

Oklahoma Administrative Code Currentness _Title 340. Department of Human Services _Chapter 110. Licensing Services _Subchapter 3. Licensing Standards for Child Care Facilities _Part 2. Requirements for Part-Day Children's Programs (Refs & Annos)

Okla. Admin. Code 340:110-3-35

340:110-3-35. Purpose and policy of the law

It is the declared purpose and policy of the Oklahoma Child Care Facilities Licensing Act (10 O.S.1993 Sec. 401) to ensure maintenance of minimum standards for the care and protection of children away from their own homes, to encourage and assist the child care facility in attaining maximum standards, and to work for the development of sufficient and adequate services for child care.

Okla. Admin. Code 340:110-3-36

340:110-3-36. Definitions

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

“Auxiliary spaces” are areas not used for children's care or play.

“Child” means a person under the age of 18 years.

“Child care/day care center” (hereafter referred to as “child care center,” referred to by statute as “day care center”) means a facility that provides care for eight or more children and operates for more than 30 hours per week.

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

“Department” means the Oklahoma Department of Human Services (OKDHS).

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

“Hazard” means an identifiable situation that is likely to inflict injury or cause harm.

“Infant” means a child 0 through 9 months of age.

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

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

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

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

“Part-day children's program” means a facility which provides care and supervision for eight or more children and which operates for more than 15 but less than 30 hours per week.

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

“Preschool child” means a child three to five years of age who has not entered kindergarten.

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

“School-age child” means a child who is at least six years of age or who is attending or has completed kindergarten.

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

“Toddler” means a child 10 through 23 months of age.

“Volunteers” means persons who provide services to the program without cost or compensation.

Okla. Admin. Code 340:110-3-37

340:110-3-37. Necessity and issuance of license

(a) In accordance with Section 401 of Title 10 of the Oklahoma Statutes, no child care facility may be operated or maintained unless licensed by the Oklahoma Department of Human Services (OKDHS). Under the Oklahoma Child Care Facilities Licensing Act (Act), a child care facility is a public or private residential facility, child placing agency, foster family home, group home, child care center, part-day child care program, or family child care home. In order to provide care for children in a child care facility, a license is required to be obtained from OKDHS, which is issued on the basis of meeting minimum requirements essential for the health and welfare of children in care.

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

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

(1) licensure as a child care facility;

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

(3) residing in a child care facility.

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

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

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

(g) OKDHS may revoke a license or deny an application if a licensee violates any provisions of this Act. No license is revoked or denied unless the holder of such license is given 30 days notice in writing of the grounds of the proposed revocation or denial. If the revocation or denial is protested within 30 days of receipt of the written notice, a hearing is conducted.

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

Okla. Admin. Code 340:110-3-38

340:110-3-38. Requirements

The requirements in this Part are presented as minimum requirements and safeguards to ensure the well-being of children. They have been developed from existing knowledge of child development and experience in child care.

Current through rules published in Volume 31, Number 18 of the Oklahoma Register dated June 2, 2014

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Okla. Admin. Code 340:110-3-39

340:110-3-39. Organization

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

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

(1) the licensed capacity;

(2) ages of children accepted;

(3) hours of operation;

(4) type of care; and

(5) services offered.

(c) **Responsible agent.** The responsible agent for the different types of child care facilities is given in (1) -- (3) of this subsection.

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

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

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

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

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

(A) the program's license, permit, or notice of denial or revocation of license;

(B) name of the person responsible for the program during the director's absence;

(C) notice of the requirement to report suspected child abuse and neglect;

(D) notice prohibiting smoking anywhere in the facility while children are in care;

(E) the daily program schedule;

(F) emergency procedures;

(G) weekly menu of all food provided by the program;

(H) evacuation plan; and

(I) a record of monthly fire drills.

(2) Form 07LC093E, Insurance Exception Notification, if applicable per OAC 340:110-3-40(c), is posted in clear view of the main entrance to the facility.

(3) In accordance with Section 7103 of Title 10 of the Oklahoma Statutes, any person who has reason to believe a child has been abused or neglected is required to report the matter promptly to the statewide toll-free Child Abuse Hot Line, 1-800-522-3511. It is a misdemeanor for any person to fail to report.

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

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- (A) unscheduled or permanent closing of the program;

- (B) a change in the director;

- (C) changes in liability insurance coverage;

- (D) any damage to the facility that affects the amount of useable square footage or compliance with any requirements;

- (E) legal action against a program or staff person, which pertains to licensing requirements;

- (F) any known criminal charges or child abuse investigations involving staff, which are pending or have had a disposition;

- (G) an accident involving transportation unless there were no injuries and only minor damage to the vehicles;

- (H) any injury to a child requiring emergency medical attention; and

- (I) the death of a child, which occurred while the child was in the program.

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

- (A) a change in owner(s) or sponsorship;

- (B) change in name of the program;

- (C) any change or alteration to the physical facility that affects the amount of usable square footage or compliance with any requirements;

- (D) anticipated closing or relocation of the program; and

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(E) proposed change in the licensed capacity of the program.

(e) **Public access to records - Compliance Posting.**

(1) Items posted within clear view of the main entrance are:

(A) OKDHS provided "Notice to Parents"; and

(B) Form 04CP004E, Child Welfare Investigative Summary Notification to Oklahoma Child Care Services, with confirmed or substantiated findings for 120 days from the completion of the investigation.

