

OAC 5101:2-12-28

5101:2-12-28 In-service training for licensed child care centers

(A) Each child care staff member and administrator of a child care center shall complete a minimum of fifteen clock hours of training annually, after the first day of employment, until a total of forty-five hours have been completed. The forty-five hours of training shall include trainings in child development, health and safety, child abuse recognition/prevention, first aid and management of communicable disease. At least twenty of the forty-five hours of training shall be in the topic of child development as defined in paragraph (G) of this rule.

(B) Child care staff members and administrators not completing the minimum annual training requirement shall not be included in staff/child ratios. A person designated and employed as a substitute child care staff member is not required to meet the in-service training requirement.

(C) Documentation of the training shall be kept on file at the center for review by the director's representative. The following shall be documentation of completion of training:

(1) Transcript of completion of college courses from an accredited university, college, or technical college; or

(2) The prescribed form that includes the date of training, number of hours of the training, and the signature of the qualified trainer; or

(3) Certificates indicating continuing education units (CEU). (One CEU equals ten clock hours of training.); or

(4) Certificates issued by Ohio child welfare training centers.

(D) A child care staff member shall be exempt from the in-service training requirement if the child care staff member:

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(1) Provides evidence of completion of a total of at least ninety quarter or sixty semester credit hours or equivalent from an accredited university, college, or technical college with thirty-six quarter or twenty-four semester credit hours or equivalent in child development, as defined in paragraph (G) of this rule; or

(2) Has a child development associate credential; or

(3) Has a Montessori pre primary/early childhood credential from the American Montessori society, association of Montessori international, national center for Montessori education, or other Montessori program accredited by the Montessori accreditation council for teacher education.

(E) A child care center administrator or owner shall provide current staff with copies of their in-service training documentation upon request or upon separation from employment.

(F) A trainer in first aid, management of communicable disease, cardiopulmonary resuscitation (CPR) or child abuse prevention shall meet qualifications as required in [rule 5101:2-12-27 of the Administrative Code](#).

(G) Child development topics relate to all of the following green and blue

(1) Growth and development of children ages birth to fourteen years of age.

(2) Children with special needs.

(3) Developmentally appropriate equipment and classroom arrangement.

(4) Working with parents and families.

(5) Nutrition.

(6) Community health, pediatrics or social services resources for children and families.

(7) Planning child care, recreational, or educational programs and activities for children ages birth through fourteen years of age.

(8) Developmentally appropriate child guidance and classroom management.

(9) Administration of child care, educational, and recreational programs.

(10) Ethics and professionalism in child care.

(11) National child care standards as published by the American academy of pediatrics and American public health association and state licensing requirements.

(12) Other areas as determined by the department.

(H) A trainer in child development topics shall meet at least one of the following qualifications:

(1) Have a masters degree or higher in child development or related field.

(2) Have at least two years experience in the subject area of the training, and provide evidence of completion of a total of at least ninety quarter or sixty semester credit hours from an accredited university, college, or technical college with thirty-six quarter or twenty-four semester credit hours of child development, as defined in paragraph (G) of this rule.

(3) Have at least two years experience in the subject area of the training, and have a currently valid child

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development associate credential.

(4) Be a licensed physician or a registered nurse and have at least two years experience in the subject area of the training.

(I) Approved health and safety topics include:

(1) Car seat safety.

(2) Emergency planning and response.

(3) Immunizations.

(4) Use of a fire extinguisher.

(5) Safeguarding and childproofing the child care facility.

(6) Shaken baby syndrome.

(7) Special health care needs for children, such as;

(a) Asthma.

(b) Diabetes.

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(c) Breathing treatments.

(8) Sudden infant death syndrome (SIDS).

(9) Standard precautions/universal precautions.

(10) Administration of medication safety.

(11) Handwashing.

(12) Other topics as determined by the director.

(J) A trainer in health and safety topics shall meet one of the following qualifications:

(1) Have a masters degree or higher in the subject area in which they are conducting training.

