

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 2197

By: Randleman

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5
6 AS INTRODUCED

7 An Act relating to child care; amending 10 O.S. 2011,
8 Section 403, as last amended by Section 1, Chapter
9 190, O.S.L. 2018 (10 O.S. Supp. 2018, Section 403),
10 which relates to the Oklahoma Child Care Facilities
11 Licensing Act; requiring certain programs to conduct
12 background checks for employees; requiring program to
13 maintain documentation; subjecting documentation to
14 review by law enforcement; prohibiting employee
15 working in program until check is completed; and
16 providing an effective date.

17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. AMENDATORY 10 O.S. 2011, Section 403, as last
19 amended by Section 1, Chapter 190, O.S.L. 2018 (10 O.S. Supp. 2018,
20 Section 403), is amended to read as follows:

21 Section 403. A. The provisions of the Oklahoma Child Care
22 Facilities Licensing Act shall not apply to:

- 23 1. Care provided in a child's own home or by relatives;
- 24 2. Informal arrangements which parents make with friends or
neighbors for the occasional care of their children;

1 3. Care provided by an attorney-in-fact authorized by Section
2 700 of this title who exercises parental or legal authority on a
3 continuous basis for not less than twenty-four (24) hours and
4 without compensation for the intended duration of the power of
5 attorney;

6 4. Programs in which school-aged children three (3) years of
7 age and older are participating in home-schooling;

8 5. Programs that serve children three (3) years of age and
9 older and that are operated during typical school hours by a public
10 school district;

11 6. Programs that serve children three (3) years of age and
12 older and that are operated during typical school hours by a private
13 school that offers elementary education in grades kindergarten
14 through third grade;

15 7. Summer youth camps, summer programs or after-school programs
16 for children who are at least four (4) years of age, that are
17 accredited by a national standard-setting agency or church camp
18 accreditation program, or are accredited by, chartered by or
19 affiliated with a national ~~non-profit~~ nonprofit organization.

20 However, programs described in this paragraph shall conduct a
21 national criminal history records search pursuant to paragraph 10 of
22 subsection A of Section 404.1 of this title for every employee of
23 the program. A records search for every employee shall be
24 maintained by the program and subject to review by law enforcement.

1 If an employee does not have a completed records search, the
2 employee is not eligible to work for the program until a records
3 search is completed;

4 8. Programs in which children attend on a drop-in basis and
5 parents are on the premises and readily accessible;

6 9. A program of specialized activity or instruction for
7 children that is not designed or intended for child care purposes
8 including, but not limited to, scouts, 4-H clubs and summer resident
9 youth camps, programs that limit children from enrolling in multiple
10 sessions because of the type of activity or ages accepted and
11 single-activity programs such as academics, athletics, gymnastics,
12 hobbies, art, music, dance and craft instruction;

13 10. Any child care facility that:

14 a. provides care and supervision for fifteen (15) or
15 fewer hours per week,

16 b. operates less than ten (10) weeks annually,

17 c. operates in the summer for less than eight (8) hours
18 per day, or

19 d. provides care and supervision for school-aged children
20 only in a center-based program for twenty-one (21) or
21 fewer hours a week and is located in a county with a
22 population of less than one hundred thousand (100,000)
23 according to the latest Federal Decennial Census;

24 11. Facilities whose primary purpose is medical treatment;

1 12. Boarding schools that have education as their primary
2 purpose and that are recognized as accredited by the State Board of
3 Education. To be exempt, such programs shall:

- 4 a. have classroom facilities that are not used for
5 residential living,
- 6 b. not have been granted nor have assumed legal custody
7 of any child attending the facility, and
- 8 c. adhere to standard educational holiday and seasonal
9 recess periods to permit students reasonable
10 opportunities to return to their primary places of
11 residence with parents or legal guardians;

12 13. Day treatment programs and maternity homes operated by a
13 licensed hospital;

14 14. Juvenile facilities certified by the Office of Juvenile
15 Affairs or certified by any other state agency authorized by law to
16 license such facilities;

17 15. A program where children are not enrolled by the parents
18 and are free to come and go;

19 16. A program in tribal land as defined at 25 U.S.C.A. 1903
20 (10); and

21 17. A program on a military base or federal property.

22 B. The provisions of the Oklahoma Child Care Facilities
23 Licensing Act shall be equally incumbent upon all private and public
24 child care facilities.

1 SECTION 2. This act shall become effective November 1, 2019.

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