(2) The granted waiver notification for individuals who have criminal histories as defined in section OAC 340:110-3-42(c) are posted in a prominent place for as long as they are employed or living in the facility.

(f) **Compliance file.** A compliance file accessible to staff, parents, and others contains:

(1) the most recent child care licensing monitoring report provided by the licensing specialist;

(2) the following documents issued by Oklahoma Services (OCCS) within the last 120 days:

(A) child care licensing monitoring reports and licensing correspondence;

(B) Form 07LC037E, Notice to Comply;

(C) licensing complaints; and

(D) Form 04CP004E, Child Welfare Investigative Summary Notification to Oklahoma Child Care Services, with findings of unconfirmed or unsubstantiated to include findings of services not needed, ruled out, or services recommended; and

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

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

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

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

Okla. Admin. Code 340:110-3-40

340:110-3-40. Policy and procedure

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

(1) a brief program description;

(2) ages of children accepted;

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

(4) fees;

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

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

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

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

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

(10) mandatory reporting of child abuse;

(11) procedure for notifying parents of field trips;

(12) procedure for transportation of children;

(13) procedure for caring for children who arrive late for field trips when that child's group has already left the programs;

(14) meals and snacks, including days when children are on field trips; and

(15) discipline policy.

(b) **Personnel policy.** When there are more than 10 staff persons, the program is required to provide written personnel policy to staff that includes:

(1) job responsibilities, qualifications, and lines of authority; and

(2) staff performance evaluation and termination procedure.

(c) **Insurance.** A child care facility maintains liability insurance in accordance with Section 404.3 of Title 10 of the Oklahoma Statutes.

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

(2) When liability insurance is not maintained or the facility reports they are self-insured, Form 07LC093E,

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Insurance Exception Notification, is posted at the facility.

(d) **Access to the program.** Parents of enrolled children are permitted reasonable access to all parts of the program's physical facility during hours of operation.

Okla. Admin. Code 340:110-3-41

340:110-3-41. Records

(a) **Program records.** Licensing staff have access to records and reports in accordance with the requirements contained in this Section.

(b) **Children's records.** Records are obtained for each child in the program at the time of admission and regardless of the length of time in the program.

(1) All records are kept current.

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

(A) the child's name, date of birth, name of parent(s), home address, parents' place of employment, and telephone numbers;

(B) the name and telephone number of a responsible person to contact in an emergency if the parent(s) cannot be located promptly;

(C) permission of the parent authorizing the center to transport the child for emergency medical care;

(D) name of person(s) permitted to pick up the child;

(E) health information;

(F) current immunization record;

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(G) name, address, and telephone number of a physician to call in an emergency;

(H) date of acceptance and withdrawal from the program; and

(I) medication and transportation permission if applicable.

(3) Children's records are kept at the facility and available to staff during all hours of program operation.

(4) Daily attendance records for each child are maintained and kept readily available for a minimum of 120 days.

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

(1) staff information sheets provided by OKDHS that include:

(A) name, date of birth, address, telephone number, and Social Security number;

(B) education;

(C) references including previous employers if any and the name, address, telephone number, and dates of employment; and

(D) a statement regarding criminal history and child abuse investigations.

(2) criminal history investigations with records maintained in a confidential manner and not made a part of the individual's personnel records pursuant to Section 404.1 of Title 10 of the Oklahoma Statutes;

(3) staff health records, which include at a minimum a report of an examination by a licensed physician or mental health professional when there is concern about an employee's ability to perform normal duties because of a possible physical, mental, or emotional problem. See OAC 340:110-3-42(b)(3) and (4) and (c) regarding

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requirements for employees;

- (4) attendance records for each staff;
- (5) documentation of request and/or results of a criminal history review;
- (6) documentation that the individual is a non-registrant on the Child Care Restricted Registry; and
- (7) when applicable, a criminal history investigation from the previous state(s) of residence if the individual has resided in Oklahoma less than three years.

Okla. Admin. Code 340:110-3-42

340:110-3-42. Requirements for part-day program employees

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

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

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

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

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(A) documentation of a search conducted within the last 30 days of the Child Care Restricted Registry;

(B) a completed criminal history investigation conducted within the last 12 months including dispositions on all charges; and

(C) a criminal history review request on a form provided by licensing, requesting an Oklahoma State Courts Network search for:

(i) any person making application to establish or operate a part-day children's program;

(ii) each applicant prior to employment, including all caregivers, substitutes, auxiliary staff, and any other person employed by the program;

(iii) adults, including providers' spouses or adult children, who live in the facility; and

(iv) persons age 18 years or older prior to their residence in the facility.

(2) **Owner or director responsibility.** Program's owner or director obtains a completed criminal history investigation for persons who have unsupervised access to children, such as lab students, Work Experience Program (WEP) workers, volunteers, contracted staff, or custodians.

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

(A) staff who move to a new program operated by the same organization;

(B) contracted staff who provide transportation, lessons or other services if facility staff are present with children at all times;

(C) parent volunteers who transport children on an irregular basis; and

(D) providers' children who become adults, age 18, during continuous residence at the licensed facility.

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

(A) Oklahoma State Bureau of Investigation (OSBI); or

(B) authorized agency in the previous state(s) of residence if the individual has resided in Oklahoma less than three years.

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

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

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

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

(c) **Restrictions.** Program requirements contained in this subsection restrict certain individuals from employment.

(1) The program is restricted from knowingly employing a person who:

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

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

(ii) child abuse or neglect;

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

(iv) sexual misconduct; or

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

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

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

(3) The program director may request a waiver from the restrictions in (1) of this subsection.

