponsorship;
  - (B) a change in the 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) the anticipated closing or relocation of the program; and
  - (E) a proposed change in the licensed capacity.
- (d) **Public access to records - Compliance Posting.**
- (1) Items posted within clear view of the main entrance are:
    - (A) OKDHS provided Notice to Parents; and
    - (B) Form 04CP004E, Child Welfare Investigative Summary Notification to Oklahoma Child Care Services, with confirmed or substantiated findings, for 120 days from the completion of the investigation.
  - (2) The granted waiver notification for individuals who have criminal histories as defined in Section 226 (c) are posted in a prominent place for as long as they are employed or living in the facility.
- (e) **Compliance file.** A compliance file 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 Licensing within the last 120 days:
    - (A) child care licensing monitoring reports and licensing correspondence;
    - (B) Form 07LC037E, Notice to Comply;
    - (C) licensing complaints; and
    - (D) Form 04CP004E, Child Welfare Investigative Summary Notification to Oklahoma Child Care Services, with findings of unconfirmed or unsubstantiated to include findings of services not needed, ruled out, or services recommended; and
  - (3) Form 04CP004E, Child Welfare Investigative Summary Notification to Oklahoma Child Care Services, with findings of confirmed or substantiated, for one year from the completion of the investigation.
- (f) **Effect of change in ownership or location on license.** When a program changes 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 224. 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:
  - (A) receiving and releasing children from the program including a method of verifying the identity of a caller or person who picks up a child;
  - (B) prompt notification of parents when a child does not arrive as scheduled;
  - (C) storing children's personal belongings and money;
  - (D) the handling of illnesses and injuries, including procedures when children are away from the program;
  - (E) storing and administering children's medicines;
  - (F) notifying parents of field trips;
  - (G) transportation of children;
  - (H) caring for school-age children who arrive late for field trips when that child's group has already left the program;
  - (I) mandatory reporting of child abuse;
  - (J) meals and snacks including days when children are on field trips; and
  - (K) discipline policy.

(b) **Personnel policy.** When there are more than four 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 shall maintain liability insurance in accordance with Section 404.3 of Title 10 of the Oklahoma Statutes.

(1) When liability insurance is maintained, Form 07LC092E, Insurance Verification, that includes a certificate of insurance obtained from the insurance agent is completed annually, maintained at the facility, and made available to licensing.

(2) When liability insurance is not maintained or the facility reports they are self-insured, Form 07LC093E, Insurance Exception Notification, is posted at the facility.

## **Section 225. Records**

(a) **Program records.** Licensing staff have access to all records and reports addressed in this Section.

(b) **Children's records.** Records are obtained at the time of admission for each child in care, including teen aides, regardless of the length of time the child is in care.

(1) Children's records are kept at the program, are available to staff during all hours of child care, and are kept current.

(2) Identification and health records are kept on forms provided by Oklahoma Department of Human Services (OKDHS) or on other forms that contain:

- (A) the child's name, date of birth, name of parent(s), home address, parent(s)' places of employment, and telephone numbers;
- (B) the name and telephone number of a responsible person to contact in an emergency if the parent(s) cannot be located promptly;
- (C) permission of the parent authorizing the program 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. If a school-age program is located in a school that maintains current immunization records, duplicate records are not required;
- (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) The program is required to maintain readily available attendance records for each child for a minimum of 120 days.

(c) **Teen aide records.** In addition to the required records for teen aides listed in (b) of this Section, a written agreement signed by the parent or guardian of the teen aide must be maintained on file at the facility. The agreement includes:

- (1) the duties and responsibilities of the teen aide;
- (2) the name of the lead teacher responsible for supervising the teen aide; and
- (3) the written consent of the parent or guardian for the child to work as a teen aide.

(d) **Staff records.** Staff records are completed on forms provided OKDHS and maintained at the facility or made available to Licensing. Staff records include:

- (1) name, birth date, address, telephone number, and Social Security number;
- (2) references, including previous employers if any, and the name, address, telephone number, and dates of employment;
- (3) a statement regarding criminal history and child abuse investigations;
- (4) criminal history investigations maintained in a confidential manner and not part of the individual's personnel records, pursuant to Section 404.1 of Title 10 of the Oklahoma Statutes;
- (5) 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; (Also see Section 226(e)(1)-(2) and (g)(2).)
- (6) documentation of orientation and training;
- (7) attendance records for each staff person;
- (8) documentation of request and/or results of a criminal history review; and
- (9) documentation that the individual is a non-registrant on the Child Care Restricted Registry; and
- (10) 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 226. Requirements for school-age program employees**

(a) **General.** All employees are required to be of good character and possess adequate education, training, or experience 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 annual documentation that he or she meets the health and training requirements contained in OKDHS Publication no. 97-10 Licensing "Requirements for School-Age Programs and Summer Day Camps";
- (2) demonstrate the ability to perform assigned job responsibilities;
- (3) recognize and act to correct hazards to physical safety, both indoors and outdoors;
- (4) be able to work with children without recourse to physical punishment, mistreatment, or child abuse; and
- (5) demonstrate good judgment as evidenced by prudent and responsible behavior that reasonably ensures the health and safety of children in care.

(b) **Criminal history investigations.** Requirements for programs pertaining to criminal history investigations are contained in this subsection.

(1) **Responsibility of owner or director.** The program's owner or director submits to the licensing records office:

- (A) documentation of a search conducted within the last 30 days of the Child Care Restricted Registry;
- (B) a completed criminal history investigation conducted within the last 12 months including dispositions on all charges; and
- (C) a criminal history review request on a form provided by licensing, requesting an Oklahoma State Courts Network search for:
  - (i) any person making application to establish or operate a school-age 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) **Responsibility of owner or director.** 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 accepted only when conducted by:

- (A) the Oklahoma State Bureau of Investigation (OSBI); and
- (B) 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 Oklahoma Department of Corrections' files maintained by 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) **Prohibitions to employment.** The program is prohibited from knowingly employing a person who:

(1) has entered a plea of guilty or nolo contendere (no contest) or has been convicted of:

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

(B) child abuse or neglect;

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

(D) sexual misconduct; or

(E) gross irresponsibility or disregard for the safety of others;

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

(d) **Registrant Prohibitions.** The program is restricted from knowingly employing or allowing a registrant to reside in the facility.

(e) **Request for a waiver.** The program director may request a waiver from the restrictions.

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

(2) The person for whom the waiver is requested is not employed until a decision has been made.

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

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

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

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

(f) **Restrictions.**

(1) 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.

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

(g) **Child abuse.** The requirements pertaining to child abuse are contained in this subsection.

(1) Any caregiver who has reason to believe that a child has been abused is required to promptly contact the statewide toll-free Child Abuse Hot Line, 1-800-522-3511.

(2) Staff are required to cooperate fully in the investigation of any allegation.

(h) **Health.** Requirements pertaining to employees' health are contained in this subsection.

(1) **Tuberculosis testing.** The need for tuberculin skin testing of employees is based upon a local identified tuberculosis exposure, the degree of risk of transmission of latent tuberculosis infection, the impact to public health and safety and the specific recommendations of the Oklahoma State Department of Health.

(2) **Impairment of job performance.** OKDHS OCCS Licensing Services (Licensing) may require a report of a physical or psychological examination by a licensed physician or mental health professional if it is reported or observed that an employee has a physical, mental, or emotional condition that impairs the employee's ability to perform assigned job responsibilities.

(i) **Employee qualifications.** Requirements applicable to employee qualifications are contained in this subsection.

(1) **Director.** The director of a school-age program is required to be at least 21 years of age and have:

(A) a high school diploma or General Educational Development (GED) and two years of satisfactory full-time experience in a related school-age, educational, or child care setting;

(B) a high school diploma or GED and 12 college credit hours in child development, elementary, or secondary education, or a closely related subject and one year of satisfactory experience in a related school-age, educational, or child care setting;

(C) an associate or bachelor degree with at least 12 college credit hours in child development, elementary or secondary education or a closely related subject; or

(D) a high school diploma or GED and successful completion of a school-age child care training program that meets the criteria approved by the Child Care Advisory Committee.

(2) **Lead teacher.** Lead teachers are required to be at least 19 years of age and have:

(A) a high school diploma or GED and one year of satisfactory full-time experience in a related school-age, educational, or child care setting;

(B) a high school diploma or GED and 12 college credit hours in child development, elementary, or secondary education or a closely related subject;

(C) an associate degree with at least six college credit hours in child development, early childhood, elementary, or secondary education or a closely related subject; or

(D) a high school diploma or GED and successful completion of a school-age training program that meets the criteria approved by the Child Care Advisory Committee.

(3) **Teachers.** Teachers hired after September 1, 1997 are required to:

(A) be at least 18 years of age;

(B) have a high school diploma or GED; or

(C) have completed the tenth grade and be in the process of obtaining a GED for a period not to exceed 12 months.