(2) Have at least two years experience in the subject area of training and provide evidence of currently valid certification or licensure in the subject area.

(3) Have at least two years experience in the subject area of training and provide verification of completion of at least thirty-six quarter hours or twenty-four semester hours from an accredited university, college, or technical college in the training area.

(4) A licensed physician or registered nurse and two years experience in the subject area.

(K) A trainer in child development or health and safety shall submit to the department, upon request, a detailed

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course outline of a training. This course outline shall include the course title, goal and focus of the training, a brief summary of information to be discussed, and any resources used to develop the training.

(L) Resource persons who do not meet the trainer qualifications may be utilized during a training if accompanied and supervised by a trainer who meets the requirements of this rule.

(M) For training in child development topics, video, CD/DVD presentations, electronic media resource trainings, and online trainings approved by the department, may be used for a maximum of ten of the child care staff member's forty-five hours of training. This electronic media training shall be documented on the prescribed form. Attendance by child care staff members shall be documented by the center administrator. Electronic media training shall not be used for trainings in first aid, CPR, management of communicable disease, or child abuse recognition/prevention unless approved by the department.

OAC Ch. 5101:2-12, Refs & Annos

OAC 5101:2-12-01

5101:2-12-01 Definitions for licensed child care centers

(A) "Administrator" means the person responsible for the daily operation of the center. The administrator and the owner may be the same person. The administrator is also a child care staff member.

(B) "Adult" means an individual who is at least eighteen years of age.

(C) "Advanced practice nurse (APN)" means a registered nurse approved by the board of nursing as an advance practice nurse under Chapter 4723. of the Revised Code and who holds a certificate of authority to practice as a clinical nurse specialist, certified registered nurse anesthetist, certified nurse midwife or certified nurse practitioner under Chapter 4723. of the Revised Code.

(D) "Career pathways model" means an alternative pathway to meeting the requirements for a child care staff member or administrator that uses an approved framework to document the formal education, training, experience, and specialized credentials, and certifications. This allows the child care staff member or administrator to achieve a designation as an early childhood professional level one, two, three, four, five, or six.

(E) "Certified nurse practitioner (CNP)" means a registered nurse who holds a valid certificate of authority issued under Chapter 4723. of the Revised Code that authorizes the practice of nursing as a CNP in accordance with [section 4723.43 of the Revised Code](#) and rules adopted by the board of nursing.

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(F) "Chartered nonpublic school" means a school that meets standards for nonpublic schools prescribed by the state board of education pursuant to [section 3301.07 of the Revised Code](#).

(G) "Child" means an infant, toddler, preschool child or school child.

(H) "Child care staff member" means any adult employee of a child care center who is primarily responsible for the care and supervision of children.

(I) "Child care" means administering to the needs of infants, toddlers, preschool children and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four hour day, in a place or residence other than a child's own home.

(1) "Administering to the needs" means giving care, maintenance, training, and supervision such as the providing of food, shelter, security, recreation, safety, and guidance. Educational instruction may or may not be given to infants, toddlers, preschool children, or school children.

(2) Care given to children who are in a grade of kindergarten or above, and are cared for in a school building in a program which is owned and operated by a public school, a chartered nonpublic school, or a nonchartered, nonpublic school, regardless of the hours care is given, shall be considered within school hours and shall not be considered child care.

(3) "Parents or guardians, custodians, or relatives by blood, marriage, or adoption" shall mean:

(a) The child's lawful mother or father to include the natural or adoptive mother or father, or the stepmother or stepfather, if no subsequent judicial decree has divested one or both of them of the statutory co-guardianship, as created by their marriage; or

(b) Any individual or agency whose status with respect to the child has been established by judicial decree.

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(4) Parents, guardians, custodians, or relatives by blood, marriage, or adoption shall be considered to be administering to the needs of their own children if they are present in the same building at all times their own children are in care and if they are in a position to continue to directly maintain control over their own children as determined by the department, except that child care provided on the premises of a parent's, custodian's, or guardian's place of employment shall be licensed in accordance with Chapter 5104. of the Revised Code.