(A) The waiver request is made in writing to Oklahoma Department of Human Services (OKDHS) and considered by the waiver review committee.

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

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

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

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

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

(5) Any person whose health or behavior would endanger the health, safety, or well-being of children is prohibited from being on the premises or having contact with children in care.

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

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(d) **Child abuse.** The program complies with the requirements pertaining to child abuse contained in this subsection.

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

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

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

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

(2) **Other health problems.** If it is reported or observed that an employee has a physical, mental, or emotional condition that impairs his or her ability to perform assigned job responsibilities, a report of a physical or psychological examination by a licensed physician or mental health professional may be required by Licensing.

(f) **Employee qualifications.** Program employees are required to comply with the requirements contained in this subsection which are applicable to their positions.

(1) **Director.** A director hired after the effective date of these requirements is required to be at least 21 years of age, have a high school diploma, or General Educational Development and one year of satisfactory experience in a child care or part-day children's program.

(2) **Teachers.** Teachers hired after the effective date of these requirements are required to be at least 18 years of age.

(3) **Assistant teachers.** Assistant teachers are at least 16 years of age.

(g) **Responsibilities.** Program employees are required to comply with applicable requirements contained in this subsection.

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(1) **Director.** The director is the person responsible for the day-to-day operation of the program and is responsible for:

(A) appointing a staff member to take responsibility for the operation of the program in the director's absence;

(B) maintaining a facility that meets the minimum requirements;

(C) submitting to OCCS licensing records office criminal history investigations and obtaining dispositions on any charges shown on the report that lack dispositions;

(D) obtaining and documenting three references, excluding relatives, for new staff;

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

(F) cooperating with licensing representatives and other appropriate agencies in maintaining compliance with requirements or improving the quality of care.

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

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

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

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

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

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

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(h) **Professional development.** Requirements pertaining to professional development contained in this subsection are met.

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

(A) infection control;

(B) injury prevention;

(C) handling common childhood emergencies, including choking;

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

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

(F) staff's assigned duties and responsibilities;

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

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

(I) the daily schedule;

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

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

(2) **Health and safety training.** All staff are required to comply with the health and safety training requirements contained in this paragraph.

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

(B) The first aid certification includes the emergency management of:

(i) bleeding;

(ii) burns;

(iii) poisoning;

(iv) choking;

(v) injuries, including insect, animal, and human bites;

(vi) shock;

(vii) convulsions or nonconvulsive seizures;

(viii) musculoskeletal injury, for example, sprains, and fractures;

(ix) dental emergencies;

(x) head injuries;

(xi) allergic reactions;

(xii) eye injuries;

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(xiii) loss of consciousness;

(xiv) electric shock; and

(xv) drowning.

(3) **Ongoing training.** The director and staff are required to obtain training that is relevant to job responsibilities including age-appropriate childhood education. Training may include workshops, conferences, use of videos, and other such training.

(4) **Food service training.** Within one year of employment, the person primarily responsible for food service is required to receive training in:

(A) nutrition planning;

(B) age-appropriate food selection;

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

(D) cleaning and sanitizing equipment and utensils.

(5) **Documentation of training.** Training is documented for each staff member and include the topic, training provided, and date.

Okla. Admin. Code 340:110-3-43

340:110-3-43. Supervision of children

(a) **General.** The program shall ensure that all children are adequately supervised at all times. [See definition of "supervision of children" contained in 340:110-3-36.]

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(1) When the program provides or arranges for activities off the premises, there shall be an adult staff member with each group, and appropriate staff ratios shall be maintained.

(2) When play areas are accessible to the public, boundaries shall be identified to children. Supervision of enrolled children shall be possible, e.g., space reserved for program use only, children easily identifiable to staff.

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

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

(d) **School-age children.** School-age children shall generally be within the vision or hearing of staff. However, staff may assess whether children, who have a good understanding of the program's rules and policies regarding appropriate behavior, shall have the privilege of taking part in a short-term activity that is not within the vision or hearing of staff. Staff shall make personal contact at least every 10 minutes.

(1) Staff shall be able to provide immediate intervention if needed.

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

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

(1) There shall be staff present with the children to correspond with the chronological age and grouping of the children present. There shall be a substitute staff member present in the absence of regular staff.

(2) The requirements for staff-child ratio and maximum group size listed in (A) - (K) of this Paragraph shall be met. Each group of children shall meet one of the staff-child ratio selections listed. Either a single-age grouping or a mixed-age combination may be used as needed to accommodate low attendance, special activities or sibling groups. The requirements for staff-child ratio and maximum group size are:

(A) infants (0 through 9 months)

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(i) staff-child ratio is 1:4

(ii) maximum group size is 8;

(B) toddlers (10 through 23 months)

(i) staff-child ratio is 1:6

(ii) maximum group size is 12;

(C) two-year olds

(i) staff-child ratio is 1:8

(ii) maximum group size is 16;

(D) three-year olds

(i) staff-child ratio is 1:12

(ii) maximum group size is 24;

(E) four and five-year olds

(i) staff-child ratio is 1:15

(ii) maximum group size is 30;

(F) six-year olds and over

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(i) staff-child ratio is 1:20

(ii) maximum group size is 40;

(G) 0 through 35 months

(i) staff-child ratio is 1:6 (no more than 2 under 10 months per staff)

(ii) maximum group size is 12;

(H) 0 through school age

(i) staff-child ratio is 1:8 (no more than 2 under 2 years per staff)

(ii) maximum group size is 16;

(I) 2 through school age

(i) staff-child ratio is 1:12 (no more than 4 2-year olds per staff)

(ii) maximum group size is 24;

(J) 3 through school age

(i) staff-child ratio is 1:15 (no more than 6 3-year olds per staff)

(ii) maximum group size is 30; and

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(K) 4 through school age

(i) staff-child ratio is 1:18 (no more than 8 4-year olds per staff)

(ii) maximum group size is 36.