- (4) **Assistant teachers.** Assistant teachers are at least 16 years of age and:
  - (A) have a high school diploma or GED; or
  - (B) are currently enrolled in school.
- (5) **Substitutes.** Substitutes must be at least 18 years of age. Substitutes who have worked more than 40 hours in the program are required to comply with the minimum requirements for the position they are filling.
- (6) **Teen aides.** Teen aides are at least 13 years of age.
- (j) **Responsibilities of employees and volunteers.**
  - (1) **Director.** The director, or on-site staff person who meets director's qualifications, is present at the program at least 50 percent of operating hours or a minimum of 30 hours per week and is responsible for the day-to-day operation of the program.
    - (A) When four or more teachers are needed to meet minimum staff-child ratios, the director is free from direct care responsibilities at least one hour per day during operating hours to provide program oversight and staff supervision.
    - (B) The director, or on-site staff person who meets director's qualifications, is responsible for:
      - (i) upon employment, providing three references to Licensing, including at least two from the director's most recent employers when applicable. The other reference(s) may be personal, excluding relatives;
      - (ii) appointing a staff member to take responsibility for the operation of the program in his or her absence and posting that person's name in a conspicuous place;
      - (iii) maintaining a facility that meets the minimum requirements;
      - (iv) ensuring that a staff member trained to administer first aid, including rescue-breathing and choke-saving measures, is present at all times;
      - (v) submitting to OCCS licensing records office criminal history investigations and obtaining dispositions on any charges shown on the report that lack dispositions;
      - (vi) prior to employing staff, obtaining and documenting three references, including at least two from the applicant's most recent employers when applicable. The other reference(s) may be personal, excluding relatives;
      - (vii) supervising the conduct of staff, volunteers, or others who provide services in the facility; and
      - (viii) cooperating with licensing staff and other appropriate agencies in maintaining compliance with requirements and in improving the quality of care.
  - (2) **Lead teachers.** At least one full-time lead teacher is required for every 60 children for which the program is licensed. The director may be counted as a lead teacher.
  - (3) **Teachers.** Teachers have primary responsibility for the direct care of children.
  - (4) **Assistant teachers.** Assistant teachers work under the on-site supervision of a qualified director or teacher who is readily available at all times.
    - (A) A director, lead teacher, or teacher does not directly supervise more than two assistant teachers.
    - (B) Assistant teachers are not permitted to have sole responsibility for a group of children except for special activities.
  - (5) **Auxiliary personnel.** Auxiliary personnel, for example, cooks, building custodians, or other personnel who provide indirect services to children:

- (A) demonstrate knowledge and skills necessary to perform their job responsibilities;
  - (B) meet applicable requirements for staff caring for children as set forth in this Section if they are responsible for children for any part of the day; and
  - (C) are not included in the staff-child ratio while performing auxiliary functions. Minimal cleaning and food service, for example, light cleaning, picking up toys, sweeping the classroom, and reheating and serving food, are not considered auxiliary functions as long as supervision and program are not adversely affected.
- (6) **Volunteers.** Volunteers are required to meet all requirements in this paragraph.
- (A) Volunteers and student interns may not be included in the staff-child ratio unless they are assigned to the program for at least three consecutive months. Volunteers are permitted to serve as temporary or permanent substitutes.
  - (B) Volunteers counted in the staff-child ratio meet all requirements in this Part.
  - (C) Volunteers are under the direct supervision of the director or a designated staff member.
- (7) **Substitutes.** Substitutes carry out the assigned responsibilities of the position they are filling.
- (8) **Teen aides.** Teen aides:
- (A) are not counted toward meeting the staff-child ratio and are not included in the licensed capacity;
  - (B) must be under the on-site supervision of a teacher who meets lead teacher qualifications. One lead teacher may supervise no more than two teen aides;
  - (C) are placed only in groups where at least one staff member is 18 years of age. No more than two teen aides may be assigned to a group of children;
  - (D) must be at least two years older than the group to which they are assigned;
  - (E) must be visibly identifiable through means such as name tags or T-shirts; and
  - (F) are never left alone with children.
- (k) **Professional development.**
- (1) **Orientation.** Within one week of employment and prior to having sole responsibility for a group of children, each staff member, including auxiliary staff, receives orientation.
- (A) Orientation includes a review of:
    - (i) infection control;
    - (ii) injury prevention;
    - (iii) handling common childhood emergencies, including choking;
    - (iv) the program's policy and procedure and staff responsibility for implementation; (Also see Section 224.)
    - (v) licensing requirements;
    - (vi) employees' assigned duties and responsibilities;
    - (vii) emergency procedures in the event of injury, severe weather, or fire, including use of fire extinguishers;
    - (viii) the definition, identification, and mandatory reporting of child abuse and neglect;
    - (ix) the daily schedule;
    - (x) the methods used to inform staff of any special health, nutritional, or developmental needs of children assigned to the caregiver; and

- (xi) confidentiality of information regarding children and their families.
  - (B) Documentation includes a statement, signed by the employee and director, in each employee's personnel file attesting to the orientation and review.
  - (C) New staff have a probationary period of at least 30 days during which they are closely supervised.
- (2) **Health and safety training.** Staff are required to comply with the health and safety training requirements contained in this paragraph.
- (A) When children are in care on or off the program premises, including during transportation, staff are present who have current documentation of certification in age-appropriate first aid and cardio-pulmonary resuscitation (CPR) as approved by 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, such as sprains and fractures;
    - (ix) dental emergencies;
    - (x) head injuries
    - (xi) allergic reactions;
    - (xii) eye injuries;
    - (xiii) loss of consciousness;
    - (xiv) electric shock; and
    - (xv) drowning.
- (3) **Ongoing training.** Requirements of staff for ongoing training are contained in this paragraph.
- (A) **Director.** The director is required to obtain 40 clock hours of training every two years by obtaining 20 clock hours of training annually from an OKDHS approved source, such as professional conferences or an accredited college, university, or vocational program.
    - (i) OKDHS OCCS approves training upon request.
    - (ii) Training is relevant to job responsibilities and includes program administration or management, age-appropriate childhood education, and infection control.
  - (B) **Staff with children.** Each person who is counted toward meeting the staff-child ratio is required to obtain 24 clock hours of training every two years, by obtaining 12 clock hours of training annually that is relevant to job responsibilities and includes infection control.
    - (i) The director assists staff in identifying and selecting training that is varied, appropriate, and builds upon previous training.
    - (ii) No more than six hours of self-directed readings, use of videos, or informal on-site training is counted toward the required annual training hours.

- (iii) Reports of self-directed reading are documented and submitted to the director.
- (4) **Food service training.** The person primarily responsible for food preparation is required to receive training in:
  - (A) nutrition planning;
  - (B) age-appropriate food selection;
  - (C) food preparation, service, and storage; and
  - (D) cleaning and sanitizing equipment and utensils.
- (5) **Substitute and volunteer staff training.**
  - (A) Substitute and volunteer staff are required to be familiar with program policy and procedure before being left in charge of a group of children.
  - (B) Volunteers who are counted to meet the staff-child ratio meet the requirements for ongoing training listed in (3) of this Section.
- (6) **Documentation of training.** Documentation of training for each staff member is required and includes the topic, training provided, date, and hours.

### **Section 227. Supervision of school-age children**

- (a) **General.** All children are required to be adequately supervised at all times, as defined in Section 221.
  - (1) Each child is assigned a staff person responsible for him or her who is aware of the child's habits, interests, and special problems, if any. Staff have access to each child's records at all times.
  - (2) When the program provides or arranges for activities off the premises, an adult staff member from the program is required to be with each group, and appropriate staff ratios are maintained.
  - (3) When play areas are accessible to the public, boundaries are identified to children. Supervision of enrolled children must be possible, for example, space is reserved for program use only or children wear T-shirts with the program's logo.
  - (4) Children are generally required to be within the sight or hearing of staff. Staff may assess whether children, who have a good understanding of the program's rules and policies regarding appropriate behavior, may be permitted to take part in a short-term activity that is not within the sight or hearing of staff. In these instances, staff make personal contact with the children at least every ten minutes. Staff are required to:
    - (A) be able to provide immediate intervention if needed; and
    - (B) know the whereabouts of each child at all times and the nature of his or her activities.
- (b) **Staff-child ratios.** A 1:20 staff-child ratio is maintained. A staff-child ratio of 1:10 - 12 is recommended by the National School-Age Care Alliance and the National Association of Elementary School Principals.
- (c) **Group size.** The number of children in an activity is limited to facilitate staff-child interaction and safe, constructive participation by children.
- (d) **Swimming guidelines.** When children are swimming and are not participating in swimming lessons with a certified instructor, there is at least a 1:10 staff-child ratio. (Also see Section 232.)

### **Section 228. Parent - staff communication**

- (a) Parents of enrolled children are permitted reasonable access to all parts of the program during hours of operation, unless restricted under provisions of Section 226(e).
- (b) The OKDHS publication for parents of school-age children is made available to parents upon their child's enrollment.
- (c) A verbal or written system is used by staff for sharing day-to-day happenings, changes in a child's physical or emotional state, or information regarding any known cuts, burns, or injuries that may require evaluation by a physician.
- (d) Each program is required to provide at least three of the options listed in (1) through (6) of this subsection.
  - (1) Parents are welcome in the program at all times, for example, to observe, eat lunch with a child, or volunteer in the classroom.
  - (2) Conferences are held at least once per year, and at other times as needed, to discuss children's progress, accomplishments, and difficulties.
  - (3) A parent resource area is available, with books, pamphlets, or articles on parenting.
  - (4) Parent meetings are held, with guest speakers or special events, for example, open house, family pot-luck dinners, and children's programs.
  - (5) Parents are informed about the program through a parent's bulletin board, regular newsletter, or parent handbook.
  - (6) Parents participate in program and policy development through board involvement, planning meetings, or questionnaires.