(J) "Cot" shall mean a narrow bed made of washable material. The bottom of the cot's sleeping surface shall stand at least three inches and not more than eighteen inches off the floor. The cot shall be firm enough to support the child, but shall be resilient under pressure. The cot's materials shall be easily sanitized. Each cot shall be at least thirty-six inches in length and at least as long as the child assigned to the cot is tall.

(K) "Date of admission" means the first day the child attends the center.

(L) "Department" means the Ohio department of job and family services (ODJFS).

(M) "Director" means the director of the Ohio department of job and family services.

(N) "Director's representative" means the child care licensing staff authorized by the Ohio department of job and family services.

(O) "Employee" means a person who is at least fifteen years old, receives compensation for duties performed in a child care center or has assigned work hours or duties in a child care center. Employee shall not include a parent or guardian of a child enrolled in a center when the parent or guardian is assigned specific working hours or duties in the center and when the parent or guardian is not left alone with children or used to meet the staff/child ratio requirements of [rule 5101:2-12-20 of the Administrative Code](#).

(P) "Employer" means a person, firm, institution, organization, or agency that operates a child care center that is subject to licensure and rules promulgated pursuant to Chapter 5104. of the Revised Code and Chapter 5101:2-12 of the Administrative Code.

(Q) "Field trips" means infrequent or irregularly scheduled excursions from the center.

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(R) “Food supplement” means any substance, including a vitamin, which is an addition of a food or nutrient to a meal or diet.

(S) “Infant” means a child who is under eighteen months of age.

(T) “Licensee” means the owner of a child care center that is licensed according to Chapter 5104. of the Revised Code and who is responsible for ensuring the center’s compliance with Chapter 5104. of the Revised Code and Chapter 5101:2-12 of the Administrative Code.

(U) “Medication” means any substance or preparation which is used to prevent or treat a wound, injury, infection, infirmity, or disease. This includes medication that is over the counter, or prescribed or recommended by a physician or advance practice nurse certified to prescribe medication, and permitted for administration or application by parent.

(V) “Modified diet” means any diet eliminating the use of any one or more of the four food groups or altering the amount of food required to be served to meet one-third of the recommended dietary allowance as required by [rule 5101:2-12-39 of the Administrative Code](#).

(W) “Owner” includes a person, firm, organization, institution, corporation or agency.

(X) “Physician” means a person issued a certificate to practice in accordance with Chapter 4731. of the Revised Code and rules adopted by the state medical board or a comparable body in another state.

(Y) “Physician assistant (PA)” means a person who has obtained a valid certificate to practice in accordance with Chapter 4730. of the Revised Code and rules adopted by the state medical board.

(Z) “Preschool child” means a child who is at least three years old, or is four or five years old, but is not age eligible to be enrolled in a grade of kindergarten or above.

(AA) “Public children services agency (PCSA)” means an entity specified in [section 5153.02 of the Revised Code](#) that has assumed the powers and duties of the children services function prescribed by Chapter 5153. of the Revised

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Code for a county.

(BB) "Routine trips" means repeated excursions off the center premises which regularly occur on a previously scheduled basis and that parents have been made aware of the destinations of the trip.

(CC) "School child" means a child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above, but is less than fifteen years old.

(DD) "Serious risk noncompliance" means a licensure or certification rule violation that has the potential to lead to a great risk of harm to, or death of, a child. It must be observable, not inferable.

(EE) "Special needs" means providing child care services to a child who is under 18 years old who does not function according to age appropriate expectations in one or more of the following areas of development: social/emotional, cognitive, communication, perceptual-motor, physical, or behavioral development, or the child has chronic health issues. The child's delays/condition(s) affect development to the extent that the child requires special adaptations, modified facilities, program adjustments or related services on a regular basis in order to function in an adaptive manner.

(FF) "Substitute" means a child care staff member who replaces an assigned staff member on a temporary basis.