(3) In any other grouping not listed in 2 of this subsection, the age of the youngest child shall determine the ratio and maximum group size.

(4) A group is determined by the number of children being cared for by the same caregiver or group of caregivers in a designated area.

(A) Groups shall have assigned staff and be recognizable by both staff and children.

(B) If more than one group of children uses the same room and includes children under three years of age, the room shall be physically divided by the use of furnishings, dividers, temporary or permanent walls. For groups of children over three years of age, there shall be well-defined areas that are appropriately equipped for each group of children.

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

(f) **Swimming guidelines.** Staff-child ratios listed in (1)-(6) of this subsection shall apply when children are swimming and are not participating in swimming lessons with a certified instructor. [Also see 340:110-3-49 regarding supervision of children engaged in water activities.] Staff-child ratios when children are swimming are:

(1) under 2 years, a staff-child ratio of 1:1;

(2) 2-year olds, a staff-child ratio of 1:2;

(3) 3-year olds, a staff-child ratio of 1:6;

(4) 4 and 5-year olds, a staff-child ratio of 1:7;

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(5) 6-year olds and over, a staff-child ratio of 1:10; and

(6) When children of two or more ages are grouped together, staff ratio for the youngest child shall apply.

Green, Purple,
Blue, & Burgundy

Okla. Admin. Code 340:110-3-44

340:110-3-44. Physical facilities

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

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

(2) Heating and cooling systems shall be operable and meeting fire safety requirements [see 340:110-3-49.7].

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

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

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

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

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

(b) **Auxiliary spaces.** The program shall comply with the requirements regarding auxiliary spaces contained in this subsection.

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

(A) bathrooms and kitchens;

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

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

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

(E) storage closets, supply rooms; and

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

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

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

(B) be easily accessible to children and staff;

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

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

(E) contain toilet paper within easy reach of children;

(F) have non-absorbent floor surfaces in toilet areas;

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(G) have hand sinks with hot and cold or tempered running water (the temperature between 100 and 120 degrees F.). If the temperature exceeds 120 degrees, a tempered valve shall be used;

(H) contain soap for handwashing within easy access of children;

(I) contain individual sanitary towels or mechanical hand dryers and waste containers within easy access of children;

(J) have one toilet and one sink for every 15 children;

(K) have potty chairs to facilitate toilet training for children which shall not be counted as meeting the required number of toilets.

(L) empty and sanitize potty chairs immediately after each use;

(M) have bathroom doors which need not be self-closing. However, when a bathroom is used only by preschool children, bathroom doors are not required; and

(N) in rooms which children under three years of age are in diapers, have an operable sink with hot and cold or tempered water, either in the same room or in a bathroom that opens directly into the room. [See 340:110-3-47(b)(6).]

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

(c) Safety and sanitation. The program shall comply with the safety and sanitation requirements contained in this subsection.

(1) Physical environment. The program shall:

(A) maintain a structurally sound interior and exterior in good exterior in good repair, e.g., walls and ceilings free from holes, peeling paper and paint;

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(B) provide barriers with openings of no more than four inches on porches, elevated walkways and elevated play areas of more than two feet in height;

(C) provide railings for stairways of four or more steps, both steps, both inside and outside;

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

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

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

(G) maintain window and door screens to minimize entry of insects;

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

(I) maintain an indoor temperature between 65 and 85 degrees F.;

(J) maintain lighting levels that are bright enough to accommodate activities with comfort and allow staff to see children's facial features at all times.

(K) be kept clean and sanitary at all times by:

(i) cleaning up spills and soil immediately;

(ii) sweeping and/or mopping floors daily;

(iii) vacuuming carpets and spot-cleaning as needed;

(iv) wet scrubbing carpeting when visibly soiled;

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(v) cleaning walls and ceilings when visibly soiled;

(L) be kept free of vermin infestation including rodents and insects;

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

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

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

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

(B) post by each telephone the name and address of the facility and a list of emergency phone numbers to include the fire department, police department, ambulance service, medical resource to be used and poison control (1-800-522-4611); and

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

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

(A) be free of hazards;

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

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

(D) ensure that firearms, pellet or BB guns, bows and arrows, darts, cap guns or fireworks are inaccessible to

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children; firearms shall be stored unloaded in a locked cabinet separate from ammunition;

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

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

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

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

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

(2) Animals. If animals are kept on the premises, the program shall comply with the requirements in (A)-(M) of this paragraph.

(4)
NOT (2)
for citation

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

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

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

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

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

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

Current through rules published in Volume 31, Number 18 of the Oklahoma Register dated June 2, 2014

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

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

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

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

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

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

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

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

(1) Indoor play space. Programs shall comply with the requirements for indoor space contained in this paragraph.

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

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

(C) A large area, such as a gymnasium, may be used in addition to other space. However, it may be counted

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toward the licensed counted toward the licensed capacity for preschool and schoolage children only if it is divided into well-defined areas that are appropriately equipped.