### **Section 229. Physical facilities**

- (a) **Location and construction.** The program location is required to be in an area that offers minimal hazards to the health, safety, and welfare of the children.
  - (1) The program is in compliance with the building codes applicable at the time the license was issued.
  - (2) Any program that operates on a 24-hour per day basis is required to comply with other construction standards required in state-adopted codes, as determined by the State Fire Marshal.
  - (3) Heating and cooling systems are operable and meet the Fire Safety Requirements in Section 241.
  - (4) A kitchen is a separate area built, remodeled, or arranged in a way that discourages unsupervised access by children or unauthorized persons.
  - (5) Any alteration, addition, or new construction must comply with current requirements.
    - (A) Paint containing lead in excess of 0.06 percent is not used when surfaces are repaired or when any new surfaces accessible to children are painted.
    - (B) Construction, remodeling, or alterations of structures that occurs during a program's hours of operation is accomplished in a manner that prevents hazards or unsafe conditions, for example, fumes, dust, and safety hazards.
  - (6) Basement areas may be used if dry and properly ventilated, and adequate provision is made for fire prevention and protection.
  - (7) A program is required to have approval from:
    - (A) the health department if meals are prepared and served; and
    - (B) the fire department.

(b) **Auxiliary spaces.** The requirements regarding auxiliary spaces are listed in this subsection.

- (1) The areas not counted in determining the capacity of the program are:
  - (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 and supply rooms; and
  - (F) space occupied by furniture not for children's use.
- (2) Toileting and hand-washing facilities:
  - (A) are easily accessible to children and staff;
  - (B) contain operable flushing toilets and hand sinks in good repair;
  - (C) are maintained in a clean and sanitary condition with adequate ventilation;
  - (D) contain toilet paper within easy reach of children;
  - (E) have non-absorbent floor surfaces in toilet areas;
  - (F) have hand sinks with hot and cold or tempered running water with the temperature between 100 and 120 degrees F. If the temperature exceeds 120 degrees, a tempered valve is required;
  - (G) contain soap for hand-washing, individual-use towels or mechanical hand dryers, and waste containers within easy access of children; and
  - (H) contain:
    - (i) one toilet and one sink for every 25 children; or
    - (ii) one toilet and one sink for every 50 children with a minimum of two toilets and sinks and at least one bathroom for males and one for females.

(c) **Safety and sanitation.** Safety and sanitation requirements are contained in this subsection.

- (1) **Physical environment.** The physical environment of the program includes:
  - (A) a structurally sound interior and exterior in good repair, for example, walls and ceilings are free from holes, and peeling paper and paint;
  - (B) barriers with openings of no more than four inches on porches, elevated walkways, and elevated play areas of more than five feet in height;
  - (C) railings for stairways over five feet in height, both inside and outside;
  - (D) floors free of broken tile, torn carpet, and holes;
  - (E) windows and doors free of broken glass or other hazards;
  - (F) clear glass doors that are marked at children's eye level;
  - (G) screens on open windows and doors in food preparation and service areas;
  - (H) self-closing apparatus on all screen and storm doors;
  - (I) indoor temperature in activity areas maintained between 65 and 85 degrees F.;
  - (J) lighting levels bright enough to accommodate activities with comfort;
  - (K) all areas clean and sanitary at all times;
  - (L) no vermin infestation, including rodents and insects;
  - (M) a supervised room or space in which children who become ill can be separated from other children; and
  - (N) prohibiting the use of tobacco products in the facility and on the play ground during hours of child care.

- (2) **Emergency preparedness.** The program:
- (A) has an operable direct-line telephone located within the facility with an extension on each floor and in each building for both incoming and outgoing calls. A pager may be used for access to incoming calls;
  - (B) has posted by each telephone the name and address of the program and a list of emergency phone numbers to include the fire department, police department, ambulance service, medical resource to be used, and poison control, 1-800-522-1222;
  - (C) has a record posted of the fire drill and smoke detector test that are conducted monthly; and
  - (D) has a documented tornado drill that is conducted each spring.
- (3) **Hazards.** The program:
- (A) is free of hazards;
  - (B) has medication, cleaning materials, detergents, aerosol cans, pesticides, health and beauty aids, poisons, and other toxic materials stored in their original labeled containers. Smaller containers may be used for these products if they are properly labeled with the product name, and warning information is maintained at the facility;
  - (C) has medicines, cleaning solvents, and hazardous items stored so they are inaccessible to children and in a manner which prevents contamination of food;
  - (D) has firearms, pellet or BB guns, bows and arrows, darts, cap guns, and fireworks stored so that they are inaccessible to children. Firearms are stored unloaded in a locked cabinet separate from ammunition;
  - (E) has compressed gas cylinders secured to prevent them from falling over; and
  - (F) ensures pesticides or other toxic chemicals are used in strict compliance with label instruction and are applied when children are not present.
- (4) **Animals.** If animals are kept on the premises, compliance with the rules in this paragraph is required.
- (A) Parents are advised of the presence of animals.
  - (B) Any pet or animal is in good health, does not show evidence of carrying disease, is friendly toward children, and does not present a threat to the health, safety, and well-being of children.
  - (C) Animals are maintained in a visibly clean manner.
  - (D) Any animal, including birds, hamsters, dogs, and cats, that has evidence of disease, for example, diarrhea, skin infection, severe loss of appetite, weight loss, lethargy, or any unusual behavior or symptoms, is isolated and examined by a licensed veterinarian.
  - (E) Local ordinances pertaining to animals on the premises are followed.
  - (F) Dogs and cats are vaccinated for rabies and are free of fleas, ticks, and worms.
  - (G) Proof of current compliance is kept on file at the program when vaccinations are required.
  - (H) Ferrets, turtles, birds of the parrot family, or any wild or dangerous animals are not kept at the program.
  - (I) Animals that are common carriers of rabies, but cannot be vaccinated for that disease, are prohibited.

- (J) Newly acquired birds are quarantined and observed for signs of illness for 30 days before being brought to the program.
- (K) All reptiles are inaccessible to children.
- (L) Animals are restricted from areas where food is stored, prepared, or served.
- (M) Areas of confinement, such as cages and pens, are cleaned of excrement daily.
- (N) Animal litter boxes are not located in kitchens or areas accessible to children.
- (O) Outdoor play areas are cleaned of excrement daily or more often as needed.
- (P) If an animal bites a child and the skin is broken, the child's parent and the county or state health department are immediately notified and the incident documented in the Injury Log.

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

- (1) **Indoor play space.** Indoor play space requirements are listed in this paragraph.
  - (A) A minimum indoor play space that is routinely used by children is required to have 35 square feet of floor area per child. This does not include auxiliary spaces listed or single-use rooms, for example, isolation rooms, dining rooms, sleep rooms, and rooms used for large muscle play.
  - (B) No room is routinely occupied by more children than can be accommodated at 35 square feet per child.
  - (C) A large area, such as a gymnasium, may be counted toward the licensed capacity for school-age children only if it is divided into well-defined areas that are appropriately equipped.
- (2) **Outdoor play space.** The requirements for outdoor play space are listed in (A) through (C) of this paragraph.
  - (A) When a program is licensed for less than 24 children, there is a minimum outdoor play space of 75 square feet per child for the total licensed capacity.
  - (B) When a program is licensed for 24 or more children, there is 75 square feet of outdoor play space per child for at least one-third of the total number for which the program is licensed, provided that the minimum amount of outdoor space will accommodate 24 children, which is 1800 square feet.
  - (C) If licensed for 24 or more children and there is outdoor play space of less than 75 square feet per child:
    - (i) a time schedule is planned to ensure that, weather permitting, every child has an opportunity for outdoor play each day;
    - (ii) a copy of the current schedule is submitted to OKDHS; and
    - (iii) a copy of the current schedule is posted so that parents and staff members are aware of the outdoor play periods.

### **Section 230. Equipment**

(a) **General.** The equipment required in this subsection assists the caregiver in providing for each child's physical, intellectual, emotional, and social development.

