



# Licensing Requirements for Child Care Programs



Effective Date 11/1/2025



# 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 Oklahoma Department of Human Services (DHS) Child Care Services with input from individuals from various professions with expertise in child care, including providers; the Child Care Advisory Committee; and the public. The requirements were approved by the DHS Director and the Governor of the State of Oklahoma pursuant to the Oklahoma Administrative Procedures Act.

It is the intent of DHS 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  
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 which you are referring, such as Section 275, regarding (re.) Definitions.*

• Section \_\_\_\_\_ re: \_\_\_\_\_

• Section \_\_\_\_\_ re: \_\_\_\_\_

Recommendation:  
\_\_\_\_\_  
\_\_\_\_\_

Reason:  
\_\_\_\_\_  
\_\_\_\_\_

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Your Name \_\_\_\_\_ Date \_\_\_\_\_

*Return Address: Oklahoma Department of Human Services  
Child Care Services  
P.O. Box 25352  
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**REQUIREMENTS FOR CHILD CARE CENTERS, DAY CAMPS, DROP-IN  
PROGRAMS, OUT-OF-SCHOOL TIME PROGRAMS, PART-DAY  
PROGRAMS AND PROGRAMS FOR SICK CHILDREN**

(340:110-3-275 THROUGH 340:110-3-311)

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## **PART 15. REQUIREMENTS FOR CHILD CARE CENTERS, DAY CAMPS, DROP-IN PROGRAMS, OUT-OF-SCHOOL TIME PROGRAMS, PART-DAY PROGRAMS AND PROGRAMS FOR SICK CHILDREN**

### **340:110-3-275. Definitions**

The following words and terms when used in this Part shall have the following meaning unless the context clearly states otherwise:

**"Adult"** means an individual 18 years of age and older.

**"Child"** means an individual younger than 18 years of age.

**"Child care centers"** means programs that operate 30 or more hours per week.

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

**"Children with disabilities"** means children who have a chronic physical, developmental, behavioral, or emotional condition and also require health and related services of a type or amount beyond that generally required by children.

**"Classroom"** means an area designated for a group of children defined by permanent or temporary walls or barriers.

**"Communicable disease"** means an illness that spreads directly or indirectly from person-to-person with the potential to cause a serious infection.

**"Date"** means the month, day, and year.

**"Day camps"** means programs that operate during school breaks for 12 hours or less per day, serve children 5-year-olds and older who are attending, or have completed kindergarten or above, and use the outdoors as a major program component for at least 50 percent of the daily hours of operation.

**"Disposition"** means the final outcome or settlement of criminal charges, such as decisions or rulings by the court.

**"Drop-in programs"** means programs that operate 30 or more hours per week with individual children attending six hours or less per day and 24 hours or less per week, with an allowance for three extra six-hour days per 12 months per child.

**"Facility"** means the program premises and the buildings used for child care.

**"Fall height"** means the vertical distance between the highest designated play surface on a piece of equipment and the surface beneath it.

**"Full name"** means the first and last name when referring to a person.

**"General Education Development" or "GED"** means a high school diploma equivalent from the American Council on Education.

**"Hazard"** means anything that may inflict injury or cause harm.

**"High school diploma"** means a diploma recognized by the Oklahoma State Board of Education or an equivalent entity from another state.

**"Inaccessible"** means children are unable to access an item or area due to the use of a lock or child-proof barrier or the item is too high for children to easily reach.

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

**"Infection control"** means the policies, procedures, and practices used to prevent and control the spread of infection, such as cleaning, sanitizing, and disinfecting, hand and personal hygiene, diapering procedures, handling and disposing of soiled and contaminated items, health separation and exclusion criteria, and immunization policies.

**"Licensing"** means the Oklahoma Department of Human Services staff responsible for monitoring and consulting with programs.

**"Locked"** means the use of a secure device that can only be opened by a key, combination, or code.

**"Out-of-school time programs"** means programs that operate when school is not in session, such as before- and after-school and school breaks, and serve 3-year-olds and older who are attending or have completed pre-kindergarten or above.

**"Owner"** means the business entity who owns the program.

**"Parent"** means an individual who is legally responsible for the child, such as a mother, father, legal custodian, or legal guardian.

**"Part-day programs"** means programs that operate for more than 15, but less than 30 hours per week.

**"Potentially hazardous foods"** means foods that contain milk or milk products, eggs, meat, poultry, fish, shellfish, crustaceans, cut tomatoes, cut melons, cut leafy greens, raw seed sprouts, or other ingredients in a form capable of supporting rapid and progressive growth of harmful microorganisms.

**"Program"** means the business entity that provides care, supervision, and learning opportunities for children.

**"Programs for sick children"** means programs that serve children with illnesses or symptoms preventing them from comfortable participation in activities in a program caring for children who are well. The children require more care than personnel in a program caring for children who are well can provide without compromising the health and safety of other children in care.

**"Requirements"** means licensing requirements the program is required to follow.

**"Responsible entity"** means an individual who is authorized to obligate the business.

**"Safe drinking water"** means potable water, free from pollution, harmful organisms, and impurities as determined by the Oklahoma Department of Environmental Quality.

**"Specialized service professional"** means an individual from an academic discipline or field of expertise who provides individualized services to a child, such as behavioral or physical therapists.

**"Supervision"** means the function of observing, overseeing, and guiding a child or group of children, including an awareness of and responsibility for, the ongoing activity of each child and being near enough to intervene when needed.

**"Teaching personnel"** means master teachers, teachers, assistant teachers, and substitutes who provide care, supervision, and learning opportunities for children.

**"Transportation"** means anytime a child in care is driven in a vehicle, whether provided, arranged, or contracted by the program.

**"Unsupervised access to children"** means an individual being present with children without personnel present who have a complete criminal history review.

**"Use zones"** means the clearance spaces and surfaces under and around a piece of equipment onto which a child falling or exiting from the equipment is expected to land.

**"Volunteer"** means an individual who provides services to the program without compensation.

### **340:110-3-276. Necessity, issuance, and maintenance of a permit or license**

#### **(a) General.**

##### **(1) Care of children.** The program:

(A) does not accept children into care until authorization to operate is obtained from Licensing;

(B) does not allow children to remain in care for 24 or more consecutive hours; and

(C) provides care only at the location specified on the permit or license.

**(2) Access.** Oklahoma Department of Human Services (DHS) staff have access to the entire facility. Parents have access per Oklahoma Administrative Code (OAC) 340:110-3-293(c).

**(3) Cooperation.** Personnel cooperate with DHS staff.

**(4) Licensing process.** The owner, responsible entity, and director are aware of their rights and responsibilities per OAC 340:110-3-275 through 340:110-3-311 and DHS Publication No. 06-47, Understanding the Licensing Process – Rights and Responsibilities.

#### **(b) Permit or license necessity.**

**(1) Required.** A program does not operate after June 30, 1964, unless authorized by Licensing per Section 401 et seq. of Title 10 of the Oklahoma Statutes (10 O.S. § 401 et seq.), the Oklahoma Child Care Facilities Licensing Act.

**(2) Exemptions.** Authorization to operate is not required from Licensing when the program is exempt per 10 O.S. § 403, the Oklahoma Child Care Facilities Licensing Act.

#### **(c) Permit or license issuance.**

**(1) Fire approval.** An inspection from the local or state fire governmental authority having jurisdiction is required prior to authorization to operate from Licensing. Documentation is maintained per OAC 340:110-3-281.2(c).

**(2) Health approval.** An inspection from Oklahoma State Department of Health (OSDH) or Indian Health Services (IHS) is required prior to authorization to operate from Licensing, unless the program only provides limited food service per OAC 340:110-3-299(a). Documentation is maintained per OAC 340:110-3-281.2(c).

**(3) Licensing approval.** A request for a permit or license is made on DHS forms and authorization to operate is issued on the basis of the program complying with licensing requirements.

#### **(d) Permit or license maintenance.**

**(1) Fire inspections.** Inspections are conducted at least every two years by the local or state fire governmental authority having jurisdiction. Documentation is maintained per OAC 340:110-3-281.2(c).

**(2) Health inspections.** Inspections are conducted at least every two years by OSDH or IHS, unless the program only provides limited food service per OAC 340:110-3-299(a). Documentation is maintained per OAC 340:110-3-281.2(c).

**(3) Licensing monitoring.** Authorization to operate is maintained on the basis of the program complying with licensing requirements.

**(4) Change of business entity.** The permit or license is not transferable. Both the existing and new programs notify Licensing of business entity changes per OAC 340:110-3-280(a). The new program is required to meet current requirements and does not care for children until authorization to operate is obtained from Licensing.

(5) **Change of location.** The program notifies Licensing of location changes per OAC 340:110-3-280(a) and does not care for children at the new location until authorization to operate is obtained from Licensing.

(6) **Inactive status.** When care is not provided, the program notifies Licensing per OAC 340:110-3-280(a). When care is not provided for 12 consecutive months, the program is no longer authorized to operate. The business entity must reapply and obtain authorization to operate from Licensing prior to resuming care.

(e) **Denial or revocation.**

(1) **General.** Licensing may deny a request for a license or revoke a license when the program does not meet the requirements or violates any provision of 10 O.S. §§ 401 et seq., the Oklahoma Child Care Facilities Licensing Act.

(2) **Notice.** No request for a license is denied or license is revoked unless the owner, business entity, or responsible entity is given a 30-calendar day notice in writing of the grounds for the proposed denial or revocation.

(3) **Hearing.** If the denial or revocation is appealed within 30-calendar days of the receipt of the written notice, a hearing is conducted.

(4) **Reapplication.** When a request for a license is denied or a license is revoked, the owner, business entity, or responsible entity cannot make application for a new child care program license within Oklahoma for five years following notification to the owner, business entity, or responsible entity of the denial or revocation and including during an appeal process.

**340:110-3-277. Other business, shared facility, and collaborations**

(a) **Other business.** No other business or activity unrelated to child care is conducted at the facility during operation hours, unless shared facility requirements are met.

(b) **Shared facility.** The program may share the facility with other businesses provided the requirements in (1) through (3) of this subsection are met.

(1) **Limitations.** Other businesses sharing the facility:

(A) must not pose a health or safety risk to children in care;

(B) have their own entrances, excluding schools;

(C) have their own restrooms, excluding schools, or the program follows a Licensing-approved written plan, addressing prevention of unsupervised access to children by individuals from the other businesses; and

(D) do not use licensed space during operating hours, unless alternate play area requirements are met.

(2) **Licensed space.** Licensed space at the facility is clearly defined.

(3) **Alternate play areas.** When the program's licensed indoor or outdoor play areas are used by another business in the shared facility during operating hours, the program:

(A) has at least one designated alternate play area children may use when licensed play areas are unavailable. Alternate play areas:

(i) are indoors, outdoors, or both depending on potential circumstances;

(ii) are temporarily used only on an occasional basis when the licensed play areas are unavailable, unless the area is also a supplemental play area, such as a gymnasium;

(iii) are not calculated in licensed capacity, per Oklahoma Administrative Code (OAC) 340:110-3-301(b) and (c); and

(iv) meet requirements when used by children in care; and

(B) follows a Licensing-approved written agreement between the program and the other businesses, addressing terms for licensed space use and alternate play areas, including the:

(i) designated alternate play areas for indoors, outdoors, or both; and

(ii) circumstances, frequency, and duration of use.

(c) **Collaborations.** When the program collaborates with a school, the program submits a collaboration agreement as maintained, per OAC 340:110-3-281.2(c), and chooses whether the collaborative classrooms are included in the licensed capacity during the collaborative times.

(1) **Included in licensed capacity.** When the collaborative classrooms are included in the licensed capacity:

(A) all the requirements are met in collaborative classrooms; and

(B) the school teachers are required to meet teaching personnel requirements and may count as master teachers when meeting master teacher qualifications and responsibilities.

(2) **Not included in licensed capacity.** When the collaborative classrooms are not included in the licensed capacity, the:

(A) licensed capacity is reduced by the room capacity during the collaborative time;

(B) classrooms have a notice posted on or near the doors, at all times, identifying the collaborative classroom schedule;

(C) classrooms, during the collaborative time, are only required to meet facility requirements, per OAC 340:110-3-300. However, the physical environment requirements, per OAC 340:110-3-300 through 340:110-3-304, apply to licensed spaces, even when children participating in the collaboration are the only children present;

(D) school teachers are not required to meet personnel requirements and do not count as master teachers;

(E) school is responsible for children participating in the collaboration during the collaborative time; and

(F) school teachers and teaching personnel know their assigned children when children participating in the collaboration are in licensed space.

### **340:110-3-278. Policy**

(a) **General.** Policies are individualized to the program, followed, and maintained, per Oklahoma Administrative Code (OAC) 340:110-3-281.2(c).

(b) **Program liability insurance policy.** Program liability insurance is maintained, unless an exception, per the Oklahoma Child Care Facilities Licensing Act, Section 404.3 of Title 10 of the Oklahoma Statutes (10 O.S. § 404.3), is posted, per OAC 340:110-3-281.1.

(c) **Vehicle insurance policy.** Vehicle insurance is maintained, per OAC 340:110-3-281.2(c) and (d).

(d) **Program policy.** Program policies:

(1) are provided to:

(A) parents upon enrollment and when revisions are made; and

(B) personnel upon employment and when revisions are made; and

(2) at least, include items (A) through (L), unless a statement is included addressing non-applicable items:

(A) brief program description;

(B) ages of children accepted;

(C) days and hours of operation including days closed, such as holidays;

(D) compliance file location;

(E) relevant emergency plans and procedures information for parents;

(F) health inclusion, separation, and exclusion criteria, including head lice and other infestations;

(G) whether the program administers medication and under what conditions;

(H) behavior management and discipline methods;

(I) expulsion policy;

(J) mandatory reporting of suspected child abuse and neglect;

(K) infant safe sleep environment description; and

(L) procedures for:

(i) gaining building access when the entrance is secured;

(ii) receiving and releasing children, including methods for caller identification authorizing child pick-up and of an individual who picks up a child. Verbal authorizations to pick-up a child, not previously indicated in the child's records, are documented, per OAC 340:110-3-281.4;

(iii) notifying parents when a child does not arrive as required, per OAC 340:110-3-280(d);

(iv) monitoring children's health as required, per OAC 340:110-3-294(c);

(v) notifying parents of communicable disease exposure, while maintaining confidentiality of the ill child or personnel;

(vi) notifying of infestation exposure, while maintaining confidentiality of the infected child or personnel;

(vii) handling illnesses, injuries, and poison exposures, including when children are off-site;

(viii) storing, administering, returning, and medication disposal;

(ix) storing, using, returning, and medical waste disposal, such as syringes, needles, and lancets;

(x) using sun safety methods, such as sunscreen and protecting children from over-exposure to the sun;

(xi) using insect repellent;

- (xii) managing children's personal belongings;
  - (xiii) transporting children;
  - (xiv) notifying parents of field trips;
  - (xv) receiving children arriving late for field trips when the group has left the facility; and
  - (xvi) providing meals and snacks, including field trips.
- (e) **Personnel policy.** When the program has two or more personnel, personnel policies:
- (1) are provided to personnel upon employment and when revisions are made; and
  - (2) at least, include the:
    - (A) qualifications, responsibilities, and professional development requirements for each position, including initial and continuing professional development. Position descriptions may meet this requirement;
    - (B) chain of command;
    - (C) health and injury exclusion criteria, including head lice and other infestations; and
    - (D) procedures for the:
      - (i) close supervision of new personnel for at least 30-calendar days;
      - (ii) performance evaluations; and
      - (iii) discipline and termination of personnel.
- (f) **Volunteer policy.** When the program uses volunteers, not filling another position, per OAC 340:110-3-284.1 through 340:110-3-284.4, volunteer policies:
- (1) are provided to volunteers upon starting service and when revisions are made; and
  - (2) at least, includes:
    - (A) screening and selection criteria; and
    - (B) procedures ensuring volunteers:
      - (i) are familiar with emergency preparedness plans and procedures, per OAC 340:110-3-279; and
      - (ii) obtain training and comply with requirements.

### **340:110-3-279. Emergency preparedness**

#### **(a) Emergency plans and procedures.**

- (1) **General.** The program is required to have emergency plans that are:
  - (A) individualized to the program and operating hours;
  - (B) followed, unless children's safety is at risk or emergency personnel provide alternative instructions during an emergency; and
  - (C) maintained, per Oklahoma Administrative Code (OAC) 340:110-3-281.2(c).
- (2) **Situations.** Emergency plans include procedures for:
  - (A) serious injuries;
  - (B) serious illnesses;
  - (C) poison exposure;
  - (D) communicable disease outbreaks, including pandemic influenza;
  - (E) weather conditions, including tornados, floods, blizzards, and ice storms;
  - (F) fires, including wildfires;
  - (G) man-made disasters, including chemical and industrial accidents;
  - (H) human threats, including individuals with threatening behaviors, bomb threats, and terrorist attacks;
  - (I) lost or abducted children;
  - (J) utility disruption; and
  - (K) other natural or man-made disasters that could create facility structural damage or pose health hazards.
- (3) **Child considerations.** Emergency plans include procedures for addressing each child's needs, with additional considerations for children:
  - (A) 2 years of age and younger; and
  - (B) with special needs or chronic medical conditions.
- (4) **Account for children.** Emergency plans include procedures to account for each child's location during an emergency.
- (5) **Shelter-in-place.** Emergency plans include shelter-in-place procedures for short and extended stay situations requiring children stay in the building, such as tornados and other weather emergencies.
- (6) **Lock-down.** Emergency plans include lock-down procedures for situations threatening children and personnel's safety. Lock-down procedures include:
  - (A) notifying personnel;
  - (B) keeping children in designated safe locations in the building;
  - (C) encouraging children to remain calm and quiet;
  - (D) securing building entrances;
  - (E) preventing unauthorized individuals from entering the building. When the program is in a shared facility, program entrances are secured; and
  - (F) responding when outdoors and on field trips.
- (7) **Evacuation.** Emergency plans include evacuation procedures for situations requiring children leave the building, such as building fires. Evacuation procedures include:
  - (A) evacuation routes posted, per OAC 340:110-3-281.1(c) and (i); and
  - (B) pre-determined meeting locations.
- (8) **Relocation.** Emergency plans include relocation procedures for situations requiring children move to an alternate location, such as bomb threats and wildfires. Relocation procedures include:

- (A) pre-determined primary and secondary alternate locations, with prior approval from the contact individual at alternate locations;
  - (B) relocating children, including a pre-determined transportation plan; and
  - (C) reuniting parents and children.
- (9) **Reporting.** Emergency plans include procedures for notifying:
- (A) emergency authorities, including the poison control center, when necessary;
  - (B) parents, including a method and backup method for how and when parents are notified; and
  - (C) Licensing, per OAC 340:110-3-280(a).
- (10) **Personnel.** Emergency plans include procedures ensuring personnel are familiar with:
- (A) current emergency plans and procedures, including roles and responsibilities in an emergency;
  - (B) location of:
    - (i) emergency plans and procedures;
    - (ii) posted emergency information; and
    - (iii) first aid and emergency supply kits; and
  - (C) location and use of the fire extinguishers.
- (b) **Phones.**
- (1) **On-site.** The program provides an operable phone, per OAC 340:110-3-300(x).
  - (2) **Off-site activities.** An operable phone is available, per OAC 340:110-3-287(g).
  - (3) **Vehicles.** An operable phone is available, per OAC 340:110-3-305(e).
- (c) **Posted emergency information.**
- (1) **Program information and emergency numbers.** Items are posted, per OAC 340:110-3-281.1(d) and (i).
  - (2) **First aid kit, emergency supply kit, and fire extinguisher locations.** Locations are posted, per OAC 340:110-3-281.1(i).
  - (3) **Evacuation routes.** Routes are posted, per OAC 340:110-3-281.1(c) and (i).
- (d) **First aid kits.**
- (1) **Location.** First aid kits are located in each building and in vehicles when transporting children.
  - (2) **Accessibility.** First aid kits are accessible to personnel at all times and inaccessible to children.
  - (3) **Replace.** First aid kit supplies are replaced as needed, including expired items.
  - (4) **Sanitary.** First aid kit supplies are maintained in a clean and sanitary manner, including sanitizing re-usable supplies.
  - (5) **Supplies.** First aid kit supplies are stored together in a portable container.
    - (A) Supplies at least include:
      - (i) non-medicated adhesive strips;
      - (ii) sterile gauze pads;
      - (iii) rolled flexible or stretch gauze;
      - (iv) bandage tape;
      - (v) disposable non-porous, latex-free gloves;
      - (vi) blunt-tipped scissors;
      - (vii) tweezers;
      - (viii) a non-glass and non-mercury thermometer. The appropriate thermometer and method are used, per OAC 340:110-3-294(d);

- (ix) a current first aid guide; and
  - (x) a copy of posted program information and emergency numbers, per (c) of this Section.
- (B) In addition, the first aid kits in vehicles at least include:
- (i) a cold pack;
  - (ii) liquid soap and water or individually packaged moist, disposable towelettes, for cleaning wounds;
  - (iii) hand sanitizer and moist, disposable towelettes, for hand hygiene;
  - (iv) plastic bags for disposal of items contaminated with blood or other body fluids; and
  - (v) a pen or pencil and note pad.
- (e) **Emergency supply kit.**
- (1) **Records.** Records available during an emergency at least include the:
- (A) emergency plans and procedures, per OAC 340:110-3-281.2(c), and alternate location addresses, phone numbers, and contacts;
  - (B) emergency contacts, per OAC 340:110-3-281.2(c); and
  - (C) full names of children and personnel currently in attendance.
- (2) **Supplies.** Emergency supplies gathered at the time of an emergency or maintained in a portable container at all times at least include:
- (A) a first aid kit; and
  - (B) children's prescribed medications, including life-threatening condition medications.
- (f) **Testing and maintaining emergency equipment.**
- (1) **Individual smoke and carbon monoxide alarms.** When the facility is equipped, per OAC 340:110-3-300(t) or (u), individual alarms are:
- (A) operable; and
  - (B) tested at least monthly. Documentation is maintained, per OAC 340:110-3-281.2(c).
- (2) **Central detection and alarm system for smoke and carbon monoxide.** When the facility is equipped, per OAC 340:110-3-300(v), the system is:
- (A) fully functional;
  - (B) checked at least monthly by viewing the control panel and documented, per OAC 340:110-3-281.2(c). However, monthly checks are not required when a company monitors the system continuously for full-function as documented, per OAC 340:110-3-281.2(c); and
  - (C) inspected and tagged at least every 12 months by a state licensed authority.
- (3) **Fire extinguishers and automatic sprinkler systems.** Fire extinguishers and automatic sprinkler systems are:
- (A) fully functional; and
  - (B) inspected and tagged at least every 12 months by a state licensed authority.
- (g) **Drills and reviews.**
- (1) **General.** Drills and reviews are documented, per OAC 340:110-3-281.2(c), and drills are conducted:
- (A) at various times throughout operation hours, such as morning, mid-day, afternoon, and evening, so children and personnel in attendance at various times are involved in each type of drill at least once every three months;
  - (B) by following pre-determined emergency plans and procedures; and

- (C) per required scheduling.
  - (i) **Monthly.** Monthly drills include:
    - (I) fire drills conducted by evacuating and meeting at pre-determined locations; and
    - (II) tornado drills conducted by sheltering in pre-determined on-site locations.
  - (ii) **Annual.** Annual drills include:
    - (I) locking-down by sheltering in pre-determined on-site locations;
    - (II) relocating according to preparation procedures, but physical relocation is not required;
    - (III) sheltering-in-place, requiring children stay inside the facility, such as tornados and other weather emergencies; and
    - (IV) evacuating and meeting at pre-determined locations.
- (2) **Lock-down and relocation procedures reviews.** Personnel review the procedures at least once every 12 months.
- (3) **Emergency plans and procedures reviews.** The director updates, as necessary, and reviews emergency plans and procedures:
  - (A) at least once every 12 months;
  - (B) when enrolling children with special needs or chronic medical conditions;
  - (C) after a drill when procedure issues are identified; and
  - (D) after an emergency, as identified in this Section.

### **340:110-3-280. Reporting**

#### **(a) Licensing.**

(1) **Next business day.** The owner, responsible entity, or director notifies Licensing by the next Oklahoma Human Services (OKDHS) business day of:

- (A) a responsible entity change;
- (B) a director change;
- (C) a mailing address change, when different from the physical address;
- (D) a phone number change;
- (E) a program liability insurance coverage change;
- (F) an individual moving into the facility;
- (G) a known legal action, such as a Victim Protection Order, arrest, or criminal investigation or charge, involving the program, owner, responsible entity, personnel, or an individual living in the facility;
- (H) a known child abuse or neglect pending investigation or disposition involving the owner, responsible entity, personnel, or an individual living in the facility;
- (I) an unscheduled temporary or permanent program closure or relocation;
- (J) facility damage affecting the amount of usable square footage or compliance with requirements;
- (K) an incident exposing children to an imminent risk of harm, such as a child leaving the facility without personnel's knowledge or being left alone on- or off-site or in a vehicle;
- (L) an animal bite to an individual occurring on-site at any time or when participating in off-site program activities;
- (M) an accident involving transportation, unless no injuries and only minor vehicle damage occurred;
- (N) a child injury requiring emergency medical attention;
- (O) a child death occurring while in care; or
- (P) any disease or illness requiring prompt local or Oklahoma State Department of Health (OSDH) notification, per (c)(1) of this subsection.

(2) **Thirty-calendar days prior.** The owner, responsible entity, or director notifies Licensing at least 30-calendar days prior to:

- (A) an anticipated temporary or permanent program closing, other than a scheduled closing identified in program policy, such as a holiday;
- (B) an anticipated temporary or permanent location change;
- (C) an anticipated facility change or alteration impacting the amount of usable square footage or compliance with the requirements;
- (D) a business entity change;
- (E) a program name change; or
- (F) a proposed licensed capacity change.

#### **(b) Child abuse and neglect and human trafficking.**

(1) **Abuse and neglect.** Any person who has reason to believe a child was abused or neglected, per Section 1-1-105 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-1-105) is required to report the matter promptly to the OKDHS Child Abuse and Neglect Hotline at 1-800-522-3511, per 10A O.S. § 1-2-101. Failure to report is a misdemeanor offense and upon conviction is punishable by law. Failure to report with prolonged knowledge, six months or more, of ongoing abuse or neglect is a felony offense.

(2) **Human trafficking.** Per 21 O.S. § 870, every person having reason to believe that a person or child-placing agency is engaging in the crime of human trafficking in children, per 21 O.S. § 866, reports the matter promptly to the Oklahoma Bureau of Narcotics and Dangerous Drugs Control.

(c) **Health department.**

(1) **Promptly.** The program promptly notifies the local or OSDH of a known case in individuals associated with the program, of:

- (A) Measles;
- (B) meningococcal invasive disease; or
- (C) an outbreak of two or more cases within a facility of:
  - (i) COVID-19
  - (ii) influenza; or
  - (iii) varicella (chicken pox).

(2) **Next business day.** The program notifies the local or OSDH by the next health department-business day of a known case in individuals associated with the program, of:

- (A) Campylobacteriosis;
- (B) cryptosporidiosis;
- (C) E. coli O157:H7 or Shiga toxin-producing E. coli (STEC);
- (D) Haemophilus influenzae invasive disease;
- (E) hepatitis A;
- (F) mumps;
- (G) rubella;
- (H) salmonellosis;
- (I) shigellosis;
- (J) tuberculosis; or
- (K) whooping cough (pertussis).

(3) Programs follow all guidelines and recommendations per local or OSDH authorities.

(d) **Parents.**

(1) **Immediately.** The program notifies parents immediately of:

- (A) a child not arriving at the facility on his or her own as scheduled, such as when walking to the facility;
- (B) a child not present at the pick-up location as scheduled;
- (C) a child or individual at the pick-up location who contradicts previously established pick-up arrangements;
- (D) a situation requiring immediate administration of a life-threatening condition medication;
- (E) an injury that may need evaluation by a licensed physician;
- (F) poison exposure; or
- (G) an animal bite to a child when the skin is broken or when an evaluation by a licensed physician may be needed.

(2) **Promptly.** The program promptly notifies parents when a child:

- (A) is separated from the group due to an illness or infestation or when exclusion is required, per Oklahoma Administrative Code (OAC) 340 Appendix JJ - Exclusion Criteria for Children Who Are Ill; or
- (B) has a suspected allergic reaction, including ingestion of, or contact with,

allergens, even when a reaction did not occur.

- (3) **Upon child pick up.** The program notifies parents upon child pick up of:
- (A) daily happenings, including the infant and 1-year-old daily records as maintained, per OAC 340:110-3-281.4(b);
  - (B) changes in the child's physical or emotional state;
  - (C) known minor injuries;
  - (D) illness or infestation symptoms that developed or changed;
  - (E) a communicable disease or infestation exposure, per OAC 340:110-3-278(d);
  - (F) an administration of a non-life-threatening condition medication when administered only as needed, such as diaper cream;
  - (G) an animal bite to a child, when the skin is not broken; and
  - (H) implemented emergency plans and procedures, except for drills.
- (4) **Heinous and shocking abuse notification.** OKDHS notifies programs of a substantiated finding of heinous and shocking abuse by a person responsible for a child's health, safety, or welfare, as defined, per 10A O.S. § 1-1-105. Upon receiving the notice, the facility owner or operator provides notification to parents or legal guardians of children attending the facility using an OKDHS-provided form.
- (A) Notification is:
    - (i) immediately attempted but not later than 72 hours of notice receipt from OKDHS; and
    - (ii) provided by certified mail.
  - (B) The program maintains the list of notified parents and legal guardians for at least 12 months.
- (5) **Prior.** Prior to each field trip, the program notifies parents of the date, time, and location. The field trip permission, per OAC 340:110-3-281.4(b), meets this requirement when this specific information is included.
- (6) **Upon enrollment and prior to changes.** The program notifies parents upon enrollment and prior to a change in the presence of:
- (A) animals;
  - (B) tobacco or simulated tobacco use; and
  - (C) weapons, including how safety requirements are met.

### **340:110-3-281. General records and documentation**

- (a) **General.** Records and documents may have additional information in other Sections. Items are provided promptly to Oklahoma Human Services (OKDHS) staff, on request, and are available to parents and personnel, unless requirements specifically state otherwise.
- (b) **Confidentiality.** Confidentiality policies and procedures are maintained.
  - (1) Child records and other items specific to individual children are only available to personnel or authorized individuals as determined by the program when necessary, the individual child's parents, and OKDHS staff.
  - (2) Personnel records are maintained in a confidential manner, per program procedures.
- (c) **Current.** Items, including certifications, are kept current.
- (d) **Location.** Items are:
  - (1) maintained at the facility. However, personnel records may have an exception, per Oklahoma Administrative Code (OAC) 340:110-3-281.3(b);
  - (2) located, per requirements; and
  - (3) in a location known by the director and personnel in charge.
- (e) **Electronic.** Items may be maintained electronically, unless requirements specifically state otherwise, provided:
  - (1) procedures are in place ensuring prompt access, including an on- or off-site electronic back-up method ensuring access in the event of data loss. However, paper backup is required for posted items, per OAC 340:110-3-281.1, and accessible items, per OAC 340:110-3-281.2, in the event of a power outage or non-working equipment;
  - (2) signatures are hand written and initially obtained by electronic methods or on paper and electronically converted; and
  - (3) the items can be provided to OKDHS and parents by printing, emailing, or other methods.
- (f) **Paper only.** Items indicating paper only may also be in the form of magnets, decals, or other similar items.
- (g) **Combined documents.** Items may be combined into one document, unless the requirements specifically state otherwise.
- (h) **Original documents.** OKDHS documents, such as forms, appendices, and publications, are not modified in any manner or combined with other items, unless requirements specifically state otherwise.
- (i) **OKDHS form completion.** Forms are completed in the manner prescribed. Current OKDHS forms are used.

### **340:110-3-281.1. Posted records and documentation**

(a) **General.** General records and documentation requirements, per Oklahoma Administrative Code (OAC) 340:110-3-281, also apply to items in this Section. The items are posted at all times in a clear, unobstructed view.

(b) **Post at main entrance.** Items are posted at the program's main entrance where parents and public enter and (2) through (3) of this subsection are also posted in a conspicuous location within clear view.

(1) **Tobacco-free environment notice.** The notice is not combined with other posted items. When the program is in a family residence, the notice indicates a tobacco-free environment at all times or no tobacco use during operation hours. Item is paper only.

(2) **Notice to parents.** Oklahoma Human Services (OKDHS) Publication No. 14-01, Notice to Parents, is posted. Item is paper only.

(3) **Program liability insurance exception notification.** The OKDHS form is posted when program liability insurance is not maintained or program reports being self-insured. Item is paper only.

(c) **Post in prominent location for parents and public.** Items are posted in a noticeable and frequently visited location for parents and public and may include multiple buildings depending on where parents and public typically visit.

(1) **Permit or license.** The OKDHS permit or license is posted. Item is paper only.

(2) **Notice of denial or revocation.** A denial or revocation notice is posted. Item is paper only.

(3) **Star certificate.** OKDHS Star certificate is posted. Item is paper only.

(4) **Personnel in charge.** The program posts the director's full name and at least one additional personnel responsible for the program in the director's absence. When the individuals listed are not present, the appointed personnel in charge is temporarily posted.

(5) **Child abuse and neglect notification.** A notice of the Child Abuse and Neglect Hotline number and requirement to report suspected abuse or neglect is posted.

(6) **Child welfare investigative summary - confirmed and substantiated findings.** OKDHS form is posted for 120-calendar days from the date the investigation is completed, as indicated on the form. Item is paper only.

(7) **Evacuation routes.** A floor plan with primary and secondary evacuation routes from each area of the building is posted on each floor. Item is paper only and may only be combined, per (i) of this Section.

(8) **Weekly menu.** The menu, including dates and substitutions, is posted. Additional posted menus are duplicates, including substitutions.

(d) **Post in prominent location for personnel.** Items are posted in a noticeable and frequently visited location for personnel and may include multiple buildings.

(1) **Program information.** The program name and address, with main cross streets or directions to the facility, are posted. Item is paper only.

(2) **Emergency numbers.** The program posts emergency numbers. Item is paper only. Numbers include:

(A) 9-1-1, where available, or local law enforcement, fire department, and ambulance service; and

(B) poison control, 1-800-222-1222.

(3) **Restricted registry notice.** OKDHS Publication No. 14-07, Child Care Restricted Registry Notice is posted. Item is paper only.