(2) **Outdoor play space.** The program shall meet the requirements for outdoor play space contained in (A)-(D) of this paragraph.

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

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

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

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

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

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

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

Okla. Admin. Code 340:110-3-45

Purple, Pale Yellow,
& Green

340:110-3-45. Indoor equipment

Purple &
Pale Yellow

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

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

(2) Play equipment is:

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

(B) maintained in a safe and sanitary condition;

(C) lead free for example, crayons, paint;

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

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

(3) Sleeping equipment and bedding meets requirements per OAC 340:110-3-49.1.

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

(5) To ensure safety, staff monitors play equipment for potential hazards for example, toys with strings, loose parts, or sharp edges.

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

(b) **Minimum equipment for infants.** When infants are in care, the requirements listed in this subsection shall be met.

(1) Basic items required are:

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

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

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

(D) diaper-changing table;

(E) adult-height shelf;

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

(G) separate, individual space for personal belongings;

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

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

(J) extra supply of sheets and covers.

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

(A) Cribs, including portable cribs that can be folded or collapsed without being disassembled, meet the current Consumer Product Safety Commission (CPSC) full-size and non-full size crib standards per Sections 1219 and 1220 of Title 16 of the Code of Federal Regulations.

(B) Verification of compliance with CPSC standards is maintained for duration of crib use.

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

(3) Mattresses and playpen pads are at least one-inch thick and covered with a durable, washable, water-proof, form-fitting material.

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(c) **Minimum equipment for toddlers.** When toddlers are in care, the requirements listed in this subsection are met.

(1) Basic items required are:

(A) a crib or playpen with mattress, mat or cot, one per child;

(B) a sheet and cover, one of each per child;

(C) adequate table and chair space or high chairs as needed for meals and snacks;

(D) baskets or low open shelves for toy storage;

(E) separate, individual space for personal belongings;

(F) an adult-height shelf;

(G) a diaper-changing table;

(H) adequate containers with tight-fitting lids or moisture-proof bags for soiled or wet diapers or clothing; and

(I) an adequate supply of diapers, facial tissue, disposable wipes, bath towels, wash cloths, soap, extra supply of sheets, and covers.

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

(3) Mattresses and playpen pads are at least one-inch thick and covered with a durable, washable, water proof, form-fitting material.

(d) **Minimum equipment for children 2 years of age.** When children 2 years of age are in care, the basic items required are:

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

(e) **Minimum equipment for children 3 years of age.** When children 3 years of age are in care, the basic items required are:

- (1) a cot, bed, or mat with a sheet or cover, for each resting or ill child refer to OAC 340:110-3-49.1(a) regarding parents allowed to provide sleeping equipment;
- (2) separate, individual space for personal belongings;
- (3) adequate table and chair space as needed for meals and snacks;
- (4) two linear-feet of low open shelves per child for play equipment; and
- (5) an adequate supply of facial tissue, disposable wipes or individual wash cloths, bath towels, and soap.

(f) **Minimum equipment for children 4 and 5 years of age.** When children 4 and 5 years of age are in care, the basic items required are:

- (1) a cot, bed, or mat with a sheet and cover, for each resting or ill child;

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- (2) separate, individual space for personal belongings;
- (3) adequate table and chair space as needed for meals and snacks;
- (4) two linear-feet of low open shelves per child for play equipment; and
- (5) an adequate supply of facial tissue, disposable wipes or individual wash cloths, bath towels, and soap .

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

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

Okla. Admin. Code 340:110-3-46

340:110-3-46. Outdoor safety and play equipment

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(a) **Play space.** The program shall meet the play space requirements contained in this subsection.

(1) Play space shall be situated to:

(A) permit children to reach it safely;

(B) provide a shaded area; and

(C) allow supervision of areas where children cannot be easily seen.

(2) Play space shall be enclosed by a building or fence at least four feet high with at least one exit which is away from the building. However, when care is provided for school-age children only, fencing is not required on all sides if properly protected from traffic and other hazards.

(3) The fence shall:

(A) begin at ground level;

(B) be at least 48 inches high; and

(C) be maintained in a stable, secure, upright and good condition.

(4) An exemption from the requirements contained in (2)-(3) of this subsection may be requested when children's safety can be assured. The request shall be submitted in writing to the statewide licensing coordinator for approval.

(5) Gates shall be kept closed while children are outside.

(6) Play space shall be maintained:

(A) in a safe and clean condition;

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(B) free of hazards; and

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

(b) **Surfaces.** Requirements pertaining to surfaces in play areas contained in this subsection shall be met.

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

(2) All climbers, swings, slides or revolving equipment shall have impact-absorbing surfaces under them and throughout the fall zone [see definition in 340:110-3-36].

(A) Impact-absorbing materials include loose materials (bark mulch, pea gravel, shredded tires, etc.) or compact materials (outdoor rubber mats, synthetic turf, etc.).

(B) Grass shall only be acceptable as impact-absorbing material if the highest accessible part of the equipment is four feet or less. The highest accessible part of a swing structure is the height at which the chain attaches to the supporting structure.