(GG) "Toddler" means a child who is at least eighteen months of age but less than three years of age.

(HH) "Transitioning child" means any child enrolled in a center who, for easy adjustment, is temporarily being placed with a group prior to being permanently assigned to that group.

OAC 5101:2-12-02

5101:2-12-02 Types of licensed child care centers

(A) "Child care center", as defined in Chapter 5104. of the Revised Code, means any place that is not the permanent residence of the licensee or administrator in which child care is provided, with or without compensation, for seven to twelve children at one time , or any place in which child care is provided for thirteen or more children at one time. Child care centers shall comply with all rules in Chapter 5101:2-12 of the Administrative Code.

Rules are complete and appendices are current through April 30, 2014

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(B) "Drop in center", as defined in Chapter 5104. of the Revised Code, means a center that provides child care for children on a temporary, irregular basis. "Temporary and irregular" means no more than thirty days a year for any child enrolled. Drop in centers shall comply with all rules in Chapter 5101:2-12 of the Administrative Code except:

(1) In reference to [rule 5101:2-12-31 of the Administrative Code](#), the drop in center shall not administer any medication, food supplement or modified diet.

(2) In reference to [rule 5101:2-12-19 of the Administrative Code](#), the drop in center shall not be required to provide a cot for each child the center is licensed to serve.

(3) In reference to [rule 5101:2-12-37 of the Administrative Code](#), the drop in center shall not be required to maintain on file at the center for at least one year, health and enrollment records for each child.

(4) In reference to [rule 5101:2-12-12 of the Administrative Code](#), the drop in center which does not prepare and serve food shall not be required to obtain a health department approval.

(5) In reference to [rule 5101:2-12-14 of the Administrative Code](#), the drop in center shall not be required to meet the provisions of paragraphs (C) and (D) of that rule, but if these provisions are not met the drop-in center shall have a specific plan to provide for gross motor activity for children in care. If a drop in center chooses to include outdoor play the drop in center shall meet the requirements of [paragraph \(A\) of rule 5101:2-12-14 of the Administrative Code](#).

(C) "Parent cooperative child care center", as defined in Chapter 5104. of the Revised Code, means a corporation or association organized for providing educational services to the children of its members without gain to the corporation. The child care services are provided only for children of the members of the corporation. Ownership and control of the corporation or association rests solely with its members, and at least one parent member of the corporation is on the premises during the center's hours of operation. Parent cooperatives shall comply with all rules in Chapter 5101:2-12 of the Administrative Code except:

(1) In reference to [rule 5101:2-12-24 of the Administrative Code](#), the duties of the administrator of a parent cooperative may be carried out under the supervision and in conjunction with a parent board.

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(2) In reference to [rule 5101:2-12-25 of the Administrative Code](#), references for parent members, who are employees of a parent cooperative, may be a written statement provided by the parent board, which attests to the suitability and character of those parent members.

(3) In reference to [rule 5101:2-12-30 of the Administrative Code](#), the parent board of a parent cooperative, in cooperation with the administrator, may be responsible for conducting preadmission interviews.

(4) In reference to [rule 5101:2-12-12 of the Administrative Code](#), the parent cooperative center which does not prepare and serve food shall not be required to obtain a health department approval.

(D) "Part -time child care center", as defined in Chapter 5104. of the Revised Code, means a center that provides child care for no more than four hours per day for any child. Part- time child care centers shall comply with all rules in Chapter 5101:2-12 of the Administrative Code except:

(1) In reference to [rule 5101:2-12-14 of the Administrative Code](#), only the part -time center which includes outdoor play as part of their scheduled daily program shall be required to comply with all stipulations of this rule, except as indicated in [paragraph \(A\) of rule 5101:2-12-14 of the Administrative Code](#).

(2) In reference to [rule 5101:2-12-33 of the Administrative Code](#), the part-time center, which does not include a nap as part of their scheduled daily program, shall be required to provide only one washable cot, mat, or pad for an ill child.