- (1) A variety of equipment is accessible to all children on a daily basis.
- (2) Equipment is:



- (A) complete, sturdy, and in good working condition;
  - (B) maintained in a safe and sanitary condition;
  - (C) lead free, such as in crayons and paint;
  - (D) of appropriate size and type to meet the developmental needs of that age group; and
  - (E) provided in quantities proportionate to the number of children in each age group and the number of children for which the program is licensed.
- (3) Indoor climbing equipment over four feet high has impact-absorbing mats in fall zones that extend a minimum of six feet in all directions from the perimeter of the equipment.
- (4) Caregivers monitor play equipment for potential hazards, for example, toys with strings, loose parts, and sharp edges.
- (5) The director constantly reevaluates equipment as enrollment varies. When the number of children in an age group increases, additional equipment is provided in accordance with the required ratios and developmental levels of the children in care, as listed in Section 230(b).
- (b) **Minimum equipment for school-age children.** When school-age children are in care, the requirements listed in this subsection are met.
- (1) Basic items required are:
    - (A) one cot, bed, or mat with a sheet and blanket for each sleeping or ill child;
    - (B) adequate table and chair space available at any given time;
    - (C) assigned individual space for personal belongings;
    - (D) adequate shelf space to ensure that play equipment is organized and easily accessible to children;
    - (E) audio equipment, record player, or c.d. or tape player for each school-age group, with records, c.d.'s, or tapes;
    - (F) safe storage for ongoing projects and small items;
    - (G) adequate supply of facial tissue, wash cloths, towels, and feminine hygiene products; and
    - (H) sufficient clothing in various sizes in case of accidents.
  - (2) Equipment is provided in accordance with Supplement IX, Minimum Indoor Equipment for School-Age Children.

### **Section 231. Outdoor safety and play equipment**

- (a) **Play space.** Play space requirements are listed in this subsection.
- (1) Play space is 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) Partial fencing may be required when needed to protect children from traffic and other hazards. Fencing is not required on all sides if the area is properly protected from traffic and other hazards.
  - (3) When required, the fence is:
    - (A) at least 48 inches high; and
    - (B) maintained in a stable, secure, upright, and good condition and poses no risk to children.
  - (4) Play space is maintained:

- (A) in a safe and clean condition;
- (B) free of hazards; and
- (C) free from weeds, tall grass, untrimmed shrubbery, standing water, and litter, to prevent vermin and insect infestation.

(b) **Surfaces.** If the program shares playground space that does not comply with the playground safety requirements in (1) through (6) of this subsection, a plan may be submitted to Oklahoma Department of Human Services (OKDHS) Division of Child Care Licensing for approval. The plan includes a description of playground space to be used and methods to ensure that children do not play in the area that does not meet the requirements.

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

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

(A) Impact-absorbing materials include loose materials, such as shredded hardwood, bark, pea gravel, shredded rubber, and washed concrete sand, or compact materials, such as outdoor rubber mats and synthetic turf.

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

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

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

(B) The fall zones for multi-axis swings or tire swings, extend a distance of six feet plus the length of the chain in every direction.

(C) The fall zones on the sides of equipment are not required if the potential for falls in that direction is minimal, for example, the sides of a swinging structure.

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

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

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

(c) **Playground safety.** The requirements regarding playground safety are in this subsection.

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

(A) Equipment does not have angles or openings that could entrap any part of a child's body or head.

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

- (C) Equipment is installed, maintained, and used in accordance with the manufacturer's instructions.
  - (D) Unless portable by design, equipment is securely anchored, and anchors pose no hazard to children.
  - (E) Swing seats are constructed of durable, lightweight, relatively pliable material, for example, nylon webbing, rubber, or plastic.
- (2) Play space and equipment are arranged to prevent hazards from conflicting activities.
  - (3) A minimum of 25 percent of the required outdoor play space must be open, unobstructed area.
  - (4) Fall zones are free of all obstacles, with the exception of support structures for swings. A 30-inch clearance between a fully extended tire swing and the support structure is required.

### **Section 232. Care of school-age children**

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

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

- (1) actively seek meaningful conversations with children and talk about events of importance;
- (2) are available and responsive to children, for example, encouraging them to share experiences, ideas and feelings, and listening to them with attention and respect;
- (3) describe problem situations to encourage children to evaluate a problem rather than imposing an adult solution; and
- (4) have developmentally appropriate expectations of school-agers' social behavior; and facilitate rather than instruct, for example, offer suggestions, provide positive reinforcement, encourage, and recognize efforts and accomplishments.

(c) **Activities and program.** Requirements pertaining to children's activities and program are listed in this subsection.

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

- (A) opportunities for alternating periods of indoor and outdoor play, weather permitting;
- (B) alternating periods of quiet and active play;
- (C) a balance of large muscle and small muscle activities;
- (D) more than one option for an activity, including individual, small group, or large group, for children most of the day; and
- (E) a variety of developmentally and age-appropriate activities and materials.

(2) **Schedule.** The daily schedule is posted.

(d) **Special activities.** If the program engages in potentially dangerous activities, for example, water activities, archery, gymnastics, or karate, the requirements listed in this paragraph are met.

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

- (A) qualifications of the supervisor of the activity;

- (B) qualifications of any other staff members necessary for proper supervision of the activity;
- (C) number of staff members needed to supervise the activity;
- (D) conditions under which a child may participate in the activity, for example, the age and skill of the child;
- (E) any special equipment necessary, for example, life jackets, including the supply and condition; and
- (F) safety practices to be followed.

(2) **Parental permission.** Written permission from the parent is required to be on file with the program.

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

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

### **Section 233. Care of children with disabilities**

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

(1) **Special needs.** When a child with disabilities is enrolled, the director requests information from the parent regarding the child's special needs. The program is prohibited from obtaining information or health records from the parent solely for the purpose of screening out or denying care to a child with particular types of disabilities.

(2) **Staff-child ratios.** If needed to ensure proper supervision and care of all children at the program, additional staff may be required depending on the number of children with disabilities present and the degree and type of their disabilities.

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

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

(b) **Records.** To the extent voluntarily disclosed by the parent, information relevant to the needs of the child is maintained and updated, and includes:

- (1) routine care, including instructions for eating, sleeping, toileting or diapering, communication, and positioning;
- (2) individual special needs, including behavior and guidance;
- (3) adaptive devices or special equipment;
- (4) medication, treatment, or therapy;
- (5) individual medical emergency plan;
- (6) names of staff who have received instructions for the specialized care of that child; and
- (7) parental permission, if given, to consult with appropriate health and child developmental professionals.

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

### **Section 234. Water activities**

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

(b) **Supervision.** Any activity that involves water is supervised at all times. This includes supervision of children in dressing areas.

(1) Staff-child ratios for swimming are met, in accordance with Section 227(d).

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

(c) **Lifeguard.** A certified lifeguard is present. If the lifeguard is a staff member of the program, he or she:

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

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

(3) is responsible for not more than 35 children.

(d) **Swimming prohibited.** Swimming is prohibited when the appropriate number of qualified staff members are not present.

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

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

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

(3) Lifesaving equipment is available at the pool side in accordance with the Oklahoma State Department of Health's publication, "Design Standards and Operational Criteria for Public Bathing Places," OSDH Engineering Bulletin.

(f) **Swimming pools.** Swimming pools used by the program are considered public bathing places and include permanent wading pools, inground pools, and above-ground pools.

(1) Swimming pools are in compliance with quality, occupancy, and fencing standards as described in "Design Standards and Operational Criteria for Public Bathing Places," OSDH Engineering Bulletin.

(2) Diving is not permitted unless the pool meets design criteria for a diving pool.

(g) **Restrictions.** The program ensures compliance with the requirements in this subsection.

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

(2) Swimming and wading are not allowed at a lake, pond, or other similar body of water. Children may participate in shore-line activities, such as fishing and boating, if the requirements contained in Section 232(d) are met.

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

### **Section 235. Night-time care**

(a) **Requirements.** When children spend the night, the program complies with the requirements contained in this Section.

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

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

- (1) A staff person remains with each group.
- (2) Other staff required to meet staff-child ratios remain in the building.

(d) **Sleeping space and equipment.** Each child has an individual, assigned sleeping space, such as a cot or bed. Mats may not be used for overnight care. Each cot or bed:

- (1) has a waterproof pad or mattress, pillow, pillow case, and two sheets;
- (2) has a bottom sheet that is properly secured;
- (3) has additional covers available;
- (4) is maintained in good repair, free of holes and tears, in a safe and sanitary condition, and is sanitized at least once a week;
- (5) is of sufficient size to accommodate comfortably the size and weight of the child;
- (6) has bedding that is in good condition and stored in a sanitary manner;
- (7) has sheets and covers changed at least weekly and when soiled; and
- (8) is spaced to allow easy access by staff and safe evacuation of children.

(e) **Safety.** The program complies with the safety requirements in this subsection.

- (1) Emergency lighting devices are installed throughout programs that provide night care.
- (2) The program maintains lighting levels bright enough to accommodate activities with comfort and allow the caregiver to see each child's facial features.
- (3) Sleeping accommodations are restricted to ground floor areas.
- (4) Programs that operate on a 24-hour per day basis may be required to meet other construction requirements in state-adopted codes as determined by the state or local fire marshal.

(f) **Personal hygiene.** The program provides for children's hygiene needs in accordance with the requirements in this subsection.

- (1) Arrangements are made for personal hygiene, including bathing and tooth-brushing.
- (2) Privacy is ensured for children while they are washing and when they are changing clothes.