(3) Fall zones shall extend a minimum of six feet in all directions from the perimeter of the equipment. Fall zones for adjacent equipment may overlap for existing equipment that is permanently anchored. When equipment is moved or added, the fall zones for adjacent equipment shall not overlap. However:

(A) the fall zone for traditional swings that move forward and backward in which children are not secured by a bar or strap shall extend to the front and rear of the swing a distance of two times the length of the swing's chain;

(B) the fall zone for swings that move in a circle, e.g., tire swings, shall extend in every direction a distance of six feet plus the length of the chain; and

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

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

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

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

(c) **Playground safety.** The requirements contained in this subsection shall be met.

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

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

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

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

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

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

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

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

Okla. Admin. Code 340:110-3-47

Green
& Blue

340:110-3-47. Care of infants, toddlers and two-year-olds

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

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

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

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

(A) Staff shall be discouraged from placing children in bed with bottles due to increased risk of choking, ear infections and tooth decay.

(B) Bottles shall be removed at once when empty or when children have fallen asleep.

(3) Infants and toddlers no longer being held for feeding shall have a definite place for eating. They may sit in infant seats, high chairs with a safety strap or in low chairs at low tables without restraints.

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

(5) Bottles and baby food provided by parents shall be labeled with the child's name.

(6) Baby foods that have come into contact with the feeding spoon shall be discarded.

(7) If microwave ovens are used, the requirements contained in (A)-(B) of this paragraph shall be met.

(A) Staff shall be trained in assessing proper temperatures.

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(B) A warning to check food temperature before feeding children shall be posted on all microwave ovens.

(c) **Diaper changing.** The program shall comply with the requirements pertaining to diaper changing listed in this subsection.

(1) Staff shall be instructed in the proper procedure for diaper changing and the procedure for diaper changing shall be posted in the diaper-changing area.

(2) If cloth diapers and training pants are used, they shall not be rinsed when soiled. Fecal content may be disposed of in a toilet, but soiled diapers or training pants shall not be rinsed in the toilet.

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

(4) Staff members shall wash and scrub their hands thoroughly with soap and warm, running water after each diaper change.

(5) Diapers shall be changed promptly when wet or soiled.

(6) Rooms in which children under three years of age are in diapers shall have an operable sink with hot and cold running water either in the same room or in a bathroom that opens directly into the room. This does not include:

(A) rooms in which children, who are at least two years of age, are in disposable or cloth training pants if adequate provisions are made for supervision and sanitation; and

(B) programs licensed for 15 or fewer children in buildings originally designed as a family residence if:

(i) there is a centrally located bathroom sink with a changing table nearby; and

(ii) children in diapers play throughout the house rather than in an assigned room.

(7) The diaper-changing table shall be:

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(A) adjacent to or near the sink with a clean and moisture-proof surface;

(B) sturdy and maintained in good repair;

(C) a minimum of three feet above the floor; and

(D) kept free of all objects except those used for diaper changing.

(8) The surface shall be sanitized after each diaper change. If moisture-proof disposable surface products are used, staff shall discard them immediately after each diaper change and sanitize the surface.

(9) Individual clean washcloths, towels or disposable towelettes shall be used to thoroughly cleanse the child and shall be washed or discarded after each use.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Children shall be:

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

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

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

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

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

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(5) Additional requirements regarding rest arrangements are found in 340:110-3-49.1.

Okla. Admin. Code 340:110-3-48

340:110-3-48. Learning experiences

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

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

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

Okla. Admin. Code 340:110-3-49

340:110-3-49. Water activities

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

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

(1) Staff-child ratios for swimming shall be met [see 340:110-3-43(f)].

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

(3) If children are using a pool with a depth of 18" or less of water, there shall be a staff member present who has successfully completed training in first aid and CPR appropriate to the ages of the children.

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(4) If children are using a pool with a depth of more than 18" of water, a certified life guard shall be present.

(5) If the life guard is a staff member of the program, he or she:

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

(B) shall not be counted in meeting the staff-child ratios; and

(C) shall not be responsible for more than 30 children.

(6) Swimming shall be prohibited when the appropriate number of staff members are not present.

(c) **Safety.** Each time children go swimming, staff shall first review all swimming and safety rules.

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

(2) There shall be a system, known to children and staff, for checking the children when they are in the water.

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

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

(1) Swimming pools shall maintain water quality, occupancy and fencing standards as described in **Design Standards and Operational Criteria for Public Bathing Places**, OSDH Engineering Bulletin.

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

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(e) **Restrictions.** The restrictions contained in this subsection shall be met.

(1) No ponds, pools, hot tubs, stock tanks or other potential water hazards shall be accessible to children.

(2) Swimming, wading and boating shall not be allowed at a lake, pond or other body of water. However, school-age children may participate in shore-line activities and boating if requirements contained in 340:110-3-49(b)(1)-(6) are met.

(3) Children shall not be permitted to use saunas, spas or hot tubs.

(4) Portable wading pools shall not be permitted.

Okla. Admin. Code 340:110-3-49.1

340:110-3-49.1. Rest time

(a) **Rest arrangements for preschool children.** If a child needs to rest, sleeping equipment shall be provided. Parents may be allowed to bring sleeping equipment that is clean and sanitary and taken home each night.

(b) **Rest arrangements for infants, toddlers and two-year olds.** Requirements for rest arrangements for infants, toddlers and two-year olds are provided in this subsection.

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

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

(3) The program shall provide individually assigned cribs, port-a-cribs playpens with mattresses or pads. [Also see OAC 340:110-3-45(b)(2)] Children ten months and older may sleep on a low cot or mat when able to stay on it.

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

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

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

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

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

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

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

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

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

(5) All cribs shall be accessible from more than one direction. However, consecutively attached cribs purchased prior to the effective date of these requirements are permitted if every other crib is not used.

