

**TITLE 530. ADMINISTRATOR OF THE OFFICE OF PERSONNEL MANAGEMENT
CHAPTER 25. STATE EMPLOYEE CHILD DAY CARE PROGRAM RULES**

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SUBCHAPTER 1. GENERAL PROVISIONS

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| [Authority: Section 4190 of Title 74 of the Oklahoma Statutes] |

530:25-1-1. Purpose

(a) The rules in this Chapter implement Sections 4190 through 4192 of Title 74 of the **Oklahoma Statutes**, which authorize a pilot State Employee Child Day Care Program. The rules establish policies, procedures, and standards necessary for a pilot program. The rules in this Chapter do not include the policies for the actual operation of the child day care center by a service provider.

(b) Chapter 1 of this Title contains general rules of the Office of Personnel Management (OPM) that also apply to the State Employee Child Day Care Program.

530:25-1-2. Definitions

The following words and terms, when used in this Chapter shall have the following meaning, unless the context clearly indicates otherwise:

"Administrator" means the Administrator of the Office of Personnel Management.

"Center" means a pilot child day care center located in the Tulsa State Office Building.

"Day" means a calendar day.

"Dependent" means a parent's natural minor child, adopted minor child, minor step-child, or other minor child who lives with the parent on a fulltime or part-time basis.

"OPM" means the Oklahoma Office of Personnel Management.

"Parent" means a responsible adult who has the authority to enroll a dependent in a center.

"Program" means the State Employee Child Day Care Program.

"Rate" means the amount of money the Administrator authorizes the service provider to charge for child care services. It includes all charges.

"Service provider" means the independent contractor operating the center according to a contract with the State of Oklahoma. The service provider is not an agent or agency of the State of Oklahoma.

"State employee" means an elected or appointed officer or employee of the executive, judicial or legislative branch of government, including institutions comprising The Oklahoma State System of Higher Education.

530:25-1-3. Legal references (Expired)

530:25-1-4. Construction (Expired)

530:25-1-5. Severability (Expired)

530:25-1-6. Organization of the Office of Personnel Management (Expired)

530:25-1-7. Child Day Care Program Advisory Committee organization and meetings

(a) *The Administrator shall appoint an advisory committee to:*

- (1) *review the child care needs of state employees,*
- (2) *recommend suitable sites for centers, [and]*
- (3) *monitor and evaluate the operation of centers [74:4190(A)(1)].*

(b) *The advisory body shall report annually on the progress of the program to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives [74:4190(A)(2)].*

(c) *At least annually, the advisory committee shall elect a chairman and a vice-chairman from among its members.*

(d) *A majority of the members shall constitute a quorum.*

(e) *The advisory committee shall meet at the call of the Administrator.*

530:25-1-8. Computation of time (Expired)

530:25-1-9. Communications with OPM

Section 530:1-1-12 describes how to request information from OPM and submit information to OPM.

People should direct communications about the program to the attention of the State Employee Child Day Care Program according to 530:1-1-12.

530:25-1-10. Confidential records; inspection and release of open records

(a) *State employee home addresses, state employee home telephone numbers, and state employee social security numbers shall not be open to public inspection or disclosure [74:841.6A].*

(b) *State employees may give the service provider written permission to release their home addresses, home telephone numbers, and social security numbers.*

(c) *Section 530:1-1-14 contains other general standards and procedures for inspecting and copying OPM records.*

530:25-1-11. Rulemaking (Expired)

530:25-1-12. Requests for declaratory rulings

(Expired)

SUBCHAPTER 3. [RESERVED]

SUBCHAPTER 5. CENTER SERVICE PROVIDER

Section

530:25-5-1. [RESERVED]

530:25-5-2. Contract for operation of center

530:25-5-3. [RESERVED]

530:25-5-4. Service provider responsibilities

530:25-5-5. [RESERVED]

530:25-5-6. Rates

530:25-5-1. [Reserved]

530:25-5-2. Contract for operation of center

The pilot day care programs shall be operated through a contract with a child day care provider. Any such contract shall be made through competitive bid procedures through the [Department of Central Services]. Bid acceptance will be made on the basis of quality and how it is best suited to the childrens' [sic] needs. The low bid will not be the single qualifier [74:4191(B)].

530:25-5-3. [Reserved]

530:25-5-4. Service provider responsibilities

The responsibilities of the service provider shall include, but not be limited to the following:

(1) *Operating a high quality child day care program that shall meet or exceed applicable state child care facilities licensure standards [74:4191(B)];*

(2) *Complying with the contract for the operation of the center;*

(3) *Carrying sufficient liability insurance coverage which will pay damages incurred as a result of the negligent acts or omissions of an employee of the child day care provider within the scope of the employment of such person [74:4191(B)];*

(4) *Submitting employee and parent handbooks describing the center's child care policies and procedures to the Administrator for approval, and distributing the handbooks to the employees and parents after approval;*

- (5) Making appropriate arrangements with parents for the payment of charges for child day care services; and
- (6) Reserving a minimum of one-half of the licensed spaces for eligible dependents of state employees, and giving state employees first priority for all vacant spaces according to 530:25-7-2 and Section 4190 (D) of Title 74 of the **Oklahoma Statutes**.