### **Section 236. Behavior and guidance**

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

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

- (1) recognize and encourage acceptable behavior;
- (2) teach by example and use fair and consistent rules in a relaxed atmosphere with discipline that is relevant to the child's behavior;
- (3) supervise with an attitude of understanding and firmness;
- (4) give clear directions and provide guidance appropriate to the child's level of understanding;
- (5) redirect the child by stating alternatives when behavior is unacceptable;
- (6) encourage the child to control his or her own behavior, cooperate with others, and solve problems by talking things out;
- (7) give guidance in activities in an orderly fashion including a choice of interesting planned activities;

- (8) maintain perspective about school-agers' misbehavior, recognizing that every infraction does not warrant staff attention or intervention; and
- (9) use natural and logical consequences as applicable and "time-out" periods only as necessary.

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

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

### **Section 237. Health**

(a) **Cleanliness.** Requirements pertaining to cleanliness are listed in this subsection.

- (1) Caregivers thoroughly wash their hands with soap and warm, running water:
  - (A) before handling food;
  - (B) before feeding children or eating;
  - (C) after touching or cleaning up body fluids; and
  - (D) after handling or feeding pets.

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

(3) A child's wet or soiled clothing is changed immediately and discreetly, privacy is provided, and a supply of clean clothing is available.

(4) Each toilet article, for example, wash cloth, towel, comb, and toothbrush, is individually assigned and stored and is not used jointly by or on children.

(5) When a child with special needs is in diapers, arrangements are made for sanitary diaper changing, hand-washing, and privacy.

(b) **Health records.** Upon admission of a child, parents are required to submit:

- (1) the child's immunization record; and
- (2) current information regarding any special health needs of the child, with the name of the child's physician (See Section 225 (b)).

(c) **Immunizations.** Children have, or are in the process of obtaining, all required immunizations at the medically appropriate time. When a child is accepted for whom an

exemption is claimed, documentation of the exemption is kept on file at the program. (See Supplement III)

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

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

(2) Any child showing symptoms of illness or infestation is separated from the group and the child's parent or physician is notified as needed.

(3) The local or state health department is notified upon discovery of any case of hepatitis, meningitis, Shigellosis, Giardiasis, measles, rubella, whooping cough, tuberculosis, or any Haemophilus 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) Cots, bedding, and play equipment are cleaned and sanitized after use by an ill child.

(5) Disposable, nonporous gloves are used to clean up blood, vomit, or body fluids that may contain blood. Disposable gloves are discarded in a closed container immediately after use, and staff wash their hands.

(6) A commercial disinfectant or a bleach solution of one tablespoon of bleach to one gallon of water, made fresh daily, is used to disinfect surfaces when needed.

(See Supplement VIII)

(7) Parents are notified as soon as possible of children's exposure to a contagious illness or infestation.

(8) Staff with symptoms of a communicable disease or illness are not permitted in the program.

(e) **Medication.** The requirements pertaining to administering medication are contained in this subsection.

(1) The parent signs an authorization for program staff to administer each medication. Directions are recorded for the proper amount or dosage, including time and days medication is to be administered.

(2) If a child has a chronic medical problem, the parent may sign a medication authorization for up to a nine-month period for prescribed medication to be administered when symptoms occur. Parents are notified when medication is administered.

(3) Prescription medication is not administered unless the medication is part of a prescribed therapeutic treatment.

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

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

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

(7) All medications are inaccessible to children and stored in a manner that prevents contamination of food.

(8) Medication is either returned to the parent or disposed of properly when it is out-of-date or the child has withdrawn from the program.



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

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

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

- (1) administration of first aid and location of the first aid kit;
- (2) name and telephone number of the emergency service, physician, or clinic;
- (3) notification of the parent; and
- (4) notification of Licensing Services regarding the death of a child or any injury to a child that requires emergency medical attention that occurred while the child was in care, in accordance with Section 223(c)(3)(G) and (H).

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

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

### **Section 238. Food and nutrition**

(a) **Food service plan.** The program's food service plan and a sample menu, reflecting the required food service, are filed with the Oklahoma Department of Human Services (OKDHS). (See Supplement IV) Meals and snacks may be provided by the program or parents.

- (1) When children are at the program for over a four-hour period, a noon meal is served to children.
- (2) When the program provides care before 7:00 A.M., breakfast or a snack is available to children.
- (3) When the program provides evening care, an evening meal and evening snack are available to children.

(b) **Meals and snacks.** The program ensures that meals and snacks are available to all children in care.

(1) If the program provides food and a child has a special dietary need, including health or religious restrictions, parents may be requested to supplement the program's food service.

(2) If the program provides food, second servings are available for children.

(3) If children provide their own meals or snacks, the program:

(A) provides refrigeration at 41 degrees F. or below for all sack lunches containing perishable foods;

(B) equips each refrigerator or ice chest with a thermometer; and

(C) provides a meal that meets one-third of the child's daily nutritional requirements or a snack for children who have not brought one.

(c) **Ice chest.** If an ice chest is used to refrigerate perishable foods or milk:

(1) the food or milk is served within four hours and is not re-served or re-refrigerated;

(2) packaged food is not stored in contact with water or undrained ice;

(3) self-wrapped sandwiches are not stored in direct contact with ice; and

(4) ice used for refrigeration is not used for any other purpose.

(d) **Menu posting.** If food is provided by the program, current weekly menus are posted at all times.

(1) A duplicate menu is posted in the kitchen for the cook's use.

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

(e) **Food storage and preparation.** Food storage and preparation comply with food service and sanitation requirements contained in Section 241.

(1) Programs providing limited food service, including planned educational and learning experiences, are not required to meet these requirements.

(2) Only non-potentially hazardous food items may be brought from individual homes for consumption by a group of children.

(f) **Water.** Safe drinking water is freely available to children at all times.

### **Section 239. Transportation**

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

(1) The vehicle and operator or a vehicle used to transport children are in compliance with all applicable state laws.

(2) Written permission from parents or guardian for transportation of their child is on file at the program.

(3) Parents receive prior notification of each field trip. Written parental permission is only required for participation in swimming and other potentially dangerous activities, in accordance with Section 234.

(4) Supervision of the children begins 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. Written instructions and approval from the parent for such a plan is required and maintained on file by the program.

(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 that is valid in the driver's state of residence and of the type appropriate for the vehicle;

(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.** The driver is counted toward meeting the 1:20 staff-child ratio when transporting children.

(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. When the vehicle is equipped with a mobile communication system, route information is not required.

(2) The driver is provided with:

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

(B) the names of the children being transported; and

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

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

(A) backing vehicles;

(B) being between vehicles; and

(C) all traffic hazards.

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

(5) Children are not permitted to 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 extends from windows.

(7) Vehicles containing children are never left unattended.

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

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

(1) 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.

(2) Each seat belt:

(A) is properly anchored to the vehicle; and

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

(3) 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.** Any vehicle used to transport children complies with the requirements listed in this subsection.

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

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

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

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

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

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

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

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

(9) A first aid kit, in accordance with Section 237(h), is available in the vehicle at all times.

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

#### **Section 240. Food service and sanitation requirements**

(a) **General.** Food service and sanitation requirements are listed in this subsection.

(1) Food is protected at all times from any contamination including cross-contamination between raw and cooked foods, toxic substances, or

contamination by insects or rodents while being stored, prepared, displayed, dispensed, packaged, or transported.

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

(b) **Food supplies.** The requirements regarding food supplies are contained in this subsection.

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

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

(3) **Milk products.** Requirements pertaining to milk products are included in (A) through (E) of this paragraph.

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

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

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

(D) Milk is stored in the original carton.

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

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

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

(c) **Potentially hazardous foods.** Requirements pertaining to potentially hazardous foods are listed in this subsection.

(1) **Cooking.** Potentially hazardous foods requiring cooking are cooked so that all parts of the food are heated to a temperature of at least 140 degrees F., and the requirements in (A) through (C) of this paragraph are met.

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

(B) **Poultry, stuffed meats, and stuffings.** Poultry, poultry stuffings, stuffed meats, and stuffings that contain meat are cooked so that all parts of the food are heated to at least 165 degrees F. with no interruption of the cooking process.

(C) **Pork.** Pork and any food containing pork are cooked so that all parts of the food are heated to at least 150 degrees F.

(2) **Egg products.** Only clean, whole-shell eggs without cracks, which meet applicable grade standards and are held at 41 degrees F. during storage, are used.

(A) Raw, unpasteurized eggs are not used in uncooked food, such as ice cream and egg nog.

(B) Raw eggs which have been shelled are not held in excess of four hours.