- (e) **Post in kitchen.** The requirements in (1) and (2) of this subsection are met.
- (1) **Weekly menu.** The menu, including dates and substitutions, is posted. Additional posted menus are duplicates, including substitutions.
  - (2) **Food allergies.** Children's food allergies are posted near the menu, including the child's full name and classroom.
- (f) **Post on all microwaves - warning.** OKDHS Publication No. 97-27, Microwave Warning, is posted. However, the program may modify the publication or develop a document, provided the information remains the same or is exceeded. When the program shares the facility, the posting is only required on microwaves used for children's food. Item is paper only.
- (g) **Post near sinks – hand washing procedures.** The program posts OKDHS Publication No. 14-02 – Hand Washing Procedures Using Paper Towels or OKDHS Publication No. 14-03 – Hand Washing Procedures Using Mechanical Hand Dryers, where individuals can read the publication during hand washing. However, the program may modify the publication or develop a document, provided procedures remain the same or are exceeded.
- (h) **Post in diaper changing areas - procedures.** The program posts OKDHS Publication No. 14-04 - Diaper Changing Procedures, where individuals can read the publication while changing diapers. However, the program may modify the publication or develop a document, provided procedures remain the same or are exceeded. Item is paper only.
- (i) **Post in classrooms.** Items are posted where personnel and parents can read the items, unless the requirements specifically state otherwise. Two or more classrooms may share the posted items when the classrooms are next to each other and are divided by low height walls or barriers and the items can be read from each classroom.
- (1) **Program information and emergency numbers.** The program posts duplicate items in a prominent location for personnel, per (d) of this Section. Items are paper only.
  - (2) **First aid kits, emergency supply kits, and fire extinguishers.** The location of kits and fire extinguishers are posted. Items are paper only.
  - (3) **Evacuation routes.** A floor plan with primary and secondary evacuation routes from the classroom(s) is posted. Routes are not combined with other posted items, except for program information, emergency numbers, and locations of first aid kits, emergency supply kits, and fire extinguishers, per (1) and (2) of this subsection. Items are paper only.
  - (4) **Ratios and group sizes.** The applicable program-type ratios and group sizes, per OAC 340 Appendix GG - Ratios and Group Sizes are posted.
  - (5) **Daily classroom schedule.** The program posts a schedule with the required content, per OAC 340:110-3-289(b). Classrooms may share this item when the schedule is applicable to each classroom.
  - (6) **Weekly lesson plans.** The program posts lesson plans with the dates and required content, per OAC 340:110-3-289(d). Classrooms may only share this item when the lesson plan is applicable to each classroom.
  - (7) **Allergies.** The program posts children's food and life-threatening allergies, including the child's full name, and location of any life-threatening condition medications. The item is posted in a location or manner protecting confidentiality,

such as with a cover sheet, unless a waiver release is obtained by the parent. Item is paper only.

### **340:110-3-281.2. Program records and documentation**

(a) **General.** General records and documentation requirements per Oklahoma Administrative Code (OAC) 340:110-3-281 also apply to the items in this Section.

(b) **Accessible in prominent location.** Items are located in a noticeable and frequently visited location for the parents and public to view and may include multiple buildings depending on where parents and the public typically visit, and can be accessed without asking personnel.

(1) **Requirements.** Oklahoma Department of Human Services (DHS) Publication No. 14-05, Licensing Requirements for Child Care Programs, is accessible.

(2) **Selecting quality child care.** DHS Publication 87-91, Selecting Quality Child Care - A Parent's Guide, is accessible.

(3) **Compliance file.** Items are originals or copies and are maintained together, with the most recent on top and all child identifying information removed. The compliance file includes items within the last 120 calendar days, at a minimum, from the date on the document or the investigation completion date on the form, unless requirements specifically state otherwise. The compliance file only contains:

(A) compliance monitoring from Licensing, Stars, and tribal agencies, such as:

(i) monitoring visit forms. Include most recent visit; and

(ii) case status information, such as forms and correspondence regarding:

(I) issuance of permits and licenses;

(II) non-compliances and Stars violations;

(III) notices to comply;

(IV) complaint findings;

(V) office conferences with Licensing, Stars, and tribal agencies;

(VI) Stars alternative settlements and reductions; and

(VII) consent agreements, denials of a request for a license, and revocations of a license;

(B) child welfare investigative summary, regardless of findings. However, confirmed or substantiated findings are maintained in the file for 12 months;

(C) granted criminal history restriction waiver notifications. However, notification is maintained in the file for as long as the individual is employed or is living in the facility; and

(D) other documents indicating placement in the compliance file.

(c) **Available in facility.** Items are available upon request.

(1) **Necessity, issuance, and maintenance of a permit or license.** The requirements listed in (A) and (B) of this subsection are met.

(A) **Fire inspections.** Items are available upon request.

(B) **Health inspections.** Items are available upon request.

(2) **Other business, shared facility, and collaborations - collaboration agreement.** Item is available upon request.

(3) **Policy.** The requirements listed in (A) through (D) of this paragraph are met.

(A) **Program liability insurance policy.** DHS form, completed every 12 months, and a certificate of liability insurance from the insurance agent is available, unless an exception is posted per OAC 340:110-3-278(b).

(B) **Program policy.** Policy includes content per OAC 340:110-3-278(d).

(C) **Personnel policy.** Policy includes content per OAC 340:110-3-278(e).

(D) **Volunteer policy.** Policy includes content per OAC 340:110-3-278(f).

(4) **Emergency preparedness.** The requirements listed in (A) through (G) of this paragraph are met.

(A) **Emergency plans and procedures.** Item includes content per OAC 340:110-3-279(a) and is maintained in a readily available and portable manner for emergencies. Item is paper only.

(B) **Emergency contacts.** Emergency contact information for all personnel and enrolled children is maintained together in a readily available and portable manner for emergencies. Item is paper only.

(C) **Individual smoke and carbon monoxide alarm tests.** Item includes the dates the tests are conducted.

(D) **Central detection and alarm system checks for smoke and carbon monoxide.** Item includes the dates the system is checked or a contract from the company that continuously monitors the system for full-function.

(E) **Emergency preparedness drills.** Item includes dates and times the drills are conducted, with a signature of the director or personnel in charge during the drill.

(F) **Lock-down and relocation procedure reviews.** Item includes dates the reviews are completed by personnel.

(G) **Emergency plans and procedure reviews.** Item includes dates the reviews are completed by the director.

(5) **Attendance.** The requirements listed in (A) through (C) of this paragraph are met.

(A) **Personnel's attendance.** Daily attendance is:

(i) promptly documented on paper, including personnel's full name and arrival and departure time; and

(ii) maintained, on paper or electronically, for at least 12 months.

(B) **Children's attendance.** Daily attendance is:

(i) promptly documented on paper, including the child's full name and arrival and departure time; and

(ii) maintained, on paper or electronically, for at least 12 months.

(C) **Transportation attendance.** Attendance is maintained per (d) of this Section.

(6) **Animals.** The requirements listed in (A) and (B) of this paragraph are met.

(A) **Rabies vaccination.** A certificate from a licensed veterinarian for dogs and cats 4 months of age and older is available.

(B) **Psittacosis test results.** Negative results from a licensed veterinarian for each bird of the parrot family is available.

(7) **Parent communication and family engagement.** Requirements listed in (A) through (B) of this subparagraph are met.

(A) **Parent conferences.** Documentation of conferences offered by general or individualized notification is available.

(B) **Parent notifications.** Parents are provided information regarding insurance liability and the compliance file.

(i) Parents complete DHS forms every 12 months regarding insurance liability and the compliance file. Forms are maintained at the facility.

(ii) When the child is enrolled, parents are provided copies of DHS Form 07LC093E, Insurance Exception Notification, and DHS Publication No. 14-01, Notice to Parents.

(8) **Health and hygiene.** The requirements listed in (A) and (B) of this paragraph are met.

(A) **Injury and poison exposure log.** Incidents requiring an injury or poison exposure report are documented and maintained in one location for at least 12 months, to determine patterns. The log includes, at least the:

- (i) child's full name and age;
- (ii) injury date, time, type, and location at facility or off-site; and
- (iii) personnel present at the time of the injury.

(B) **Personnel administering medication.** Item includes full names of personnel designated to administer medication.

(9) **Physical environment.** The requirements listed in (A) through (E) of this paragraph are met.

(A) **Physical environment checklist.** DHS form, or other checklists regarding the same information as the form, is completed at least every 12 months.

(B) **Water supply - well water results.** Test results meeting requirements per OAC 340:110-3-300(k) are available.

(C) **Impact-absorbing materials.** Documentation of the American Society for Testing and Materials International (ASTM) tested impact-absorbing materials is maintained for the duration of the material's use.

(D) **Equipment inventory.** DHS form applicable to the program type and ages of children accepted into care is available.

(E) **Crib compliance.** Verification cribs meet Consumer Product Safety Commission standards is maintained for the duration of the cribs' use.

(10) **Transportation.** The requirements listed in (A) through (C) of this paragraph are met.

(A) **Transportation itinerary.** Item indicates approximate vehicle location at all times. Additional itineraries are duplicates.

(B) **Vehicle insurance.** Proof of insurance indicates the specific vehicles covered by the policy.

(C) **Vehicle maintenance.** Item includes the dates and full names of the individuals or commercial entities who conducted each inspection of:

- (i) tire wear and pressure;
- (ii) brakes;
- (iii) lights; and
- (iv) seat belts.

(d) **Available in vehicle.** The items listed in (1) through (6) of this subsection are maintained in the vehicle.

(1) **Program information.** Item includes program name, address, and phone number. Item is paper only.

(2) **Vehicle insurance.** Proof of insurance is available. Item is paper only.

(3) **Transportation itinerary.** Item indicates approximate vehicle location at all times. Additional itineraries are duplicates.

(4) **Emergency contacts and child information.** The full name and emergency contact information for each transported child is available. Item is paper only.

(5) **Transportation attendance.** Attendance is:

(A) immediately documented each time each child enters and exits the vehicle; and

(B) maintained in the vehicle or facility for at least 120 calendar days.

(6) **Child passenger check.** Before leaving the vehicle and in addition to the transportation attendance, the driver or last personnel in the vehicle documents completion of at least two methods of inspecting all areas of the vehicle for any remaining children to ensure no children are left on the vehicle.

### **340:110-3-281.3. Personnel and non-personnel records and documentation**

(a) **General.** General records and documentation requirements, per Oklahoma Administrative Code (OAC) 340:110-3-281 also apply to the items in this Section.

(b) **Personnel records.** Records are maintained for at least 12 months following the last date of employment, unless requirements specifically state otherwise. When the program is owned by a business entity with two or more programs and a general administrative office, personnel records are not required on-site, unless the requirements specifically state otherwise, provided current personnel records are made available to Licensing by the end of the next Licensing business day.

(1) **Personnel information.** The Oklahoma Department of Human Services (DHS) form is:

(A) completed by each personnel; and

(B) submitted to Licensing within two weeks of employment.

(2) **Criminal history review requests and results.** The DHS form is maintained for each required individual.

(3) **Treating medical personnel statement.** The report from treating medical personnel is maintained, when required, per OAC 340:110-3-283(f).

(4) **Professional development plan.** The program maintains a current plan, when required, per OAC 340:110-3-284(d) and:

(A) is relevant to the roles and responsibilities for the assigned position(s);

(B) includes training regarding requirements;

(C) varies each year; and

(D) builds upon previously obtained professional development.

(5) **Probationary master teachers.** Probationary master teachers complete the DHS form identifying educational professional development plans.

(6) **Professional development verification.** All verification is submitted to the Oklahoma Professional Development Registry (OPDR), unless entered by an OPDR approved trainer. In addition, the program maintains, on-site:

(A) all verification, until the individual is registered on OPDR; and

(B) cardio-pulmonary resuscitation (CPR) and first aid certifications.

(7) **Orientation.** The DHS form or a program form containing the same information is maintained for each personnel.

(8) **Compliance review.** The DHS requirements compliance review form is available.

(9) **Higher risk qualifications.** Documentation of required certification, training, and experience is maintained for at least 12 months.

(10) **Lifeguard certification.** Personnel who perform lifeguard duties have:

(A) CPR certification; and

(B) lifeguard certification from American Red Cross, Young Men's Christian Association (YMCA), or equivalent.

(11) **Driver or commercial driver license.** A copy is maintained for each driver.

(12) **Seat belt exemption.** A written statement from a licensed physician is maintained, when required, per OAC 340:110-3-305(g).

(c) **Volunteer records.**

(1) **Driver or commercial driver license.** A copy is maintained for 120-calendar days from last use of volunteer unless the document must be maintained longer due to the personnel record requirement per (3) of this subsection.

(2) **CPR and first aid certifications.** Certification is maintained for 120-calendar days from last use of volunteer, unless the document must be maintained longer due to the personnel record requirement per (3) of this subsection.

(3) **Additional.** Personnel records per (b) of this Section are required when a volunteer fills another position, per OAC 340:110-3-284.1 through 340:110-3-284.4, and are maintained for 12 months from last use of the volunteer. However, personnel records are not required when a volunteer only fills the driver position and transports children on an irregular basis.

#### **340:110-3-281.4. Child records and documentation**

(a) **General.** General records and documentation requirements, per Oklahoma Administrative Code (OAC) 340:110-3-281, also apply to items in this Section.

(b) **Child records.** The child record requirements in (1) through (16) of this subsection are met.

(1) **Child information.** Oklahoma Human Services (OKDHS) form, or a program form containing the same information, is:

- (A) completed by the parent prior to the child's first day of attendance; and
- (B) paper only.

(2) **Infant and 1-year-old daily record.** Daily records for 1-year-olds and younger are available in the child's classroom and include prompt documentation of eating, diapering, and sleeping activities.

(3) **Verbal pick-up authorizations.** When verbal authorization for pick-up of a child is obtained, personnel document the authorization, including the:

- (A) authorization date and time;
- (B) time period the authorization is valid; and
- (C) full name of the:
  - (i) individual providing authorization;
  - (ii) individual being given authorization; and
  - (iii) personnel receiving authorization.

(4) **Specialized service professional permission and release.** Signed and dated parent permission is available. In addition, when the professional does not complete the background investigation requirements, per OAC 340:110-3-282(a), parent releases indicating understanding are signed and dated prior to unsupervised access to children for each professional.

(5) **Food reward exception plan.** A behavior modification plan is available and includes content, per OAC 340:110-3-288(d), director and parent signatures, and the date signed.

(6) **Immunization records.** An immunization record or exemption is obtained prior to the first day of attendance and is updated when the child receives additional vaccines.

(7) **Medication permission.** Signed parent permission for each medication is obtained, prior to administration, on an OKDHS or program form containing the same information.

(A) Parent instructions are the same as:

- (i) the container instructions; or
- (ii) a licensed physician's written statement regarding over-the-counter medication instructions differing from the container instructions.

(B) For chronic medical conditions, permission may be obtained for 12 months or less at a time, provided specific instructions include when administration is needed, such as diaper cream and inhalers.

(8) **Medication administration.** Each dose administered, excluding diaper cream is immediately documented on an OKDHS or program form containing the same information.

(9) **Injury or poison exposure report.** An OKDHS or program form containing similar information is completed for each injury or poison exposure occurring while in care.

(10) **Infant safe sleep environment.** Written statements from licensed physicians, signed parent permissions, or both are available when required, per OAC 340:110-3-296(b).

(11) **Transportation permission and driver release.** Signed parent permission:

(A) is obtained prior to transportation; and

(B) at least includes:

(i) vehicle information, such as whether a program or personal vehicle is used;

(ii) driver information, such as whether the driver is personnel or a volunteer.

In addition, when a volunteer driver does not complete the background investigation requirements, per OAC 340:110-3-282(a), parent releases indicating this understanding are signed and dated prior to unsupervised access to children for each volunteer driver; and

(iii) a plan identified by the program or parent specifying pick-up and drop-off times and locations.

(12) **Field trip permission.** Signed parent permission is obtained prior to the field trip, and documentation is maintained for at least 12 months from the trip. Field trip permission may be:

(A) specific with dates, times, and locations; or

(B) general for all field trips occurring within a specified time period, not to exceed 120 calendar-days, provided parents are notified of specifics for each field trip, per OAC 340:110-3-280(d).

(13) **Higher risk activity permission and plan.** A plan is provided to parents, and signed parent permission is obtained prior to the activity. Documentation of both is maintained for at least 12 months from the activity. Permission may be for each time the child participates or a general permission for each activity type, such as swimming, may be given for 120-calendar days or less at a time. Field trip permission including the higher risk activity plan meets the requirement. The plan includes:

(A) activity-related qualifications of the individual(s) leading the activity;

(B) minimum ratios for the activity;

(C) conditions for the child's participation, such as his or her age and skill levels;

(D) special equipment necessary, such as safety helmets or specific clothing; and

(E) safety practices followed.

(14) **Annual parent conferences.** Documentation is maintained, per OAC 340:110-3-281.2(c).

(15) **Swimming skills - children.** A signed and dated parent statement regarding the water depth the child may swim in is obtained prior to the water activity, and documentation is maintained for at least 12 months from the activity.

(16) **Special diet for infants.** Written statements from licensed physicians are maintained when required, per OAC 340:110-3-298(f).

### **340:110-3-282. Background investigations**

(a) **General.** Background investigation requirements are met.

(1) **Required individuals.** Background investigations are required, per Section 401 et seq. of Title 10 of the Oklahoma Statutes (10 O.S. §§ 401 et seq.), Oklahoma Child Care Facilities Licensing Act (Licensing Act), unless an exception per (3) of this subsection applies for:

(A) owners, prior to authorization to operate;

(B) responsible entities, prior to authorization to operate and, when there is a change in a responsible entity;

(C) personnel applicants, prior to hire. However, the program may hire individuals, when:

(i) the program has submitted a criminal history review request to the Office of Background Investigations (OBI);

(ii) only awaiting the national criminal history records search, based on fingerprint submission;

(iii) criminal history review results from OBI are received by the program. However, until complete results are received, the individual does not have unsupervised access to children; and

(iv) coming from another licensed program owned by the same business entity. Individuals are not required to repeat the background investigation process, unless required per (2) of this subsection, with the exception of criminal history restriction waivers, provided there is no break in employment from the business entity;

(D) individuals with unsupervised access to children, prior to having access to children, unless an exception per (3) of the subsection applies;

(E) adults living in the facility, prior to authorization to operate or moving into the facility of an existing program. This includes children, who become 18 years of age while living in the facility; and

(F) individuals having access to, or review of, fingerprint results, prior to access to or review of results.

(2) **Resubmission of criminal history reviews as of November 2, 2017.** Effective November 2, 2017, programs request a criminal history review process, excluding fingerprinting, for required individuals every five years. However criminal history reviews requested prior to November 2, 2017, are resubmitted by November 1, 2022.

(3) **Non-required individuals.** Background investigations are not required for:

(A) specialized service professionals who are not program personnel, provided parent releases are obtained, per Oklahoma Administrative Code (OAC) 340:110-3-281.4(b);

(B) volunteer drivers transporting children on an irregular basis and not filling another position, provided parent releases are obtained, per OAC 340:110-3-281.4(b);

(C) contracted drivers not filling another position or having unsupervised access to children; and

(D) contracted non-personnel not having unsupervised access to children, such as when the program contracts for special activities or facility repair.

(b) **Restricted Registry.** The program conducts an online search of the Restricted Registry, also named Joshua's List, when required, per (a) of this Section.

(1) **Non-registrants.** Non-registrants are individuals not recorded on the Restricted Registry.

(2) **Registrants.** Registrants are individuals recorded on the Restricted Registry, who are prohibited from licensure, ownership, employment, unsupervised access to children, or facility residence, and prohibited individuals per OAC 340:110-3-283(a) and (c).

(c) **Criminal history.** The program and required individuals complete the criminal history review process. The program receives the completed criminal history review results from OBI when required per (a) of this Section.

(1) **Criminal history prohibitions.** Individuals with criminal history prohibitions are prohibited, per OAC 340:110-3-283(a) through (c). Criminal history prohibitions include:

(A) required registration under the:

- (i) Sex Offenders Registration Act, including state and national repositories; or
- (ii) Mary Rippe Violent Crime Offenders Registration Act; or

(B) pleas of guilty or nolo contendere (no contest), or convictions of felonies involving:

- (i) murder, as defined in Section 1111 of Title 18 of United States Code;
- (ii) child abuse or neglect;
- (iii) crimes against children, including child pornography;
- (iv) spousal abuse;
- (v) crimes involving rape or sexual assault;
- (vi) kidnapping;
- (vii) arson;
- (viii) physical assault or battery; or
- (ix) a drug-related offense committed during the preceding five years, unless a criminal history restriction waiver per (2) of this subsection is granted; or

(C) pleas of guilty or nolo contendere (no contest), or convictions of violent misdemeanors committed as adults against a child involving:

- (i) child abuse or child endangerment; or
- (ii) sexual assault; or

(D) pleas of guilty or nolo contendere (no contest), or convictions of misdemeanors involving child pornography; or

(E) when an individual:

- (i) refuses to consent to background investigations per (a) of this Section; or
- (ii) knowingly makes a materially-false statement in connection with criminal background investigations.

(2) **Criminal history restrictions.** Individuals with criminal history restrictions are prohibited per OAC 340:110-3-283(a) and (c), unless a criminal history restriction waiver is granted. Criminal history restrictions include pending charges, pleas of guilty or nolo contendere (no contest), or convictions of criminal activity involving:

- (A) gross irresponsibility or disregard for the safety of others;
- (B) violence against an individual;
- (C) sexual misconduct;
- (D) child abuse or neglect;
- (E) animal cruelty;
- (F) illegal drug possession, sale, or distribution; or

(G) a pattern of criminal activity.

(3) **Criminal history restriction waivers.** Restriction waivers are described in (A) through (D) of this paragraph.

(A) Restriction waivers may be requested for individuals having criminal history restrictions. The owner, responsible entity, or director completes requests on a DHS form.

(B) Restriction waivers are not requested or granted for:

(i) Restricted Registry registrants;

(ii) individuals with criminal history prohibitions; or

(iii) individuals whose sentence has not expired for criminal history restrictions.

(C) Individuals identified in pending or denied restriction waiver requests are prohibited per OAC 340:110-3-283(a).

(D) Granted criminal history restriction waiver notifications are maintained per OAC 340:110-3-281.2(b).

(d) **References.** The program obtains at least three, non-relative references prior to hiring personnel applicants, with at least two references from the most recent employers, when applicable.

### **340:110-3-283. Prohibited individuals**

(a) **Background investigation of required individuals.** The program does not allow a required individual to be the owner or responsible entity, to be employed, to live in the facility, or have:

(1) access to children, such as being present at the facility during the hours of operation, or present with the children in care while off-site, when the individual has:

(A) criminal history prohibitions;

(B) criminal history restrictions, unless a criminal history restriction waiver is granted. Individuals identified in a pending or denied restriction waiver request are prohibited; or

(C) a substantiated heinous and shocking abuse finding; or

(2) unsupervised access to children, when the individual is a Restricted Registry registrant.

(b) **Background investigation of drivers.** In addition to (a) of this Section, the program does not allow an individual required to obtain a background investigation to transport children when the individual has entered a plea of guilty or nolo contendere (no contest), or been convicted of driving under the influence of alcohol or drugs or another impaired driving offense within the last five years.

(c) **Background of any individual.** The program does not allow any individual to have access to children, such as being present at the facility during the hours of operation or present with the children in care while off-site, when the program is aware the individual has criminal history prohibitions, per Oklahoma Administrative Code (OAC) 340:110-3-282(c). However, individuals may drop-off and pick-up children in care.

(d) **Behavior or health of any individual.** The program does not allow any individual to have access to children or live in the facility when the individual's behavior or health could endanger children's health, safety, or well-being.

(e) **Health of food service personnel.** In addition to (a) and (d) of this Section, the program does not allow any individual to work in any capacity in any food service area whose health could endanger children's health, safety, or well-being, including communicable disease and infestation symptoms, other than head lice.

(f) **Treating medical personnel statement.** When it is reported or observed an individual has a physical, mental, or emotional condition that may negatively impact the children or impair the individual's ability to perform his or her assigned job responsibilities, the program may be required to submit to Licensing a treating medical personnel statement. Documentation is maintained, per OAC 340:110-3-281.3(b).

**340:110-3-284. General qualifications, responsibilities, and professional development**

(a) **General.** Personnel are required to meet the general requirements in this Section and those specific to his or her assigned position(s), per Oklahoma Administrative Code (OAC) 340:110-3-284.1 through 340:110-3-284.4, with or without reasonable accommodations.

(b) **Qualifications.** Personnel meet the general qualification requirements in (1) through (3) of this subsection.

(1) **Skills.** Personnel possess the skills to perform his or her position responsibilities.

(2) **Background investigations.** Personnel meet the background investigation requirements, per OAC 340:110-3-282.

(3) **Oklahoma Professional Development Ladder.** Prior to or within 12 months of employment, teaching personnel obtain and maintain a current Oklahoma Professional Development Ladder (OPDL) certificate, per OAC 340 Appendix FF – Oklahoma Professional Development Ladder.

(c) **Responsibilities.** Personnel meet the general responsibility requirements in (1) through (3) of this subsection.

(1) **Complying with requirements.** Personnel comply with the requirements.

(2) **Caring for and educating children.** Personnel:

(A) individualize the care and learning opportunities meeting each child's needs based on the child's age and abilities, including reviewing the information provided by parents while respecting confidentiality;

(B) recognize and act to correct hazards to physical safety, both indoors and outdoors;

(C) demonstrate prudent and responsible behavior reasonably ensuring children's health and safety;

(D) demonstrate realistic expectations for behavior based on the children's age, abilities, and needs; and

(E) work with children without physical, psychological, or emotional punishment, mistreatment, or abuse.

(3) **Reporting child abuse and neglect.** Personnel report suspected child abuse and neglect and human trafficking, per OAC 340:110-3-280(b).

(d) **Professional development.** Personnel meet the general professional development requirements in (1) through (8) of this subsection.

(1) **Professional development verification.** Verification of professional development is maintained, per OAC 340:110-3-281.3(b).

(2) **Professional development plan.** For the director and teaching personnel the program:

(A) within six months of employment, develops an individualized education plan;

(B) updates the plan annually; and

(C) maintains documentation, per OAC 340:110-3-281.3(b).

(3) **Orientation.** Within one week of employment and prior to having sole responsibility for a group of children, personnel obtain orientation, as documented, per OAC 340:110-3-281.3(b), including, at least a review of:

(A) Licensing requirements;

(B) prevention and control of infectious disease;

(C) immunizations;

(D) injury prevention;

- (E) handling common childhood emergencies, including choking;
- (F) medication administration consistent with standards for parental consent;
- (G) prevention of and response to emergencies due to food and allergic reactions;
- (H) prevention and control of infectious disease and mandatory reporting;
- (I) child abuse and neglect definition, identification, and mandatory reporting;
- (J) appropriate use of discipline and prevention of child maltreatment;
- (K) car seat and transportation precautions and safety;
- (L) building and physical premise safety including identification of and protection from hazards that can cause bodily injury, such as electrical hazards, bodies of water, and vehicular traffic;
- (M) handling and storage of hazardous materials and appropriate bio-contaminant disposal;
- (N) diaper changing;
- (O) prevention of shaken baby syndrome and abusive head trauma;
- (P) reducing the risks of sudden infant death syndrome (SIDS);
- (Q) use of infant safe sleep practices;
- (R) child development; and
- (S) program specific information, including, at least:
  - (i) policies and procedures;
  - (ii) emergency preparedness and response planning for emergencies resulting from a natural disaster or a man-caused event addressing continuity of planning and all situations, per OAC 340:110-3-279;
  - (iii) confidentiality of information regarding children and families;
  - (iv) personnel's assigned duties and responsibilities, such as classroom schedules and lesson plans; and
  - (v) methods used to inform personnel of children's special health, nutritional, and developmental needs.

(4) **Safe sleep.** Prior to caring for infants, personnel obtain formal professional development in safe sleep practices.

(5) **Entry Level Child Care Training (ELCCT) or equivalent.** Prior to, or within 90-calendar days of employment, teaching personnel hired after August 1, 2003, complete an approved entry-level training listed on the Oklahoma Professional Development Registry (OPDR) website, such as ELCCT. However, this training is not required when previously received, unless the individual has not been employed at a licensed program within the last five years.

(6) **CPR and first aid.** Cardio-pulmonary resuscitation (CPR) and first aid certifications are age-appropriate for the children's ages accepted into care and are from approved sources listed on the OPDR website. In addition to CPR and first aid certification requirements for individuals in (A) through (B) of this subsection, other position specific CPR and first aid certification requirements are also met, per OAC 340:110-3-284.1 through 340:110-3-284.4.

(A) At all times, at least one personnel with current CPR and first aid certification is present with children:

- (i) on-site, including in each building where children are present;
- (ii) off-site; and
- (iii) in each vehicle during transportation. However, a volunteer with certification from any source meets this requirement, provided the volunteer

does not fill another position, excluding driver, per OAC 340:110-3-284.1 through 340:110-3-284.4.

(B) At least the director and master teachers obtain CPR and first aid certifications as required, per OAC 340:110-3-284.1(b) and 340:110-3-284.2(b).

(7) **Infection control.** Personnel obtain infection control training at least every 12 months.

(8) **Continuing professional development.** Ongoing professional development is required.

(A) The director obtains at least the required number of professional development clock-hours to maintain a current Oklahoma Director's Credential, per OAC 340 Appendix EE - Oklahoma Director's Credential. However, informal professional development clock-hours are limited.

(B) Teaching personnel obtain at least the required number of professional development clock-hours to maintain a current OPDL certificate, per OAC 340 Appendix FF - Oklahoma Professional Development Ladder. However, informal professional development clock-hours are limited.

(C) Formal professional development is:

(i) a course or training event of two or more clock-hours from an OPDR approved training organization; and

(ii) OPDR approved college credit hours.

(D) Informal professional development is:

(i) a course or training event of less than two clock-hours from an OPDR approved training organization;

(ii) any number of clock-hours from an OPDR non-approved training organization; and

(iii) any training from electronic media, such as videos or DVDs.

(E) Reading and television programs do not count toward required clock-hours.

(9) **Child passenger safety.** When the program provides transportation for children required to be in a car seat or booster seat, per Child Passenger Restraint System, Section 11-1112 of Title 47 of the Oklahoma Statutes (47 O.S. § 11-1112), the program has at least one personnel who obtained child passenger safety training from an approved source listed on the OPDR website, unless the vehicles used are exempt, per OAC 340:110-3-305(g). When the trained personnel's employment ends, the program has three months to meet this requirement.

**340:110-3-284.1. Director and personnel in charge**

(a) **General.** In addition to the position specific requirements in this Section, personnel meet the general requirements per Oklahoma Administrative Code (OAC) 340:110-3-284.

(b) **Director.** The program employs an individual who meets these position specific requirements.

(1) **Position specific qualifications.** The director:

(A) is at least 21 years of age;

(B) has satisfactory work experience;

(C) has a current bronze or higher level certificate per OAC 340 Appendix EE - Oklahoma Director's Credential;

(D) is not a director or master teacher at another program that operates concurrently at any given time; and

(E) has a good understanding of the requirements and program policies.

(2) **Position specific responsibilities.** The director is:

(A) accountable for the day-to-day operation of the program;

(B) responsible for:

(i) maintaining a program that meets or exceeds the requirements;

(ii) improving the quality of care;

(iii) implementing program development and evaluation;

(iv) ensuring personnel and volunteers comply with the requirements;

(v) supervising the conduct of personnel, volunteers, and other individuals providing services in the program;

(vi) appointing and informing the personnel in charge when the director is not present at the facility;

(vii) registering the program as a direct care organization and maintaining information on the Oklahoma Professional Development Registry (OPDR); and

(viii) overseeing parent communication and family engagement;

(C) present at the facility during the hours of operation at least 50 percent of the operating hours or 30 hours per week, whichever is less; and

(D) free from direct care responsibilities, when four or more teaching personnel are required to meet ratios, at least three hours per day during the hours of operation to provide program oversight and personnel supervision.

(3) **Position specific professional development.** The director, upon assuming the position:

(A) completes a DHS requirements compliance review form within one month;

(B) obtains and maintains cardio-pulmonary resuscitation (CPR) and first aid certifications prior to, or within three months, that meet requirements per OAC 340:110-3-284(d); and

(C) is exempt from the Entry Level Child Care Training (ELCCT) or equivalent requirement.

(c) **Personnel in charge.** The director appoints an individual who meets the position specific requirements listed in (1) through (3) of this subsection.

(1) **Position specific qualifications.** The personnel in charge:

(A) are at least 21 years of age; and

(B) have a good understanding of the requirements and program policies.

(2) **Position specific responsibilities.** The personnel in charge takes responsibility for program operation when the director is not present at the facility.

(3) **Position specific professional development.** The personnel in charge meets specific professional development for his or her regularly assigned position.

### **340:110-3-284.2. Teaching personnel**

(a) **General.** In addition to the position specific requirements in this Section, personnel meet the general requirements, per Oklahoma Administrative Code (OAC) 340:110-3-284.

(b) **Master teachers.** The program employs or utilizes at least the minimum number of required individuals or volunteers meeting the position specific requirements in (1) through (6) of this subsection.

(1) **Required master teachers.** At least one master teacher is required for every 60 children of the licensed capacity. Only the required number of master teachers are required to meet all of the master teacher requirements. However, all master teachers meet cardio-pulmonary (CPR) and first aid certification requirements in (6) of this subsection.

(2) **Position specific qualifications.** Master teachers:

(A) are at least 18 years of age;

(B) have at least a high school diploma, General Education Development (GED), or Licensing approved equivalent; and

(C) have a current Oklahoma Professional Development Ladder (OPDL) certificate, per OAC 340 Appendix FF - Oklahoma Professional Development Ladder of Level 4 or higher.

(3) **Probationary master teachers.** Directors may request a one-year probationary period for personnel replacing master teachers not meeting educational criteria, per (2)(C) of this subsection.

(A) Probationary master teachers:

(i) complete the Oklahoma Human Services (OKDHS) form for the master teacher educational professional development plan, per OAC 340:110-3-281.3(b); and

(ii) are listed on the Oklahoma Professional Development Registry (OPDR). No specific level is required; however, OPDL timeframes and certificates are met, per OAC 340:110-3-284(b).

(B) Licensing may extend the probationary period for a second year, providing the probationary master teacher is actively pursuing educational qualifications as identified on the OKDHS form.

(C) Master teacher educational qualifications are met for the initial permit, license issuance, and increases in licensed capacity.

(4) **Director as master teacher.** The director may count as a master teacher when meeting the master teacher qualifications, per (b) of this Section. Directors counting as master teachers are eligible for probationary periods, per (3) of this subsection.