530:25-5-5. [Reserved]

530:25-5-6. Rates

The Administrator shall establish, in writing, rates for child care consistent with the rates of the industry within the geographic area [74:4190(E)]. The Administrator shall obtain information about the rates for child care in the vicinity of the center and shall evaluate the results based on reasonable comparability of facilities and programs. The Administrator shall notify the service provider of established rates.

SUBCHAPTER 7. PARTICIPATION IN PROGRAM

Section

530:25-7-1. [RESERVED]

530:25-7-2. State employee priority

530:25-7-3. [RESERVED]

530:25-7-4 Eligibility for participation

530:25-7-5. [RESERVED]

530:25-7-6 Enrollment procedures

530:25-7-7. Responsibilities of parents

530:25-7-8. Termination of participation

530:25-7-1. [Reserved]

530:25-7-2. State employee priority

[The] child day care center [in the Tulsa State Office Building] shall reserve a minimum of one-half (1/2) of the licensed spaces for eligible minor dependents of the state employees and may allow eligible children of other than state employees to utilize a maximum of one-half (1/2) of the licensed spaces, with state employees retaining first priority for all vacant spaces [74:4190(D)].

(1) The service provider may enroll an eligible child who is not a dependent of a state employee in one of the spaces reserved for the dependents of state employees after certifying to the Administrator that:

(A) no eligible minor dependent of a state employee is on the waiting list described in 530:25-7-6(g);

and

(B) the number of children who are not dependents of state employees enrolled according to this certification procedure does not exceed one-fourth of the licensed spaces reserved for eligible dependents of state employees.

(2) The service provider shall promptly terminate the enrollment of a child who is not the dependent of a state employee according to 530:25-7-8 (a)(3)(B) to enroll an eligible dependent of a state employee in one of the spaces reserved for dependents of state employees.

530:25-7-3. [Reserved]

530:25-7-4. Eligibility for participation

(a) Dependents are eligible to participate if their age and any special needs are within the scope of day care services set by the Administrator in the contract for operation of the center.

(b) The service provider shall enforce the eligibility requirements for participation.

530:25-7-5. [Reserved]

530:25-7-6. Enrollment procedures

(a) The service provider shall be responsible for the enrollment policies of the center.

(b) The service provider shall develop application forms for persons wishing to participate in the program.

(c) Applicants shall personally sign and date all enrollment documents that require the signature of parents, guardians, or individuals acting in the capacity of parent as defined in 530:25-1-2.

(d) The service provider shall evaluate all applications to determine if the applicant meets all eligibility requirements for the program.

(e) The service provider shall give successful applicants written notice of acceptance. The service provider shall include material describing the program, rules, procedures, and policies of the center.

(f) The service provider shall give unsuccessful applicants written notice of the reasons for denial. In notices to applicants who are state employees, the service provider shall describe the procedure by which the applicant may appeal to the Administrator.

(g) When there are no vacancies, the service provider shall keep a waiting list of applicants. The service provider shall give eligible minor dependents of state employees first priority for all vacant spaces [74:4190(D)] and shall put their names at the top of the waiting list. The service provider shall put the names of eligible minor dependents of parents who are not state employees below children of state employees. The date the service provider receives an application shall determine rank within each group.

530:25-7-7. Responsibilities of parents

Any parent utilizing the services of on-site child day care shall be responsible for the charges assessed by the child day care provider for child day care services [74:4191(C)].

530:25-7-8. Termination of participation

(a) Participation in the program shall end on the first of the following dates:

- (1) The date the program ends.
- (2) The date a parent announces to the service provider as a child's last day at the center.
- (3) The date the service provider determines a:
 - (A) child no longer meets the eligibility requirements for the center.
 - (B) parent no longer meets eligibility and priority requirements for any licensed space.
 - (C) parent or child is in violation of the policies of the center.
 - (D) parent or child is an immediate threat or danger at the center.

(b) If the service provider removes a child from the program because of one of the reasons listed in (a)(3) of this Section, the service provider shall provide the parent with written notice. The notice shall include reasons for the termination and a description of the procedure by which the parent may appeal to the Administrator.

SUBCHAPTER 9. APPEALS AND COMPLAINTS

Section

530:25-9-1. [RESERVED]

530:25-9-2. Right of the Administrator to initiate action (Expired)

530:25-9-3. [RESERVED]

530:25-9-4. Appeals

530:25-9-5. Complaints

530:25-9-6. [RESERVED]

530:25-9-7. [RESERVED]

530:25-9-8. Hearings (Expired)

530:25-9-1. [Reserved]

530:25-9-2. Right of the Administrator to initiate action (Expired)

530:25-9-3. [Reserved]

530:25-9-4. Appeals

A parent whose child has been removed from the center by the service provider or a state employee parent whose enrollment application has been rejected by the service provider may appeal to the Administrator. A parent shall file the appeal within **10** days after receiving notice of removal or rejection. The parent shall file the complaint according to 530:1-3-5.

530:25-9-5. Complaints

Anyone may complain to the Administrator about the administration of the program according to 530:1-3-5. However, a person should first exhaust other procedural remedies, including those of the service provider and the Department of Human Services, Office of Child Care Licensing Services.

530:25-9-6. [Reserved]

530:25-9-7. [Reserved]

530:25-9-8. Hearings (Expired)