- (3) **Reheating foods.** Before being served, potentially hazardous foods that have been cooked and then refrigerated are reheated rapidly throughout to 165 degrees F. or higher before being served.
- (d) **Food protection.** Foods are covered and protected from contamination while being stored, prepared, displayed, and transported.
- (1) Medicines and other hazardous items are stored in a manner which prevents contamination of food.
  - (2) Refrigeration units and insulated facilities are required to ensure maintenance of all food at 41 degrees F. or below except during preparation and service.
  - (3) A thermometer is located in a conspicuous place in each refrigerator and freezer.
  - (4) All perishable foods, including fruits and vegetables, are stored at temperatures that will protect against spoilage.
  - (5) A metal-stem thermometer is available to check food temperatures.
  - (6) All potentially hazardous foods are maintained at safe temperatures of 41 degrees F. or below or 140 degrees F. or above except during necessary periods of preparation and service.
  - (7) Use of food from damaged or unlabeled cans is prohibited.
  - (8) Frozen food is kept at 10 degrees F. or below except when being thawed at refrigerator temperature of 41 degrees F. or under cool, potable running water of 70 degrees F. or below.
  - (9) Containers of food are stored off the floor on clean surfaces in a manner that protects them from splash and other contamination.
- (e) **Food preparation.** Food is prepared with a minimum of manual contact on food-contact surfaces and with clean, sanitized utensils.
- (1) When there is a change in processing between raw beef, pork, poultry, or seafood, or a change in processing from raw to ready-to-eat foods, each new operation begins with clean, sanitized food-contact surfaces and utensils.
  - (2) Raw fruits and vegetables are thoroughly washed with potable water before being cooked or served.
- (f) **Use of food.** Individual or family-style portions of food once served are not served again. Wrapped food that remains properly stored and has not been unwrapped may be served again.
- (g) **Transporting food.** The requirements for storage, display, and general protection against contamination contained in this Section apply to all food that is transported from one location to another for service.
- (1) During transportation, potentially hazardous food is kept at 41 degrees F. or below or 140 degrees F. or above.
  - (2) During transportation all food is in covered containers or completely wrapped or packaged to protect it from contamination.
- (h) **Catering services.** When catering services are used:
- (1) meals are obtained from a food service establishment approved by the health department; and
  - (2) procedures and equipment for transporting meals are approved by the health department.
- (i) **Personnel.** Personnel comply with the requirements contained in this subsection.

(1) **Health.** Individuals are prohibited from working in any capacity in any area of food service if infected with or a carrier of any disease in a communicable form or while afflicted with boils, infected wounds, sores, an acute respiratory infection, or diarrhea.

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

(A) Employees are required to thoroughly wash their hands and the exposed portions of their arms with soap and warm water before starting work, during work as often as necessary to keep them clean, after handling raw food products, and after eating, drinking, using the toilet, or returning from other areas of the program.

(B) Employees are required to keep their fingernails clean and trimmed.

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

(1) All equipment is installed to facilitate cleaning of the equipment and adjacent areas.

(2) Adequate food service utensils are provided to ensure complete food service for one meal for the licensed capacity of the program.

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

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

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

(6) Non-food contact surfaces of all equipment, including tables, counters, and shelves, are cleaned as often as necessary to keep them free of accumulations of dust, dirt, food particles, and other debris.

(k) **Cleaning and sanitizing equipment and utensils.** Equipment, utensils, and service items are maintained in a sanitary condition by use of one of the methods listed in this subsection.

(1) **Dishwashing machines.** Commercial or domestic dishwashing machines are acceptable if heat or chemical sanitizing cycles are properly installed and if operated in a manner that allows completion of a sanitizing cycle without opening the machine. Adequacy of the sanitizing cycle is determined by the generally accepted test methods.

(2) **Manual cleaning.** Requirements for manual cleaning are listed in this paragraph.

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

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

(i) Sinks are cleaned prior to use.

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

- (iii) In the second compartment, equipment items are rinsed with clean water until they are free of detergent and abrasives.
- (iv) In the third compartment, items are sanitized.
- (C) Food-contact surfaces of all equipment and utensils are sanitized by immersion in a clean solution containing any chemical sanitizing agent, such as bleach, that has been demonstrated to the satisfaction of the health authority to be effective and non-toxic under use conditions.
- (D) All items are air-dried in a self-draining position before they are stored.
- (3) **Use of single-service articles.** Facilities that do not have adequate and effective facilities for cleaning and sanitizing utensils use single-service articles for both preparation and service.
  - (A) Single-service articles are stored in closed cartons or containers that protect them from contamination.
  - (B) Single-service articles are used only once.
- (l) **Storage area.** Storage areas meet the requirements listed in this subsection.
  - (1) Adequate space is provided for the storage of sanitized equipment, utensils, and service items.
  - (2) Items are stored above the floor in a clean, dry location to protect food-contact surfaces from splash, dust, and other contamination.
  - (3) Only poisonous and toxic materials that are required to maintain sanitary conditions and for sanitation purposes are used or stored in the food preparation area.
  - (4) Poisonous and toxic materials are identified and used only in a manner and under conditions that do not contaminate food or constitute a hazard.
- (m) **Food service hand-washing facilities.** Hand-washing facilities equipped with hot and cold running water with a mixed-valve faucet are provided in the food preparation area in any facility licensed after June 1, 1987. When a program operates in housing that was originally designed as a family residence and was licensed prior to September 1, 1997, hand-washing facilities in a bathroom on the same floor as the kitchen are deemed convenient and adequate.
  - (1) Cleansing soap or detergent and approved sanitary towels or other approved hand-drying devices are provided.
  - (2) Facilities are kept clean and in good repair.
  - (3) Food preparation and dishwashing sinks are not be used for hand-washing purposes.
- (n) **Food preparation and service area.** Food preparation and service area meet requirements listed in this subsection.
  - (1) **Floors.** The floor surface in all rooms or areas in which food is stored or prepared is of smooth, non-absorbent materials.
    - (A) Unsealed concrete and carpet are not permitted.
    - (B) Floors are constructed so they are easily cleaned and are kept in good repair.
  - (2) **Walls and ceilings.** Walls and ceilings, in areas in which food is prepared or utensils or hands are washed, are kept in good repair, are easily cleaned, and have washable surfaces up to the highest level reached by splash or spray.
  - (3) **Lighting.** The requirements addressing lighting are contained in this paragraph.



- (A) All areas in which food is prepared or stored, as well as hand-washing areas, toilet rooms, and garbage and rubbish storage areas, are well-lighted.
- (B) All lighting fixtures are shielded.
- (4) **Ventilation.** Rooms are properly ventilated.
  - (A) All rooms have sufficient ventilation to keep them free from heat, steam, vapors, obnoxious odors, smoke, and fumes.
  - (B) Ventilation systems comply with applicable state and local fire prevention requirements and when ventilated to the outside air, discharge in a manner that does not create a nuisance.
- (5) **Housekeeping.** All areas where food is prepared and served are kept clean, neat, and free from litter and rubbish.
  - (A) Cleaning operations are conducted in manner that minimizes contamination of food and food-contact surfaces.
  - (B) Soiled linens, coats, and aprons are kept in containers until removed for laundering.
  - (C) Live birds or animals are not allowed in any area used for food service operations.
- (o) **Construction and maintenance of physical facilities.** Construction and maintenance requirements are listed in this subsection.
  - (1) **Building.** Buildings used to house child care facilities are structurally sound.
    - (A) Exterior and interior walls are maintained in sound condition and free of holes and peeling paper and paint.
    - (B) Windows and doors are in good repair, free of broken glass or hazards.
    - (C) Window and door screens, where required, effectively minimize the entry of insects.
    - (D) Floors are cleanable and in good repair.
    - (E) All uncovered floors, including concrete and wood floors, are sealed.
  - (2) **Premises.** The premises are maintained in accordance with the requirements listed in this paragraph.
    - (A) The premises are free of harborage for insects, rodents, and other vermin.
    - (B) Safe, effective measures are taken to minimize the presence of, and to protect against, the entry of vermin.
    - (C) The premises are otherwise maintained free of hazards to children.
  - (3) **Water supply.** The water supply is adequate, of a safe and sanitary quality, and from an approved source.
    - (A) When water is not from a public water supply, for example, well water, it meets local and state testing requirements.
    - (B) All areas where food is prepared or where equipment, utensils, or containers are washed have hot and cold water under pressure.
  - (4) **Sewage disposal.** All sewage, including mop water, is disposed of in a public sewage system or, in its absence, in a manner approved by the health authority.
  - (5) **Plumbing.** Plumbing is sized, installed, and maintained in a safe manner and in accordance with the Oklahoma Plumbing License Act.
    - (A) Plumbing constructed after June 1, 1987 is installed in compliance with the Building Officials and Code Administrators Plumbing code or applicable local ordinances.

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

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

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

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

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

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

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

(E) All hazardous material is disposed of properly.

#### **Section 241. Fire safety**

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

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

(2) Licensed facilities in operation on September 1, 1997 are required to comply with the construction and fire safety codes applicable at the issuance of their license.

(b) **Fire safety codes.** Requirements pertaining to fire safety contained in (1) through (10) of this subsection are examples of some of the regulations contained in the Life Safety Code, the state adopted building code.

(1) **Mobile homes prohibited.** No mobile home, whether mobile or permanently situated, is issued a license as a child care center unless it was licensed as a center prior to February 1, 1981.

(2) **Exits.** No exit is blocked by equipment, furniture, or other objects.

(A) All exit doors are openable from the inside without the use of a key.

(B) Any exit door that is locked can be unlocked, unlatched, and opened with a single motion.

(3) **Doors.** Doors are in compliance with the requirements in this paragraph.

(A) All outside exit doors swing in the direction of exit travel if the building is occupied by more than 50 children.

(B) Panic hardware is provided for doors subject to use by an occupancy load of 100 or more persons per building.