(5) **Position specific responsibilities.** Master teachers:

(A) support other teaching personnel in meeting teacher and assistant teacher responsibilities;

(B) are responsible for:

(i) direct care of children;

(ii) planning and implementing the lesson plans;

(iii) classroom arrangement;

(iv) planning and implementing parent communication and family engagement; and

(v) providing input on program development and evaluation; and

- (C) are present at the facility during the hours of operation at least 50 percent of operating hours or 30 hours per week, whichever is less.
- (6) **Position specific professional development.** Master teachers obtain and maintain CPR and first aid certification requirements, per OAC 340:110-3-284(d). Master teachers obtain the certification within three months.
- (c) **Teachers.** The program employs individuals or utilizes volunteers meeting the position specific requirements in (1) through (3) of this subsection.
- (1) **Position specific qualifications.** Teachers:
- (A) are at least 18 years of age; and
  - (B) have at least:
    - (i) a high school diploma, GED, or Licensing approved equivalent; or
    - (ii) completed 10th grade and are in the process of obtaining a GED for a period not to exceed 12 months from employment.
- (2) **Position specific responsibilities.** Teachers:
- (A) have the primary responsibility for direct care of children; and
  - (B) participate in:
    - (i) lesson plan development and implementation;
    - (ii) classroom arrangement;
    - (iii) parent communication and family engagement; and
    - (iv) program development and evaluation.
- (3) **Position specific professional development.** Teachers obtain and maintain CPR and first aid certification requirements, per OAC 340:110-3-284(d). Teachers obtain the certification within three months.
- (d) **Assistant teachers.** The program may employ individuals or utilize volunteers meeting the position specific requirements in (1) through (4) of this subsection.
- (1) **Position specific qualifications.** Assistant teachers:
- (A) are at least 16 years of age; and
  - (B) meet one of the criteria in (i) through (iii). Assistant teachers:
    - (i) are currently enrolled in high school or an equivalent;
    - (ii) have at least a high school diploma, GED, or Licensing approved equivalent; or
    - (iii) have completed 10th grade and are in the process of obtaining a GED for a period not to exceed 36 months from employment.
- (2) **Position specific responsibilities.** Assistant teachers:
- (A) are responsible for direct care of children; and
  - (B) carry out assigned tasks that may include participation in:
    - (i) lesson plan development and implementation;
    - (ii) classroom arrangement;
    - (iii) parent communication and family engagement; and
    - (iv) program development and evaluation.
- (3) **Position specific professional development.** Assistant teachers obtain and maintain CPR and first aid certification requirements, per OAC 340:110-3-284(d). Assistant teachers obtain the certification within three months.
- (4) **Position specific limitations.** Assistant teachers:
- (A) are overseen by an on-site director, master teacher, or teacher:
    - (i) overseeing two or fewer assistant teachers at one time; and
    - (ii) providing intervention, when needed; and

(B) not having sole responsibility for a group of children:

(i) for more than three hours per day; and

(ii) during higher risk activities, per OAC 340:110-3-290.

(e) **Substitutes for teaching personnel.** The program may employ individuals or utilize volunteers or other personnel meeting the position specific requirements in (1) through (3) of this subsection.

(1) **Position specific qualifications.** Substitutes meet the teacher qualifications, per (c) of this Section. However, the OPDL certificate is not required until indicated in (3) of this subsection.

(2) **Position specific responsibilities.** Substitutes meet the responsibility requirements for the position(s) they are filling.

(3) **Position specific professional development.** Substitutes meet the general professional development requirements, per OAC 340:110-3-284(d). However, the timeframe for meeting professional development requirements begins when the substitute has worked for the program a total of 80 hours. However:

(A) orientation is required, prior to being left alone with children; and

(B) CPR and first aid certification requirements are met per specific position requirements.

### **340:110-3-284.3. Support personnel**

(a) **General.** In addition to the position specific requirements in this Section, personnel meet the general requirements per Oklahoma Administrative Code (OAC) 340:110-3-284.

(b) **All support personnel.** The program may employ individuals or use volunteers or other personnel who meet these position specific requirements.

(1) **Position specific responsibilities.** Support personnel provide support services to the program.

(2) **Position specific limitations.** Personnel performing support services do not count in ratios unless an exception applies per OAC 340:110-3-286(a).

(3) **Position specific additional requirement.** When support personnel fill another position in OAC 340:110-3-284.1 or 340:110-3-284.2, the individual also meets the requirements for the position(s) they are filling.

(c) **Food service personnel.** The program may employ individuals or use volunteers or other personnel who meet these position specific requirements.

(1) **Position specific responsibilities.** Food service personnel:

(A) prepare and serve food; and

(B) meet the food service requirements per OAC 340:110-3-299.

(2) **Position specific professional development.** Prior to or within three months of assuming primary responsibilities for food preparation, food service personnel obtain food service training from an approved source listed on the Oklahoma Professional Development Registry (OPDR) website. However, this is not required when only limited food service is provided per OAC 340:110-3-299(a).

(d) **Drivers.** The program may employ individuals or use volunteers or other personnel who meet these position specific requirements.

(1) **Position specific qualifications.** Drivers:

(A) are at least 21 years of age;

(B) have a valid driver or commercial driver license (CDL) in their state of residence, appropriate for the type of vehicle driven. Documentation is maintained per OAC 340:110-3-281.3(b) and (c);

(C) who are contracted personnel or volunteers, may not be required to obtain criminal history reviews per OAC 340:110-3-282(a); and

(D) are prohibited when required per OAC 340:110-3-283(b).

(2) **Position specific responsibilities.** Drivers:

(A) transport children; and

(B) meet the transportation requirements per OAC 340:110-3-305.

(3) **Position specific professional development.** Drivers, excluding volunteers who transport on an irregular basis and do not fill another position per OAC 340:110-3-284.1 through 340:110-3-284.4, obtain within three months of transporting children:

(A) child passenger safety training per OAC 340:110-3-284(d), from the program's trained personnel or an approved source listed on the OPDR website or a trained personnel is in the vehicle with the contracted driver, unless the vehicle used is exempt per OAC 340:110-3-305(g). In addition, personnel who assist with child passenger restraints obtain this training from the options indicated within three months of assisting; and

(B) vehicle safety training:

(i) for the safe operation of the type of vehicle driven, when driving a vehicle designed to transport 10 or more passengers; and

(ii) from any training source, excluding owner manuals.

#### **340:110-3-284.4. Other personnel and non-personnel**

(a) **General.** In addition to position specific requirements in this Section, personnel meet the general requirements per Oklahoma Administrative Code (OAC) 340:110-3-284.

(b) **Contracted personnel.** When the program contracts for a service and the individual or agency personnel fills a position per OAC 340:110-3-284.1 through 340:110-3-284.3, the requirements for the position(s) are met.

(c) **Contracted non-personnel.** When the program contracts for a service, such as special activities or facility repair, and the individual or agency personnel does not fill a position per OAC 340:110-3-284.1 through 340:110-3-284.3, the personnel requirements are not required.

(1) **Position specific qualifications.** Contracted non-personnel who have unsupervised access to children meet the background investigation requirements per OAC 340:110-3-282.

(2) **Position specific limitations.** Contracted non-personnel are not responsible for supervision per OAC 340:110-3-287(i).

(d) **Specialized service professionals.** The program may employ individuals, contract non-personnel, use volunteers, and allow children to have access to specialized service professionals, who meet these requirements.

(1) **Position specific qualifications.** Specialized service professionals meet the background investigation requirements per OAC 340:110-3-282.

(2) **Position specific additional requirement.** Parent permission is required. Documentation is maintained per OAC 340:110-3-281.4(b).

(e) **Volunteers.** The program may use volunteers who meet these requirements. However, volunteers who fill another position per OAC 340:110-3-284.1 through 340:110-3-284.3 meet all personnel requirements and the requirements for the position(s) they are filling, unless the requirements specifically state otherwise.

(1) **Position specific qualifications.** Volunteers who have unsupervised access to children meet the background investigation requirements per OAC 340:110-3-282.

(2) **Position specific responsibilities.** Volunteers comply with the requirements.

(3) **Position specific professional development.** Volunteers within one week of providing services, are familiar with program policies and procedures that pertain to the services they are providing.

(4) **Position specific limitations.** Volunteers are supervised by the director or designated personnel.

**340:110-3-285. Licensed capacity**

(a) **Licensed capacity.** The maximum number of children in care at one time, whether on- or off-site, does not exceed the licensed capacity specified on the current permit or license. This includes the personnel's children who are present and not filling a position listed in Oklahoma Administrative Code (OAC) 340:110-3-284.1 through 340:110-3-284.4.

(b) **Calculating licensed capacity.** The licensed capacity is the lowest capacity computed:

- (1) for the indoor play area based on the number of sinks and toilets;
- (2) for the indoor play area based on the square footage;
- (3) for the outdoor play area based on the square footage; or
- (4) on the fire inspection report, when applicable.

(c) **Equipment and master teachers.** The licensed capacity impacts the:

- (1) amount of equipment; and
- (2) number of required master teachers.

(d) **Collaborations.** The licensed capacity may be reduced during collaborative times per OAC 340:110-3-277(c).

### **340:110-3-286. Ratios and group sizes**

(a) **Ratios.** Ratios are the number of teaching personnel required to be physically present with a child or group of children, per Oklahoma Administrative Code (OAC) 340 Appendix GG - Ratios and Group Sizes. Only teaching personnel count in ratios, unless requirements specifically state otherwise. The program is required to maintain ratios at all times.

(1) **Counted in ratios.** Personnel may count in ratios when these situations apply.

(A) **Transportation.** Drivers may count in ratios when only one or two children of any age or only children 4 years of age or older are transported.

(B) **Teaching personnel performing minimal cleaning and food service.** Teaching personnel may count in ratios while performing minimal cleaning and food service duties, provided supervision is maintained.

(C) **Adjacent restrooms.** Teaching personnel may count in ratios when present or children are present in a restroom opening directly into the classroom, provided children can be seen or heard and supervision is maintained.

(D) **Rest time – 3- through 5-year-olds.** When children are resting quietly or sleeping, the exceptions in (i) and (ii) of this subparagraph may apply.

(i) **One group.** At least one teaching personnel is present in the classroom. Other teaching personnel required for ratios remain in the building on the same floor.

(ii) **Combined groups.** When two or more groups are combined into one classroom for rest time, at least one teaching personnel is with each group and present in the classroom. Other teaching personnel required for ratios remain in the building on the same floor. When groups are combined the:

(I) maximum group size requirements, per (b) of this Section, do not apply; and

(II) classroom capacity requirements, per Oklahoma Administrative Code (OAC) 340:110-3-301(b) apply.

(E) **Overnight care.** When children are resting quietly or sleeping, at least one teaching personnel is with each group and present in the classroom. Other teaching personnel required for ratios remain in the building on the same floor. Teaching personnel are awake at all times, per OAC 340:110-3-287.

(2) **Not counted in ratios.** Personnel do not count in ratios when the situations in (A) through (C) of this paragraph apply.

(A) **Transportation.** Drivers do not count in ratios when 3-year-olds or younger are transported, unless the transportation exception applies, per (1) of this subsection.

(B) **Support services personnel.** Support services personnel do not count in ratios when performing support services, unless the minimal cleaning and food service exception applies, per (1) of this subsection.

(C) **Lifeguard.** Personnel do not count in ratios when performing lifeguard duties.

(3) **Children with special needs.** When children with special needs are in care, additional teaching personnel may be required, ensuring appropriate supervision and care of all children.

(b) **Groups and group sizes.** Groups are determined by the number of children cared for by one or more teaching personnel. There is only one group of children per classroom

or other area, and the maximum group size is not exceeded, per OAC 340 Appendix GG – Ratios and Group Sizes, unless an exception applies, per (2) of this subsection.

(1) **Classrooms.** Rooms may be one classroom or divided into more than one classroom by permanent or temporary walls or barriers, including large areas, such as gymnasiums, provided the large area requirements, per OAC 340:110-3-301(b) are met.

(A) **Classrooms - 4-year-olds or younger.** Walls or barriers are at least three feet in height.

(B) **Classrooms - 5-year-olds or older.** Walls or barriers may be established through a variety of options, such as partitions or tables.

(2) **Maximum group size exceptions.** The maximum group size requirements do not apply when groups are combined for special activities, outdoor play, meals, snacks, rest time, and field trips. However, the ratio requirements apply, including the combined group rest time exception, per (a) of this Section.

(c) **Post ratios and group sizes.** Ratios and group sizes are posted, per OAC 340:110-3-281.1(i).

### **340:110-3-287. Supervision**

(a) **Supervision.** Supervision is the function of observing, overseeing, and guiding a child or group of children, including an awareness of, and responsibility for, the ongoing activity of each child, and being near enough to intervene when needed. The program is required to maintain supervision at all times.

(b) **Know children.** Teaching personnel:

- (1) recognize children assigned to their group; and
- (2) are responsible for learning assigned children's behaviors, interests, and individual needs.

(c) **Non-job related activities.** While counting in ratios, personnel do not participate in non-job related activities that may interfere with supervision, such as visitors, phone calls, or electronic device use.

(d) **Kitchen.** Children are restricted from the kitchen, unless part of a planned, supervised activity.

(e) **Exception – children 5 years of age or older.** Five or fewer children having a good understanding of program rules may participate in a short-term, on-site activity not within sight and hearing of teaching personnel. However:

- (1) children count in ratios of his or her assigned group;
- (2) this exception is not used when:
  - (A) children use stationary outdoor play equipment;
  - (B) children participate in higher risk activities, per Oklahoma Administrative Code (OAC) 340:110-3-290(a); or
  - (C) on-site services are being performed by contracted non-personnel without completed criminal history reviews, per OAC 340:110-3-282; and
- (3) when this exception is used, assigned teaching personnel:
  - (A) make contact with these children at least every 10 minutes, while maintaining supervision of all children in his or her assigned group;
  - (B) provide immediate intervention, when needed; and
  - (C) know each child's location at all times and the nature of his or her activities.

(f) **On-site play areas accessible to public.** The program has a method for easily identifying children and any play area boundaries.

(g) **Off-site.** When the program provides or arranges for off-site activities:

- (1) a written supervision plan is maintained;
- (2) an adult teaching personnel is with each group;
- (3) boundaries are identified to the children; and
- (4) the children are identifiable, such as using t-shirts, wrist bands, or badges.

(h) **Transportation.** Transportation documentation is maintained, per OAC 340:110-3-281.2(d).

(1) Children are never left unattended in vehicles.

(2) Supervision during transportation:

- (A) begins when the child is picked up and the program has physical custody of the child. When the child is not present, or there is a contradiction about who is responsible for picking up the child, the program informs the parent, per OAC 340:110-3-280(d); and
- (B) ends when the child is dropped off. The child is only dropped off at the pre-arranged location or with the individual designated by the parent, per OAC 340:110-3-281.4(b).

(3) When transporting children, communication device use is restricted, per OAC 340:110-3-305(e).

(4) Children's entire bodies remain in the vehicle.

(i) **Contracted non-personnel.** When contracted non-personnel are present, program personnel provide the supervision.

(j) **Overnight care.** Teaching personnel required for ratios are awake at all times.

### **340:110-3-288. Discipline and behavior guidance**

(a) **General.** Discipline and behavior guidance is developmentally appropriate, responsive to the circumstances, constructive, and provides learning opportunities. Personnel do not seek or accept parental permission not complying with requirements, per Oklahoma Administrative Code (OAC) 340:110-3-293(a).

(b) **Appropriate discipline.**

(1) **Assessment.** Personnel evaluate the environment, atmosphere, and activities before considering specific child interventions.

(2) **Interaction.** Personnel interact with an attitude of understanding and firmness.

(3) **Fairness and consistency.** Personnel use fair and consistent rules.

(4) **Perspective.** Personnel maintain perspective and recognize every behavior not requiring teaching personnel's attention or intervention.

(5) **Expressing acceptance and disapproval.** Personnel speak so children understand their feelings are acceptable, but the action or behavior may be unacceptable.

(6) **Self-control.** Personnel encourage children to develop self-control.

(7) **Relevant.** Personnel choose discipline relevant to the behavior.

(8) **Redirect.** Personnel provide alternatives when the behavior is unacceptable.

(9) **Consequences.** Personnel use safe, natural, and logical consequences helping children take responsibility for his or her actions.

(10) **Individualize.** Personnel recognize every discipline method is not effective with every child or circumstance.

(11) **Time-out or time-away.** Personnel may consider this option when other discipline methods are ineffective.

(A) Personnel use this method only with children 2 years of age and older when:

(i) necessary for the child to regain self-control;

(ii) the child has the ability to learn from it; and

(iii) appropriate supervision is maintained.

(B) The child may sit quietly or participate in an individual activity.

(C) Time-out is limited to one minute or less for each year of age. However, when self-control is regained in less time, the child may rejoin an ongoing activity.

(c) **Inappropriate discipline.** Personnel are prohibited from using or threatening to use inappropriate discipline.

(1) **Physical.** Inappropriate physical discipline examples include:

(A) actions that could cause pain, such as shaking, hitting, striking with an object, spanking, swatting, thumping, pinching, popping, shoving, spitting, hair pulling, yanking, and slamming;

(B) biting a child;

(C) putting anything in or on a child's mouth;

(D) exposure to extreme temperatures;

(E) excessive or forced exercise; and

(F) restraining or tying to restrict a child's movement by any means other than holding. Holding is used only as long as necessary for the child to regain self-control.

(2) **Psychological and emotional.** Inappropriate psychological and emotional discipline examples, include:

(A) humiliating, rejecting, or neglecting a child;

- (B) making derogatory or sarcastic remarks about a child's family, race, gender, religion, or cultural background;
  - (C) yelling at a child out of anger or using harsh or profane language;
  - (D) punishing or threatening a child in association with:
    - (i) education, such as writing repetitive sentences and homework; and
    - (ii) physical needs, such as:
      - (I) withdrawing, denying, or forcing food, rest, or toileting; and
      - (II) withdrawing or denying outdoor play or a weather alternate activity;
  - (E) isolating a child without supervision;
  - (F) placing a child in a dark area;
  - (G) allowing a child to discipline other children; and
  - (H) punishing an entire group due to the actions of one or a few children.
- (d) **Inappropriate food reward.** Food is not used to obtain or reward desired behaviors.
- (1) **Food reward exception.** When a child has a non-typical behavioral issue or learning style and other methods to modify the child's behavior do not work, food if necessary, may be used initially to obtain or reward a desired behavior.
  - (2) **Food reward exception plan.** A behavior modification plan, with timeframes, is developed by relevant professionals, when applicable, director, and parents to eliminate food as a reward and take steps to transition to another method for obtaining or rewarding desired behaviors. Documentation is maintained, per OAC 340:110-3-281.4(b).

### **340:110-3-289. Learning program principles**

(a) **General.** Each child is:

(1) provided an environment that:

(A) meets the needs and encourages full participation of all children;

(B) includes play equipment and activities fostering inclusivity of diverse cultures and families; and

(C) is equipped and prepared for learning based on each child's age, needs, and interests; and

(2) provided multiple opportunities to play the majority of the day individually or in small, informal groups;

(3) allowed to choose activities balanced between teaching personnel-directed and child-selected; and

(4) encouraged, but not forced, to participate in program activities, with adaptations ensuring safety and participation.

(b) **Daily classroom schedules.** Classroom schedules provide consistent routines.

(1) Classroom schedules are:

(A) a sequence of activities indicating times of day;

(B) developed for each classroom;

(C) followed with reasonable regularity;

(D) age-appropriate; and

(E) posted, per Oklahoma Administrative Code (OAC) 340:110-3-281.1(i).

(2) Classroom schedules at least include:

(A) alternating periods of quiet and active play;

(B) indoor and outdoor play;

(C) meal and snack time;

(D) rest time, when applicable; and

(E) transportation, when applicable.

(c) **Transition times.** Teaching personnel have short-term activities, such as songs, stories, and exercises reducing waiting periods in between children's activities.

(d) **Weekly lesson plans.** Lesson plans provide varying daily activities by including diverse topics, projects, or ideas influenced by children's curiosity and interests.

(1) Lesson plans are:

(A) developed weekly indicating plans for each day;

(B) developed for each classroom;

(C) followed with flexibility;

(D) different each week; and

(E) posted, per OAC 340:110-3-281.1(i).

(2) Lesson plans at least include daily indoor and outdoor learning activities and experiences that:

(A) are developmentally appropriate;

(B) meet children's needs and stimulate learning in developmental areas, such as:

(i) social;

(ii) emotional;

(iii) cognitive;

(iv) language, including reading to children at least 15 minutes per day and providing writing opportunities;

(v) creative expression, such as art and music; and

- (vi) physical, including at least one activity teaching personnel lead and participate in; and
  - (C) balance gross and fine motor activities; and
  - (D) use a variety of equipment and materials.
- (e) **Interest areas.** Play equipment is arranged in interest areas in classrooms with children 2 year of age or older. However, children may move the play equipment between interest areas while playing. Required interest areas include:
- (1) art;
  - (2) blocks;
  - (3) books and language;
  - (4) dramatic play; and
  - (5) manipulatives.
- (f) **Play equipment accessibility.** Required play equipment, per OAC 340 Appendix MM – Equipment, for the:
- (1) licensed capacity is maintained at the facility; and
  - (2) classroom is proportionate in amount and variety to the number of children in attendance and within children's reach.
- (g) **Play equipment rotation.** Play equipment may be rotated to maintain children's interest.
- (h) **Outdoor play.** Daily outdoor play is ensured:
- (1) for each child regardless of age, unless the child's health or safety is at risk, based on parent-provided written information; and
  - (2) provided weather and environmental conditions pose no significant health or safety risk, by:
    - (A) adjusting the time of day and amount of time outside;
    - (B) considering children's ages; and
    - (C) ensuring children wear weather-appropriate clothing.
- (i) **Electronic and print media.** Children may use media, provided these requirements are met.
- (1) Electronic and print media are chosen with discretion and selectivity and are:
    - (A) non-violent;
    - (B) non-vulgar;
    - (C) non-sexually explicit;
    - (D) culturally sensitive; and
    - (E) age-appropriate, per widely accepted rating systems.
  - (2) When the internet is accessible for children's use, the program ensures children do not have access to inappropriate websites, email, instant messaging, and similar technology.
  - (3) Screen time is:
    - (A) viewing electronic media with a screen, such as television (TV), digital video display (DVD), videos, video games, phones, and computers. Screen time includes viewing screens while others use the media;
    - (B) not used during meal and snack times. However, snacks may be provided during occasional special activities;
    - (C) not used when all children in the group are 1-year-olds or younger; and
    - (D) limited for all other groups.
      - (i) Screen time is limited to:

(I) thirty minutes or less during the day for each child or group. However, Saturday mornings may include an additional 30 minutes for each child or group; and

(II) one hour or less during the evening for each child or group in evening or overnight care.

(ii) Exceptions to limited screen time include:

(I) electronic media involving physical activity participation;

(II) electronic media when used for children's school-related educational activities;

(III) e-readers when used for reading;

(IV) smart boards and tables when used for hands-on learning activities, such as drawing or puzzles;

(V) occasional special activities, such as watching movies; and

(VI) assistive or adaptive technology for children with special needs.

(4) During rest time, personnel may use electronic media for child and classroom-related activities, provided supervision is maintained.

(j) **Program for 1-year-olds and younger.** Awake children:

(1) spend a majority of time playing freely on the floor, including infant "tummy-time";

(2) are not permitted in infant car seats, except during emergency drills, transportation, and arrival and departure with parents; and

(3) do not remain for more than 20 minute increments in equipment restricting freedom of movement, such as rest equipment, swings, high chairs, or stationary activity centers, except while eating in high chairs or similar stationary equipment. Children only sleep in appropriate rest equipment, per OAC 340:110-3-296.

**340:110-3-290. Higher risk activities**

(a) **Higher risk activities.** Higher risk activities, such as swimming, shoreline activities, archery, ice or roller skating, gymnastics, enclosed inflatable bouncing equipment, or karate increase the risk for severe injuries.

(b) **Selection.** Higher risk activities are chosen with discretion and selectivity. Some activities are not appropriate for child care, such as trampoline use per Oklahoma Administrative Code (OAC) 340:110-3-302(e), or for every age.

(c) **Ratios and supervision.** Teaching personnel required for ratios are present with the children, including when the activity is conducted by contracted non-personnel. Additional personnel may be required, depending on the activity risk-level, to ensure proper supervision and care of all children.

(d) **Qualifications.** Personnel or contracted non-personnel leading the activity have appropriate certifications, when required, training in the activity, or experience. Documentation is maintained per OAC 340:110-3-281.3(b).

(e) **Higher risk activity plan and parent permission.** Prior to the activity, the program provides the plan to parents and obtains their permission. Documentation is maintained per OAC 340:110-3-281.4(b).

### **340:110-3-291. Water activities**

(a) **Water activities.** Any activity that involves water play or is near a body of water is a water activity.

(1) **Supervision.** Personnel are required to supervise children constantly, including in the dressing areas, while maintaining the privacy of older children.

(2) **Safety rules.** Personnel review safety rules with children each time they participate.

(b) **Water features.** On-site water features, such as streams and fountains, are inaccessible, unless a Licensing approved written plan, addressing supervision and safety, is followed.

(c) **Sprayground activities.** Spraygrounds or splash pads spray water and allow children to get wet and splash; however, they do not accumulate water. Sprinklers are not considered spraygrounds.

(1) **Higher risk activity.** The higher risk activity requirements are met per Oklahoma Administrative Code (OAC) 340:110-3-290.

(2) **Supervision.** Teaching personnel supervise children constantly.

(d) **Swimming and wading activities.** Swimming may only occur in a swimming pool that meets the requirements per (6) of this subsection. Wading may only occur in swimming pools or narrow and shallow creeks and streams that have non-standing, non-swift flowing water. Personnel do not allow children to wade in water above their knees.

(1) **Higher risk activity.** The higher risk activity requirements are met per OAC 340:110-3-290.

(2) **Ratios.** Swimming and wading ratios are met per OAC 340 Appendix GG - Ratios and Group Sizes.

(3) **Supervision.** Teaching personnel are:

(A) in or at the water and prepared to enter;

(B) in direct physical contact with infants; and

(C) not more than an arm's length from 1-year-olds.

(4) **Lifeguard.** These lifeguard requirements are met.

(A) When children use a swimming pool with a water depth of more than 18 inches, an on-duty certified lifeguard is present, in addition to the cardio-pulmonary resuscitation (CPR) and first aid certified personnel per OAC 340:110-3-284(d).

(B) When the on-duty lifeguard is also program personnel, the individual:

(i) maintains lifeguard and CPR certification per OAC 340:110-3-281.3(b);

(ii) is not counted in ratios per OAC 340:110-3-286(a); and

(iii) is responsible for 36 or fewer children.

(5) **Swimming skills and safety.** Personnel follow:

(A) parent provided information regarding the child's swimming skills as documented per OAC 340:110-3-281.4(b); and

(B) a system that continually checks each child's safety in the water.

(6) **Swimming pools.** Swimming pools include permanent wading pools, in-ground and above-ground pools, water parks excluding sprayground parks, and other similar bodies of water.

(A) Before use, personnel ensure the swimming pool has:

(i) a current Oklahoma State Department of Health (OSDH), public bathing place license; and

(ii) life-saving equipment available at the pool side.

(B) On-site indoor and outdoor swimming pools are enclosed and secured to prevent unsupervised access. Doors and gates leading to the pool are locked.

(i) Outdoor in-ground pools are fenced and fencing:

(I) is sturdy;

(II) cannot be easily climbed;

(III) is at least four feet high and starts at ground-level; and

(IV) may include a building wall, provided doors are kept locked and any windows are unable to be opened by children.

(ii) Outdoor above-ground pools have:

(I) a fence that meets the in-ground pool fencing requirements;

(II) at least four feet of non-climbable pool sidewalls; or

(III) a combination of pool sidewalls and fencing, with the fence attaching to and extending above the pool sidewalls, for a total height of at least four feet.

(iii) Outdoor above-ground pools with steps leading to the pool have the steps removed or otherwise protected to prevent unsupervised access.

(e) **Shoreline activities – 5-year-olds and older.** Children may participate in shoreline activities, such as fishing at lakes, ponds, creeks, or streams provided these requirements are met.

(1) **Higher risk activity.** The higher risk activity requirements are met per OAC 340:110-3-290.

(2) **Limitations.** During shoreline activities, children do not enter the water unless the wading requirements per (d)(1) through (4) and (5)(B) of this Section are met.

(3) **Ratios.** Swimming and wading ratios are met per OAC 340 Appendix GG – Ratios and Group Sizes.

(f) **Boating activities – 5-year-olds and older.** Children may participate in boating activities provided these requirements are met.

(1) **Higher risk activity.** The higher risk activity requirements are met per OAC 340:110-3-290.

(2) **Limitations.** During boating activities, children do not swim or wade.

(3) **Ratios.** Swimming and wading ratios are met per OAC 340 Appendix GG – Ratios and Group Sizes.

(4) **Life jackets.** Appropriately sized and approved life jackets are worn by children and personnel.

(g) **Restrictions.** The water restrictions listed in (1) through (4) of this subsection apply.

(1) **Ponds and lakes.** Ponds, lakes, and other similar bodies of water are inaccessible, unless the shoreline activity requirements are met. Swimming and wading in these bodies of water is prohibited. However, children may wade in creeks and streams per (d) of this Section.

(2) **Saunas, spas, hot tubs, and stock tanks.** Saunas, spas, hot tubs, and stock tanks are inaccessible and use is prohibited.

(3) **Diving.** Diving is prohibited unless the swimming pool meets OSDH diving regulations.

(4) **Portable wading pools.** Portable wading pools with water are prohibited.

### **340:110-3-292. Animals**

#### **(a) General.**

- (1) When animals live on-site, visit the facility, or children have off-site animal contact, the requirements in this Section are met.
- (2) Local animal ordinances are followed.
- (3) Parents are notified of animals' presence, per Oklahoma Administrative Code (OAC) 340:110-3-280(d).
- (4) Animal bites are:
  - (A) reported, per OAC 340:110-3-280(a) and (d); and
  - (B) documented as an injury, per OAC 340:110-3-281.2(c) and 340:110-3-281.4(b).

#### **(b) Prohibited and inaccessible animals on-site.**

- (1) Prohibited animals on-site, unless the requirements specifically state otherwise, include:
  - (A) common hosts of rabies ineligible for United States Department of Agriculture (USDA)-approved rabies vaccinations; and
  - (B) wild or dangerous animals.
- (2) When stray animals are on-site, the program takes action to have them removed from the premises.
- (3) Birds of the parrot family, such as cockatoos, cockatiels, parakeets, and lovebirds meet Psittacosis testing requirements, per (e) of this Section. Birds testing:
  - (A) positive are prohibited on-site. When an antibody test result is positive, an antigen test may be conducted prior to prohibition; or
  - (B) negative are inaccessible to children on-site.
- (4) Inaccessible animals on-site, unless the requirements specifically state otherwise, include:
  - (A) ferrets;
  - (B) spiders, such as tarantulas;
  - (C) fish;
  - (D) amphibians, such as frogs, tadpoles, newts, and salamanders;
  - (E) reptiles, such as non-venomous lizards and snakes, turtles, terrapins, and tortoises;
  - (F) hermit crabs; and
  - (G) baby poultry, such as chicks, ducklings, and goslings.

#### **(c) Child and animal contact on-site and off-site.**

- (1) Children may have on-site or off-site contact with animals that:
  - (A) are friendly and not aggressive; and
  - (B) do not pose a health or safety risk. The program does not allow children to have contact with prohibited or inaccessible animals, per (b) of this Section. However, children 6 years of age and older may have limited contact with a potential Salmonella bacteria-carrying animal identified, per (g) of this Section, provided children:
    - (i) only touch the animal with his or her hands; or
    - (ii) wear protective outer garments and remove prior to hand washing.
- (2) During animal contact, personnel:

- (A) supervise contact and are close enough to remove the animal or children immediately if the animal shows distress signs or children show signs of treating the animal inappropriately; and
- (B) discourage children from hand-to-mouth activities, including prohibiting eating, drinking, and using a pacifier.
- (3) After animal contact, personnel ensure hand washing requirements are met.
- (d) **Hand washing and food.**
  - (1) The hand washing requirements are met, per OAC 340:110-3-294(a). Personnel ensure adequate hand washing facilities are available for off-site animal activities or contact.
  - (2) The food supply and potentially hazardous food requirements are met, per OAC 340:110-3-299(b) and (c). This includes farm field trips where children taste foods.
- (e) **Animal health.**
  - (1) Animals are clean and healthy, showing no evidence of disease or infestation.
  - (2) Animals showing unusual behavior or disease symptoms are isolated until examined by a licensed veterinarian and approved to return to the facility.
  - (3) Rabies vaccinations are specific to the species, and documentation is maintained, per OAC 340:110-3-281.2(c).
  - (4) Birds of the parrot family have Psittacosis test results prior to entering the facility, and documentation is maintained, per OAC 340:110-3-281.2(c).
- (f) **Cleanliness.**
  - (1) Animals are restricted from:
    - (A) kitchen and food storage and preparation areas;
    - (B) food-contact items and surfaces; and
    - (C) children's resting surfaces.
  - (2) Animal litter boxes are prohibited in the kitchen, food storage areas, or areas easily accessible to children.
  - (3) Animal waste:
    - (A) is inaccessible;
    - (B) in animal habitats is disposed of daily; and
    - (C) in outdoor play areas is disposed, per OAC 340:110-3-304(a).
  - (4) Sinks used for food preparation, obtaining drinking water, hand washing, or other hygiene activities are not used for:
    - (A) fish tank water disposal; or
    - (B) cleaning animal feeding and watering containers and habitats.
- (g) **Salmonella cross-contamination prevention.**
  - (1) Potential Salmonella bacteria-carrying animals are identified, per (b)(4)(C) through (G) of this Section.
  - (2) When these animals are on-site, additional precautions in (A) and (B) of this subsection protect children from Salmonella bacteria contact.
    - (A) Animal contact with floors, tables, and other children's surfaces is prohibited.
    - (B) Personnel ensure children avoid contact with animal habitats, feeding and watering containers, supplies, and any item having animal contact.
- (h) **Visiting animal exhibits.**
  - (1) The program may allow visiting animal exhibits on-site for special activities, including prohibited and inaccessible animals identified, per (b) of this Section.
  - (2) In these situations the:

- (A) visiting animal handlers are present with the animals at all times;
- (B) animals and habitats are restricted from classrooms, where children eat, drink, or rest, and from food preparation areas;
- (C) prohibited animals remain confined in habitats for observation only;
- (D) children do not have contact with prohibited and inaccessible animals, unless allowed, per (c) of this Section;
- (E) other requirements in this Section are met; and
- (F) higher risk activity requirements are met, per OAC 340:110-3-290.

### **340:110-3-293. Parent communication and family engagement**

(a) **Parent permission.** Parent permission requirements in (1) and (2) of this subsection are met.

(1) **Required.** Parent permission is maintained, per Oklahoma Administrative Code (OAC) 340:110-3-281.4(b), and required for:

- (A) medication administration;
- (B) services provided by a specialized service professional;
- (C) transportation;
- (D) field trips;
- (E) higher risk activities; and
- (F) swaddling.

(2) **Prohibited.** Personnel do not seek or accept parental permission that does not comply with requirements.

(b) **Parent reporting.** Parents and personnel communicate daily and when additionally required, per OAC 340:110-3-280(d).

(c) **Access.** Parents of enrolled children are allowed reasonable access to facility areas used by children.

(d) **Family engagement.** The program provides at least four of the options in (1) through (6) of this subsection.

(1) **Welcome.** Enrolled children's parents are welcome at all times, such as observing, eating lunch, or volunteering, provided parents follow program policies.

(2) **Parent resource area.** A parent resource area with books, pamphlets, or articles on parenting and community resources is accessible to parents. When provided electronically, resources are easily accessible.

(3) **Annual parent conferences.** Parent conferences are offered at least every 12 months discussing each child's progress, challenges, and accomplishments, and establishing goals together for each child. Documentation is maintained, per OAC 340:110-3-281.2(c).

(4) **Program information.** Parents are informed on an ongoing basis about program specific information through at least two methods, such as parent bulletin boards, newsletters, emails, parent portals, or websites.

(5) **Parent activities or special events.** At least two parent activities or special events are offered every 12 months, such as guest speakers, open houses, brown bag lunches, family pot-luck dinners, or children's programs.