(6) Stacked cribs playpens shall not be used.

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

(d) **Supervision.** The requirements pertaining to supervision contained in this subsection shall be met.

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(1) Requirements pertaining to number and location of staff during nap time contained in OAC 340:110-3-43(b) and (c) shall be met.

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

Green
& Blue

Okla. Admin. Code 340:110-3-49.2

340:110-3-49.2. Behavior and guidance

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

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

(1) recognize and encourage acceptable behavior;

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

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

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

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

Green
& Blue

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

(1) subject children to punishment of a physical nature, e.g., shaking, striking, spanking, swatting, thumping, pinching, popping, shoving, spitting, biting, hair pulling, yanking, slamming, excessive exercise or any cruel treatment that may cause pain;

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(2) put anything in or on a child's mouth as punishment;

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

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

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

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

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

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

Okla. Admin. Code 340:110-3-49.3

340:110-3-49.3. Health

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

(1) Caregivers shall thoroughly wash their hands with soap and warm, running water:

(A) before handling food;

(B) before feeding children or eating;

(C) after diapering or toileting;

(D) after touching or cleaning up body fluids including wiping noses; and

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(E) after handling or feeding pets.

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

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

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

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

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

(b) **Health records.** Upon admission of their child to a part-day program, parents shall be required to submit the child's immunization record, a listing of special health needs and the name of the child's physician.

(c) **Immunizations.** The program shall comply with the requirements pertaining to immunizations contained in this subsection.

(1) Children shall have or be in the process of obtaining all required immunizations at the medically appropriate time. However, if a program chooses to accept a child for whom an exemption is claimed, documentation of the exemption shall be kept on file at the facility.

(2) As a general rule, healthy children between the ages of fifteen months and five years of age require at least:

(A) three doses of polio vaccine;

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(B) four doses of DTP vaccine;

(C) one to four doses of HbCV (HIB) (depending on the child's first dose of HbCV); and

(D) one dose each of measles, mumps and rubella vaccines administered on or after the first birthdate.

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

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

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

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

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

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

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

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

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

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(e) **Medication.** The program shall comply with the requirements pertaining to medication contained in (1)-(8) of this subsection.

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

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

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

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

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

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

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

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

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

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

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

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(3) maintain a log or report of all injuries that occur at the program.

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

(1) administration of first aid and location of the first aid kit;

(2) name and telephone number of the emergency service, physician and/or clinic;

(3) notification of parent; and

(4) notification of Licensing Services regarding any incident addressed in the requirement contained in 340:110-3-39 (d)(3)(F)-(H).

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

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

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

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

(A) disposable nonporous gloves;

(B) scissors, blunt-tipped;

(C) tweezers;

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(D) thermometer;

(E) bandage tape;

(F) sterile gauze pads;

(G) rolled flexible or stretch gauze;

(H) non-medicated adhesive strips;

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

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

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

(B) pen/pencil and note pad;

(C) cold pack;

(D) coins for use in pay phone; and

(E) poison control center telephone number.

Okla. Admin. Code 340:110-3-49.4

340:110-3-49.4. Food and nutrition

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

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

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

(3) If the program provides meals on a regular basis, the meals shall meet at least one-third of the total daily nutritional requirements.

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

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

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

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

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

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

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

(1) Programs that provide food service shall meet the food service requirements contained in 340:110-3-49.6.

(2) Programs providing limited food service [see definition in 340:110-3-36], including planned educational and learning experiences, are not required to meet the Food Service Requirements contained in 340:110-3-49.6.

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

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(4) If potentially hazardous foods [see definition in 340:110-3-36] are prepared, the program shall meet the requirements contained in 340:110-3-49.6(c).

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

(c) **Menu posting.** The program shall comply with requirements pertaining to menu posting contained in this subsection.

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

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

Okla. Admin. Code 340:110-3-49.5

340:110-3-49.5. Transportation

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

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

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

(3) Parents are provided prior notification of each field trip. Written parental permission is only required for participation in swimming and other potentially dangerous activities, in accordance with OAC 340:110-3-49.

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

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

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

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

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

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

(1) be at least 21 years old;

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

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

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

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

(1) When transporting children younger than four years of age, proper staff-child ratios are maintained without counting the driver. Local transportation may be provided for children without a second staff person when:

(A) the program has only one staff person;

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

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

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

(d) Safety procedures.

(1) A schedule showing accurate route and itinerary is planned and kept at the program to show approximately where the vehicle is at all times.

(2) The driver is provided with:

(A) a copy of the scheduled route;

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

(C) names of children being transported; and

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

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

(A) backing vehicles;

(B) being between vehicles; and

(C) all traffic hazards.

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

(5) Children may not ride more than 60 minutes one way except for field trips.

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

(7) Vehicles containing children are never left unattended.

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

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

(1) Children are transported in compliance with applicable state law, per Section 11-1112 of Title 47 of the Oklahoma Statutes.

(2) The car seat is:

(A) federally approved;

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

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

(D) properly maintained.

(3) Each seat belt:

(A) is properly anchored to the vehicle; and

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

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

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

(f) **Vehicle requirements.** All vehicles used to transport children meet the requirements contained in this subsection.

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

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

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

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

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

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

(7) A first aid kit as described in OAC 340:110-3-49.3(h) is available in the vehicle at all times.