- (C) Every closet door latch is such that children can open the door from inside the closet.
- (D) Every bathroom door is designed to permit opening of the locked door from the outside in an emergency, and the opening device is readily accessible to the staff.
- (4) **Alarm systems and extinguishment.** Requirements for alarm systems and fire extinguishers are listed in this paragraph.
- (A) Operable smoke detectors are in each room where children are in care.
- (B) Smoke detectors are installed no more than 30 feet apart on the ceiling or on the wall 4 to 12 inches below the ceiling.
- (C) Smoke detectors are tested at least monthly, and batteries are replaced at least yearly.
- (D) A manually-operated fire alarm system is on each floor of a building with more than 50 children.
- (E) Portable fire extinguisher suitable for Class B or Class BC fires are in kitchens and cooking areas, and additional extinguishers suitable for Class A fires are throughout the program.
- (F) All fire extinguishers are inspected, serviced, and tagged annually by a competent authority.
- (G) Disposable extinguishers are not acceptable unless equipped with a pressure gauge.
- (5) **Hazardous areas.** Separation requirements are met in new construction or in a building not previously licensed for child care.
- (A) Programs are not required to provide this separation for the kitchen if:
- (i) no frying is done and a notice is posted stating that frying is not permitted;
  - or
  - (ii) there is a UL-approved automatic fire extinguishing system.
- (B) Central heating units and gas-fed hot water heaters are enclosed in separate suitable rooms or closets with exterior air provided for combustion. These enclosures are not used for storage or as habitable space.
- (C) All electric and gas-fed water heaters are equipped with a temperature pressure valve.
- (D) Use of open-faced space heaters, unvented space heaters, or electric portable heaters is prohibited throughout the program.
- (i) Electric baseboard heat is permitted if it is wired directly into the electrical system, and no objects come in contact with the heating element.
  - (ii) Use of gas-fed, unvented heaters mounted in the wall is prohibited, and the knobs are removed while children are in care.
- (E) Fires in wood-burning fireplaces are prohibited during hours children are in care.
- (F) Heaters, including floor furnaces, are enclosed by guards when children need protection from hot surfaces.
- (G) Window air-conditioning units are equipped with appropriate covers.
- (H) A range hood and automatic fire extinguishing system is installed in commercial cooking equipment if any type of frying is done. The range hood and automatic fire extinguishing system comply with NFPA #96 standard.
- (6) **Electrical.** Electrical wiring complies with the requirements contained in this paragraph.

- (A) Use of temporary wiring or extension cords as permanent wiring is prohibited. Extension bars are permitted if there is documentation of a circuit-breaker or fuse that is built into the unit.
  - (B) Appliance cords are not spliced, knotted, stapled, run over nails or piping, run through concealed spaces, or run from one room to another.
  - (C) Electrical outlets, when not in use, are covered with safety devices unless they are not within the reach of children, in areas not used by children, or in programs only caring for school-age children.
- (7) **Evacuation.** Evacuation requirements are listed in this paragraph.
- (A) A floor plan of the building is exhibited on each floor of the building showing prime and alternate evacuation routes from each area of the building.
  - (B) Staff immediately and safely evacuate all children.
- (8) **Training.** Employees receive training regarding use of fire extinguishers and evacuation.
- (A) Each employee is familiar with locations and use of portable fire extinguishers and manually-operated fire alarm systems.
  - (B) Each staff member is familiar with evacuation procedures and routes.
- (9) **Housekeeping.** Accumulations of papers or trash are removed from the building as soon as possible.
- (10) **Outside.** The outside areas of the program are properly maintained.
- (A) Outside play areas are free of trash, tall grass, and standing water.
  - (B) Burning trash on the premises is prohibited while children are in care.

## **Section 242. Requirements for day camps**

(a) **Day camps.** Day camps are programs that serve only school-age children and operate during regular school vacations for no more than 12 hours per day.

(b) **Requirements.** Day camps are required to meet the rules contained in Section 220 through 242, except as otherwise provided in this Section.

(c) **Professional development.** Day camp employees are required to meet the requirements in Section 226(j) regarding professional development. Prior to working with children, all staff must complete the orientation and health and safety training in accordance with Section 226(j)(1) and (2).

(d) **Supervision of children.** Day camps are required to meet the rules contained in Section 227 pertaining to supervision of children, except as otherwise provided in (1) and (2) of this subsection.

(1) In a day camp, children must be within sight and hearing of staff at all times. When bathrooms or locations where medication is dispensed are located in areas away from children, the program must submit a plan to OKDHS for approval describing how the program staff will monitor the whereabouts of children when children are out of sight and hearing of staff when staff are going to those areas.

(2) A staff-child ratio of 1:15 is maintained.

(e) **Physical Facility.** Day camps are required to meet the requirements of Section 229 regarding the physical facility, except as otherwise provided in (1) through (3) of this subsection.

(1) If the facility utilizes the out-of-doors as its major program component for six or more hours each day, there is either a minimum of ten square feet of indoor space per child available for children's use that is maintained between 65 and 85 degrees F. or a covered permanent structure. If only a covered permanent structure is available, an alternate site must be designated for use during inclement weather. This does not include auxiliary spaces listed in Section 229(b).

(2) Sinks are not required if adequate running water, soap, and paper towels are available for hand-washing. If another method of hand-washing is used, it must be approved by the health department.

(3) Commercial portable toilets that meet all state guidelines for environmental inspections may be used in place of flushable toilets.

(f) **Equipment.** The program must provide age-appropriate materials and equipment in amounts to avoid excessive competition between the children and to avoid long waits for use of the materials and equipment. The materials and equipment must be from at least five of these categories:

- (1) large motor development;
- (2) arts and crafts;
- (3) manipulative toys;
- (4) dramatic play;
- (5) blocks with accessories;
- (6) books or child-oriented magazines;
- (7) science;
- (8) music and rhythm;
- (9) carpentry; and
- (10) sand and water play.

(g) **Outdoor play space.** Day camps with an outdoor play space are required to meet the rules pertaining to outdoor space in Section 229(d)(2) and 231.

(1) If outdoor space is not available at the camp, a city park or other public play area that meets the requirements in Section 229(d)(2) and 231 may be used. A plan for the use of outdoor play space located away from the camp site must be submitted OKDHS for approval.

(2) If the outdoor space is not fenced and hazards such as water or traffic are present, a plan to ensure the safety of children must be submitted to OKDHS for approval.

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### OKLAHOMA CHILD CARE FACILITIES LICENSING ACT

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

#### Section 401 - Purpose and Policy - Minimum Standards

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

#### Section 402 - Definitions

As used in the Oklahoma Child Care Facilities Licensing Act:

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

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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;



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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;
  13. Juvenile facilities certified by the Office of Juvenile Affairs or certified by any other state agency authorized by law to license such facilities.
- B. The provisions of the Oklahoma Child Care Facilities Licensing Act shall be equally incumbent upon all private and public child care facilities.

### **Section 404 - Minimum Requirements and Desirable Standards**

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

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

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

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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.

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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

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- 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.

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### 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.

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

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

### **Section 405.1 - Comprehensive Oklahoma State Plan for Child Care**

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

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

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

## 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



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

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

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

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

## 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 the 24-hour statewide Child Abuse Hotline, 1-800-522-3511.

## SUPPLEMENT III

### MINIMUM IMMUNIZATION REQUIREMENTS

#### **LAW**

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

#### **EXEMPTIONS FROM THE LAW**

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

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

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

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

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

#### **FAMILY EMERGENCIES**

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

#### **EXCLUSION OF EXEMPT CHILDREN DURING OUTBREAKS**

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





## SUPPLEMENT III

### REQUIRED IMMUNIZATION SCHEDULE

#### Late Doses = Revised Due Dates

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

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

#### Late Doses = Revised Number of Doses

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

#### Hib

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

#### PCV

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

#### Vaccine Names and Combination Vaccines

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

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

## SUPPLEMENT IV

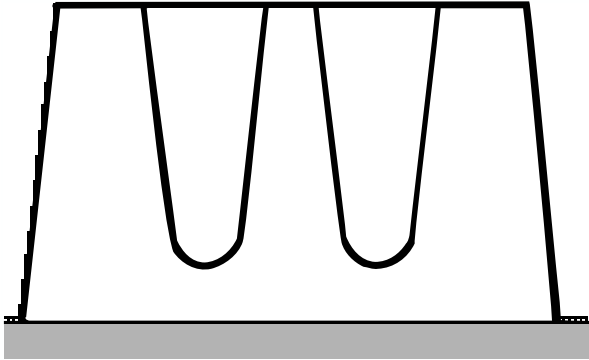
### MINIMUM MEAL PATTERN PLAN FOR CHILDREN

MEAL	3-5 YEAR OLDS	6-12 YEAR OLDS
<b>BREAKFAST</b> (These choices are recommendations only)		
Milk, fluid	¾ cup	1 cup
Juice or fruit	½ cup	½ cup
Cereal or bread product		
Enriched or whole grain bread or	½ slice	1 slice
Cereal (cold, dry) or	⅓ cup	¾ cup
Cooked cereal or cereal grains or	¼ cup	½ cup
Cooked pasta or noodle	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	1 cup
Cereal or bread		
Enriched or whole grain bread or	½ slice	1 slice
Cereal	⅓ cup	¾ cup
<b>LUNCH OR SUPPER</b>		
Milk, fluid	¾ cup	1 cup
Meat and/or meat alternate		
Meat, poultry or fish or	1 ½ ounce	2 ounces
Cheese or	1 ½ ounce	2 ounces
Cooked dry beans or	⅔ cup	½ cup
Peanut butter or	3 tbsp.	4 tbsp.
Egg	1 egg	1 egg
Vegetables and fruit - 2 kinds	½ cup	¾ cup
Bread and bread alternates		
Enriched or whole grain bread or	½ slice	1 slice
Cooked pasta or noodle or	¼ cup	½ cup
Cooked cereal grains	¼ cup	½ cup
*1 pound of meat or cheese meets minimum serving for:	11 children	8 children