(6) **Parent input.** Parents are included in ongoing program and policy development, such as board involvement, planning meetings, parent committees, written comments or suggestions, parent surveys, or formalized program evaluations.

**340:110-3-294. Health protection and disease control**

(a) **Hygiene.** The hygiene requirements listed in (1) through (5) of this subsection are met.

(1) **Meet needs.** Personnel attend promptly to children's personal hygiene needs.

(2) **Hand hygiene.** Personnel and children wash their hands with soap and warm, running water or use hand sanitizer as required per Oklahoma Administrative Code (OAC) 340 Appendix HH – Hand Hygiene.

(A) Hand washing:

(i) supplies are maintained as required per OAC 340:110-3-300(n);

(ii) procedures are posted as required per OAC 340:110-3-281.1(g). Personnel and children are encouraged to follow the procedures; and

(iii) is not required for infants provided a moist, disposable towelette is used.

(B) Hand sanitizer:

(i) is non-expired;

(ii) is at least 60 percent alcohol-based;

(iii) use by children is monitored by personnel; and

(iv) is not used on 1-year-olds and younger.

(3) **Hygiene articles.** Hygiene articles, such as wash cloths, towels, hair brushes, combs, and toothbrushes are individually assigned and stored and used by only one child.

(4) **Food service personnel.** Health and hygiene requirements are met per OAC 340:110-3-299(m).

(5) **Overnight care.** Personal hygiene arrangements are made, such as for bathing and tooth brushing. Privacy is ensured when bathing and changing clothes.

(b) **Immunizations.** Children have or are in the process of obtaining immunizations at the medically appropriate time or have an exemption per OAC 340 Appendix II - Immunizations. Records are maintained per OAC 340:110-3-281.4(b).

(c) **Health monitoring.** Each child is observed initially and throughout the hours of care for symptoms of an illness or poison exposure and obvious signs of infestation or physical injuries.

(d) **Temperature.** A child's temperature is taken when there is a concern.

(1) **Method.** A child's temperature is not taken:

(A) rectally at any age; or

(B) orally with 4-year-olds or younger.

(2) **Thermometer.** The appropriate thermometer is used depending on the method used.

(e) **Illness and infestations, other than head lice.** The program maintains health inclusion, separation, and exclusion criteria and reporting policy per OAC 340:110-3-278(d).

(1) **Children - separation.** Children showing symptoms of a communicable disease or infestation, other than head lice, are separated from well children.

(2) **Children - exclusion.** Children are excluded from the program when required per OAC 340 Appendix JJ – Exclusion Criteria for Children Who Are Ill.

(3) **Parent notification.** Parents are notified per OAC 340:110-3-280(d).

(4) **Personnel - exclusion.** Personnel are prohibited when required per OAC 340:110-3-283(d) and (e).

(f) **Head lice.** The program maintains head lice inclusion, separation, and exclusion criteria and reporting policy per OAC 340:110-3-278(d).

(1) **Separation and exclusion.** The program determines whether children and personnel with head lice remain:

(A) with the group or are separated from the group; and

(B) in the program or are sent home early.

(2) **Treatment.** Regardless of the separation and exclusion decisions, head lice treatment is required before the child or personnel returns to the program.

(3) **Exposure.** The program determines whether parents are notified of potential head lice exposure.

(g) **Health protection.** The health protection requirements listed in (1) through (5) of this subsection are met.

(1) **Allergies.** Known child allergies are posted per OAC 340:110-3-281.1(e) and (i).

(2) **First aid kits.** First aid kits are maintained per OAC 340:110-3-279(d).

(3) **Injuries and poison exposure.** Injuries, including animal bites, and poison exposures are:

(A) reported per OAC 340:110-3-280(a) and (d); and

(B) documented per OAC 340:110-3-281.2(c) and 340:110-3-281.4(b).

(4) **Sun safety and sunscreen.** Sun safety procedures, such as sunscreen procedures, are followed according to program policy per OAC 340:110-3-278(d).

(5) **Tobacco-free.** Tobacco use includes simulated tobacco use.

(A) Tobacco use is prohibited in:

(i) the presence and sight of children during the hours of operation, including off-site;

(ii) facility buildings and outdoor play areas, at all times, including when children are not in care. However, tobacco use in family residences is only prohibited during the hours of operation;

(iii) program vehicles at all times, including when children are not in care; and

(iv) private vehicles when children are being transported in the vehicle.

(B) When allowed on the premises, tobacco use is limited to a designated outdoor area, located:

(i) out of children's sight;

(ii) at least 15 feet from the building entrances. When the program is in a shared facility, the area is at least 15 feet from the program entrances; and

(iii) in a manner that prevents smoke from entering the building and outdoor play area.

(C) Tobacco use is:

(i) reported per OAC 340:110-3-280(d); and

(ii) posted per OAC 340:110-3-281.1(b).

### **340:110-3-295. Medication**

- (a) **Program policy.** The program maintains medication policy per Oklahoma Administrative Code (OAC) 340:110-3-278(d).
- (b) **Parent provides.** Prescription and over-the-counter medications are provided by the individual child's parent.
- (c) **Parent permission.** Parent permission is obtained prior to administering the medication. Documentation is maintained per OAC 340:110-3-281.4(b).
- (d) **Administration.** Medications are administered as required per the requirements listed in (1) through (6) of this subsection.
  - (1) Medications are only administered:
    - (A) by the designated personnel per OAC 340:110-3-281.2(c), with the exception of diaper cream; and
    - (B) to the child whose full name is on the container label.
  - (2) Expired medication is not administered.
  - (3) Prescription medications are administered according to the container instructions, including only administering when the medication is part of a prescribed therapeutic treatment.
  - (4) Over-the-counter medications are administered according to the:
    - (A) container instructions; or
    - (B) physician instructions maintained per OAC 340:110-3-281.4(b).
  - (5) Oral medications are administered with a measuring device designed to measure medication.
  - (6) Each dose administered is immediately documented per OAC 340:110-3-281.4(b).
- (e) **Inaccessible.** Medications are inaccessible to children per OAC 340:110-3-303(g).
- (f) **Labeling and storing.** Medications are:
  - (1) maintained in the original container;
  - (2) labeled with the child's full name;
  - (3) stored according to the container label, including temperature; and
  - (4) stored in locations, such as cabinets or drawers, clearly labeled "medication."However:
  - (A) refrigerated medications are stored in a container clearly labeled "medication";
  - (B) diaper creams may be stored in the diaper changing area or with the child's personal belongings when inaccessible; and
  - (C) life-threatening condition medications, such as epinephrine pens and rescue inhalers are in close proximity to the child for immediate administration when needed, such as being in the same classroom or supplemental play area as the child, outdoors when the child is outside, or on field trips.
- (g) **Return to parents.** Medications are returned to parents:
  - (1) daily;
  - (2) when the parent permission period ends as documented per OAC 340:110-3-281.4(b);
  - (3) when the medication expires; or
  - (4) when the child is withdrawn from the program.
- (h) **Diaper creams.** Diaper creams are considered medications.
- (i) **Insect repellents and sunscreens.** Insect repellents and sunscreens are not considered medications. The program maintains insect repellent and sun safety policy per OAC 340:110-3-278(d).

### 340:110-3-296. Rest time

#### (a) Rest equipment and bedding.

- (1) **Appropriate.** Equipment and bedding meets the requirements in this Section and Oklahoma Administrative Code (OAC) 340:110-3-302.
- (2) **Size.** Equipment and bedding is of sufficient size to comfortably accommodate the child's size and weight.
- (3) **Resting surface.** A sheet covers the entire resting surface.
- (4) **Cover.** A cover is within reach of each child 1-year-old and older.
- (5) **Individually assigned.** Equipment is assigned to individual children.
- (6) **Individually used.** Equipment and bedding is in use by one child at a time, except during emergency plan procedures.
- (7) **Spacing.** Equipment is spaced to allow easy access to children by the teaching personnel and for the safe evacuation of children.
- (8) **Clean.** Equipment and bedding is cleaned and sanitized per OAC 340:110-3-304.

#### (b) Rest time – infants.

- (1) **Schedule.** The sleep schedule corresponds to the infant's needs and as closely as possible to the schedule established by the parents. Documentation is maintained per OAC 340:110-3-281.4(b).

- (2) **Infant safe sleep environment.** Infant safe sleep environments are maintained.

(A) **Appropriate sleep environment.** The infant safe sleep environment requirements listed in (i) through (v) of this subparagraph are met.

(i) Infants sleep in cribs or play yards that meet the requirements per OAC 340:110-3-302(b), with the sides fully raised and secured.

(ii) Infants sleep directly on a tight-fitting sheet covering the mattress.

(iii) Only pacifiers without attachments to them are in rest equipment with infants, when used.

(iv) Infants are protected from overheating by adjusting room temperature and clothing.

(v) Infants birth through three months of age may be swaddled with an infant-sized, thin fabric, such as a receiving blanket, only when:

(I) requested by the parents and permission is maintained per OAC 340:110-3-281.4(b); and

(II) the infant is not mobile enough to move the fabric over his or her face.

(B) **Inappropriate sleep environment.** Infant safe sleep environment requirements listed in (i) through (viii) of this subparagraph are met.

(i) When an infant arrives asleep, the infant is immediately moved to appropriate rest equipment.

(ii) When an infant falls asleep in equipment other than appropriate rest equipment, the infant is immediately moved to appropriate rest equipment.

(iii) Soft products, such as quilts, comforters, sheepskins, pillows, stuffed toys, and bumper pads are prohibited inside and on the side of infant rest equipment.

(I) Covers, including blankets, are prohibited.

(II) An exception is swaddling per (A) of this paragraph.

(iv) Soft sleeping surfaces, such as soft mattresses, waterbeds, sofas, pillows, beanbag chairs, and inflatable mats are prohibited.

(v) Sleep positioners and elevated mattresses are prohibited, unless there is a medical reason as documented per OAC 340:110-3-281.4(b).

(vi) Play equipment, and other items, except for pacifiers, are not placed inside, above, or attached to the sides of the infant rest equipment, unless there is a medical reason for a monitor or other device as documented per OAC 340:110-3-281.4(b). However, mobiles may be securely attached or hung above the crib provided no part of the mobile is within reach of the child.

(vii) Pacifiers are not attached to the infant or his or her clothing when in rest equipment.

(viii) Bibs are not placed around the infant's neck when in rest equipment.

**(C) Sleep position.**

(i) Infants are placed on their back for sleeping, unless there is a medical reason an infant should not sleep in this position as documented per OAC 340:110-3-281.4(b).

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

**(c) Rest time - 1-year-olds through 4-year-olds.**

(1) **Schedule.** Children are provided a rest time.

(2) **Rest equipment.** Children rest on a mat, cot, or bed. However, 1-year-olds may also rest in cribs or play yards that meet requirements per OAC 340:110-3-302(b) with the sides fully raised and secured.

(3) **Overnight care.** The overnight requirements listed in (A) and (B) of this paragraph are met.

(A) **Rest equipment.** Mats are not used. Cots and beds have a waterproof pad or mattress.

(B) **Bedding.** In addition, cots and beds used overnight have a:

(i) top sheet and extra covers within reach of the child; and

(ii) pillow and pillow case.

**(d) Rest time - 5-year-olds and older.**

(1) **Schedule.** Children are not required to have a rest time.

(2) **Rest equipment.** When a child chooses to rest, a mat, cot, bed, sofa, futon, bean bag, or other similar rest equipment is provided.

(3) **Overnight care.** The same requirements as overnight care for 1-year-olds through 4-year-olds are met.

**(e) Restrictions.**

(1) **Floor.** Personnel do not allow children to sleep on the floor.

(2) **Covered heads and faces.** Children's heads and faces are not covered while resting. When a child continues to cover their head or face, the cover is removed once the child falls asleep.

(3) **Restraints.** Restraining children on rest equipment is prohibited.

(4) **After resting.** Once children have rested, they are not forced to remain on the rest equipment and are provided quiet activities until rest time is over.

**(f) Ratios and supervision.**

(1) **Ratios - 3- through 5-year-olds.** A rest time ratio exception may apply per OAC 340:110-3-286(a).

(2) **Light level.** Light levels are maintained for supervision per OAC 340:110-3-300(g).

### **340:110-3-297. Diapering and toileting**

#### **(a) Diaper changing.**

- (1) **Frequency.** Diapers are:
  - (A) checked hourly and when a child exhibits behavior suggesting a wet or soiled diaper; and
  - (B) changed promptly when wet or soiled.
- (2) **Diaper changing procedures.** Diapers are changed:
  - (A) in the diaper changing area or, when applicable, an alternative diaper changing area; and
  - (B) per Oklahoma Administrative Code (OAC) 340 Appendix KK – Diaper Changing Procedures. The procedures are posted, per OAC 340:110-3-281.1(h) and documentation is maintained, per OAC 340:110-3-281.4(b).
- (3) **Diaper changing area.** Diaper changing areas:
  - (A) are required in the classroom or a restroom opening directly into the classroom when the classroom has children 2 years of age or younger in diapers;
  - (B) are near the sink when a sink is required, per OAC 340:110-3-300(n);
  - (C) have a non-porous diapering surface, such as a counter or pad, not used for other purposes, and at least 28 inches above the floor;
  - (D) include a trash container with a tight-fitting lid; and
  - (E) are kept free of all objects except for necessary items used when diapering.
- (4) **Alternative diaper changing area.** A diaper changing area is used, when possible.
  - (A) Alternative diaper changing areas may be on the floor and are used when a:
    - (i) child is too heavy to safely lift onto a diaper changing area; or
    - (ii) diaper changing area is unavailable, such as in classrooms where one is not required, or on field trips.
  - (B) When an alternative area is used, sanitation and safety are maintained by:
    - (i) using a non-porous pad not used for other purposes;
    - (ii) ensuring the non-porous pad is appropriate to the child's size;
    - (iii) storing the pad out of children's reach; and
    - (iv) ensuring proper hygiene practices and supervision for all children in the classroom.
- (5) **Diapering – children 3 years of age or older.** When 3-year-olds or older are in diapers, privacy when diapering is maintained.

#### **(b) Toilet learning.**

- (1) **Parent involvement.** The toilet learning plan and progress are discussed with the parents.
- (2) **Environment.** Toilet learning is relaxed and pressure free.
  - (A) Children are encouraged by regular use of a toilet or potty chair for short periods of time not exceeding 10 minutes.
  - (B) Personnel respond immediately when a child indicates toileting assistance.
- (3) **Potty chairs.** Potty chairs are:
  - (A) located and used only in a restroom; and
  - (B) emptied and rinsed into a toilet, cleaned, and disinfected after each use in a sanitary manner.

#### **(c) Toileting accidents.**

(1) **Personnel.** Personnel do not embarrass, punish, or show disapproval for toileting accidents.

(2) **Clothing.** Both wet and soiled clothing is changed promptly while providing sanitation practices and privacy.

(d) **Diapers, training pants, and clothing.**

(1) **Appropriate fit.** Diapers and training pants fit the child appropriately.

(2) **Cloth diapers and outer coverings.** Cloth diapers have an outer covering, either attached or separate, made of a waterproof material. When the outer covering is separate from the cloth diaper, both are changed at the same time.

(3) **Training pants.** Cloth and disposable training pants are:

(A) checked and changed, per (a) of this Section;

(B) changed in a sanitary manner;

(C) changed in a private manner when required, per (a)(5) of this Section; and

(D) disposed of in a trash container with a tight-fitting lid, when applicable.

(4) **Rinsing prohibited.** Both wet and soiled items are not rinsed, including in the toilet. However, feces may be disposed of in a toilet, provided other surface contamination is prevented.

(5) **Send home or launder.** Both wet and soiled items are placed in a sealed, labeled, moisture-proof bag and sent home or laundered.

### **340:110-3-298. Nutrition**

(a) **Required meals and snacks.** The program ensures children are served meals and snacks according to program operating hours and children's attendance, regardless of the program or parents providing the food.

(1) **Full day care.** Morning meal or snack, mid-day meal, and afternoon snack are served.

(2) **Evening care.** Evening meal and evening snack are served.

(3) **Overnight care.** Evening meal, evening snack, and morning meal are served.

(4) **Child's attendance.** Children in care over a four-hour period are served a meal, unless the child is present during overnight sleeping hours only.

(b) **Nutritional quality and quantity.** The nutritional requirements in (1) through (8) of this subsection are met.

(1) **Meals and snacks.** Meals and snacks are required to meet the current Child and Adult Care Food Program (CACFP) guidelines, per Oklahoma State Department of Education (OSDE), with the exception of infants, per (f) of this Section.

(2) **Additional servings.** Additional servings:

(A) are available when the child remains hungry;

(B) meet the nutritional requirements per this Section; and

(C) are not required to be the same food as the first serving.

(3) **Water.** Safe drinking water is freely available to children at all times. Children are encouraged to drink water throughout the day, especially before, during, and after outdoor play.

(4) **Milk.** Milk is required to meet the current CACFP milk guidelines, per OSDE, with the exception of infants, per (f) of this Section.

(5) **Fruit juice.** Fruit juice is required to meet the current CACFP fruit juice guidelines, per OSDE.

(6) **Sweetened drinks.** The program does not provide drinks sweetened artificially or with sugar, including soda. However, flavored milk, such as chocolate milk, is required to meet the current CACFP milk guidelines, per OSDE.

(7) **Caffeinated drinks.** The program does not provide caffeinated drinks, including soda and energy drinks.

(8) **Special occasions.** On special occasions, such as parties, food and drink not meeting the nutritional requirements may be served in addition to required meals and snacks.

(c) **Program or parents provide.** Meals, snacks, or both may be provided by the program for all children or program policy may require parents provide the meals, snacks, or both for their children or for a group of children. When parents provide for their children, the nutritional requirements, per this Section do not apply. When parents provide for a group of children, the nutritional requirements in this Section and the approved food source requirements, per OAC 340:110-3-299(b), are met.

(1) **Program provides.** When the program provides the meals, snacks, or both, the parents may be requested and allowed to provide for:

(A) their own children:

(i) having special dietary needs, including health or religious restrictions;

(ii) 1 year of age and younger; or

(iii) participating in a field trip; and

(B) a group of children on special occasions.

- (2) **Parents provide.** When the program policy requires parents provide meals, snacks, or both, the program provides:
- (A) a meal or snack when the parents do not; and
  - (B) additional servings, per (b) of this Section.
- (d) **Weekly menus.** Menus of program provided meals and snacks are closely followed with reasonable substitutions permitted. Menus are posted, per OAC 340:110-3-281.1(c) and (e).
- (e) **Eating environment.** The eating environment is pleasant, relaxed, socially engaging, and provides teaching opportunities.
- (1) **Children.** Children are:
    - (A) encouraged to try new foods;
    - (B) not forced to eat; and
    - (C) not punished for refusing to eat.
  - (2) **Personnel.** When eating in front of children, personnel eat foods meeting nutritional requirements in this Section.
- (f) **Nutrition and food service – children 1 year of age and younger.** Additional nutrition and food service requirements are met for 1-year-olds and younger.
- (1) **Schedule.** Infants are fed when hungry. Documentation is maintained, per OAC 340:110-3-281.4(b).
  - (2) **Overfeeding.** Personnel do not continue feeding 1-year-olds and younger when children show evidence of being satisfied or full.
  - (3) **Nutritional quality and quantity.** CACFP meal and snack patterns, per (b) of this Section, are not required for infants. Infants are fed:
    - (A) breastmilk, formula, and introductory solid foods; or
    - (B) a special diet for a medical condition as documented, per OAC 340:110-3-281.4(b).
  - (4) **Breastfeeding.** Breastfeeding is allowed in the facility.
  - (5) **Bottle-feeding.** Bottles are labeled with the child's full name.
    - (A) Bottles are not propped by any means at any time.
    - (B) Infants 6 months of age and younger are held while being bottle-fed.
    - (C) Infants 7 months of age and older are held while being bottle-fed until able to hold bottles securely without assistance.
  - (6) **Spill-proof cups.** The program has a method ensuring children do not share spill-proof cups.
  - (7) **Self-feeding.** Children showing evidence of wanting to feed themselves are allowed to do so.
  - (8) **Eating and drinking location.** When children are not held for feeding, the program:
    - (A) has a designated eating and drinking location, excluding rest equipment and equipment with motion, such as swings; and
    - (B) ensures children eat and drink only in the designated location.
  - (9) **Chokeable, unsafe, and new foods.** For safety:
    - (A) the program works closely with parents to introduce new foods;
    - (B) infants are not fed honey or peanut butter;
    - (C) 1-year-olds are fed thinly spread peanut butter, if served; and
    - (D) 1-year-olds and younger are:

(i) not fed foods that may cause choking, such as candies, gum, marshmallows, raw carrots, raw peas, celery, whole grapes, nuts, seeds, popcorn, rice cakes, and chips; and

(ii) fed other foods cut into small pieces no larger than:

(I) 1/4 inch cubes for infants; and

(II) 1/2 inch cubes for 1-year-olds.

(10) **Food service.** The additional food service requirements in (A) through (C) of this paragraph are met.

(A) Breastmilk:

(i) is labeled with the child's full name and the date expressed;

(ii) is stored safely;

(iii) is refrigerated or frozen until immediately before feeding;

(iv) is not warmed in a microwave;

(v) is gently mixed and not shaken;

(vi) served to a child is not reused after two hours from serving; and

(vii) bottles partially served are either sent home with parents or contents are discarded daily.

(B) Formula:

(i) provided by the child's parents is labeled with the child's full name;

(ii) is not warmed in a microwave;

(iii) served to a child is not reused after one hour from serving; and

(iv) bottles partially served are either sent home with parents or contents are discarded daily.

(C) Baby food:

(i) provided by the child's parents is:

(I) labeled with the child's full name; and

(II) not previously opened, unless homemade or frozen; and

(ii) is not warmed in a microwave;

(iii) is served from a separate dish and spoon for each child;

(iv) is discarded and not served again after contact with the feeding spoon; and

(v) partially served is either sent home with parents or contents are discarded daily.

### **340:110-3-299. Food service**

#### **(a) General.**

(1) **Food service.** When the program provides food service, including limited food service, the program is required to meet the requirements, per this Section, unless the requirements specifically state otherwise.

(2) **Limited food service.** Limited food service is when the program serves only foods having no required time and temperature control for safety (non-TCS) for immediate consumption and uses only single-service food-contact items, per (k) of this Section. However, milk and milk products may be served to children and used in occasional children's cooking activities.

(A) Limited food service also includes parent-provided meals, snacks, or both, when the program:

- (i) only provides or supplements food, per limited food service requirements, including on field trips; and
- (ii) sends reusable food-contact items home daily.

(B) When the program only provides limited food service:

(i) the program is exempt from:

- (I) Oklahoma State Department of Health (OSDH) inspections, per Oklahoma Administrative Code (OAC) 340:110-3-276(c) and (d);
- (II) food service training, per OAC 340:110-3-284.3(c); and
- (III) a separate hand washing sink, per OAC 340:110-3-300(n);

(ii) some requirements in this Section do not apply, such as the requirements regarding:

- (I) foods having required time and temperature control for safety (TCS). However, when milk is served, the milk requirements, per (b) of this Section apply. When conducting children's cooking activities, the TCS food requirements apply depending on ingredients used;
- (II) a minimum quantity of food-contact items;
- (III) a refrigerator, unless foods require refrigeration, including parent provided foods. When applicable, program policy informs parents refrigeration is not provided;
- (IV) a microwave, unless foods are microwaved including parent provided foods; and
- (V) cooking devices, unless used for occasional children's cooking activities.

#### **(b) Food supplies.**

(1) **Food sources.** The food source requirements in (A) through (C) of this paragraph are met.

(A) Food is from OSDH-approved sources, such as commercially produced products, or raw fruits and vegetables from farmers' markets and gardens, including personal and program's gardens.

(B) Only commercially pre-packaged, non-TCS food items and raw fruits and vegetables may be provided from individual homes for a group.

(C) Food is free from spoilage, contamination, and safe for human consumption.

(2) **Home-canned and hermetically sealed food.** Individually home-canned food and food in hermetically sealed containers, not prepared in a food processing

establishment, is not used by the program. However, parents may provide homemade baby foods.

(3) **Milk products.** Milk products meet the requirements in (A) through (C) of this paragraph.

(A) For drinking, only Grade A pasteurized fluid milk and fluid milk products are used.

(B) Pasteurized dry milk and evaporated milk are used for cooking purposes only.

(C) Milk may be transferred from the original container to other containers. However, milk removed from the original container is not 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 inspected by appropriate governmental authorities.

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

(c) **Time and temperature control for safety foods.**

(1) **Cooking.** TCS foods requiring cooking are heated to at least 165 degrees Fahrenheit (F) for 15 seconds, except as specified in (2) through (4) of this subsection.

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

(3) **Poultry, stuffed meats, and stuffings.** Poultry, poultry stuffings, stuffed meats and stuffings containing meat are heated to at least 165 degrees F with no cooking process interruption.

(4) **Pork.** Pork and any food containing pork are heated to at least 155 degrees F.

(5) **Egg products.** Only clean, whole-shell, non-cracked eggs meeting AA, A, or B grade standards are used. Eggs are stored at 41 degrees F or below.

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

(B) Shelled raw eggs are not held more than four hours.

(6) **Reheating foods.** When TCS foods are cooked and then refrigerated, foods are reheated to 165 degrees F or higher before being served.

(d) **Protecting food.**

(1) **General.** Foods are covered and protected from contamination, including cross-contamination between raw and cooked foods, toxic substances, or insects or rodents while being stored, prepared, displayed, dispensed, packaged, or transported.

(2) **Bare-hand contact.** Personnel:

(A) minimize bare-hand contact while preparing food; and

(B) do not touch unpackaged, ready-to-eat food with bare hands. A barrier, such as gloves, utensils, or wax paper is used when preparing and serving these foods.

(3) **Temperature.** Perishable foods, including fruits and vegetables, are stored at proper temperatures.

(A) TCS foods are maintained at 41 degrees F or below or 135 degrees F or above, except during preparation and service.

(B) Frozen foods are maintained at 0 degrees F or below, except when being thawed:

(i) in a refrigerator at 41 degrees F or below;

(ii) under running drinking water at 70 degrees F or below;

- (iii) using the defrost setting on a microwave, provided the food is immediately transferred to conventional cooking equipment without cooking process interruption; or
  - (iv) as part of cooking processes.
- (4) **Ice chest.** When an ice chest is used on field trips for refrigeration:
  - (A) the food or milk is served within four hours and is not re-served or re-refrigerated;
  - (B) packaged food and drinks are not stored in contact with the water or undrained ice;
  - (C) self-wrapped sandwiches are not stored in direct contact with the ice; and
  - (D) ice used for refrigeration is not used for any other purpose.
- (5) **Damaged and unlabeled cans.** Food from damaged or unlabeled cans is not used.
- (6) **Poisonous and toxic materials.** Only materials required to maintain sanitary food service area conditions are used or stored in the food service areas. Materials are clearly identified and stored in a segregated area away from the food, such as under a sink or in a closed cabinet in the storage area.
- (e) **Preparing food.**
  - (1) **Cross-contamination prevention.** Food is prepared on clean, sanitized, food-contact surfaces and with clean, sanitized, food-contact items. Each new preparation operation begins with clean, sanitized, food-contact surfaces and items, when changing between preparation of:
    - (A) raw beef, pork, poultry, or seafood; and
    - (B) raw to ready-to-eat foods, including raw fruits and vegetables.
  - (2) **Fruits and vegetables.** Raw fruits and vegetables are thoroughly washed with drinking water before being cooked or served.
- (f) **Re-serving food.**
  - (1) **Portions.** Individual and family-style food portions are not re-served.
  - (2) **Wrapped food.** Wrapped food properly maintained and not unwrapped may be re-served.
- (g) **Transporting food.**
  - (1) **Temperature.** During transportation, TCS food is maintained at 41 degrees F or below or 140 degrees F or above.
  - (2) **Storage.** During transportation, food is in covered containers, completely wrapped, or packaged.
- (h) **Catering food.**
  - (1) **Food source.** When catering services are used, food is obtained from an OSDH-licensed food service establishment.
  - (2) **Approval.** Meal transportation procedures and equipment are OSDH-approved.
- (i) **Food-contact items and surfaces.**
  - (1) **Condition.** Food-contact surfaces and items, such as kitchenware, utensils, tableware, service items, and storage items are:
    - (A) constructed of safe, non-toxic materials; and
    - (B) smooth, non-absorbent, easily cleanable, durable, and in good repair.
  - (2) **Quantity.** An adequate quantity of food-contact items is available for at least one meal for the licensed capacity. However, when the program does not serve meals or

snacks to the entire licensed capacity, the program is only required to have an adequate quantity for the children eating.

**(j) Equipment.**

(1) **Installation.** Equipment is installed to provide equipment and adjacent area cleaning.

(2) **Refrigerators.** Refrigerators maintain food at 41 degrees F or below. Ice chests are not a replacement for storage.

(3) **Thermometers.** The thermometer requirements in (A) and (B) of this paragraph are met.

(A) Thermometers are clearly visible in each refrigerator and freezer used for children's food, unless equipped with functioning built-in thermometers.

(B) A temperature measuring device is available to check cooking temperatures.

(4) **Microwaves.** The microwave requirements in (A) and (B) of this paragraph are met.

(A) Personnel are instructed in assessing safe temperatures when warming children's food.

(B) A warning is posted, per OAC 340:110-3-281.1(f).

**(k) Cleaning and sanitizing.**

(1) **Cooking devices and refrigerators.** Cooking devices and refrigerators do not have soil, food particle, encrusted grease deposit, or other debris accumulations.

(2) **Food-contact items and surfaces.** Food-contact items and surfaces are washed, rinsed, and sanitized after each use by using one method in (A) through (D).

(A) Automatic dishwashers, commercial or domestic, may be used provided the heat or chemical sanitizing cycles are properly installed and the machine allows sanitizing cycle completion without opening the machine. Sanitizing cycle effectiveness is determined by generally accepted test methods and test kits.

(B) Manual dishwashing may be conducted provided the requirements in (i) and (ii) of this subparagraph are met.

(i) Three-compartments are used for washing, rinsing, and sanitizing with a:

(I) three-compartment sink; or

(II) one or two-compartment sink with added containers.

(ii) Items are washed, rinsed, sanitized, and dried in this order.

(I) Sinks and containers are cleaned prior to use.

(II) In the first compartment, items are thoroughly washed with a food grade detergent in a clean solution.

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

(IV) In the third compartment, items are sanitized by immersion in a clean sanitizing solution, unless the equipment design prevents immersion. The solution is required to contain a food grade sanitizer, such as bleach, per OAC 340 Appendix NN – Cleaners, Sanitizers, and Disinfectants.

(V) Items are air-dried, in a self-draining position, before being stored.

(C) Single-service food-contact items, such as plastic utensils and paper plates may be used when the program provides limited food service or does not have adequate and effective cleaning and sanitizing facilities. Single-service food-contact items are:

(i) stored in closed cartons or containers protecting from contamination;

- (ii) used for preparation and service; and
  - (iii) used only once.
- (D) Stationary food-contact surfaces, such as counters and appliances are cleaned and sanitized.
- (l) **Storage area.**
  - (1) **Location.** Food and food-contact items are stored above the floor, in a clean, dry location.
  - (2) **Quantity.** Adequate space is provided for food and food-contact item storage.
- (m) **Food service personnel.**
  - (1) **Health.** Food service personnel are prohibited when required, per OAC 340:110-3-283(e).
  - (2) **Hygiene.** Personnel:
    - (A) wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty;
    - (B) wash hands, per OAC 340:110-3-294(a); and
    - (C) do not wash hands in the food preparation or dishwashing sinks.
- (n) **Food service – children 1 year of age and younger.** Additional food service requirements are met, per OAC 340:110-3-298(f).

### **340:110-3-300. Facility**

(a) **Location.** The facility is located in an area minimizing children's health and safety hazards.

(b) **Other business.** When the program shares the facility with another business, requirements are met, per Oklahoma Administrative Code (OAC) 340:110-3-277(b).

(c) **Construction.** The facility complies with the building and fire codes of the local or state governmental authority having jurisdiction applicable at permit or license issuance. Programs operating 24-hours per day comply with additional codes.

(1) New construction and reconstruction, such as building remodeling or area not previously licensed for child care, complies with current requirements and building and fire codes.

(A) Construction plans for a new building, an addition, or reconstruction of an existing building are submitted to the local or state fire governmental authority having jurisdiction for approval prior to construction.

(B) Construction, reconstruction, or alterations occurring during operating hours is conducted safely.

(C) When existing or new surfaces are painted, the lead paint content is not above 0.06 percent.

(2) Mobile or permanently situated manufactured and mobile homes are prohibited. However, a program licensed in a manufactured home before February 1, 1981, is exempt unless the program has an address change.

(d) **Floors.** Floor surfaces are:

(1) easily cleaned;

(2) sealed when made of absorbent material, such as concrete and wood; and

(3) smooth and non-carpeted within food service areas and restrooms.

(e) **Walls and ceilings.** Wall and ceiling surfaces are:

(1) easily cleaned; and

(2) smooth and washable up to the highest level reached by splash or spray in areas where:

(A) food is prepared;

(B) food-contact items are washed; and

(C) food service personnel wash his or her hands, such as walls behind sinks and counters.

(f) **Electrical.** The electrical system is installed, per the Oklahoma Electrical Licensing Act.

(1) Electrical systems installed and maintained after June 1, 1987, comply with current electrical codes of the local or state governmental authority having jurisdiction.

(2) Temporary wiring, used as permanent wiring is prohibited.

(3) Extension cords, used as permanent wiring are prohibited, unless equipped with built-in circuit breakers or fuses, such as surge protectors with a built-in fuse.

(4) Unused electrical outlets accessible to children 5 years of age and younger are equipped with safety devices, such as outlet covers.

(g) **Lighting.** The lighting:

(1) levels provide comfort and safety, including observing children's facial features; and

(2) fixtures in food preparation and service areas are shielded.

(h) **Heating and cooling.** The systems pose no risk and comply with building and fire codes of the local or state governmental authority having jurisdiction.

(1) The indoor temperature in children's areas is between 65 and 80 degrees Fahrenheit (F).

(2) Electric baseboard heaters may be used when wired directly into the electrical system and no objects have heating element contact.

(3) Prohibited use of heating equipment includes:

(A) portable fuel-burning space heaters;

(B) open flame heaters, such as gas-fed, wall mounted heaters, wood-burning fireplaces and stoves, fireplace inserts, pellet stoves, and other devices producing open flames;

(C) unvented and vent-free fuel-burning heaters; and

(D) equipment not specifically designed or installed as a typical heat source, such as cooking equipment.

(4) The prohibited equipment controls, such as the knobs, are removed or inaccessible during operating hours.

(5) Portable, electric space heaters, including electric, oil-filled heaters, may be used as supplemental heat provided the equipment:

(A) has Underwriters Laboratory (UL) approval;

(B) has an automatic shut off feature for tipping over and overheating;

(C) has an external protective covering protecting hands and objects from the electric heating elements;

(D) is used, per the manufacturer's instructions;

(E) is not used with an extension cord, including extension cords equipped with built-in circuit breakers or fuses;

(F) does not overload the electrical circuits, such as causing flickering lights or continuously shutting the electric power off;

(G) placement is:

(i) on a flat floor only;

(ii) at least three feet from flammable materials, such as paper, curtains, and furniture; and

(iii) inaccessible, including the electrical power cord; and

(H) is attended while in use, such as personnel present in the room or classroom.