(8) Vehicles owned by the program:

(A) are visibly marked with the name and telephone number of the facility or sponsoring organization; and

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(B) have an operable heater, capable of maintaining a temperature of 65 degrees Fahrenheit in the vehicle, and a ventilation system.

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

Okla. Admin. Code 340:110-3-49.6

340:110-3-49.6. Food service and sanitation requirements

(a) **General.** Programs providing food service shall meet the requirements contained in this Section [see also 340:110-3-49.4].

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

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

(b) **Food supplies.** The program shall comply with the requirements regarding food supplies contained in (1)-(5) of this subsection.

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

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

(3) **Milk products.** The program:

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

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

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

(D) shall store milk in the original carton;

(E) may place milk from the original container in approved pitchers for serving. However, milk removed from the original container shall not be returned to the original container or stored for later use.

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

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

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

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

(2) **Poultry, stuffed meats and stuffings.** Poultry, poultry stuffings, stuffed meats and stuffings containing meat shall be cooked to heat all parts of the food to at least 165 degrees F. with no interruption of the cooking process;

(3) **Pork.** Pork and any food containing pork shall be cooked to heat all parts of the food to at least 150 degrees F.

(4) **Egg products.** Only clean, whole-shell eggs without cracks, which meet applicable grade standards and are held at 45 degrees F. during storage, are permitted.

(A) Raw unpasteurized eggs shall not be used in uncooked food, e.g., ice cream, egg nog.

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

(5) **Reheating foods.** Potentially hazardous foods that have been cooked and then refrigerated shall be reheated rapidly throughout to 165 degrees F. or higher before being served.

(d) **Food protection.** Foods shall be covered and protected from contamination while being stored, prepared, displayed or transported.

(1) Medicines and other hazardous items shall be stored in a manner which prevents contamination of food.

(2) Refrigeration units and insulated facilities needed to assure maintenance of all food at 45 degrees F. or below, except during preparation and service, shall be provided.

(3) A thermometer shall be provided in a conspicuous place in each refrigerator or freezer.

(4) All perishable foods (fruits and vegetables) shall be stored at temperatures that will protect them against spoilage.

(5) All potentially hazardous food shall be maintained at safe temperatures (45 degrees F. or below or 140 degrees F. or above) except during necessary periods of preparation and service.

(6) Damaged or unlabeled cans shall not be used.

(7) Frozen food shall be kept at 10 degrees F. or below except when being thawed at refrigerator temperature of 45 degrees F. or under cool, potable running water (70 degrees F. or below).

(8) Containers of food shall be stored off the floor on clean surfaces in such a manner as to be protected from splash and other contamination.

(e) **Food preparation.** Food shall be prepared with a minimum of manual contact on food-contact surfaces and with utensils which are clean and have been sanitized.

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(1) Each time there is a change in processing between raw beef, pork, poultry or seafood, or a change in processing from raw to ready-to-eat foods, each new operation shall begin with food-contact surfaces and utensils which are clean and have been sanitized.

(2) Raw fruits and vegetables shall be thoroughly washed with potable water before being cooked or served.

(f) **Use of food.** Individual or family-style portions of food once served shall not be served again. However, wrapped food which remains properly stored and has not been unwrapped may be served again.

(g) **Transporting food.** The requirements for storage, display and general protection against contamination contained in this Section shall apply to the transporting of all food from one location to another for service.

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

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

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

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

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

(i) **Personnel.** Personnel shall comply with the requirements contained in paragraphs (1)-(2) of this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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(2) **Manual cleaning.** Programs shall comply with the requirements for manual cleaning in (A)-(D) of this paragraph.

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

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

(i) Sinks shall be cleaned prior to use.

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

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

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

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

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

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

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

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

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(l) **Storage area.** Storage areas shall meet the requirements contained in (1)-(3) of this subsection.

(1) Adequate space shall be:

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

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

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

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

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

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

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

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

(n) **Food preparation and service areas.** For preparation and service areas shall meet the requirements listed in (1)-(5) of this subsection.

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

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(A) Unsealed concrete and carpet are not permitted.

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

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

(3) **Lighting.** The requirements addressing lighting contained in (A)-(B) of this paragraph shall be met.

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

(B) All lighting fixtures shall be shielded.

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

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

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

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

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

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

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

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(o) **Construction and maintenance of physical facilities.** The facility shall meet the construction and maintenance requirements listed in this subsection.

(1) **Buildings.** Buildings used to house part-day programs shall be structurally sound.

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

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

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

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

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

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

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

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

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

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

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

(B) Hot and cold running water under pressure shall be provided in all areas where food is prepared or

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equipment, utensils or containers are washed.

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

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

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

(B) There shall be no cross-connection between the potable water supply and any nonpotable or questionable water supply or any source of pollution through which the potable water supply might become contaminated.

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

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

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

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

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

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

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

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Okla. Admin. Code 340:110-3-49.7

340:110-3-49.7. Fire safety

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

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

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

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

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

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

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

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

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

(d) **Doors.** The facility shall comply with the requirements pertaining to doors contained in this subsection.

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

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

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

(e) Alarm systems and extinguisher. The program shall comply with the requirements for alarm systems and fire extinguishers listed in this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) **Electrical.** Electrical wiring shall comply with the requirements contained in this subsection.

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

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

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

(h) **Evacuation.** The program shall comply with the evacuation requirements in this subsection.

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

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

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

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

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

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

(k) **Outside.** The outside area of the program shall be maintained in accordance with the requirements contained in this subsection.

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

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

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