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

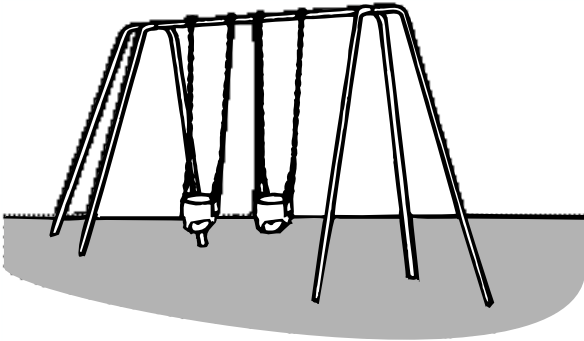
## SUPPLEMENT V

### FALL ZONES



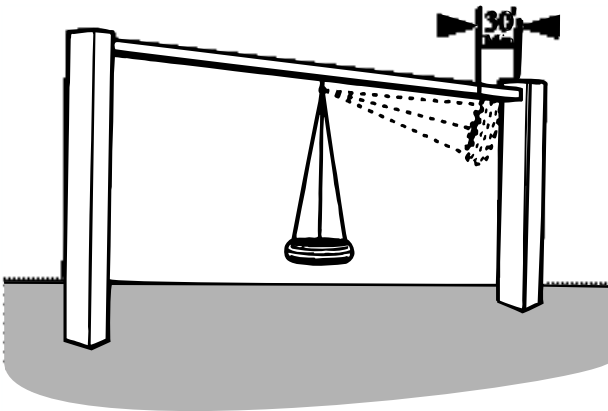
#### **SINGLE-AXIS SWINGS**

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.



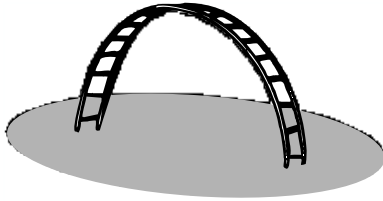
#### **MULTI-AXIS OR TIRE SWINGS**

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.

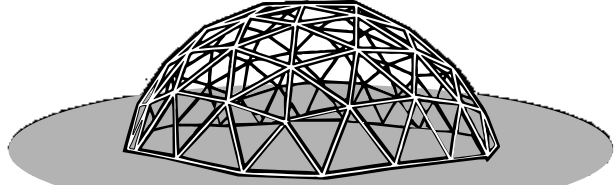
## SUPPLEMENT V

### CLIMBING STRUCTURES

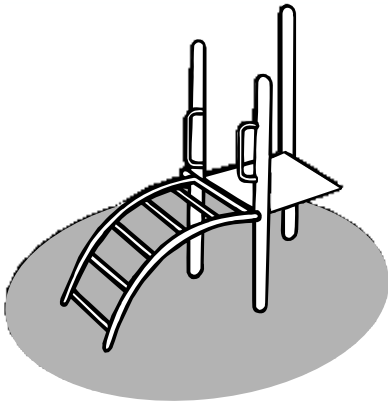
A minimum of six feet in all directions from the perimeter of the equipment.



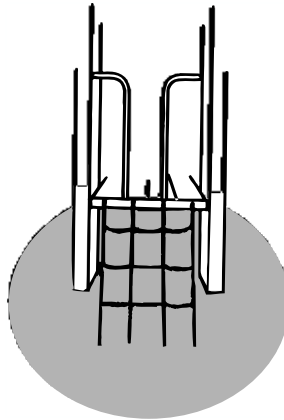
Simple Arch Climber



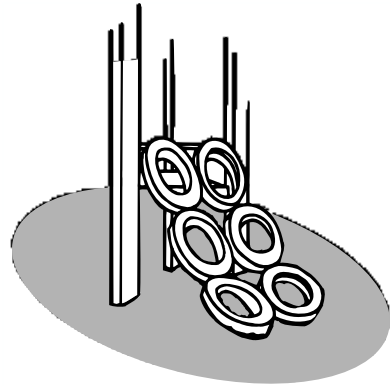
Geodesic Dome Climber



Arch Climber



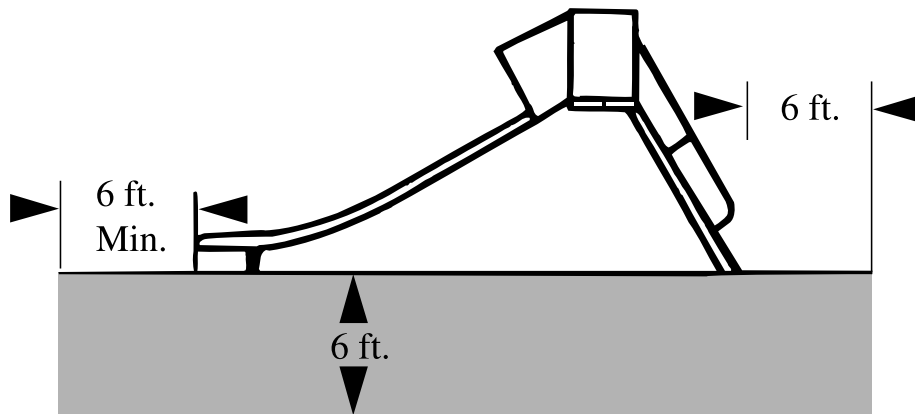
Chain Net Climber



Tire Climber

### SLIDES

Six Feet in all directions from the perimeter of the equipment



**SUPPLEMENT VI**

**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 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.

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

## **SUPPLEMENT VII**

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,

## SUPPLEMENT VII

with empty lap/shoulder belts on either side. This wording closes that loophole for motorists who would deliberately attempt to skirt the law.

### **6. Are there different types of booster seats?**

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

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

Both require the use of a lap/shoulder belt.

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

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

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

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

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

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

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

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

## **SUPPLEMENT VIII**

### **BLEACH SOLUTION**

**REMEMBER TO MIX FRESH SOLUTION DAILY**

#### **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 1/2 gallon of water = 200 ppm

1 teaspoon (1/8 oz.) bleach to 1 qt. Of water = 200 ppm

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.

## SUPPLEMENT IX

### MINIMUM EQUIPMENT FOR SCHOOL-AGE CHILDREN

Number of school-age children:	1-5	6-10	11-15	16-20	21-25	26-30	31-35	36-40
<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, stilts, pool table, football, carom board, marbles, jacks.	5	5	10	10	12	12	15	15
Sports Equipment, 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
Art Supplies, e.g. paste, scissors, various sizes and colors 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, miniloc blocks, bristle blocks, unifix cubes, rig-a-jig, towerfics, lincoln logs, tinker toys, waffle blocks, parquetry blocks.	2	2	4	4	6	6	8	8
Small hand-held toys, e.g., cars, trucks, miniature characters.	2	3	4	5	6	7	8	9
<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

## SUPPLEMENT IX

<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>
Items of dress-up clothes, costumes, accessory items related to occupations, e.g., hats, capes, neckties, purses, coats, vests, aprons, dresses, wigs, nurse's uniform, chef's hat, hard hat, tool aprons, doctor's instruments, farmer's overalls, straw hats	5	5	10	10	12	12	15	15
Chose from: pretend kit/prop box, e.g., office (with typewriter, stamp pad, pencils, paper pads, etc.), 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, e.g., set of unit blocks with accessories, pipe works, marble works, large waffle blocks, large interlocking blocks, various sizes of tubes, etc.	2	2	4	4	6	6	8	8
<b>LANGUAGE DEVELOPMENT</b>								
Books (age-appropriate)	5	5	10	10	15	15	20	20
Comic books, magazines (child-oriented)	5	5	10	10	15	15	20	20
Listening tapes, puppets with theater, flannel boards with pieces, writing center, chalk boards, V.C.R. with child-oriented tapes, etc.	2	2	4	4	6	6	8	8
Science items, e.g. magnifying glasses, ant farm, plants, magnets, aquariums, science pictures, small animals (hamster, rabbit, etc.), rocks, shells, microscope.	2	2	4	4	6	6	8	8

**REVISIONS TO REQUIREMENTS FOR  
SCHOOL-AGE PROGRAMS & SUMMER DAY CAMPS**

Below is the time-frame reflecting the most recent legislative revisions to the Licensing Requirements for School-Age Programs & Summer Day Camps:

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

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# LICENSING REQUIREMENTS

FOR

SCHOOL-AGE  
PROGRAMS

&

SUMMER  
DAY CAMPS



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