(6) Guards protect children from hot heater surfaces, including floor furnaces.

(i) **Ventilation.** Rooms are properly ventilated, such as with a central heat and air system.

(1) Rooms, including the kitchen have sufficient ventilation keeping rooms free from heat, steam, vapors, smoke, and fumes.

(2) Ventilation systems comply with building and fire codes of the local or state governmental authority having jurisdiction.

(j) **Plumbing.** The plumbing is installed, per the Oklahoma Plumbing Licensing Act.

(1) Plumbing systems installed and maintained after June 1, 1987, are installed, per the current plumbing codes of the local or state governmental authority having jurisdiction.

(2) Cross-connections are prohibited between the safe drinking water supply and non-safe or questionable drinking water supply or pollution source contaminating the safe drinking water.

(k) **Water supply.** The water supply:

(1) is adequate, safe, sanitary, and from a:

(A) public water supply; or

(B) non-public water supply, such as well water, meeting local and Oklahoma Department of Environmental Quality (DEQ) testing requirements. The program obtains at least total coliform bacteria, nitrate, and lead test results every 12 months from a DEQ accredited drinking water laboratory. Documentation is maintained, per OAC 340:110-3-281.2(c); and

(2) has hot and cold running water under pressure in food preparation areas or where food-contact items and surfaces are washed.

(l) **Sewage disposal.** Sewage, including mop water, is disposed in a public sewage system or, in its absence, a manner approved by DEQ.

(m) **Toileting facilities.** The toileting facilities requirements in (1) and (2) of this subsection are met.

(1) For every 15 children 2 years of age and older, the facility has at least one toilet, excluding urinals and potty chairs, easily accessible and in the same building where care is provided.

(2) The toileting facilities:

(A) have operable toilets;

(B) have toilet paper within easy reach of children;

(C) with doors meet the door requirements in (q) of this Section; and

(D) used by 6-year-olds or older provide privacy, such as being equipped with doors or having children take turns while supervision is maintained.

(n) **Hand washing facilities.** The hand washing facilities requirements in (1) through (3) of this subsection are met.

(1) Required sinks are plumbed, per (j) of this Section.

(A) For every 15 children of any age, the facility has at least one sink, excluding food service areas and portable sinks, easily accessible and in the same building where care is provided.

(B) Diaper changing areas have at least one sink, excluding portable sinks in the same classroom or a restroom opening directly into the classroom when the classroom has 2-year-olds or younger in diapers. However, a sink is not required when the:

(i) classroom has 2-year-olds or older with disposable or cloth training pants, provided adequate supervision and sanitation provisions are made; or

(ii) licensed capacity is 15 or less and the facility was originally designed as a family residence provided:

(I) a centrally located restroom sink with a diaper changing area is nearby; and

(II) children in diapers play throughout the house rather than an assigned classroom.

(C) The food service areas have at least one hand washing sink, excluding portable sinks:

(i) with a mixed-valve faucet, in programs licensed after June 1, 1987; and

(ii) that is separate and in addition to food preparation and dishwashing sinks.

(2) Portable sinks do not replace required sinks, per (1) of this subsection. However, portable sinks may be used in addition to required sinks, provided sanitary conditions

are maintained, including obtaining water from an appropriate water supply, per (k) of this Section.

(3) Hand washing facilities have:

(A) operable sinks with running water between 80 and 120 degrees Fahrenheit;

(B) soap, paper towels, or mechanical hand dryers, and trash containers within children's easy reach; and

(C) posted procedures, per OAC 340:110-3-281.1(g).

(o) **Kitchens.** Kitchens are in a separate area discouraging unsupervised children and unauthorized individuals.

(p) **Basements.** Basements used for children meet the requirements, per OAC 340:110-3-301(b).

(q) **Exits, doors, windows, and screens.** The requirements in (1) through (7) of this subsection are met.

(1) Exits and exit routes are not blocked by equipment, furniture, or other objects.

(2) Interior and exterior evacuation exit doors:

(A) open from the inside without a key; and

(B) unlock, unlatch, and open with a single motion.

(3) Restroom doors unlock from the outside in an emergency, with an opening device readily accessible to personnel.

(4) Closet doors can be opened from the inside by children.

(5) Clear glass doors and windows beginning at ground level are plainly marked at children's eye level.

(6) Exterior screen or storm doors have a self-closing apparatus.

(7) Opened exterior doors and windows have properly fitted screens.

(r) **Stairways.** Interior and exterior stairways with four or more steps have at least one handrail.

(s) **Barriers.** Barriers:

(1) are provided on porches, elevated walkways, and elevated play areas of more than two feet in height; and

(2) have openings less than:

(A) two and 3/8 inches when accessible to 1-year-olds and younger; and

(B) four inches when accessible to 2-year-olds and older.

(t) **Individual smoke alarms.** Individual smoke alarms are:

(1) required when the facility is not equipped with a central detection and alarm system for smoke, per (v) of this Section;

(2) mounted, per the manufacturer's instructions and fire governmental authority having jurisdiction; and

(3) tested and maintained, per OAC 340:110-3-279(f).

(u) **Individual carbon monoxide alarms.** At least one individual carbon monoxide alarm is:

(1) required when a fuel burning appliance is in the building and the facility is not equipped with a central detection and alarm system for carbon monoxide, per (v) of this Section;

(2) mounted, per the manufacturer's instructions and fire governmental authority having jurisdiction; and

(3) tested and maintained, per OAC 340:110-3-279(f).

- (v) **Central detection and alarm system for smoke and carbon monoxide.** The facility may be equipped with hard-wired or wireless detectors connected to a central control panel. When equipped, the system is:
- (1) installed, per the manufacturer's instructions and fire governmental authority having jurisdiction; and
  - (2) tested and maintained, per OAC 340:110-3-279(f).
- (w) **Fire extinguishers.** Fire extinguishers:
- (1) are portable and Class ABC;
  - (2) are the quantity, size, type, and installation required by the fire governmental authority having jurisdiction;
  - (3) have locations posted, per OAC 340:110-3-281.1(i); and
  - (4) are tested and maintained, per OAC 340:110-3-279(f).
- (x) **Phone.** The program provides an operable landline or cellular phone in each building and on each floor.
- (y) **Utilities.** The facility has operable utilities.
- (z) **Maintenance of facility.** The facility is structurally sound, with interior and exterior in good repair, such as:
- (1) floors without broken tile, torn carpet, and holes;
  - (2) walls and ceilings without holes and peeling paper and paint; and
  - (3) windows and doors without broken glass and other hazards.

### **340:110-3-301. Indoor and outdoor play areas**

#### **(a) Indoor and outdoor play areas.**

- (1) **Facility.** Facility requirements are met, per Oklahoma Administrative Code (OAC) 340:110-3-300.
- (2) **Equipment.** Equipment requirements are met, per OAC 340:110-3-302.
- (3) **Hazards.** Hazard requirements are met, per OAC 340:110-3-303.
- (4) **Cleanliness and sanitation.** Cleanliness and sanitation requirements are met, per OAC 340:110-3-304.

#### **(b) Indoor play areas.**

(1) **Square footage for licensed capacity.** A minimum amount of indoor play area is required.

(A) There is at least 35 square feet of floor space per child for routine use by children.

(B) However, new construction, existing space not previously licensed for child care, or programs licensed after November 1, 2016, are required to have 40 square feet of floor space per infant in rooms occupied only by infants.

(2) **Areas not counted toward licensed capacity.** Areas not counted toward the licensed capacity are:

(A) restrooms, kitchens, and hallways;

(B) storage closets and supply rooms;

(C) personnel offices, work rooms, and break rooms;

(D) areas occupied by furniture not for children's use;

(E) supplemental areas or rooms used exclusively for eating, rest time, gross motor play, or care of ill children; and

(F) alternate indoor play areas in shared facilities, per OAC 340:110-3-277(b).

(3) **Areas limited for children's use.** Areas in (A) and (B) of this paragraph are only used under specified conditions.

(A) Basements, areas partially below ground level, and floors above ground level are only counted toward the licensed capacity when approved by the local or state fire governmental authority having jurisdiction. Fire approval is also required before children use the area for any reason, except as part of the emergency plans and procedures, such as tornados or lock-downs. Fire inspection reports indicate age restrictions. When used by children, basements are finished, dry, and ventilated.

(B) Large areas, such as gymnasiums are only counted toward licensed capacity when divided into classrooms for children 3 years of age or older. However, they may be used as a supplemental area for any age.

(4) **Classroom capacity.** Classrooms are not routinely occupied by more children than can be accommodated by the square footage per (1) of this subsection.

(5) **Use zones and impact-absorbing materials.** Use zone and impact-absorbing material requirements, per (c) of this Section, are met for indoor climbing equipment with a fall height over four feet.

#### **(c) Outdoor play areas.**

(1) **Square footage for licensed capacity.** A minimum amount of outdoor play area is required.

(A) When the licensed capacity is 23 or fewer children there is at least 75 square feet of outdoor play area per child for the licensed capacity.

- (B) When the licensed capacity is 24 or more children, there is at least 75 square feet of outdoor play area per child for at least one-third of the licensed capacity or 1800 square feet, whichever is greater.
- (2) **Areas not counted toward licensed capacity.** Alternate outdoor play areas required in shared facilities, per OAC 340:110-3-277(b), are not counted toward the licensed capacity.
- (3) **Outdoor play area capacity.** Outdoor play areas are not routinely occupied by more children than can be accommodated by the square footage per (1) of this subsection. When the program has less than 75 square feet of outdoor play area per child for the licensed capacity, the program follows a rotation schedule as indicated on the classroom schedules.
- (4) **Location.** Outdoor play areas are situated allowing:
- (A) children to reach them safely; and
  - (B) supervision of areas where children cannot be easily seen.
- (5) **Fencing.** Outdoor play areas are enclosed by a building or fence.
- (A) The fence:
    - (i) begins at ground level;
    - (ii) is at least 48 inches high;
    - (iii) poses no risk to children; and
    - (iv) is maintained in a good condition, such as stable, secure, and upright.
  - (B) However, 4-year-olds and older may play in an unfenced or partially fenced on-site outdoor play area as part of a scheduled occasional supervised activity when the area is properly protected from traffic and other hazards.
- (6) **Exits and gates.** The outdoor play area(s):
- (A) has at least one exit remaining unlocked during operation hours and is away from the building. However, the unlocked exit may have a child-proof latch or a latch out of children's reach; and
  - (B) gates are kept closed when children are playing outside.
- (7) **Water protection.** Bodies of water and water features meet water activity requirements, per OAC 340:110-3-291.
- (8) **Shade.** Outdoor play areas have shade accessible to children when outdoors.
- (9) **Open area.** Play equipment is arranged to have an open, continuous, uninterrupted, and unobstructed area in at least 25 percent of the required outdoor play area. Programs in shared facilities sharing outdoor play areas are exempt from this requirement.
- (10) **Use zones.** Use zones are defined, per OAC 340:110-3-275.
- (A) Use zones:
    - (i) are free of obstacles, except for multi-axis, swing support structures;
    - (ii) around all play equipment are arranged to prevent hazards from conflicting activities;
    - (iii) around non-portable play equipment, with a fall height of:
      - (I) 30 inches or less, extend at least three feet from the equipment perimeter in all directions, unless an exception in (B) of this subsection applies; or
      - (II) more than 30 inches, extend at least six feet from the equipment perimeter in all directions, unless an exception in (B) of this subsection applies; and

- (iv) do not overlap. However, use zones in programs licensed before January 1, 2016, may overlap for existing non-portable play equipment, unless the equipment is moved.
- (B) However, use zones:
  - (i) on the sides of play equipment, where the fall potential in that direction is minimal, are not required, such as play equipment with guardrails or barriers or the sides of swings;
  - (ii) for single-axis swings that move forward and backward, extend two times the length of the swing chain to the front and rear of the swing midpoint. However, swings secured by a bar or strap and used by children 2 years of age or younger are not required to extend more than six feet; and
  - (iii) for multi-axis swings, such as tire swings with circular motion, extend six feet plus the length of the chain in every direction from the midpoint. At least a 30-inch clearance between a fully extended tire swing seat and the support structure is required.
- (C) The swing fall height is where the chain attaches at the top of the support structure.
- (11) **Impact-absorbing materials.** Impact-absorbing materials:
  - (A) are required in use zones for:
    - (i) climbers;
    - (ii) swings;
    - (iii) slides; and
    - (iv) revolving equipment; and
  - (B) meet these requirements when obtained after August 1, 2003, as documented, per OAC 340:110-3-281.2(c). However, grass is acceptable when the fall height is four feet or less and for swings secured by a bar or strap used by children 2 years of age or younger.
    - (i) Loose-fill materials, such as sand, pea gravel, wood playground mulch, shredded rubber mulch, and engineered wood fibers (EWF):
      - (I) are maintained at a depth of at least six inches by replacing, leveling, or raking. In addition, rubber mulch, EWF, and any other loose-fill material tested by the American Society for Testing and Materials International (ASTM) complies with ASTM impact attenuation and EWF guidelines;
      - (II) remain loose and are not compacted. Grass and weeds in use zones are minimized to prevent compaction; and
      - (III) may be prevented from displacement by using impact mats meeting ASTM guidelines for impact attenuation.
    - (ii) Unitary materials, such as rubber mats and poured in place rubber:
      - (I) comply with ASTM guidelines for impact attenuation;
      - (II) have an ASTM rating equal to or greater than the fall height; and
      - (III) do not have rips, tears, and loose seams.
- (12) **Surfaces.** At least two surface types are required. Programs licensed:
  - (A) on or after January 1, 2016, only count surfaces outside of use zones, including impact-absorbing materials that extend beyond use zones; and
  - (B) before January 1, 2016, may count surfaces inside of use zones, unless square footage is added to the outdoor play area.

### **340:110-3-302. Equipment**

(a) **General.** When obtaining and maintaining basic and play equipment, requirements in this Section are met.

(1) **Type and quantity.** Equipment is:

(A) of appropriate type and size meeting the age group and individual children's needs for physical, cognitive, emotional and social development; and

(B) provided in type and quantity, per Oklahoma Administrative Code (OAC) 340 Appendix MM – Equipment.

(2) **Condition.** Equipment is:

(A) safely constructed, including lead free;

(B) installed, maintained, and used, per manufacturer's instructions;

(C) maintained in a safe condition preventing hazards, such as tipping over, splinters, loose parts, protrusions, and sharp edges;

(D) complete and in good working condition and repair, including no holes or tears; and

(E) clean and sanitary, per OAC 340:110-3-304.

(3) **Evaluate.** The program:

(A) evaluates equipment for required quantity and safety on an ongoing basis; and

(B) conducts an equipment inventory at least every 12 months. Documentation is maintained, per OAC 340:110-3-281.2(c).

(b) **Rest equipment.** Safe and appropriate use of rest equipment is met, per OAC 340:110-3-296.

(1) **Mats.** Each individual mat is at least one-inch thick and covered with a durable, washable, waterproof, form-fitting material. Inflatable mats are not used for rest time.

(2) **Cots.** Cots are able to be cleaned and sanitized.

(3) **Cribs.** Cribs, including portable cribs that can be folded or collapsed without being disassembled:

(A) meet the current Consumer Product Safety Commission (CPSC) full-size and non-full-size crib standards. Documentation is maintained, per OAC 340:110-3-281.2(c); and

(B) have a mattress that is:

(i) firm;

(ii) designed to fit the specific crib, with one inch or less between the mattress and crib; and

(iii) covered with a durable, washable, waterproof, form-fitting material.

(4) **Play yards.** Play yards, such as playpens and pack-n-plays, are made of mesh, fabric, or other non-rigid construction.

(A) Play yards are prohibited in programs licensed on or after January 1, 2016.

(B) Existing play yards may be used in programs licensed before January 1, 2016, provided these requirements are met. However, additional or replacement play yards are not obtained after this date.

(i) The pad is manufactured for the specific play yard.

(ii) The equipment has:

(I) mesh less than 1/4 inch in size, smaller than baby clothing buttons;

(II) securely attached material at the top rail and floor plate;

(III) no tears, holes, or loose threads that could entangle a child; and

(IV) no missing, loose, or exposed staples.

(c) **Indoor play equipment.** Safe and appropriate use of indoor play equipment, including access, rotation, use zones, and impact-absorbing materials, is met, per OAC 340:110-3-289(f) and (g) and 340:110-3-301(b).

(d) **Outdoor play equipment.** Safe and appropriate use of outdoor play equipment, including open area arrangement, use zones, and impact-absorbing materials, is met, per OAC 340:110-3-301(c).

(1) **Safe design.** Equipment does not have:

(A) angles or openings between three and one-half inches and nine inches that could entrap any part of a child's body including his or her head, such as ladder rungs and steering wheels;

(B) exposed moving parts with pinch, crush, or shear points, such as rotating devices with exposed gears or axle assemblies and teeter-totter hinges; and

(C) swing seats made of hard or heavy materials. Swing seats are constructed of durable, lightweight, relatively pliable material, such as nylon webbing, rubber, or plastic.

(2) **Stability.** Equipment can withstand the maximum anticipated forces generated by active use preventing overturning, tipping, or sliding. Anchors, when used, pose no hazard to children.

(e) **Prohibited equipment.** Prohibited equipment is not on-site, unless the shared facility requirements, per (f) of this Section apply.

(1) **Diaper changing equipment.** Prohibited diaper changing equipment includes diaper changing attachments contained in pack-n-plays.

(2) **Rest equipment.** Prohibited rest equipment includes:

(A) bassinets, including bassinet attachments in pack-n-plays;

(B) stacked cribs; and

(C) play yards, when applicable, per (b) of this Section, including when children are awake.

(3) **Play equipment.** Prohibited play equipment includes:

(A) infant walkers;

(B) heavy metal or molded plastic swings, such as animal figures;

(C) swinging gates used as play equipment; and

(D) trampolines except for mini-trampolines or mini-rebounders:

(i) having a diameter of three feet or less, padded handle, and safety pad cover; and

(ii) used only by children 3 years of age and older with adult supervision.

(f) **Prohibited and non-compliant equipment - shared facility.** When prohibited equipment, per (e) of this Section, or equipment not meeting the requirements, including inappropriate use zones and impact-absorbing materials, are on-site due to the program sharing the facility, the requirements in (1) and (2) of this subsection are met.

(1) **Inaccessible.** The equipment is made inaccessible when possible, or a Licensing-approved written plan addressing a method ensuring the equipment is not used by children is followed.

(2) **Capacity.** The area taken by the prohibited and non-compliant equipment does not count toward the licensed capacity, classroom capacity, or outdoor play area capacity.

### **340:110-3-303. Hazards**

(a) **General.** Hazards are defined as anything that may inflict injury or cause harm, per Oklahoma Administrative Code (OAC) 340:110-3-275.

(1) The facility is free of hazards.

(2) Hazardous items are:

(A) inaccessible, as defined, per OAC 340:110-3-275; and

(B) including items in personal belongings, such as diaper bags, backpacks, and purses.

(3) Hazardous items used for a supervised, planned, learning activity may be accessible during the activity, such as water play, arts and crafts, gardening, and woodworking. Higher risk activity requirements may apply, per OAC 340:110-3-290.

(4) Personnel recognize and act to correct indoor and outdoor physical safety hazards.

(b) **Manufacturer instructions.** Products, including toxic materials, are used, per the manufacturer's instructions.

(c) **Standing liquid.** Standing liquids are attended at all times and emptied immediately after use.

(d) **Toxic plants.** Toxic plants are inaccessible.

(e) **Toxic materials.** Toxic materials, such as health and beauty aids, cleaning materials, and pesticides are inaccessible.

(1) Toxic materials are stored in original containers. However, smaller containers may be used when labeled with the product's name, and the warning information is maintained at the facility.

(2) Toxic materials are not stored or used in a manner:

(A) constituting a hazard; or

(B) contaminating food and food-contact items and surfaces.

(f) **Pest control products.** Pest control products are not applied when children are present. After product application, children do not access the area until indicated by the manufacturer's instructions.

(g) **Medication.** Medication is inaccessible.

(h) **Illegal drugs.** The facility and transportation vehicles are free of illegal drugs and paraphernalia.

(i) **Tobacco products.** Tobacco and simulated tobacco products and related items, such as ashtrays and cigarette butts, are inaccessible.

(j) **Matches and lighters.** Matches and lighters are inaccessible.

(k) **Open flames.** Items with open flames, such as candles, are not used during operating hours.

(l) **Heater closets.** The central heating unit and gas-fed hot water heater enclosures, such as a closet, are inaccessible and not used for any type of storage.

(m) **Weapons and ammunition.** Any weapons and ammunition, such as firearms, cap pistols, bows and arrows, and hunting knives, are kept in an inaccessible area. In addition:

(1) locked is defined, per OAC 340:110-3-275;

(2) weapons are kept unloaded in locked containers or cabinets;

(3) ammunition is kept in locked containers or cabinets, separate from weapons;

(4) keys, combinations, and locked storage codes are inaccessible; and

(5) parents are informed of weapons as required, per OAC 340:110-3-280(d).

- (n) **Vehicle items.** Children are protected from items that may become hazardous during vehicle operation or an accident.
- (o) **Miscellaneous.** The requirements in (1) and (2) of this subsection are met.
  - (1) Fireworks are inaccessible.
  - (2) Compressed gas cylinders are secured to prevent falling over.
- (p) **Hazards – children 3 years of age and younger.** The requirements in (1) through (3) of this subsection are met.
  - (1) For 3-year-olds and younger, electrical device charging cords are inaccessible.
  - (2) For 2-year-olds and younger, inaccessible items include:
    - (A) strangulation hazards, such as electrical and window blind cords, ropes, and play equipment with long strings;
    - (B) choking hazards, such as objects with removable parts having less than one and 1/4 inch diameter, plastic bags, Styrofoam, and rubber balloons; and
    - (C) play equipment with sharp points or edges.
  - (3) For 1-year-olds and younger, stairways are inaccessible.

### **340:110-3-304. Cleanliness and sanitation**

(a) **General.** The cleaning and sanitation requirements in (1) and (2) of this subsection are met.

(1) The facility and vehicles are clean, sanitary, and free of clutter and litter, including paper accumulation. The facility and equipment have no dust, dirt, soil, food particle, or other debris accumulation.

(2) The outdoor play areas are free of tall grass and weeds and standing water.

(3) Prior to children being outside, the outdoor area is free of animal waste and debris.

(b) **Procedures.** The procedure requirements in (1) and (2) of this subsection are met.

(1) Cleaning, sanitizing, and disinfecting are conducted in a manner preventing food and food-contact item and surface contamination.

(2) When cleaning up vomit, blood, and body fluids that may contain blood, disposable, non-porous gloves are used. Gloves are discarded immediately after use in an inaccessible, closed container, and hands are washed.

(c) **Cleaners, sanitizers, and disinfectants.** The appropriate cleaner, sanitizer, or disinfectant is used, per Oklahoma Administrative Code (OAC) 340 Appendix NN – Cleaners, Sanitizers, and Disinfectants. For sanitizing and disinfecting, only a sanitizer or disinfectant with an Environmental Protection Agency registration number or household bleach is used, per OAC 340 Appendix NN – Cleaners, Sanitizers, and Disinfectants.

(d) **Diaper changing areas.** The program cleans and disinfects, per OAC 340 Appendix KK – Diaper Changing Procedures.

(e) **Food service areas.** The program cleans and sanitizes, per OAC 340:110-3-299(k).

(f) **Equipment.** The program cleans and sanitizes, per requirements in (1) through (3) of this subsection.

(1) Indoor play equipment is:

(A) cleaned and sanitized, including laundered when applicable, before being reused after:

(i) contact with body fluids, including a child's mouth; and

(ii) use by an ill child; and

(B) stored in a sanitary manner.

(2) Rest equipment other than bedding is:

(A) cleaned and sanitized:

(i) at least weekly;

(ii) after contact with body fluids;

(iii) before use by another child; and

(iv) after use by an ill child; and

(B) stored in a sanitary manner.

(3) Bedding is:

(A) changed:

(i) at least weekly; however, crib and play yard sheets are changed daily;

(ii) when soiled;

(iii) before use by another child; and

(iv) after use by an ill child; and

(B) stored in a sanitary manner. A child's bedding does not touch another child's bedding between laundering.

(g) **Laundry.** Dirty laundry is kept in containers until laundered.

(h) **Trash and rubbish.** Trash and rubbish is promptly discarded into trash containers.

- (1) Trash containers:
  - (A) containing soiled diapers or disposable training pants or food waste have leak-proof disposable liners and are covered with tight-fitting lids when not in continuous use;
  - (B) within food service areas are cleaned each time they are emptied; and
  - (C) are clean and of adequate quantity and size, including exterior containers for storing facility trash prior to disposal from the premises.
- (2) Trash disposal from the premises occurs as needed for sanitation.
- (3) When used, sink garbage disposals are of suitable construction and comply with the building codes of the local or state governmental authority having jurisdiction.
- (i) **Pest control.** The facility is free of pests, such as rodents and insects. Safe, effective measures minimize the presence and protect against the entry of pests.

### **340:110-3-305. Transportation**

#### **(a) General.**

- (1) When children in care are transported in a vehicle, whether provided, arranged, or contracted by the program, requirements in this Section are met.
- (2) When the program contracts for transportation, including use of public transportation, the program is responsible for ensuring the contracted entity meets transportation requirements, including child passenger safety training.
- (3) Children are not transported in vehicles or parts of vehicles not designed for transporting individuals, such as truck beds, campers, and trailers.
- (4) Drivers and vehicles used to transport children comply with all applicable state laws, including vehicle insurance. Documentation is maintained, per Oklahoma Administrative Code (OAC) 340:110-3-281.2(c) and (d).
- (5) Children do not ride more than 60 minutes one way. However, longer field trips may occur infrequently provided necessary rest and stretch stops are made.

#### **(b) Driver, child passenger safety, cardio-pulmonary resuscitation (CPR), and first aid.**

- (1) The driver requirements are met, per OAC 340:110-3-284.3(d).
- (2) The child passenger safety training requirements are met by the:
  - (A) program, per OAC 340:110-3-284(d); and
  - (B) drivers and personnel assisting with child passenger safety restraints, per OAC 340:110-3-284.3(d).
- (3) CPR and first aid certification requirements are met, per OAC 340:110-3-284(d).

#### **(c) Parent permission and attendance documentation.**

- (1) Transportation and field trip permission is maintained, per OAC 340:110-3-281.4(b).
- (2) Attendance documentation is maintained, per OAC 340:110-3-281.2(c) and (d).

#### **(d) Ratios and supervision.**

- (1) The driver may count in ratios, unless excluded, per OAC 340:110-3-286(a).
- (2) Supervision is maintained, per OAC 340:110-3-287(h).

#### **(e) Communication.**

- (1) An operable phone is in each vehicle transporting children.
- (2) While transporting children, drivers do not use a phone or wireless communication device, including hands-free technology:
  - (A) when the vehicle is in motion, with the exception of a navigational system or global positioning system device; and
  - (B) unless emergency communication is necessary and the vehicle is secured in park before devices are used.

#### **(f) Safety and tobacco-free.**

- (1) Vehicles have a first aid kit, per OAC 340:110-3-279(d).
- (2) Vehicles are free of hazards, per OAC 340:110-3-303.
- (3) Safe conduct to and from vehicles and safe off-street loading spaces are provided to protect children from:
  - (A) backing vehicles;
  - (B) being between vehicles; and
  - (C) traffic hazards.
- (4) Vehicle door locks are activated when the vehicle is moving.
- (5) Tobacco use is prohibited, per OAC 340:110-3-294(g).

**(g) Passenger restraints, seating, and airbags.**

(1) Vehicle maximum capacity and seating space, per manufacturer's designations, is not exceeded.

(2) Children sit in seats behind the front seat. However, when all these positions are occupied by other children, a child may sit in the front seat, provided requirements in (A) and (B) of this paragraph are met.

(A) When there is a front seat passenger airbag and children 12 years of age or younger are in the front seat, the airbag is deactivated by a weight sensitive seat, when equipped with such, or a manual switch.

(B) When the airbag cannot be deactivated, the front seat is pushed back as far as possible, and only a child whose age and weight requires a forward facing car seat with a harness, per manufacturer's instructions, may sit in the front seat.

(3) Children remain properly secured in child passenger restraint system, such as a car or booster seat or an individual seat belt complying with applicable state laws, unless the vehicle is exempt, per (5) of this subsection. Children do not share a seat belt.

(A) Car and booster seats are:

(i) federally approved;

(ii) installed, per manufacturer's instructions;

(iii) appropriate to the child's height, weight, and physical condition, per manufacturer's instructions; and

(iv) properly maintained, such as not expired or previously involved in a vehicle accident.

(B) Seat belts:

(i) are properly anchored to the vehicle; and

(ii) fit the child appropriately, per Child Passenger Safety training, per OAC 340:110-3-284(d).

(4) Adult passengers, including the driver, remain properly secured in an individual seat belt unless:

(A) unable due to documented medical reasons, per OAC 340:110-3-281.3(b); or

(B) the vehicle is exempt, per (5) of this subsection.

(5) The vehicle exemption to passenger restraints is for buses, unless designed for or equipped with seat belts or the Lower Anchors and Tethers for Children (LATCH) system. However, passengers remain seated.

**(h) Vehicles and vehicle maintenance.**

(1) Vehicle requirements apply to:

(A) program vehicles at all times; and

(B) personal vehicles when transporting children.

(2) Vehicle maintenance is:

(A) conducted at least quarterly for:

(i) program vehicles; and

(ii) personal vehicles used regularly; and

(B) documented, per OAC 340:110-3-281.2(c).

(3) The vehicles:

(A) are identified with the program or business entity name and phone number easily read by the public, unless using contracted transportation;

(B) are in a safe operating condition;

- (C) have an operable heater maintaining an interior temperature of at least 65 degrees Fahrenheit;
- (D) have a ventilation system, such as air conditioning or operable windows; and
- (E) have stationary padded seats, with a back properly anchored to the vehicle.

**340:110-3-306. Addendum requirements for child care centers**

(a) **Child care centers.** Child care centers are programs that operate 30 or more hours per week.

(b) **Common requirements.** Programs are required to meet the common requirements in Oklahoma Administrative Code (OAC) 340:110-3-275 through 340:110-3-305, unless the addendum requirements in this Section state otherwise.

(c) **Teacher qualifications.** Teachers hired on or before July 1, 1995, are exempt from the educational requirements per OAC 340:110-3-284.2(c).

(d) **Program or parent provided food.** Programs provide meals and snacks per OAC 340:110-3-298(c) for 2-year-olds through 5-year-olds who are not attending or have not completed kindergarten.

(e) **Toileting and hand washing facilities.** Programs licensed on or before July 2, 1970, are exempt from the toilet and sink quantity requirements per OAC 340:110-3-300(m) and (n), unless the licensed capacity increases or the program changes locations.

(f) **Food service area hand washing sink.** Programs licensed before June 1, 1987, in a facility originally designed as a family residence may meet the separate hand washing sink requirement for the food service area per OAC 340:110-3-300(n) with a sink in a restroom on the same floor as the food service area, unless the program changes locations.

(g) **Square footage for indoor play area.** Programs licensed or expanded on or before July 2, 1970, are exempt from the square footage requirements per OAC 340:110-3-301(b). However, at least 30 square feet of floor space per child is required.

### **340:110-3-307. Addendum requirements for day camps**

(a) **Day camps.** Day camps are programs that operate during school breaks for 12 hours or less per day, serve 5-year-olds and older who are attending or have completed kindergarten or above, and use the outdoors as a major program component for at least 50 percent of the daily hours of operation.

(b) **Common requirements.** Programs are required to meet the common requirements in Oklahoma Administrative Code (OAC) 340:110-3-275 through 340:110-3-305, unless the addendum requirements in this Section state otherwise.

(c) **Posted records and documentation.** Ratios and group sizes, daily classroom schedule, and weekly lesson plans per OAC 340:110-3-281.1(i)(4) through (6) may be maintained in a portable method with the teaching personnel. The remainder of the posted in classroom items in (i) may be posted in a prominent location.

(d) **General professional development.** Personnel obtain orientation per OAC 340:110-3-284(d) prior to working with children. Personnel are exempt from the Entry Level Child Care Training (ELCCT) or equivalent requirements per OAC 340:110-3-284(d).

(e) **Director qualifications.** Directors are exempt from the Oklahoma Director's Credential requirement per OAC 340:110-3-284.1(b). However, directors obtain at least an Oklahoma Professional Development Ladder (OPDL) certificate per OAC 340:110-3-284(b) and have:

(1) a high school diploma, General Educational Development (GED), or Licensing approved equivalent and two years of full-time experience in an out-of-school time, educational, or child care setting;

(2) a high school diploma, GED, or Licensing approved equivalent and 12 college credit hours in child development, elementary or secondary education, or a closely related subject and one year of satisfactory experience in an out-of-school time, educational, or child care setting; or

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

(f) **Director responsibilities.** Directors are free from direct care responsibilities at least one hour per day rather than three hours per day per OAC 340:110-3-284.1(b).

(g) **Director professional development.** Directors meet the continuing professional development requirements per OAC 340:110-3-284(d) to maintain at least 20 clock-hours every 12 months. The clock-hours meet the criteria identified in the footnotes per OAC 340 Appendix FF - Oklahoma Professional Development Ladder.

(h) **Master teacher qualifications.** Master teachers are exempt from position specific educational and OPDL requirements per OAC 340:110-3-284.2(b). However, master teachers have at least:

(1) a high school diploma, GED, or Licensing approved equivalent and one year of satisfactory full-time experience in an out-of-school time, educational, or child care setting;

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

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

(i) **Teacher qualifications.** Teachers hired on or before September 1, 1997, are exempt from position specific educational requirements per OAC 340:110-3-284.2(c).

(j) **Supervision.** The supervision exception for the 6-year-olds and older requirement per OAC 340:110-3-287(e) does not apply. Children are within sight and hearing of teaching personnel at all times, unless restrooms or locations where medications are administered are located in areas away from children. In this situation, the program follows a Licensing approved written plan, addressing how personnel will monitor children's whereabouts when the children are out of sight and hearing of personnel.

(k) **Daily classroom schedule.** Programs are exempt from the classroom schedule for each classroom and indoor play requirement per OAC 340:110-3-289(b). However, the program has at least one classroom schedule that applies to all children.

(l) **Weekly lesson plans.** Programs are exempt from the lesson plan for each classroom requirement per OAC 340:110-3-289(d). However, lesson plans are at least by activity type, such as art and science.

(m) **Annual parent conferences.** Programs are exempt from parent conferences per OAC 340:110-3-293(d).

(n) **Electrical outlets.** Programs are exempt from the unused electrical outlet requirement per OAC 340:110-3-300(f).

(o) **Indoor temperature.** The indoor temperature requirement per OAC 340:110-3-300(h) is only required when children are indoors.

(p) **Screens.** Programs are exempt from door and window screens per OAC 340:110-3-300(q). However, programs take measures to avoid insect infestation.

(q) **Toileting facilities.** The toileting facilities requirements listed in (1) and (2) of this subsection are met.

(1) Programs are exempt from the one toilet for every 15 children requirement per OAC 340:110-3-300(m). However, programs meet one of these options:

(A) one toilet for every 25 children; or

(B) one toilet for every 50 children, with a minimum of two toilets and at least one restroom for males and one for females.

(2) Commercial portable toilets that meet all state environmental inspection guidelines may be used in place of flushable toilets.

(r) **Hand washing facilities.** Programs are exempt from the one sink for every 15 children requirement per OAC 340:110-3-300(n) provided adequate running water is available for hand washing. Portable sinks per OAC 340:110-3-300(n) may meet this requirement. If adequate running water is not available, another hand washing method must be approved by the Oklahoma State Department of Health.

(s) **Food service area hand washing sink.** Programs licensed before September 1, 1997, in a facility originally designed as a family residence, may meet the separate hand washing sink requirement for the food service area per OAC 340:110-3-300(n) with a sink in a restroom on the same floor as the food service area, unless the program changes locations.

(t) **Indoor square footage.** Programs are exempt from the indoor square footage requirement per OAC 340:110-3-301(b). However, the program has accessible for children's use:

(1) at least 10 square feet of floor space per child; or

(2) a covered permanent structure, provided an alternate indoor site is designated for use during inclement weather.

(u) **Outdoor play area.** An outdoor play area is not required on-site, provided the program uses a city park or other off-site outdoor play area that meets the outdoor play

area and equipment requirements per OAC 340:110-3-301(c) and 340:110-3-302(a) and (d), unless the area is shared with the public or another entity and a Licensing approved exception is made. If the outdoor play area is off-site, the program follows a Licensing approved written plan that addresses:

- (1) use of the off-site outdoor play area(s); and
- (2) methods to protect children when exceptions are made to the outdoor play area or equipment requirements. Examples include methods that:
  - (A) protect children from hazards when the area is not enclosed with fencing and hazards, such as water and traffic are present; and
  - (B) make prohibited and non-compliant equipment inaccessible, when possible, or a method that ensures the equipment is not used by the children.

(v) **Equipment.** Programs are exempt from the basic and play equipment type and quantity requirements per OAC 340:110-3-302(a). However, play equipment is:

- (1) in a quantity that avoids excessive competition between children and long waits for use; and
- (2) from at least five categories including:
  - (A) gross motor play;
  - (B) fine motor play, such as manipulatives;
  - (C) blocks with accessories;
  - (D) carpentry;
  - (E) science;
  - (F) sand and water play;
  - (G) arts and crafts;
  - (H) music and rhythm;
  - (I) dramatic play; and
  - (J) language play including books or child-oriented magazines.

(w) **Equipment inventory.** Programs are exempt from the equipment inventory requirement per OAC 340:110-3-302(a).

### **340:110-3-308. Addendum requirements for drop-in programs**

- (a) **Drop-in programs.** Drop-in programs operate 30 or more hours per week with individual children attending six hours or less per day and 24 hours or less per week, with an allowance for three extra six hour days per 12 months per child.
- (b) **Common requirements.** Programs are required to meet the common requirements in Oklahoma Administrative Code (OAC) 340:110-3-275 through 340:110-3-305, unless the addendum requirements in this Section state otherwise.
- (c) **Maximum hour notice.** In addition to posted records and documentation per OAC 340:110-3-281.1(c), an Oklahoma Department of Human Services (DHS) Publication No. 14-06, Drop-In Program Maximum Hour Notice, stating the maximum number of hours per day and week a child may be in care is posted in a prominent location for parent and public viewing. This statement is also included in all drop-in program literature, including program policy and advertisements.
- (d) **Children's attendance records.** In addition to the children's attendance requirements per OAC 340:110-3-281.2(c), each child's attendance includes the total number of hours in care per day and week. Documentation is maintained for at least 24 months.
- (e) **Teacher qualifications.** Teachers hired on or before July 1, 1995, are exempt from the educational requirements per OAC 340:110-3-284.2(c).
- (f) **Weekly lesson plans.** In addition to the lesson plan requirements per OAC 340:110-3-289(d), modifications are made to reflect the flexibility of the programs, while maintaining the purpose of varied planned activities in addition to free-play. The lesson plans:
- (1) are designed for the children who are in attendance on a frequent basis, with activity considerations given for the children in attendance on an occasional or first time basis; and
  - (2) are designed for or able to be modified to each age group accepted into care, as the ages of the children in care at any given time may vary. Programs are exempt from the lesson plan for each classroom requirement per OAC 340:110-3-281.1(i), provided the needs of the children in care are addressed by the lesson plans.
- (g) **Parent activities or special events.** Programs are exempt from the parent activities or special events requirements per OAC 340:110-3-293(d).
- (h) **Medications.** Medications are returned to parents daily. Therefore the other methods for returning medication to parents do not apply per OAC 340:110-3-295(g).
- (i) **Required meals and snacks.** Programs may serve a snack to children in care over a four-hour period rather than a meal per OAC 340:110-3-298(a).
- (j) **Parent provided meals and snacks.** Programs are exempt from the additional serving requirement per OAC 340:110-3-298(c).
- (k) **Toileting and hand washing facilities.** Programs licensed before January 1, 2016:
- (1) are exempt from the one toilet and sink for every 15 children requirement per OAC 340:110-3-300(m) and (n), unless the program changes locations; and
  - (2) have at least one toilet and sink for every 25 children.
- (l) **Outdoor play area.** Programs are exempt from the outdoor play area requirements per OAC 340:110-3-301(c). However, when the program has an outdoor play area the requirements are met.

### **340:110-3-309. Addendum requirements for out-of-school time programs**

(a) **Out-of-school time programs.** Out-of-school time programs operate when school is not in session, such as before- and after-school and school breaks and serve 3-year-olds and older who are attending or have completed pre-kindergarten or above.

(b) **Common requirements.** Programs are required to meet the common requirements in Oklahoma Administrative Code (OAC) 340:110-3-275 through 340:110-3-305, unless the addendum requirements in this Section state otherwise.

(c) **Posted records and documentation.** Programs are exempt from or may vary posted requirements according to requirements listed in (1) and (2) of this subsection. Posted:

(1) hand washing procedures per OAC 340:110-3-281.1(g) are not required when the program is in a school and different hand washing procedures are posted by the school; and

(2) ratios and group sizes, daily classroom schedule, and weekly lesson plans, per OAC 340:110-3-281.1(i)(4) through (6) may be maintained in a portable method with the teaching personnel. The remainder of the posted in classroom items in (i) may be posted in a prominent location when a large area, such as a gymnasium or cafeteria, is used as classrooms.

(d) **Immunization records.** Programs operated by a school may use the school's immunization records to meet the requirement per OAC 340:110-3-281.4(b).

(e) **General professional development.** Personnel are exempt from the Entry Level Child Care Training (ELCCT) or equivalent requirement per OAC 340:110-3-284(d).

(f) **Director qualifications.** Directors are exempt from:

(1) the Oklahoma Director's Credential requirement per OAC 340:110-3-284.1(b). However, directors obtain at least an Oklahoma Professional Development Ladder (OPDL) certificate per OAC 340:110-3-284(b) and have:

(A) a high school diploma, General Educational Development (GED), or Licensing approved equivalent and two years of full-time experience in an out-of-school time, educational, or child care setting;

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

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

(2) licensed capacity requirements when counting as master teachers per OAC 340:110-3-284.2(b). Directors meeting master teacher qualifications may count as master teachers regardless of licensed capacity.

(g) **Director responsibilities.** Directors are free from direct care responsibilities one hour per day rather than three hours per day per OAC 340:110-3-284.1(b).

(h) **Director professional development.** Directors meet the continuing professional development requirements per OAC 340:110-3-284(d) to maintain at least 20 clock-hours every 12 months. The clock-hours meet the criteria identified in the footnotes per OAC 340 Appendix FF - Oklahoma Professional Development Ladder.

(i) **Master teacher qualifications.** Master teachers are exempt from position specific educational and OPDL requirements per OAC 340:110-3-284.2(b). However, master teachers have at least:

(1) a high school diploma, GED, or Licensing approved equivalent and one year of satisfactory full-time experience in an out-of-school time, educational, or child care setting;

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

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

(j) **Teacher qualifications.** Teachers hired on or before September 1, 1997, are exempt from the position specific educational requirements per OAC 340:110-3-284.2(c).

(k) **Groups and classrooms.** Programs are exempt for kindergarten and older children from the:

(1) one group per classroom requirement per OAC 340:110-3-286(b); and

(2) classroom requirements per OAC 340:110-3-286(b) provided the area is divided into interest areas, including portable means such as tables and area rugs.

(l) **Weekly lesson plans.** Programs are exempt from the lesson plan for each classroom requirement per OAC 340:110-3-289(d) for children who are attending or have completed kindergarten or above. However, the lesson plans for these children are at least by the activity type, such as art and science.

(m) **Play equipment accessibility.** Play equipment may be stored on open storage or in cabinets, closets, or similar storage, provided children may easily access the equipment when desired.

(n) **Rest time.** Programs are exempt from the scheduled rest time requirement per OAC 340:110-3-296(c) for 4-year-olds and younger who had an afternoon rest time in a pre-kindergarten program.

(o) **Required meals and snacks.** In addition to the required meals and snacks requirement per OAC 340:110-3-298(a) programs that provide care:

(1) before 7:00 a.m. serve a morning meal or snack; and

(2) in the afternoon serve an afternoon snack.

(p) **Electrical outlets.** Programs are exempt from the unused electrical outlet requirement per OAC 340:110-3-300(f) for 5-year-olds.

(q) **Toileting and hand washing facilities.** Programs are exempt from the one toilet and sink quantity requirement per OAC 340:110-3-300(m) and (n) for children who are attending or have completed kindergarten provided one of these options is met:

(1) one toilet and sink for every 25 children; or

(2) one toilet and sink for every 50 children, with a minimum of two toilets and sinks and at least one restroom for males and one for females.

(r) **Food service area hand washing sink.** Programs licensed before September 1, 1997, in a facility originally designed as a family residence may meet the separate hand washing sink requirement for the food service area per OAC 340:110-3-300(n) with a sink in a restroom on the same floor as the food service area, unless the program changes locations.

(s) **Indoor square footage.** Programs are exempt from having to divide large areas into classrooms in order to count them toward the licensed capacity per OAC 340:110-3-301(b).

(t) **Fencing.** When the program is in a school, Licensing may grant an exception to the enclosed outdoor play area requirement per OAC 340:110-3-301(c) for 4-year-olds when

the safety of children is ensured. The fencing exception per OAC 340:110-3-301(c) applies at all times, rather than only during a scheduled occasional supervised activity.

(u) **Equipment.** Programs are required to meet the indoor basic and play equipment type and quantity requirements per OAC 340 Appendix MM - Equipment, according to these requirements.

- (1) For 3-year-olds, the 3-year-old equipment chart is used.
- (2) For 4-year-olds, the 4- and 5-year-old equipment chart is used.
- (3) For 5-year-olds and older, the 6-year-old and older equipment chart is used.
- (4) Book quantity requirements do not apply provided programs at least have:
  - (A) five books for one to 10 children;
  - (B) 10 books for 11 to 20 children;
  - (C) 15 books for 21 to 30 children; and
  - (D) 20 books for 31 to 40 children.
- (5) The program may require parents provide, for their children, rest equipment and bedding that meets the requirements.

### **340:110-3-310. Addendum requirements for part-day programs**

- (a) **Part-day programs.** Part-day programs operate for more than 15 but less than 30 hours per week.
- (b) **Common requirements.** Programs are required to meet the common requirements in Oklahoma Administrative Code (OAC) 340:110-3-275 through 340:110-3-305, unless the addendum requirements in this Section state otherwise.
- (c) **Posted weekly lesson plans.** Programs are exempt from posting lesson plans per OAC 340:110-3-281.1(i). However, lesson plans are available in the classroom.
- (d) **General qualifications and professional development.** Personnel:
- (1) are exempt from:
    - (A) maintaining an Oklahoma Professional Development Ladder certificate per OAC 340:110-3-284(b);
    - (B) obtaining the Entry Level Child Care Training or equivalent per OAC 340:110-3-284(d); and
    - (C) maintaining a minimum number of clock-hours per OAC 340:110-3-284(d); and
  - (2) obtain job-related professional development and maintain documentation on-site, including the topic, training provider or source, and date the professional development was obtained.
- (e) **Director qualifications.** Directors are exempt from the Oklahoma Director's Credential per OAC 340:110-3-284.1(b). However, directors:
- (1) have at least a high school diploma, General Education Development (GED), or Licensing approved equivalent; and
  - (2) hired on or after January 1, 2016, have one year of full-time administrative or direct care experience in a child care program or educational setting. However, an early education or equivalent degree or certification, such as a Child Development Associate (CDA), may substitute for six months of the required experience.
- (f) **Director responsibilities.** Directors are exempt from the requirement regarding a minimum amount of time free from direct care responsibilities per OAC 340:110-3-284.1(b).
- (g) **Master teachers.** Programs are not required to have master teachers per OAC 340:110-3-284.2(b).
- (h) **Teacher and assistant teacher qualifications.** Teaching personnel hired before January 1, 2016, are exempt from the educational requirements per OAC 340:110-3-284.2(c) and (d).
- (i) **Rest time.** Programs are exempt from providing rest time for 1-year-olds through 4-year-olds per OAC 340:110-3-296(c). However, when the program provides rest time or a child needs to rest, the rest time requirements apply.
- (j) **Parent provided meals and snacks.** Programs are exempt from the additional serving requirements per OAC 340:110-3-298(c).
- (k) **Food service area hand washing sink.** When the program is licensed in a facility that was originally designed as a family residence, the separate hand washing sink for the food service area per OAC 340:110-3-300(n) may be located in a restroom on the same floor as the food service area.
- (l) **Square footage for infants.** Programs licensed before January 1, 2016, are exempt from the increased square footage for infants requirement per OAC 340:110-3-301(b).
- (m) **Fencing.** Programs are exempt from the fencing requirements per OAC 340:110-3-301(c), when:

(1) care is only provided for 5-year-olds or older who are attending or have completed kindergarten; and

(2) the area is properly protected from traffic and other hazards.

(n) **Open outdoor play area.** Programs are exempt from the open area requirement in the outdoor play area per OAC 340:110-3-301(c).

(o) **Impact-absorbing materials.** Impact-absorbing materials obtained before January 1, 2016, are exempt from the requirements per OAC 340:110-3-301(c).

(p) **Rest equipment and bedding.** Programs are exempt from the two-inch mat requirements per OAC 340:110-3-302(b). However, the mats are at least one inch thick. Program policy may require parents provide for their 1-year-olds and older, rest equipment, and bedding that meets the requirements.

(q) **Play equipment.** Programs are exempt from the play equipment type and quantity requirements per OAC 340:110-3-302(a). However, programs have a variety of accessible, age-appropriate play equipment in quantities proportionate to the licensed capacity and number of children in each group per OAC 340:110-3-289(f) and (g). Programs are required to meet the basic equipment requirements per OAC 340 Appendix MM – Equipment.

### **340:110-3-311. Addendum requirements for programs for sick children**

(a) **Programs for sick children** Programs for sick children serve children with illnesses or symptoms that:

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

(b) **Common requirements.** Programs are required to meet the common requirements in Oklahoma Administrative Code (OAC) 340:110-3-275 through 340:110-3-305, unless the addendum requirements in this Section state otherwise.

(c) **Definitions.** The following words and terms when used in this Part shall have the following meaning unless the context clearly states otherwise:

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

(2) **"Level I program"**:

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

(B) does not serve children with illnesses or symptoms that meet the criteria for exclusion in a Level I program as defined in OAC 340 Appendix JJ, Exclusion Criteria for Children Who Are Ill.

(3) **"Level II program"** means a:

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

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

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

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

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

(d) **Inclusion and exclusion criteria.** A program for sick children may serve any child who exhibits symptoms or illnesses for which they are excluded from a program caring for well children unless prohibited by the exclusion criteria specified in OAC 340 Appendix JJ - Exclusion Criteria For Children Who Are Ill.

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

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

(A) any pertinent information from parents or authorized adults relevant to the child's condition and symptoms; and

- (B) an evaluation of the child's general appearance, including physical appearance, demeanor, mood and activity level.
- (2) For Level II programs a written medical evaluation that includes a diagnosis from a licensed physician indicating a child is eligible for admission is required before a child can be admitted to a Level II program.
- (f) **Policy and procedure.** The program has written policies and procedures approved in writing by a licensed physician or by a pediatric nurse practitioner.
  - (1) In addition to the program policy requirements in OAC 340:110-3-278(d), the program policy must also include:
    - (A) the criteria for admission in the program;
    - (B) intake and admission procedures;
    - (C) plans for the daily care of children including methods used to monitor the condition of children;
    - (D) plans for personnel training and communication with parents and health care providers; and
    - (E) procedures for injury prevention and infection control.
  - (2) A health professional provides ongoing consultation to the program in its overall operation and the management of illness for individual children.
- (g) **Personnel qualifications.** In addition to the general personnel requirements per OAC 340:110-3-284 personnel caring for sick children are required to have completed:
  - (1) at least one year of satisfactory full-time experience in a child care setting; or
  - (2) a minimum of 20 documented clock-hours of professional development in child development, early childhood education, or a closely related subject.
- (h) **Personnel training.** The professional development requirements for personnel caring for sick children are contained in (1) through (4) of this subsection.
  - (1) Personnel caring for sick children have cardio-pulmonary resuscitation (CPR) and first aid certification per OAC 340:110-3-284(d).
  - (2) Prior to working with sick children, personnel must complete the Licensing approved training for the care of sick children conducted by a health professional. The training includes:
    - (A) policy and procedures relating to the care of sick children;
    - (B) recognizing signs and symptoms of illness;
    - (C) administration of medication;
    - (D) when and how to call for medical help;
    - (E) taking children's temperatures;
    - (F) infection control procedures including hand washing, handling contaminated items, use of disinfectants, and food handling;
    - (G) communicating with parents concerning a child's illness; and
    - (H) any other care that may be required for admissible illnesses and conditions.
  - (3) Personnel caring for sick children must obtain two hours of professional development annually related to the care of sick children and the prevention and control of communicable disease.
  - (4) All professional development required for personnel who care for sick children counts toward the annual training required for all personnel listed per OAC 340:110-3-284(d).
- (i) **Indoors.** In addition programs meet the requirements listed in (1) through (7) of this subsection.

- (1) Toilets are in a restroom that is adjacent to or opens directly into each room used to care for sick children.
  - (2) Sinks for hand washing are located in each room used for the care of sick children, or in a restroom that opens directly into the room.
  - (3) The use of potty chairs is prohibited.
  - (4) Rest equipment is available and accessible for use by children throughout the day and is placed three feet apart when in use.
  - (5) Mats may not be used as rest equipment.
  - (6) The use of carpet is prohibited; however, rugs may be used when they are washed daily.
  - (7) In Level I programs:
    - (A) rooms used for the care of sick children are separated from other components of the program by floor to ceiling walls; and
    - (B) rooms, fixtures, furniture, equipment, and supplies used by sick children are not used by personnel or children from any other component of the program when sick children are in care.
- (j) **Outdoor play areas.** Programs are exempt from the outdoor play area requirements per OAC 340:110-3-301(c). However, when outdoor play areas are provided:
- (1) all outdoor play area requirements are met; and
  - (2) when the same area is shared by well and sick children it is used at separate times.
- (k) **Health.** In addition to the health requirements per OAC 340:110-3-294, programs:
- (1) require personnel to monitor and record the condition of each child throughout the day. The monitoring includes:
    - (A) temperature taking;
    - (B) amount of fluid and food intake;
    - (C) output including urine, vomit, and stools, as appropriate;
    - (D) medication administered; and
    - (E) sleeping patterns and general behavior;
  - (2) notify parents immediately of any significant change in a child's condition; and
  - (3) take additional precautions to prevent the spread of disease, including:
    - (A) cleaning and disinfecting floors, basic and play equipment and furniture daily or more often when necessary, or before use by another group of children;
    - (B) providing liquid soap from mounted dispensers for hand washing;
    - (C) using paper towels from a dispenser with waste containers provided for disposal;
    - (D) providing play equipment that is non-porous and easily washable; and
    - (E) prohibiting personnel and children who begin the day in the area serving sick children to transfer to any other part of the facility during that day.
- (l) **Food and nutrition.** In addition to the nutrition and food service requirements per OAC 340:110-3-298 and 340:110-3-299, programs:
- (1) modify menus to meet the individual physical condition of each child in care;
  - (2) prohibit personnel involved with food preparation or service from changing diapers or assisting children with toileting;
  - (3) use only single-use and disposable eating and drinking utensils. Infant bottles and spill-proof cups may be used when they are sent home daily;
  - (4) prohibit the use of drinking fountains; and
  - (5) require personnel to frequently offer drinking water and other fluids to each child.

(m) **Additional requirements for Level II programs.** In addition to the requirements in this Section, Level II programs meet the requirements listed in (1) through (7) of this subsection.

(1) A physical assessment of each child is conducted by a health professional as the child is admitted to the program.

(2) A health professional or licensed practical nurse (LPN) with immediate, direct access to a health professional remains on-site at all times when sick children are in care.

(3) The LPN may not make the determination whether to admit a child into the program. The LPN may provide care and collect clinical information, and must report to the health professional.

(4) Children are cared for in separate rooms unless grouped with other children diagnosed with the same illness.

(5) Separate outside ventilation is required when care is provided for children diagnosed with:

(A) measles;

(B) diphtheria, until five days of the appropriate antibiotic therapy, that is to be given a total of 14 days;

(C) rubella;

(D) tuberculosis; or

(E) chicken pox.

(6) In a Level II program that is a component of a program caring for well children:

(A) rooms are separated from other components of the facility by floor to ceiling walls; and

(B) rooms, furniture, equipment, and supplies used by sick children are not used by children or personnel from other components of the facility.

(7) A separate entrance is required for sick children.

**APPENDIX EE. OKLAHOMA DIRECTOR'S CREDENTIAL**

<b>Level</b>	<b>General Education</b>	<b>Early Childhood Education (ECE) Child Development (CD) School-Age (SA) Knowledge and Skills</b>	<b>Administration (admin) Management (mgt) Knowledge and Skills</b>	<b>Experience</b>	<b>Annual Renewal Clock-Hours</b>
<b>Platinum</b>	PhD, EdD <sup>1</sup> MS, MA <sup>2</sup> BS, BA <sup>3</sup>	15 ECE/CD/SA credit hours <sup>4</sup>	9 admin/mgt credit hours <sup>4</sup>	3 months <sup>5</sup>	30 hours job related training <sup>6</sup>
<b>Gold</b>	AA, AS, AAS <sup>7</sup>	12 ECE/CD/SA credit hours <sup>4</sup>	6 admin/mgt credit hours <sup>4</sup> -or- Directors' Leadership Academy I & II <sup>8</sup>	6 months <sup>5</sup>	30 hours job related training <sup>6</sup>
<b>Silver</b>	3 credit hours <sup>4</sup> in English Composition I	Certificate of Mastery <sup>9</sup> -or- 9 ECE/CD/SA credit hours <sup>4</sup> -or- CDA/CCP <sup>10</sup>	6 admin/mgt credit hours <sup>4</sup> -or- Directors' Leadership Academy I & II <sup>8</sup> -or- Director's Certificate of Completion <sup>11</sup> -or- Pathway Director Training <sup>12</sup>	9 months <sup>5</sup>	30 hours job related training <sup>6</sup>
<b>Copper Effective 11/1/16</b>	BS, BA <sup>3</sup> , or any advanced degree beyond bachelors level	Not required	Not required	12 months <sup>5</sup>	30 hours job related training <sup>6</sup>
<b>Bronze</b>	High School Diploma -or- GED	6 ECE/CD/SA credit hours <sup>4</sup> -or- CDA/CCP <sup>10</sup> -or- Oklahoma Competency Certificate in ECE <sup>13</sup>	3 admin/mgt credit hours <sup>4</sup> -or- approved admin/mgt credential <sup>14</sup> -or- 40 admin/mgt clock-hours <sup>15</sup>	12 months <sup>5</sup>	20 hours job related training <sup>6</sup>

## Footnotes

1. Doctoral Degree of Philosophy, Doctoral Degree of Education.
2. Master Degree of Science, Master Degree of Art.
3. Bachelor Degree of Science, Bachelor Degree of Art.
4. Approved college credit hours must be on the Recommended Approved Coursework List ([www.cecpcd.org](http://www.cecpcd.org)) and articulate to a two- or four-year college or university.
5. Qualifying experience must be as a teacher, master teacher, family child care home primary caregiver, assistant director, or director in a licensed or legally exempt child care setting (30 hours per week).
6. **No more than 6-clock hours of informal professional development are counted toward annual renewal hours.** Training in the core content areas identified in “Oklahoma Core Competencies for Early Childhood Practitioners”: 1) child growth and development; 2) health, safety, and nutrition; 3) child observation and assessment; 4) family and community partnerships; 5) learning environments and curriculum; 6) interactions with children; 7) program planning, development, and evaluation; and/or 8) professionalism and leadership.  
NOTE: Entry Level Child Care Training-(ELCCT) cannot be used to meet level or renewal criteria.
7. Associate in Arts, Associate in Science, Associate in Applied Science.
8. Directors' Leadership Academy is available through the Center for Early Childhood Professional Development ([www.cecpcd.org](http://www.cecpcd.org)).
9. The Certificate of Mastery in child development or early childhood education is a minimum 18-credit hour certificate awarded by an Oklahoma community college.
10. Current Child Development Associate (CDA) or Certified Childcare Professional (CCP) credential.
11. Certificate of Completion for directors and assistant directors is issued by the Scholars for Excellence in Child Care ([www.okhighered.org/scholars/](http://www.okhighered.org/scholars/)).
12. Early Care and Education: Director's Pathway to Program Administration is available through Oklahoma Career Technology Centers ([www.okhighered.org/scholars/career-tech.shtml](http://www.okhighered.org/scholars/career-tech.shtml)).
13. Master Teacher or Director Competency Certificate only awarded by Oklahoma Department of Career Technology.
14. Approved administration/management credential, such as the National Administrator Credential (NAC).
15. Training approved through the Oklahoma Professional Development Registry, with at least 10-clock hours in any three management core knowledge areas: Educational Programming & Family Support; Personnel & Professional Self-Awareness; Staff Management & Human Relations; Leadership & Advocacy; Program Operation & Facilities Management; Legal Management; or Fiscal Management.

NOTE: Completion of Director's Entry Level Training (DELT) course meets 20-clock hours of this requirement. Informal professional development is not counted toward meeting this requirement.

Family Child Care Home Entry Level Training (FHELT), Director's Entry Level Training (DELT), and Out-of-School Time Entry Level Training (OST-ELT) can only be counted one time toward renewal hours.

**APPENDIX FF. OKLAHOMA PROFESSIONAL DEVELOPMENT LADDER**

<b>Level</b>	<b>Level Requirements</b>	<b>Annual Renewal Clock Hours</b>
<b>11</b>	BA/BS <sup>1,2</sup> or above in Early Childhood Education (ECE)/ Child Development (CD)/School-Age (SA) –or– BA/BS in another field (BA/BS-non) with 24 ECE/CD/SA credit hours <sup>2</sup>	20 hours <sup>3</sup>
<b>10</b>	90 credit hours with 18 ECE/CD/SA credit hours <sup>2</sup> –or– BA/BS-non with 18 ECE/CD/SA credit hours <sup>2</sup>	20 hours <sup>3</sup>
<b>9</b>	AA/AS <sup>2,4</sup> in ECE/CD/SA –or– BA/BS-non with 15 ECE/CD/SA credit hours <sup>2</sup>	20 hours <sup>3</sup>
<b>8</b>	AA/AS-non with 15 ECE/CD/SA credit hours <sup>2</sup> –or– 60 credit hours with 15 ECE/CD/SA credit hours <sup>2</sup> –or– BA/BS-non with 6 ECE/CD/SA credit hours <sup>2</sup>	20 hours <sup>3</sup>
<b>7</b>	30 credit hours with 15 ECE/CD/SA credit hours <sup>2</sup>	20 hours <sup>3</sup>
<b>6</b>	Oklahoma Certificate of Mastery (ECE/CD) <sup>5</sup> –or– Tulsa Community College School-Age Certificate of Mastery	20 hours <sup>3</sup>
<b>5</b>	Current Child Development Associate (CDA) or Certified Childcare Professional (CCP) Credential –or– 12 credit hours <sup>2</sup> in ECE/CD/SA	20 hours <sup>3</sup>
<b>4</b>	Oklahoma Competency Certificate (Career Tech Master Teacher or Career Tech Director ONLY) <sup>6</sup>	20 hours <sup>3</sup>
<b>3</b>	6 credit hours <sup>2</sup> in ECE/CD/SA	20 hours <sup>3</sup>
<b>2</b>	3 credit hours <sup>2</sup> in ECE/CD/SA –or– 60 clock hours of Oklahoma Professional Development Registry Approved <sup>7</sup> ECE/CD/SA training in the past 5 years	20 hours <sup>3</sup>
<b>1</b>	12 clock hours of ECE/CD/SA training <sup>3</sup> in the past 12 months	12 hours <sup>3</sup>

## Footnotes

1. Bachelor Degree of Arts, Bachelor Degree of Science.
2. College credit hours must be on the Recommended Approved Coursework List ([www.cecpd.org](http://www.cecpd.org)) and articulate to a two- or four-year college or university.
3. **No more than 6 hours of informal professional development are counted toward both initial and renewal hours.** Training in the core content areas identified in "Oklahoma Core Competencies for Early Childhood Practitioners." 1) child growth and development; 2) health, safety and nutrition; 3) child observation and assessment; 4) family and community partnerships; 5) learning environments and curriculum; 6) interactions with children; 7) program planning, development and evaluation; and/or 8) professionalism and leadership.
4. Associate Degree of Arts, Associate Degree of Science.
5. The Certificate of Mastery in child development or early childhood education is a minimum 18 credit hour certificate awarded by an Oklahoma community college.
6. Master Teacher or Director Competency Certificate only awarded by Oklahoma Department of Career Technology.
7. Training approved through the Oklahoma Professional Development Registry (OPDR) ([www.cecpd.org](http://www.cecpd.org)). All OPDR approved training is tied to the "Oklahoma Core Competencies for Early Childhood Practitioners."

NOTE: Informal professional development is not counted toward meeting this requirement.

Entry Level Child Care Training (ELCCT), Family Child Care Home Entry Level Training (FHELT), Director's Entry Level Training (DELT), and Out-of-School Time Entry Level Training (OST-ELT) can only be counted one time toward renewal hours.

## APPENDIX GG. RATIOS AND GROUP SIZES

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

### Day Camps

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

### Out-of-School Time Programs

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

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

### Programs for Sick Children

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

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

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

### Single-Age Group Chart

Use when the:

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

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

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

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

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

### Swimming and Wading Ratios

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

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

### Shoreline Ratios

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

## APPENDIX HH. HAND HYGIENE

Personnel	Children		Hand Wash*	Hand Wash or Hand Sanitize
		* When running water is not available off-site: (1) remove soiling with moist towelette; and (2) apply hand sanitizer.		
<b>Visibly Dirty Hands</b>				
X	x	When hands are visibly dirty	x	
<b>Activities</b>				
X	x	Before and after playing in water used by more than one person		x
X	x	After participating in outdoor or sand activities		x
<b>Animals</b>				
X	x	After handling or feeding animals	x	
X	x	After being present in animal areas, such as a field trip to a farm	x	
X		After cleaning up animal waste or habitats	x	
<b>Body Fluids</b>				
X	x	After touching body fluids, including when gloves are worn, except when:	x	
X	x	sneezing or coughing into own hand or facial tissue		x
X	x	blowing or wiping own nose or child's nose		x
X		After cleaning up body fluids	x	
<b>Medication</b>				
X		Before administering medication, including topical medications		x
<b>Diapering and Toileting</b>				
X	x	After each diaper change	x	
X		After assisting a child with using the toilet	x	
X	x	After using the toilet	x	
<b>Food</b>				
X	x	Before preparing, serving, or handling food	x	
X		Before feeding children, including bottle feeding	x	
X	x	Before eating	x	
<b>Food Service</b>				
X		Before preparing or handling food and:	x	
X		during the process as often as necessary to keep hands clean	x	
X		when changing foods	x	
X		after handling raw food products	x	
X		after eating or drinking while preparing food	x	
<b>Cleanliness and Sanitation</b>				
X		After handling trash, cleaning, or sanitizing		x

## APPENDIX II. IMMUNIZATIONS

### Law

The Oklahoma Child Care Facilities Licensing Act, Section 411 of Title 10 of the Oklahoma Statutes (10 O.S. § 411) mandates children attending child care obtain, at the medically appropriate time, the Required Immunization Schedule vaccines.

### Law Exemptions

Exemptions from the law are allowed for medical, religious, and personal reasons. Summaries are below, including procedures for obtaining exemptions and exclusions.

**Medical.** For exemptions based on medical reasons, Oklahoma State Department of Health (OSDH) Form ODH 216A, 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 child's life or health. The parent is responsible for obtaining the signature of the licensed physician.

**Religious.** For exemptions based on religious reasons, an ODH 216A must be signed by a parent or religious leader or a written statement signed by a parent or religious leader may be attached to the Certificate of Exemption.

**Personal.** For exemptions based on personal beliefs, an ODH 216A must be signed by a parent and include a brief written statement summarizing his or her objections to immunizations.

**Exemption Procedures.** Programs willing to enroll an unimmunized child based on an exemption obtain Form ODH 216A from the OSDH Immunization Service, at Vaccines for School ([oklahoma.gov](http://oklahoma.gov)). Parents complete the form, obtain the required signatures, and return it to the program. Programs review the form for proper completion and signatures, maintain a copy in place of an immunization record, and submit a copy to the OSDH Immunization Service for approval.

**Exclusion of exempt children during outbreaks.** If there is an outbreak of a vaccine-preventable disease, 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 program would be contacted by a representative of OSDH. The program is responsible for informing the parent of this possibility at the time the Certificate of Exemption is accepted by the program.

**Thirty-day exemptions.** A program may allow a child to enter and remain for up to 30-calendar days, without an immunization record. In addition, the Federal Child Care and Development Fund requires a 30-calendar day exemption to provide immunization records for foster children and homeless families. The record must be provided at the earliest possible opportunity. If at the end of 30-calendar days an up-to-date record has not been provided, the program must exclude the child. No child may receive this waiver more than once.

## Required Immunization Schedule

**Due** Immunizations are due according to this Required Immunization Schedule, unless there are late dose revisions (see next page).

Dose due that month.  Dose due at the end of the age range, but may be given anytime during the age range.

E = Late Dose Exceptions (see next page)

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

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

\* **Hib** may be complete with three or four doses depending on the vaccine brand used

\*\* **Varicella** vaccine is not required, if a parent or treating medical physician statement states the child had Chickenpox

\*\*\* **Hep A dose 2** is due six to 18 months after dose one

Refer to the OSDH website for the immunization schedule for children seven years of age and older, who need to catch-up or start immunizations.

### Late Doses = Revised Due Dates

When a dose is received late, the remaining doses may have a different due date than shown on the Required Immunization Schedule.

All remaining doses are due one to two months after the previous dose, unless:

- the schedule allows more time; or
- if one of these exceptions (E) apply.  
**DTaP dose 4** is due six to 12 months after dose three  
**Hep A dose 2** is due six to 18 months after dose one

### Late Doses = Revised Number of Doses

When a dose is received late, usually the same number of doses is required. However, fewer doses may be required once a child reaches a certain age if one of these exceptions (E) applies.

#### Hib

- If one dose is given at 15 months of age or older, regardless of the number of previous doses received, no more doses are required.
- If a child is 5 years of age or older, no doses are required.

#### PCV

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

### Vaccine Names and Combination Vaccines

Use this chart to determine what vaccines have been received. Combination vaccines have two or more vaccines in one shot.

Vaccine	Disease	Vaccine Brand Names and Abbreviations
Hep B	Hepatitis B	Comvax, HBV, Hep B Pediatric, Engerix-B, Pediarix, Recombivax, Vaxelis
DTaP	Diphtheria, Tetanus, & Pertussis (Whooping Cough)	Daptacel, DT, DTP, Infanrix, Kinrix, Pediarix, Pentacel, TriHIBit, Vaxelis
Hib	Haemophilus Influenzae Type B	ActHIB (PRP-T), Comvax, HbCV, HbOC, Hib conjugate, Hiberix, Pedvax HIB (PRP-OMP), Pentacel, TriHIBit, Vaxelis
IPV	Polio	Kinrix, OPV, Pediarix, Pentacel, Vaxelis
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

## **APPENDIX JJ. EXCLUSION CRITERIA FOR CHILDREN WHO ARE ILL**

### **All programs**

Children diagnosed with these illnesses are excluded from all programs, including programs serving children who are ill.

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

### **Programs serving only children who are well**

Children with these illness symptoms are excluded from a program caring for only well children.

1. Fever, defined as axillary (armpit) temperature of 100 degrees or higher, or oral temperature of 101 degrees or higher, with another sign or symptom of illness
2. Diarrhea, defined as runny or watery stools with increased frequency of loose stools
3. Vomiting two or more times in a 24-hour period
4. Undiagnosed body rash or pox, except diaper rash, with fever
5. Draining skin wounds that cannot be kept completely covered by a bandage
6. Sore throat with fever and swollen glands
7. Eye discharge, defined as thick mucus or pus draining from the eye or Conjunctivitis (pink eye) without evidence of allergic reaction
8. Yellowish skin or eyes
9. Severe and/or persistent coughing, where a child gets red or blue in the face, makes a high-pitched whooping sound after coughing, or coughs to the point of vomiting
10. Appears to be severely ill from an unexplained cause, such as extreme lethargy, irritability, persistent crying, difficulty breathing, or any other unusual signs

### **Programs serving children who are ill**

Children with these illness symptoms or illnesses are excluded from Level I programs. However, the children may be cared for in a Level II program when guidelines for separation and outside ventilation are followed.

1. Diarrhea and vomiting:
  - diarrhea, stools, or vomiting that:
    - contain blood or mucus; or
    - are accompanied by lethargy or signs of dehydration, such as no tears, dry mouth, fewer wet diapers, or decreased urination
  - diarrhea diagnosed as Giardia until asymptomatic (no diarrhea)
  - vomiting two or more times in the previous 24 hours
  - salmonella, until two negative stool cultures
  - shigella, until two negative stool cultures

2. Respiratory conditions:

- asthmatic child with respiratory distress uncontrolled by current medication
- difficult, rapid breathing or wheezing
- respiratory conditions, when the primary symptom is coughing accompanied by repeated vomiting
- diphtheria, until five days of the appropriate antibiotic therapy that is to be given a total of 14 days
- pertussis, until five days after treatment with antibiotics
- streptococcal pharyngitis, until child has been on treatment for 24 hours
- tuberculosis, until the child's physician or the local health department states the child is not infectious

3. Rash illnesses:

- undiagnosed rash, except diaper rash
- varicella (chicken pox), until sixth day after onset of rash or sooner if all lesions have dried and crusted, unless cared for only with other children diagnosed with chicken pox
- measles, until six days after onset of rash
- rash accompanied by fever or behavioral change
- rubella, until seven days after onset of rash
- roseola

4. Skin conditions:

- impetigo, until 24 hours after treatment started
- ringworm, until treatment started

5. Miscellaneous:

- conjunctivitis (pink eye), readmit with physician's statement or 24 hours after treatment initiated, unless cared for only with other children who have conjunctivitis
- hepatitis A, until one week after onset of illness
- mouth sores with drooling
- mumps, until nine days after onset of parotid gland swelling
- pinworms, until treatment started
- post-operative convalescent care

## APPENDIX KK. DIAPER CHANGING PROCEDURES

### Never leave a child unattended

#### a. Organize supplies in diaper changing area

1. In reach of personnel but out of reach of all children
2. When using disposable covers, place on non-porous surface
3. When using disposable non-latex gloves, put them on

#### b. Place child on non-porous surface

1. Remove any wet or soiled clothing and place them out of the reach of all children

#### c. Clean the child

1. Unfasten diaper but leave it under child
2. When using pins, remove and close each pin and place them out of reach of all children
3. Gently clean child's genitalia and buttocks from front to back using disposable diaper wipes
4. Clean off visible soiling on non-porous surface with disposable diaper wipes or fold disposable cover so clean cover is under the child's buttocks

#### d. Remove wet or soiled items from non-porous surface

1. Avoid contaminating additional items
2. Discard\* disposable items
3. Put wet or soiled cloth diapers and clothes in sealed, labeled, moisture-proof bag for parents, without rinsing
4. When using gloves, remove and discard\*

#### e. Wipe your hands

1. Use a disposable diaper wipe to clean personnel's hands and discard\*, except when gloves were used

#### f. Put on clean diaper

1. When using diaper cream, apply now
2. When using pins, place your hand between child and diaper when inserting pin

#### g. Wash child's hands and return child to supervised area

#### h. Clean and disinfect diaper changing-area and supplies

1. Clean off visible soiling using diaper wipes and discard\*
2. Disinfect using approved disinfectant according to manufacturer's instructions

#### i. Wash your hands

#### j. Document diaper change

\*Discard disposable items in trash container with tight fitting lid

## APPENDIX MM. EQUIPMENT

Required play equipment is within reach of the children and is available for use. Homemade and non-commercial made equipment may be counted, provided the equipment meets the requirements and is not a risk to children.

### Outdoor Equipment

At least one item from five different categories is required, with no more than two of those items from (h) through (k).

- (a) Climbing apparatus;
- (b) Swinging apparatus;
- (c) Crawl-through apparatus;
- (d) Balance apparatus;
- (e) Wheeled or riding toys;
- (f) Balls, bean bags, Frisbees, flying discs;
- (g) Sand and water play with accessories;
- (h) Music equipment; (utilized for outdoor use only.)
- (i) Dramatic play and dress up; (utilized for outdoor use only.)
- (j) Blocks or other building materials; and (utilized for outdoor use only.)
- (k) Outdoor arts and crafts. (utilized for outdoor use only.)

### Indoor Equipment

The required number of items is based on the licensed capacity and is proportionate to the number of children in each single-age or mixed-age group classroom.

- Play equipment:
  - is counted only one time. For example:
    - items counted for one classroom are not counted for another, although play equipment may be rotated between classrooms to maintain interest; and
    - an item may meet several developmental needs and potentially be counted in several categories; however, the item only counts in one category;
  - is varied; and
  - included in this appendix are varying examples only. Play equipment that meets the developmental intent of the category may be counted, though not listed. The examples are designed to offer a range of options that are age appropriate, diverse, and may be made, purchased, or donated.
- Manipulatives are play equipment that allow children to practice fine motor and problem solving skills and learn number sense, such as sorting, patterning, and ordering. Manipulative items include lacing beads, peg boards, pattern blocks, and interlocking materials.

### Basic Equipment: Infants

- (a) crib or play yard, one per child;
- (b) mattress sheet, one per child;
- (c) extra mattress sheets;
- (d) diaper changing area;
- (e) adequate supply of:
  - (1) facial tissues, wash cloths, and bath towels;
  - (2) diapers and disposable wipes;
  - (3) moisture-proof bags for wet or soiled cloth diapers or clothing; and
  - (4) clothing in various sizes in case of accidents; and
- (f) adequate size trash container with tight-fitting lid for wet or soiled disposable items;
- (g) separate, individual space for personal belongings;
- (h) adult-height shelf;
- (i) adult-size chair, one per teaching personnel; and
- (j) audio player.

### Play Equipment: Infants

Number of infants in the classroom	1	2	3	4	5	6	7	8
<b>Motor Play</b>								
<b>Gross motor:</b> set of large, soft, modular blocks (four minimum); crawl through space; pull-up apparatus; Johnny Jump Up; swing; small rocking toy; support pillows for sitting up; Exersaucer; activity gym or mat	2	2	2	2	4	4	4	4
<b>Fine motor:</b> nesting and stacking toys; items to empty and fill, push and pull; small vehicles; knobbed puzzle; infant blocks; washable dolls; balls of various sizes; plastic or rubber animals; large infant crayons with large sheets of paper	2	3	4	4	5	6	7	8
<b>Exploratory Play</b>								
<b>Things to hear:</b> rattle; musical toy; squeaky toy; wind chimes; wrist or ankle bells; wooden spoon and pan	3	3	3	4	5	6	7	8
<b>Things to see:</b> black and white pictures (newborns); mobiles; murals; colorful, single-object pictures; colorful fabric or banners; brightly colored sensory bottles	2	2	3	4	5	6	7	8
<b>Shatterproof mirror</b>	1	1	1	1	1	1	1	1
<b>Things to touch:</b> soft, washable toys and dolls; handkerchiefs; small dishpans or trays for water play; tactile toys and balls; textured items or fabric	2	2	3	4	5	6	7	8
<b>Creative Play</b>								
<b>Music:</b> CDs, tapes, or equivalent	2	2	2	2	4	4	4	4
<b>Language Play</b>								
<b>Child items:</b> washable fabric, cardboard and vinyl picture books; books that reflect the ethnicities of children and families	2	2	3	4	5	6	7	8
<b>Teacher and child interaction items:</b> picture books with large, single object pictures, simple story lines and repetitive phrases to be read by the teacher; photos of the child and his or her family; puppets	3	6	9	12	15	18	21	24

### Basic Equipment: 1-year-olds

- (a) crib, play yard, mat or cot, one per child;
- (b) sheet and cover, one of each per child;
- (c) extra sheets and covers;
- (d) diaper changing area;
- (e) adequate supply of:
  - (1) facial tissues, wash cloths, and bath towels;
  - (2) diapers and disposable wipes;
  - (3) moisture-proof bags for wet or soiled cloth diapers or clothing; and
  - (4) clothing in various sizes in case of accidents; and
- (f) adequate size trash container with tight-fitting lid for wet or soiled disposable items;
- (g) separate, individual space for personal belongings;
- (h) adult-height shelf;
- (i) highchair or table space with a chair, one per child;
- (j) baskets or low, open shelves for play equipment storage; and
- (k) audio player.

### Play Equipment: 1-year-olds

Number of 1-year-olds in the classroom	1-2	3-4	5	6	7	8-9	10-11	12
<b>Motor Play</b>								
<b>Gross motor:</b> set of large plastic or cardboard building blocks (12 minimum); interlocking panels; two-step slide; indoor riding toy without pedals; rocking toy; Sit N Spin; scarves, ribbons, or fabric for dancing	2	2	2	2	3	3	4	4
Large push and pull items- shopping cart, lawn mower, vacuum cleaner, doll stroller, wagon	2	2	2	2	3	3	3	3
<b>Fine motor:</b> nesting, stacking, and interlocking toys; cause and effect toys - tops, jack-in-the box; knobbed puzzles; toddler blocks; pounding toys; giant peg boards; waffle blocks; pop beads; large stringing beads; shape sorter	2	4	5	6	7	9	11	12
Small rubber or plastic animals	2	2	3	4	5	6	7	8
Balls of various sizes	2	2	3	4	5	6	7	8
Small cars, trucks, boats, trains, people	2	4	5	6	7	8	10	12
<b>Exploratory Play</b>								
<b>Things to hear:</b> rhythm instruments - shakers, drums, xylophones; interactive toys with sound	2	2	3	4	5	6	7	8
<b>Things to see:</b> mobiles; colorful, single-object pictures; banners; colorful pieces of fabric; brightly colored sensory bottles; windsock	2	2	3	4	5	6	7	8
<b>Things to touch:</b> textured surfaces; dishpans or water table with accessories; tactile toys and boxes; play dough; nature items - pinecones, shells, rocks	2	2	3	4	5	6	7	8

<b>Number of 1-year-olds in the classroom</b>	<b>1-2</b>	<b>3-4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8-9</b>	<b>10-11</b>	<b>12</b>
<b>Creative Play</b>								
<b>Music:</b> CDs, tapes, or equivalent	2	2	2	2	4	4	4	4
<b>Art:</b> toddler crayons, non-toxic paint and finger paint; large sheets of paper; glue sticks or flour and water mixture	2	3	4	4	5	5	6	6
<b>Dramatic Play</b>								
<b>Animals and dolls:</b> (soft and washable)	2	2	3	4	5	6	7	8
<b>Everyday items used by the child and his or her family:</b> pillows and blankets, dishes and utensils, pots and pans, purses, keys, pair of shoes, hats, tools, brief cases, phones	3	6	9	12	15	18	21	24
<b>Shatterproof mirror</b>	1	1	1	1	1	1	1	1
<b>Language Play</b>								
<b>Child items:</b> washable fabric, cardboard, and vinyl picture books; books that reflect the ethnicities of children and their family	2	4	5	6	7	9	11	12
<b>Teacher and child interaction items:</b> picture books with large, uncluttered pictures, simple story lines, and repetitive phrases to be read by the teacher; photos of the child and his or her family	6	12	15	18	21	27	33	36
<b>Puppets</b>	2	2	2	2	2	2	2	2

### Basic Equipment: 2-year-olds

- (a) mat, cot, or bed, one per child;
- (b) sheet and cover, one of each per child;
- (c) extra sheets and covers;
- (d) adequate supply of:
  - (1) facial tissue, wash cloths, and bath towels;
  - (2) diapers and disposable wipes;
  - (3) moisture-proof bags for wet or soiled cloth diapers or clothing; and
  - (4) clothing in various sizes in case of accidents; and
- (e) adequate size trash container with tight-fitting lid for wet or soiled disposable items;
- (f) separate, individual space for personal belongings;
- (g) table space with a chair, one per child;
- (h) baskets or low, open shelves for play equipment storage;
- (i) a designated place to go for quiet time; and
- (j) audio player.

### Play Equipment: 2-year-olds

Number of 2-year-olds in the classroom	1-2	3-4	5-6	7-8	9-10	11-12	13-14	15-16
<b>Motor Play</b>								
<b>Gross motor:</b> set of large plastic or cardboard building blocks; interlocking panels; two-step slide; rocking toy; indoor climbing apparatus; large floor push toy; crawl through space - tunnel or cardboard box; wheel toys with and without pedals (no more than two of the same item)	2	2	3	4	5	6	7	8
Large push and pull items - shopping cart, lawn mower, vacuum cleaner, wheelbarrow, doll stroller, wagon	2	2	2	2	3	3	4	4
<b>Fine motor:</b> nesting, stacking, and interlocking toys; cause and effect toys - tops, jack-in-the box; single object puzzles; toddler blocks; toddler pounding toys; giant peg boards; waffle block; pop beads; large stringing beads; Duplo blocks; shape sorter; simple matching games	2	4	6	8	10	12	14	16
Balls of various sizes	2	2	3	3	4	4	5	5
Small cars, trucks, trains, planes, boats, people	2	3	5	6	8	9	10	12
Small plastic, rubber, or wooden animals	2	2	3	4	5	6	7	8
<b>Exploratory Play</b>								
<b>Things to touch:</b> texture boards; sensory table with accessories; tactile toys and boxes; play dough	2	2	3	4	5	6	7	8
<b>Creative Play</b>								
<b>Music:</b> CDs, tapes or equivalent	2	2	2	2	4	4	4	4
Rhythm instruments - drums, rain sticks, zithers, shakers, maracas, xylophones, autoharps	2	2	3	4	5	6	7	8
Interactive toys with sounds	2	2	2	3	3	3	4	5

<b>Number of 2-year-olds in the classroom</b>	<b>1-2</b>	<b>3-4</b>	<b>5-6</b>	<b>7-8</b>	<b>9-10</b>	<b>11-12</b>	<b>13-14</b>	<b>15-16</b>
<b>Art:</b> large, blank paper; chubby stumps or toddler crayons; glue sticks, glue, or flour and water mixture; non-toxic paints and paint brushes; rounded scissors	2	3	4	5	6	7	8	9
<b>Dramatic Play</b>								
Dolls	2	2	3	4	5	6	7	8
<b>Dress-up items:</b> clothes such as capes, aprons, hats, shoes, purses, scarves, ties, suits, vests, brief cases, uniforms of familiar community helpers, clothing that reflects the ethnicities of children and their family	2	2	3	4	5	6	7	8
<b>Everyday items used by the child and their family:</b> sets of pots, pans, dishes; plastic play foods; empty food containers; kitchen appliances - stoves, refrigerators, or sinks; ironing board and iron; set of clean-up toys - broom, dust pan, vacuum; tool kit; work bench; lawn and gardening items	2	4	6	8	10	12	14	16
<b>Shatterproof mirror</b>	1	1	1	1	1	1	1	1
<b>Language Play</b>								
<b>Child items:</b> Washable cardboard, cloth, and vinyl books; teacher-made books; books that reflect the ethnicities of children and their family	2	4	6	8	10	12	14	16
<b>Teacher and child interaction items:</b> picture books with large, uncluttered pictures, simple story lines, and repetitive phrases to be read by the teacher; photos of the child and his or her family	6	12	18	24	30	36	42	48
Puppets; finger puppets	2	2	2	2	3	3	4	4

### Basic Equipment: 3-year-olds

- (a) mat, cot, or bed, one per child;
- (b) sheet and cover, one of each per child;
- (c) extra sheets and covers;
- (d) adequate supply of:
  - (1) facial tissue, wash cloths, and bath towels;
  - (2) moisture-proof bags for wet or soiled cloth diapers or clothing; and
  - (3) clothing, in various sizes in case of accidents; and
- (e) separate, individual space for personal belongings;
- (f) table space with a chair, one per child;
- (g) two linear feet of low, open shelves for play equipment storage, per child;
- (h) a designated place to go for quiet time; and
- (i) audio player.

### Play Equipment: 3-year-olds

Number of 3-year-olds in the classroom	1-3	4-6	7-9	10-12	13-15	16-18	19-21	22-24
<b>Motor Play</b>								
<b>Gross motor:</b> building blocks with accessories (20 minimum) - unit blocks, tabletop hardwood blocks, window pane blocks, hollow wooden blocks, or cardboard boxes with planks, crates, or ladders	1	1	1	2	2	2	2	2
Rocking boat; interlocking panels; indoor climbing apparatus; balance beam; crawl-through space or tunnel; large floor push toy; wheel toys with or without pedals; creative movement materials - scarves, ribbons, fabric pieces; Lummi sticks; parachute (no more than two of the same item)	2	2	2	2	3	3	4	4
<b>Exploratory Play</b>								
<b>Manipulatives:</b> matching games; lottos; large stringing beads; pattern blocks; peg boards and pegs; lacing boards; self-help activities - lacing, buttoning, zipping, snapping; simple board games; sorting and counting items	3	3	6	6	9	9	12	12
Inlay puzzles: (10-20 pieces)	3	3	6	6	9	9	12	12
Interlocking manipulatives set - Legos, Tinker Toys, Lincoln Logs, bristle blocks, Connectos, magnet blocks, construction blocks	1	1	2	2	3	3	4	4
Small cars, trucks, airplanes, boats, animals, people	3	3	6	6	9	9	12	12
<b>Science items:</b> sensory table and accessories; magnifying glass; bug catcher; prisms; balance scale; nature items - plants, leaves, rocks; aquarium; light table and accessories	1	1	2	2	3	3	4	4

Number of 3-year-olds in the classroom	1-3	4-6	7-9	10-12	13-15	16-18	19-21	22-24
<b>Creative Play</b>								
<b>Music:</b> CDs, tapes, or equivalent	2	2	4	4	5	5	6	6
Rhythm instruments – drums, rain sticks, maracas, xylophones, zithers, autoharps	2	2	3	4	5	6	7	8
<b>Art:</b> large, blank paper; markers, crayons, chalk; glue or glue sticks; play dough or clay; non-toxic paints and brushes; textured collage materials - scraps of ribbon, yarn, buttons; rounded scissors	3	4	5	6	7	8	9	10
Easel surface	1	1	2	2	2	2	2	2
<b>Dramatic Play</b>								
<b>Dolls with accessories:</b> clothes, strollers, high chairs	2	2	4	4	6	6	8	8
<b>Dress-up items:</b> clothes such as hats, neckties, capes, purses, vests, aprons, shoes, suits; uniforms of community helpers -firefighters, doctors, painters; clothing that reflects the ethnicities of children and their family	2	4	6	8	10	10	12	12
Everyday items used by children and families: kitchen appliances - stove, sink, refrigerator, microwave; sets of dishes and utensils; sets of pots and pans; sets of clean-up toys - broom, dust pan, mop; doll bed or cradle; child-size rocking chair; lawn care equipment - lawn mower, wheelbarrow, gardening tools; prop boxes designed around themes reflecting a child's life experiences- doctor office, barber shop, veterinarian office, shoe store, donut shop; water play equipment	2	4	6	8	10	10	12	12
<b>Shatterproof mirror</b>	1	1	1	1	1	1	1	1
<b>Creative play sets with accessories:</b> farm; playhouse; garage; airport; doll house	1	1	2	2	3	3	4	4
<b>Language Play</b>								
<b>Child items:</b> Picture books from a variety of genres: alphabet, counting, informational, look and find, wordless, folk and fairy tales, nursery rhymes, fantasy fiction, rhyming stories, realistic fiction; books that reflect the ethnicities of children and their family	12	24	36	48	60	72	84	96
Story telling and retelling items - flannel or magnetic board with accessories; listening tapes	2	2	2	2	2	2	2	2
Puppets; finger puppets; puppet stage; marionettes	2	2	2	2	2	2	2	2

### Basic Equipment: 4-year-olds and 5-year-olds

- (a) mat, cot, or bed, one for each child present during scheduled rest or quiet time or a child who is ill;
- (b) sheet and cover, one of each for each child present during scheduled rest or quiet time or a child who is ill;
- (c) extra sheets and covers;
- (d) adequate supply of:
  - (1) facial tissue, wash cloths, and bath towels;
  - (2) moisture-proof bags for wet or soiled clothing; and
  - (3) clothing, in various sizes in case of accidents; and
- (e) separate, individual space for personal belongings;
- (f) table space with a chair, stool, or bench that allows 18 inches per child;
- (g) two linear feet of low, open shelves for play equipment storage, per child;
- (h) a designated place to go for quiet time; and
- (i) audio player.

### Play Equipment: 4-year-olds and 5-year-olds

Number of 4-year-olds and 5-year-olds in the classroom	1-4	5-8	9-11	12-15	16-19	20-23	24-26	27-30
<b>Motor Play</b>								
<b>Gross motor:</b> set of building blocks with accessories (20 minimum) - unit blocks, tabletop hardwood blocks, window pane blocks, hollow wooden blocks, or card board boxes with planks, crates, or ladders	1	1	2	2	2	3	4	4
Rocking boat; interlocking panels; indoor climbing apparatus; balance beam; crawl-through space or tunnel; large floor push toy; wheel toys with pedals; creative movement materials - scarves, ribbons, pieces of fabric; Lummi sticks; parachute (no more than two of the same item)	2	2	2	2	3	3	4	4
<b>Exploratory Play</b>								
<b>Manipulatives:</b> matching games; lottos; stringing beads; pattern blocks; peg boards and pegs; geoboards; lacing boards; self-help activities - lacing, buttoning, zipping, snapping; board games; sorting and counting items	6	6	9	9	12	12	15	15
Inlay puzzles: (20-30 pieces)	3	3	6	6	9	9	12	12
Interlocking manipulatives set - Legos, Tinker Toys, Lincoln Logs, bristle blocks, Connectos, magnet blocks, construction blocks	1	2	3	4	5	5	6	6
Small cars, trucks, boats, planes, trains, animals, people	2	4	6	8	10	12	14	16
<b>Science items:</b> sensory table and accessories; magnifying glass; bug catcher; prisms; balance scale; nature items - plants, leaves, rocks; aquarium; light table and accessories	2	2	3	3	4	4	5	5

<b>Number of 4-year-olds and 5-year-olds in the classroom</b>	<b>1-4</b>	<b>5-8</b>	<b>9-11</b>	<b>12-15</b>	<b>16-19</b>	<b>20-23</b>	<b>24-26</b>	<b>27-30</b>
<b>Creative Play</b>								
<b>Music:</b> CDs, tapes, or equivalent	2	2	4	4	5	5	6	6
Rhythm instruments - drums, rain sticks, maracas, xylophones, zithers, autoharps	2	2	3	4	5	6	7	8
<b>Art:</b> Large, blank paper; markers, crayons, chalk; glue or glue sticks; play dough or clay; variety of non-toxic paints and brushes; textured collage materials - scraps of ribbon, yarn, buttons; rounded scissors	4	5	6	7	8	9	10	10
<b>Easel surface</b>	1	1	2	2	2	2	2	2
<b>Dramatic Play</b>								
<b>Dolls with accessories:</b> clothes, strollers, high chairs	2	2	3	3	4	4	5	5
<b>Dress-up items:</b> such as hats, neckties, capes, purses, vests, aprons, shoes, suits; uniforms of community helpers - firefighter, doctor, painter; clothing that reflects the ethnic dress of children's families	8	8	10	10	12	12	14	14
Accessories related to occupations - chef's hat, brief case, medical kit, gardening tools, tool kit, firefighter jacket, painter hat	2	2	4	4	5	5	6	6
<b>Everyday items used by children and families:</b> kitchen appliances - stove, sink, refrigerator, microwave; sets of dishes and utensils; sets of pots and pans; sets of clean-up toys - broom, mop, dust pan; doll bed or cradle; child-size rocking chair; water play equipment; plastic play food; lawn care equipment - lawn mower, wheelbarrow; prop boxes designed around themes reflecting a child's life experiences - pizza shop, florist, dentist	2	4	5	6	7	8	9	10
<b>Shatterproof mirror</b>	1	1	1	1	1	1	1	1
<b>Creative play sets with accessories:</b> farm, playhouse, garage, airport; doll house	1	1	2	2	3	3	4	4
<b>Language Play</b>								
<b>Child items:</b> picture books from a variety of genres - alphabet, counting, informational, look and find, wordless, folk and fairy tales, nursery rhymes, fantasy fiction, rhyming stories, realistic fiction; books that reflect the ethnicities of children and their family	16	32	44	60	76	92	104	120
Story telling and retelling items - flannel or magnetic board with accessories, listening tapes	1	1	2	2	3	3	4	4
Puppets; finger puppets; puppet stage; paper dolls	1	1	2	2	3	3	4	4

### Basic Equipment: 6-year-olds and older

- (a) mat, cot, or bed, for each child with a scheduled rest or quiet time or a child who is ill;
- (b) sheet and cover, for each child with a scheduled rest or quiet time or a child who is ill;
- (c) adequate supply of:
  - (1) facial tissue, wash cloths, and bath towels;
  - (2) moisture-proof bags for wet or soiled clothing;
  - (3) clothing, in various sizes in case of accidents; and
  - (4) feminine hygiene products; and
- (d) separate, individual space for personal belongings;
- (e) adequate table and chair space available at any given time;
- (f) two linear feet of shelf space for play equipment storage;
- (g) safe storage for projects and small items;
- (h) a designated place to go for quiet time; and
- (i) audio player.

### Play Equipment: 6-year-olds and older

Number of 6-year-olds and older in the classroom	1-5	6-10	11-15	16-20	21-25	26-30	31-35	36-40
<b>Motor Play</b>								
<b>Gross motor:</b> jump ropes; ping pong; Frisbee; hula hoop; hopscotch; horse shoes; croquet; bean bag toss; stilts; pool table; foosball; scooters; hippety hop balls; physically interactive electronic equipment; aerobic videos; creative movement materials, scarves, ribbons, fabric pieces, parachute	5	5	10	10	12	12	15	15
Sports equipment - soccer ball, football, softball, t-ball, volleyball, basketball, tether ball, badminton	2	2	4	4	5	5	6	6
<b>Exploratory Play</b>								
<b>Manipulatives:</b> card games; board games that include games of chance, strategy, and skill; pick-up sticks; geoboards; pattern blocks; peg boards; tangrams; jig saw puzzles (100 pieces or more); workbench and woodworking tools; dominos	5	5	10	10	15	15	20	20
Interlocking manipulative sets (20 pieces minimum per set) - Legos, Connectos, mini-loc blocks, bristle blocks, unifix cubes, Rig-A-Jig, Tower-ifics, Lincoln Logs, Tinker Toys, Constructs, K'nex, Magnatiles, Erector sets, Marbleworks, Pipeworks	2	2	4	4	6	6	8	8
Blocks of various sizes, shapes, colors (20 minimum per set) unit blocks with accessories; large waffle blocks; large interlocking blocks	2	2	4	4	6	6	8	8
Matchbox cars; trucks; trains; emergency vehicles; programmable robots; model airplanes; ships; rockets; pinewood racing cars	2	3	4	5	6	7	8	9

<b>Number of 6-year-olds and older in the classroom</b>	<b>1-5</b>	<b>6-10</b>	<b>11-15</b>	<b>16-20</b>	<b>21-25</b>	<b>26-30</b>	<b>31-35</b>	<b>36-40</b>
<b>Science items:</b> magnifying glasses; tornado tubes; magnets; bug catchers; microscopes; nature items - ant farms, plants, animals, rocks, shells; aquariums; chemistry sets; science kits; marble runs; simple machines - pulleys, pendulums, gears and levers; computerized robots; motorized Lego creations	2	2	4	4	6	6	8	8
<b>Creative Play</b>								
<b>Music:</b> CDs, tapes, or equivalent	2	2	4	4	6	6	8	8
<b>Art:</b> assortment of paper; crayons, markers, pastels, charcoal; tempera paint, paint brushes, water colors, finger paints; collage and mosaic materials; glue, low-temp hot glue gun; clay; ceramics; computer graphics program	5	6	7	8	9	10	11	12
<b>Crafts:</b> sewing machines and sewing equipment; needle crafts - crocheting, needle point, knitting, cross stitching, embroidery, latch hook; leather tooling; jewelry making; scrapbooking; paper mache; weaving looms; candle, soap, or perfume making materials; woodworking; nail art; craft kits	2	3	4	5	6	7	8	9
<b>Dramatic Play</b>								
<b>Dolls with accessories:</b> action figures; fashion dolls; paper dolls; doll houses; miniature play scenes - airport, farm, space station	1	2	3	4	5	5	6	6
<b>Dress-up items:</b> clothes such as costumes, and accessories related to occupations – chef hat, hard hat, straw hat; capes, neckties, purses, coats, vests, aprons, wigs, dresses, nurse uniform, tool aprons, farmer overalls, doctor instruments; costume making materials - fabric lengths, newspaper, duct tape, bath towels	5	5	10	10	12	12	15	15
Prop boxes for various occupations - doctor, veterinarian, TV journalist, carpenter; prop boxes for places of business - restaurant, bakery, nail salon, auto shop; prop boxes of other familiar places or events - circus, camping trip; low platform for stage; lights and curtains; video production studio - digital video, flip cameras, video production software, microphones	1	2	3	4	5	6	7	8
<b>Shatterproof mirror</b>	1	1	1	1	2	2	2	2

Number of 6-year-olds and older in the classroom	1-5	6-10	11-15	16-20	21-25	26-30	31-35	36-40
<b>Language Play</b>								
<b>Child items:</b> Picture books from a variety of genres - alphabet, counting, informational, fantasy fiction, folk tales and legends, fairy tales, rhyming stories, song story books; chapter books-mystery, biography, adventure, informational, fiction, folk and fairy tales, science fiction; how-to books; e-readers; books that reflect the ethnicities of children and their family	15	30	45	60	75	90	105	120*
Listening tapes; puppets or marionettes with theater; flannel boards with pieces; writing and book making materials - assortment of paper and writing utensils, binding materials, art materials for illustrations, binding machine; chalk or dry erase board; clip boards; computer with software for producing newsletters, stories, and plays	2	2	4	4	6	6	8	8
<b>Children's magazines:</b> Highlights; Zoobooks; Click; National Geographic Kids; American Girl; Boys Life; Ranger Rick; Lady Bug; Humpty Dumpty	5	5	10	10	15	15	20	20

\*The maximum number of required books is 120 regardless of the number of 6-year-olds and older.

## APPENDIX NN. CLEANERS, SANITIZERS, AND DISINFECTANTS

Clean; then, sanitize **or** disinfect.

		<b>Cleaners</b>	<b>Sanitizers</b>		<b>Disinfectants</b>	
<b>In general</b>	<b>Effective against</b>	<ul style="list-style-type: none"> <li>• Dirt</li> <li>• Debris</li> </ul>	<ul style="list-style-type: none"> <li>• Bacteria</li> </ul>		<ul style="list-style-type: none"> <li>• Bacteria</li> <li>• Fungi</li> <li>• Certain viruses</li> </ul>	
	<b>Surfaces</b>	<ul style="list-style-type: none"> <li>• All</li> </ul>	<ul style="list-style-type: none"> <li>• Food-contact items or surfaces*</li> <li>• Mouth-contact items or surfaces* for example, play equipment</li> </ul>		<ul style="list-style-type: none"> <li>• Diaper changing areas</li> <li>• Restrooms</li> <li>• Tables and countertops</li> <li>• Door and cabinet handles</li> <li>• <b>not</b> Mouth- or food-contact items or surfaces</li> </ul>	
	<b>Time required for effectiveness</b>		30 seconds to 5 minutes		10 minutes or less	
<b>Choose one</b>	<b>Household chlorine bleach (without EPA** registration number)</b>	<b>Sanitizer</b>		<b>Disinfectant</b>		
		<b>Bleach</b>	<b>Cool water</b>	<b>Bleach</b>	<b>Cool water</b>	
		1 tablespoon (1/2 ounce)	1 gallon	1/4 cup (2 ounces)	1 gallon	
		2 teaspoons (1/4 ounce)	1/2 gallon	1/8 cup (1 ounce)	1/2 gallon	
	1 teaspoon (1/8 ounce)	1 quart	1 tablespoon (1/2 ounce)	1 quart		
<b>Sanitizer or disinfectant (with EPA** registration number)</b>		<ul style="list-style-type: none"> <li>• Read label to determine:                             <ul style="list-style-type: none"> <li>○ whether the product is a sanitizer or disinfectant</li> <li>○ how the product can be used (for example, non-porous surfaces)</li> <li>○ the length of time the object needs to remain wet with product</li> <li>○ whether diluting is needed</li> <li>○ whether rinsing is needed</li> </ul> </li> <li>• Follow, "Directions for use," on the label</li> </ul>				

\*Not all sanitizers may be used on mouth- or food-contact items or surfaces. Read labels.

\*\*Environmental Protection Agency

## **Bleach Guidelines**

- **Spray**
  - Mix fresh solution daily in opaque bottle
  - Use heavy spray and completely wet object
- **Submerge**
  - General
    - Mix fresh solution when visibly dirty or when concentrations drop below the required level
  - Food-contact items
    - Submerge dishes and utensils for at least one minute
    - Mix fresh solution with each dishwashing and when concentration falls below 150 parts per million (ppm)
- **Dry - remain wet**
  - Let object remain wet for at least two minutes or air dry

## SUPPLEMENT I

### OKLAHOMA CHILD CARE FACILITIES LICENSING ACT

#### Sections 401 through 425 of Title 10 of the Oklahoma Statutes (Amended with 2023 legislation)

##### 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. "Adult" means an individual eighteen (18) years of age or older;
2. "Child" or "minor" means any person who has not attained the age of eighteen (18) years;
3. "Child care center" means a program that operates thirty (30) or more hours per week;
4. "Child care facility" means any public or private child care residential facility, child-placing agency, foster family home, child care center, part-day program, out-of-school time program, day camp, drop-in program, program for sick children, 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;
5. "Child-placing agency" means an agency that arranges for or places a child in a foster family home, adoptive home, or independent living program;
6. "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;
7. "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 by the Department of Human Services, the Office of Juvenile

## SUPPLEMENT I

Affairs, or any child-placing agency pursuant to the provisions of Section 1-7-106 of Title 10A of the Oklahoma Statutes. 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;

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 program that provides care and supervision for children and that operates for more than fifteen (15) and up to thirty (30) hours per week;

14. "Program" means the business entity that provides care, supervision, and learning opportunities for children;

15. "Rap back" means a notification from the Oklahoma State Bureau of Investigation to the Department of subsequent criminal activity of individuals whose criminal background checks have been completed pursuant to the requirements of the Oklahoma Child Care Facilities Licensing Act;

16. "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;

17. "Responsible entity" means an individual who is authorized to obligate the business; and

18. "Specialized service professional" means an individual from an academic discipline or field of expertise who provides individualized services to a child, such as behavioral or physical therapists.

### 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. Care provided by an attorney-in-fact authorized by Section 700 of this title who exercises parental or legal authority on a continuous basis for not less than twenty-four (24) hours and without compensation for the intended duration of the power of attorney;

## SUPPLEMENT I

4. Programs in which school-aged children three (3) years of age and older are participating in home-schooling;
5. Programs that serve children three (3) years of age and older and that are operated during typical school hours by a public school district;
6. 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;
7. Summer youth camps, summer programs or after-school programs for children who are at least four (4) years of age, that are accredited by a national standard-setting agency or church camp accreditation program, or are accredited by, chartered by or affiliated with a national non-profit organization;
8. Programs in which children attend on a drop-in basis and parents are on the premises and readily accessible;
9. 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, programs that limit children from enrolling in multiple sessions because of the type of activity or ages accepted and single-activity programs such as academics, athletics, gymnastics, hobbies, art, music, dance and craft instruction;
10. Any child care facility that:
  - a. provides care and supervision for fifteen (15) or fewer hours per week,
  - b. operates less than ten (10) weeks annually,
  - c. operates in the summer for less than eight (8) hours per day, or
  - d. provides care and supervision for school-aged children only in a center-based program for twenty-one (21) or fewer hours a week and is located in a county with a population of less than one hundred thousand (100,000) according to the latest Federal Decennial Census;
11. Facilities whose primary purpose is medical treatment;
12. 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;
13. Day treatment programs and maternity homes operated by a licensed hospital;
14. Juvenile facilities certified by the Office of Juvenile Affairs or certified by any other state agency authorized by law to license such facilities;
15. A program where children are not enrolled by the parents and are free to come and go;
16. A program in tribal land as defined at 25 U.S.C.A. 1903 (10); and
17. A program on a military base or federal property, or a facility licensed as a family child care provider by a branch of the United States Department of Defense or by the United States Coast Guard.

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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. 1. The Department of Human Services, in consultation with the Oklahoma Commission on Children and Youth, shall appoint advisory committees of representatives of child care facilities and others to recommend minimum requirements and desirable standards for promulgation by the Department.

2. Committee members shall be appointed for a three-year term, with a two-consecutive-term limit. The committees shall include representation for all categories of facilities licensed by the Department and shall be comprised as follows:

a. the Residential Children's Services subcommittee shall include at a minimum:

- (1) a representative of a statewide organization representing children in care arrangements outside their own home,
- (2) a representative of a statewide organization providing residential services to youth in state custody,
- (3) a recipient or former recipient of youth services for children in state custody,
- (4) a representative of a statewide organization promoting adoption services,
- (5) a parent or guardian providing foster care to a child or children in state custody,
- (6) a representative from a nonpublic, long-term residential care facility for children in state custody,
- (7) a representative from an organization promoting the interests of Native American children in state custody,
- (8) a provider of medical services for children,
- (9) a practicing behavioral health services provider,
- (10) a representative from an agency providing child-placing services, and
- (11) other appropriate representatives at the discretion of the Department of Human Services and Commission on Children and Youth,

b. the Child Care Centers subcommittee shall include at a minimum:

- (1) a representative of a statewide organization advocating for children in care arrangements outside their own home,
- (2) a representative of a statewide organization conducting programs for school-age children,
- (3) a parent or guardian with a child attending a licensed child care facility,
- (4) a representative of a licensed child care facility in a rural area,
- (5) a representative of a statewide organization advocating for licensed child care facilities owned or operated by Native Americans,
- (6) a representative of a licensed child care facility in an urban/suburban area,

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- (7) a representative of a statewide organization advocating for programs provided under the Head Start program,
- (8) a representative with knowledge of child care programs offered by career technology center in this state,
- (9) a representative of a statewide organization advocating for early childhood education programs,
- (10) a representative of a statewide organization providing resources and referrals to child care facilities,
- (11) a provider of medical services for children, and
- (12) other appropriate representatives at the discretion of the Department of Human Services and Commission on Children and Youth,

c. the Child Care Homes subcommittee shall include at a minimum:

- (1) a representative of a statewide organization advocating for children in care arrangements outside their own home,
- (2) a parent or guardian with a child receiving care at a licensed child care home,
- (3) a representative of a licensed child care home in a rural area,
- (4) a representative of a statewide organization advocating for licensed child care facilities owned or operated by Native Americans,
- (5) a representative of a licensed child care home in an urban/suburban area,
- (6) a representative of a statewide organization advocating for early childhood education programs,
- (7) a representative of a statewide organization providing resources and referrals to child care facilities,
- (8) a provider of medical services for children, and
- (9) other appropriate representatives at the discretion of the Department of Human Services and Commission on Children and Youth, and

d. the Quality Rating and Improvement System subcommittee shall include representatives of child care centers and child care homes currently licensed by the State and other members as determined by the Department of Human Services and the Commission on Children and Youth.

3. The Department shall create a Child Care Facility Peer Review Board whose purpose shall be to participate in the Department's grievance process. A majority of the Board shall be representatives of child care facilities. The Department shall promulgate rules specifying the duties of the Child Care Facility Peer Review Board in the grievance process.

4. The advisory committee shall designate two people to serve on the Department's Stars Administrative Review Panel. At least one designee shall be the owner or operator of a licensed child care center.

B. Child care facilities shall not allow children to be left alone in the care of any person under eighteen (18) years of age without supervision or sixteen (16) years of age with supervision as delineated by the Department's rules. Child care centers and family child care homes shall not:

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1. Use soft or loose bedding, including, but not limited to, blankets, in sleeping equipment or in sleeping areas used only for infants;
  2. Allow toys or educational devices in sleeping equipment or in a sleeping area used only for infants; or
  3. Place a child in sleeping equipment or in a sleeping area which has not been previously approved for use as such by the Department.
- C. The Department 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, the Commission on Children and Youth, the Oklahoma Department of Mental Health and Substance Abuse Services and any other agency deemed necessary by the Department. 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.

### **Section 404.1- Criminal History Records Search and Child Care Restricted Registry for Individual Applying to Establish or Operate Child Care Facility**

- A. On and after November 1, 2013:
1. Prior to the issuance of a permit or license, owners and responsible entities making a request to establish or operate a child care facility shall have:
    - a. an Oklahoma State Courts Network search conducted by the Department,
    - b. a Restricted Registry search conducted by the facility,
    - c. a national criminal history records search conducted pursuant to paragraph 10 of this subsection,
    - d. a criminal history records and sex offender registry search conducted by an authorized source, when the individual has lived outside this state within the last five (5) years,
    - e. a search of the Department of Corrections' files maintained pursuant to the Sex Offenders Registration Act and conducted by the Department of Human Services,
    - f. a search of any available child abuse and neglect registry within a state the individual has resided in within the last five (5) years,
    - g. search of the nontechnical services worker abuse registry maintained by the State Department of Health pursuant to Section 1-1950.7 of Title 63 of the Oklahoma Statutes, and



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- h. a search of the community services worker registry maintained by the Department of Human Services pursuant to Section 1025.3 of Title 56 of the Oklahoma Statutes;
4. Prior to the issuance of a permit or license and prior to the residence of adults who subsequently move into a facility, adults living in the facility excluding the exception in paragraph 7 of this subsection shall have:
  - a. an Oklahoma State Courts Network search conducted by the Department and the facility shall be in receipt of the search results,
  - b. a Restricted Registry search conducted by the facility with notification of the search submitted to the Department,
  - c. a national criminal history records search conducted pursuant to paragraph 10 of this subsection,
  - d. a criminal history records and sex offender registry search conducted by an authorized source, when the individual has lived outside this state within the last five (5) years,
  - e. a search of the Department of Corrections' files maintained pursuant to the Sex Offenders Registration Act conducted by the Department and received by the facility,
  - f. a search of any available child abuse and neglect registry within a state the individual has resided in within the last five (5) years,
  - g. search of the nontechnical services worker abuse registry maintained by the State Department of Health pursuant to Section 1-1950.7 of Title 63 of the Oklahoma Statutes, and
  - h. a search of the community services worker registry maintained by the Department of Human Services pursuant to Section 1025.3 of Title 56 of the Oklahoma Statutes;
5. Children who reside in the facility and turn eighteen (18) years of age excluding the exception in paragraph 7 of this subsection shall have:
  - a. an Oklahoma State Courts Network search conducted by the Department,
  - b. a Restricted Registry search conducted by the facility with notification of the search submitted to the Department,
  - c. a national criminal history records search conducted pursuant to paragraph 10 of this subsection, and
  - d. a search of the Department of Corrections' files pursuant to the Sex Offenders Registration Act conducted by the Department and received by the facility;
6. Prior to review of or access to fingerprint results, owners, responsible entities, directors, and other individuals who have review of or access to fingerprint results shall have a national criminal history records search pursuant to paragraph 10 of this subsection;
7. Provisions specified in paragraphs 4 and 5 of this subsection shall not apply to residents who are receiving services from a residential child care facility;
8. A national criminal history records search pursuant to paragraph 10 of this subsection shall not be required for volunteers who transport children on an irregular basis when a release is signed by the parent or legal guardian noting their understanding that the volunteer does not have a completed national criminal

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history records search. The provisions in paragraph 3 of this subsection shall not be required for specialized service professionals who are not employed by the program and have unsupervised access to a child when a release is signed by the parent or legal guardian noting his or her understanding of this exception. These exceptions shall not preclude the Department from requesting a national fingerprint or an Oklahoma State Bureau of Investigation name-based criminal history records search or investigating criminal, abusive, or harmful behavior of such individuals, if warranted;

9. A national criminal history records search pursuant to paragraph 10 of this subsection shall be required on or before November 1, 2016, for existing owners, responsible entities, employees, individuals with unsupervised access to children, and adults living in the facility, as of November 1, 2013, unless paragraph 6 of this subsection applies;

10. The Department shall require a national criminal history records search based upon submission of fingerprints that shall:

a. be conducted by the Oklahoma State Bureau of Investigation and the Federal Bureau of Investigation pursuant to Section 150.9 of Title 74 of the Oklahoma Statutes and the federal National Child Protection Act and the federal Volunteers for Children Act with the Department as the authorized agency,

b. be submitted and have results received between the Department and the Oklahoma State Bureau of Investigation through secure electronic transmissions,

c. include Oklahoma State Bureau of Investigation rap back, requiring the Oklahoma State Bureau of Investigation to immediately notify the Department upon receipt of subsequent criminal history activity, and

d. be paid by the individual or the facility;

11. The Director of the Department, or designee, shall promulgate rules that may authorize an exception to the fingerprinting requirements for individuals who have a severe physical condition which precludes such individuals from being fingerprinted;

12. The Director of the Department, or designee, shall promulgate rules that ensure individuals obtain a criminal history records search, not to include the re-submission of fingerprints, not less than once during each five (5) year period;

13. Any individual who refuses to consent to the criminal background check or knowingly makes a materially-false statement in connection with such criminal background check shall be ineligible for ownership of, employment of or residence in a child care facility; and

14. The Office of Juvenile Affairs shall require national criminal history records searches, as defined by Section 150.9 of Title 74 of the Oklahoma Statutes, which shall be provided by the Oklahoma State Bureau of Investigation for the purpose of obtaining the national criminal history records search, including Rap Back notification of and through direct request by the Office of Juvenile Affairs on behalf of any:

a. operator or responsible entity making a request to establish or operate a secure detention center, municipal juvenile facility, community intervention center or secure facility licensed or certified by the Office of Juvenile Affairs,

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- b. employee or applicant of a secure detention center, municipal juvenile facility, community intervention center or secure facility licensed or certified by the Office of Juvenile Affairs, or
  - c. persons allowed unsupervised access to children, including contract employees or volunteers, of a secure detention center, municipal juvenile facility, community intervention center or secure facility licensed or certified by the Office of Juvenile Affairs.
- 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 Section 1-7-106 of Title 10A of the Oklahoma Statutes, 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 Office of Juvenile Affairs, 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 2-7-905 and 2-7-308 of Title 10A of the Oklahoma Statutes, 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 Office of Juvenile Affairs 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 Department 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

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for placement of any child who is in the custody of the Department of Human Services or the Office of Juvenile Affairs, 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 Office of Juvenile Affairs 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 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 Office of Juvenile Affairs or their 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 Office of Juvenile Affairs 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 Department or by law.

3. The Department of Human Services or the Office of Juvenile Affairs shall provide for a juvenile justice information system review pursuant to Section 2-7-308 of Title 10A of the Oklahoma Statutes 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 Department 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. Except as otherwise provided by the Oklahoma Children's Code and subsection F 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.

E. 1. Information received pursuant to this section by an owner, administrator, or responsible entity of a child care facility, shall be maintained in a confidential manner pursuant to applicable state and federal laws.

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 and federal laws.

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3. Requirements for confidentiality and recordkeeping 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.

4. Information received by any facility certified by the Office of Juvenile Affairs may be released to another facility certified by the Office if an individual is being considered for employment or contract, along with any other relevant information, unless the information is deemed confidential by state or federal law. Any information received by the Office shall be maintained in a confidential manner pursuant to applicable state and federal law.

- F. 1. It shall be unlawful for individuals who are 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 individuals who are required to register pursuant to the Sex Offenders Registration Act. Individuals required to register pursuant to the Sex Offenders Registration Act who violate any provision of Section 401 et seq. of this title 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.
2. It shall be unlawful for an individual who is the perpetrator of a substantiated finding by the Department of heinous and shocking abuse by a person responsible for a child's health, safety, or welfare, as those terms are defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes, 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 such individual.
3. 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:
- a. an emergency order,
  - b. license revocation or denial,
  - c. injunctive proceedings,
  - d. an administrative penalty not to exceed Ten Thousand Dollars (\$10,000.00), and
  - e. referral for criminal proceedings.
4. In addition to the penalties specified by this section, the violator may be liable for civil damages.

### **Section 404.2- Demarion's Law**

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

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### **Section 404.3- Mandatory Liability Insurance Requirements for Child Care Facility- Reports-Rules- Notices-Exempt Facilities and Agencies- Failure to Comply**

A. A child care facility shall maintain general liability insurance coverage as defined by Section 707 of Title 36 of the Oklahoma Statutes 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 conspicuous 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;
2. Notify the Department that coverage is not provided or that the facility reports self-insurance in accordance with state law; and
3. Keep a form signed by the parent or legal guardian of each child that he or she has been told that the child care facility does not carry at least Two Hundred Thousand Dollars (\$200,000.00) of general liability insurance.

D. The Department shall promulgate rules providing for a standard notice form for the facility to post which indicates the facility does not carry liability insurance or reports self-insurance in accordance with state law. The form required pursuant to paragraph 1 of subsection C of this section shall be:

1. Printed with lettering that is legible and in at least three-fourths-inch boldfaced type;
2. Placed at the main entrance of the facility in a conspicuous location; and
3. Copied and provided to the parent or legal guardian of each child under supervision of the child care facility.

E. In no case shall the inability to secure coverage serve to indemnify the child care facility due to negligence.

F. 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.

G. Each child care facility shall maintain a copy of the most recent compliance file onsite. The Department shall promulgate rules providing for a standard notice form for the facility to post which indicates:

1. The facility has a copy of the most recent compliance files onsite for inspection upon request of a parent or guardian of each child under the supervision of the child care facility; and
2. Such files are also made available for public inspection by the Department.

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- H. The forms required pursuant to this subsection shall be:
1. Printed with lettering that is legible and in at least three-fourths-inch boldfaced type;
  2. Placed at the main entrance of the facility in a conspicuous location; and
  3. Copied and provided to the parent or legal guardian of each child under supervision of the child care facility.
- I. The requirements for posting provided by subsection D and G of this section shall not apply to:
1. Licensed child-placing agencies;
  2. Licensed residential child care facilities; or
  3. Department-certified child care facilities.
- J. The Department may promulgate rules requiring liability insurance for facilities listed in subsection I of this section.
- K. Failure by a child care facility to comply with the provisions of this section is grounds for suspension or revocation of the child care facility license under the Oklahoma Child Care Facilities Licensing Act.
- L. The Department shall promulgate rules to implement the provisions of this section.

### **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 Office of Juvenile Affairs pursuant to Section 2-7-202 of Title 10A of the Oklahoma Statutes; 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 background investigation requirements are met pursuant to 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 Sections 401 through 418 of this title.
- 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 Sections 401 through 418 of this title. All licenses shall be in force unless revoked as authorized by Section 407 of this title.

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### **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 Department of Human Services shall promulgate rules to establish and maintain an online database accessible to the public that contains information including, but not limited to:
  - 1. The name, address, and phone number of all child care centers licensed by the Department of Human Services, and the name, address, and phone number of all child care homes licensed by the Department; and
  - 2. A summary of substantiated complaint records and inspection reports generated by the Department.
- B. Child care licensing records and inspection reports shall be maintained by the facility and be posted or made available to individuals pursuant to the licensing requirements promulgated by the Department.

### **Section 405.3- Child Care Restricted Registry**

- A. The Department of Human Services shall promulgate rules to establish and maintain the Restricted Registry, accessible to the public through an online database, to address:
  - 1. A procedure for recording individuals on the Restricted Registry resulting from:
    - a. a substantiated finding of abuse or neglect, as defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes, by an individual when the abuse or neglect occurred to a child while in the care of a facility licensed, certified, operated or contracted by or with the Department or the Office of Juvenile Affairs. The provisions of this subparagraph shall apply to:
      - (1) the Central Oklahoma Juvenile Center, the Oklahoma Juvenile Center for Girls and the Southwest Oklahoma Juvenile Center upon the effective date of this act, and
      - (2) facilities licensed by, certified by or contracting with the Office of Juvenile Affairs after November 1, 2018.
    - 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 Department;
  - 2. A procedure to provide notice and an opportunity for review to the individual and, if the individual is an employee of a facility licensed, certified, operated or

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contracted by or with the Office of Juvenile Affairs, to the facility prior to recording an individual on the Restricted Registry;

3. Disclosure requirements for information on the Restricted Registry; and

4. A procedure to prohibit licensure, ownership, employment, unsupervised access to children or residence in a facility or program licensed, certified, operated or contracted with by the Department or the Office of Juvenile Affairs.

B. The Restricted 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 on the Restricted Registry.

C. Nothing in this section shall be construed as to permit the placement of an operator of a child care facility on the Restricted Registry unless the operator:

1. Is the subject of a substantiated finding of child abuse or neglect;

2. Has been subject to a revocation or denial of a child care facility license; or

3. Has a specified criminal history, as defined by rules promulgated by the Department.

### **Section 405.4- Educational Requirements for Director of Child Care Center- Minimum Size of Rooms Occupied by Infants**

A. Any person with a bachelor's degree or postgraduate degree shall be considered as having met the educational requirements for a director of a full-time child care center required by the Department of Human Services. Nothing in this section shall be construed as to affect annual continuing education requirements. The director of a child care center may also qualify as a master teacher for children of all ages.

B. Any person replacing a master teacher at a child care center shall be granted a one-year probationary period to fulfill the educational qualifications required by the Department for a master teacher. The Department may extend the probationary period an additional year as long as the person is actively pursuing that goal.

C. Licensed child care facilities opened or expanded before November 1, 2016, shall have thirty-five (35) square feet of floor area per infant in rooms occupied only by infants. New construction and existing space not previously licensed for child care after November 1, 2016, shall have forty (40) square feet of floor area per infant in rooms occupied only by infants.

### **Section 405.5- Authorization of Certain Persons to Operate Child Care Facilities- Notice and Conditions**

A. An individual who inherits or purchases a licensed child care facility and operates the facility with the same personnel employed by the previous owner may continue to operate the facility under the same license and at the same star rating as the previous owner for a period of ninety (90) calendar days.

B. The Department of Human Services shall be notified of any change of ownership of a licensed child care facility by the next Department of Human Services business day and prior to the new owner assuming operations of the facility.

C. If individuals who receive ownership of a licensed child care facility through purchase or inheritance have met all requirements for owners of child care facilities by the end of

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the ninety-calendar-day period established in subsection A of this section, they may continue to operate the facility at the same star rating. If all requirements have not been met, the facility may not care for children until the facility is authorized to do so by the Department.

D. Nothing in this section shall be construed as prohibiting the Department from exercising its authority to revoke the license of a child care facility as provided in Section 407 of Title 10 of the Oklahoma Statutes during the ninety-calendar-day period established in subsection A of this section.

### **Section 406- Investigations and Visitation**

A. 1. Except as provided in paragraph 2 of this subsection, 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.

2. When the Department of Human Services is reviewing the star rating of a child care program with a capacity of fifty or more, the comprehensive visit to inspect and examine the program shall be scheduled with the administration of the program at least one (1) week in advance of the visit, if requested by the child care facility.

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 Department, the Department shall conduct a full investigation. If upon investigation, it is determined that there 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

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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 Department as provided in Section 404 of this title.

5. If the Department determines there has been a substantiated finding of heinous and shocking abuse by a person responsible for a child's health, safety or welfare, as those terms are defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes, the Department shall notify the child care facility owner or operator and the child care resource and referral organization in writing immediately or not later than one (1) business day after the substantiated finding. Upon receiving notice of a substantiated finding, the facility owner or operator shall attempt to immediately notify, but not later than seventy-two (72) hours after receiving notice of the substantiated finding, parents or legal guardians of children attending the facility by certified mail.

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 Department, 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.

F. The Department shall promulgate rules to establish and maintain a grievance process that shall include an anonymous complaint system for reporting and investigating complaints or grievances about employees of the Department who retaliate against a child care facility or facility employee.

### **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.

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.

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### 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 Department, 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 Department, the Department, 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.

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

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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 Department.

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 Department 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 Section 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 licensee or applicant shall, within twenty (20) days of the filing of the appeal, file with the clerk of such court a transcript of the proceedings held pursuant to Section 407 of this title. 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.

### **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 district attorney.

## SUPPLEMENT I

### **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 this title 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 the Office of Management and Enterprise Services for approval and payment.

### **Section 411- Certificate of Immunizations 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 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

## SUPPLEMENT I

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.

### **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 I**

### **Section 420- Child Care Center Bill of Rights- Documentation of Training Compliance**

The Child Care Center Bill of Rights includes if a child care center or employee provides written documentation of completion of required training, the child care center shall not be found in noncompliance if computer documentation is not updated by the training provider.

### **Section 425- Regulations that Permit or Require Licensees to Exceed or Limit the Capacity Provided by the License**

Local governing authorities shall not promulgate local regulations that permit or require licensees of family child care homes as defined in Section 402 of Title 10 of the Oklahoma Statutes to exceed or limit the capacity provided by the license granted to the family child care home licensee by the Department of Human Services.

## 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 (10A O.S. § 1-2-101).

- 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.

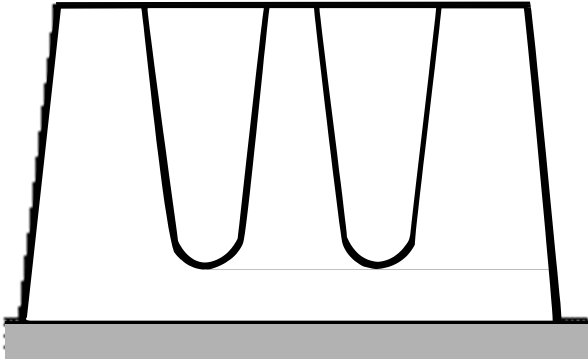
**When to report?** A report should be made when there is reasonable cause to believe that a child has been abused or neglected or is in danger of being abused. A report of suspected abuse is a request for an investigation. Investigation of child abuse reports is the responsibility of Child Welfare workers 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 and Neglect Hotline, 1-800-522-3511.

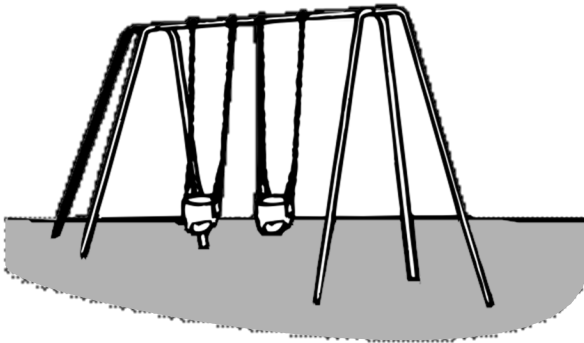
## SUPPLEMENT III

### USE ZONES



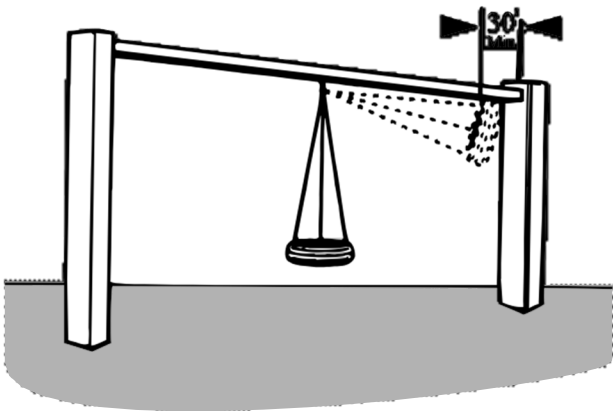
#### **SINGLE-AXIS SWINGS**

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.



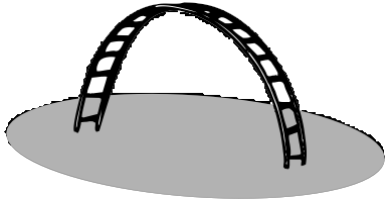
#### **MULTI-AXIS OR TIRE SWINGS**

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.

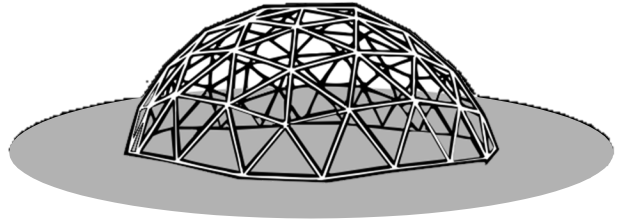
## SUPPLEMENT III

### CLIMBING STRUCTURES

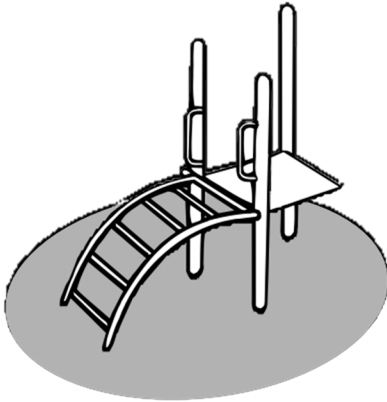
A minimum of six feet in all directions from the perimeter of the equipment.<sup>1</sup>



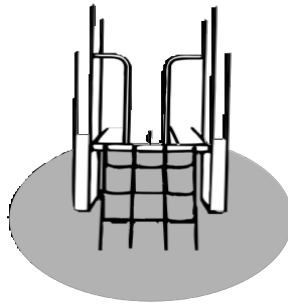
Simple Arch Climber



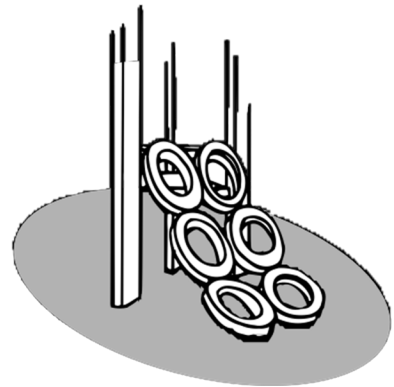
Geodesic Dome Climber



Arch Climber



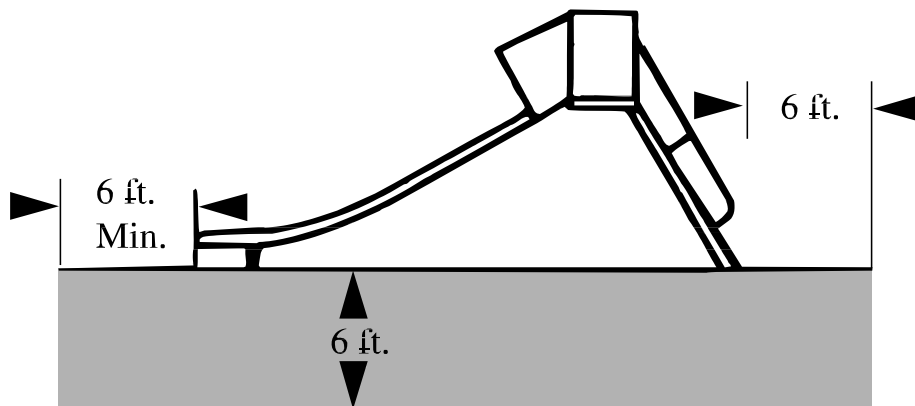
Chain Net Climber



Tire Climber

### SLIDES

Six Feet in all directions from the perimeter of the equipment.<sup>1</sup>



<sup>1</sup> Refer to Use Zone requirements for non-portable play equipment, with a fall height of 30 inches or less.

## SUPPLEMENT IV

### CHILD PASSENGER RESTRAINT SYSTEM

Oklahoma Statute  
47 O.S. Section 11-1112  
(Amended 06-06-17)

A. Every driver, when transporting a child under eight (8) 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 as follows:

1. A child under four (4) years of age shall be properly secured in a child passenger restraint system. Except as provided in subsection G of this section, the child passenger restraint system shall be rear-facing until the child reaches two (2) years of age or until the child reaches the weight or height limit of the rear-facing child passenger restraint system as allowed by the manufacturer of the child passenger restraint system, whichever occurs first; and

2. A child at least four (4) years of age but younger than eight (8) years of age, if not taller than 4 feet 9 inches in height, shall be properly secured in either a child passenger restraint system or child booster seat.

For purposes of this section and Section 11-1113 of this title, "child passenger restraint system" means an infant or child passenger restraint system which meets the federal standards as set by 49 C.F.R., Section 571.213.

B. If a child is eight (8) years of age or is taller than 4 feet 9 inches in height, a seat belt properly secured to the vehicle shall be sufficient to meet the requirements of this section.

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, provided there is written documentation from a physician of such medical reason; 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

## SUPPLEMENT IV

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 violation of the provisions of this section shall be admissible as evidence in any civil action or proceeding for damages unless the plaintiff in such action or proceeding is a child under sixteen (16) years of age.

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.

E. A person who is certified as a Child Passenger Safety Technician and who in good faith provides inspection, adjustment, or educational services regarding child passenger restraint systems shall not be liable for civil damages resulting from any act or omission in providing such services, other than acts or omissions constituting gross negligence or willful or wanton misconduct.

F. Any person convicted of violating subsection A 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 Restricted 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.

G. A driver of a vehicle who has been rightfully issued a detachable placard indicating physical disability under the provisions of Section 15-112 of this title or a physically disabled license plate under the provisions of Section 1135.1 or 1135.2 of this title and valid letter of forward-facing exemption issued from the Department of Public Safety shall be permitted to transport a child passenger under four (4) years of age in a forward-facing child passenger restraint system. The placard and forward-facing exemption letter must be present in the vehicle to be in compliance.

## SUPPLEMENT IV

### CHILD PASSENGER SAFETY IN OKLAHOMA

#### Most Frequently Asked Questions

- **What is the purpose and intent of the child passenger restraint law?**

Car crashes are the number one cause of injury and death to children in Oklahoma. 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.).

- **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.

- **What does the law require?**

Children under the age of 8 must be transported using a car seat or booster seat.

All children under age 4 must be properly secured in a car seat with an internal harness.

- A 5-point harness is the safest restraint system and should be used as long as possible (until the child exceeds the harness' weight limit).

Children under age 2 must be properly secured in a rear-facing car seat.

- Rear-facing is the safest way for small children to travel, and they should remain rear-facing until they reach 2 years of age or until they exceed the height or weight limit of the car seat.
- Riding rear-facing with legs bent or against the back of the seat is a safe and comfortable position for children. This position best protects their head, neck and spinal cord in the event of a crash.

Children ages 4-7 must ride in a child passenger restraint system or booster seat unless they are taller than 4'9".

## SUPPLEMENT IV

- **Are there exemptions to the law that affect child care facilities?**

Exemptions include:

- school buses, over 10,000 lbs., or any vehicle not required by law to be equipped with seat belts; and
- medical issues prohibiting use of belt or restraint system.

- **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?**

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

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

- **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). 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.

## SUPPLEMENT IV

- **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.

- **What resources are available to help low-income families obtain car seats or booster seats?**

Some county health departments distribute free seats, mostly to WIC-eligible clients. SAFE KIDS offers subsidized seats to families who receive public assistance. The cost to the client is \$15 per car seat. Car seats are distributed during community car seat events to eligible families on a first-come, first-served basis. Contact Safe Kids for a list of events in your area.

- **Where can I receive more information regarding transportation safety of children?**

For more information, call Safe Kids Oklahoma at 405-789-6711 or visit their website at <http://www.safekidsok.org/>.

## REVISIONS TO REQUIREMENTS FOR CHILD CARE PROGRAMS

Requirements reflect revisions to *Licensing Requirements for Child Care Programs*.

**May 28, 2025**

Proposed requirement revisions approved.

**November 1, 2025**

Effective date of revisions.

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