(3) In reference to [rule 5101:2-12-24 of the Administrative Code](#), an administrator of a part time center may have duties as a child care staff member during all hours of operation.

(4) In reference to [rule 5101:2-12-12 of the Administrative Code](#), the part time center which does not prepare and serve food shall not be required to obtain a food service license.

(E) "School child care center", as defined in Chapter 5104. of the Revised Code, means a center that provides child care for school children only and operates only during that part of the day immediately before and/or after the public school day of the school district, and/or when the public schools in the district are not open for instruction. School child care centers shall comply with all rules in Chapter 5101:2-12 of the Administrative Code except:

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(1) In reference to [rule 5101:2-12-10 of the Administrative Code](#), the school child care center is not required to obtain verification of building department approval if the center is operated in a public school or chartered nonpublic school in school facilities that are in compliance with applicable building codes.

(2) In reference to [rule 5101:2-12-37 of the Administrative Code](#), the school child care center shall obtain health and enrollment records for each child, except immunization records.

(3) In reference to [rule 5101:2-12-37 of the Administrative Code](#), the school child care center shall not be required to obtain verification of a medical examination for each child.

(4) In reference to [rule 5101:2-12-30 of the Administrative Code](#), the school child care center shall not be required to provide a parent participation policy, except that the center shall provide to each parent, a written procedure for parents to follow if they have a concern. This written procedure shall be maintained on file at the center.

(5) In reference to [rule 5101:2-12-12 of the Administrative Code](#), the school child care center which does not prepare and serve food shall not be required to obtain a health department approval.

OAC 5101:2-12-03

5101:2-12-03 License capacity for licensed child care centers

(A) "License capacity" is the maximum number of children who may be cared for in a child care center at any one time. License capacity is indicated on the license. License capacity is not the same as the total number of children enrolled in the center or attending the center on any given day. Children away from the center on a field trip or a special outing, and under the supervision of a child care staff member, shall be included in the count for license capacity.

(B) License capacity for centers in the regular license status shall be determined according to the following criteria:

(1) Occupancy limitations set by the building or fire departments or other agencies.

(2) Space, as required by [rules 5101:2-12-13](#) and [5101:2-12-14 of the Administrative Code](#). Adequate space

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shall be available for the maximum number of children present at the center at one time.

(3) Equipment, cots and cribs as required by [rules 5101:2-12-16, 5101:2-12-19, and 5101:2-12-42 of the Administrative Code](#).

(C) License capacity for centers in a provisional license period shall be determined by the criteria in paragraph (B) of this rule and also meet the following requirements.

(1) There shall be enough child care staff members as required by [rule 5101:2-12-20 of the Administrative Code](#) employed that can be made available to meet required staff/child ratios and maximum group sizes for the license capacity requested by the center.

(2) The center shall provide the Ohio department of job and family services (ODJFS) with the work schedule, group assignment, and verification of compliance with [rules 5101:2-12-25 and 5101:2-12-26 of the Administrative Code](#) for each employee who is a child care staff member.

(D) Any licensed center requesting a change in license capacity shall submit written documentation in accordance with the requirements of this rule in order to verify compliance for the license capacity being requested. The administrator is responsible for informing the department of any desired change in license capacity prior to any changes taking place. If there are noncompliance issues that have not been resolved, the administrator is responsible for correcting and responding to all noncompliance issues prior to a license capacity change. The change in license capacity shall not be in effect until the department issues the approval in writing to the center.

(E) After the provisional license has been amended to a regular license, centers shall employ the number of child care staff members required to meet staff/child ratios and group sizes stated in [rule 5101:2-12-20 of the Administrative Code](#) for the center's license capacity or the number of children enrolled, whichever is less.

OAC 5101:2-12-04

5101:2-12-04 Initial application and issuance of a provisional license for child care centers

(A) The person desiring to establish or operate a child care center shall do all of the following for a provisional license:

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- (1) Participate in an application interview with the Ohio department of job and family services (ODJFS).

- (2) Participate in all trainings regarding opening a child care center as determined by ODJFS.

- (3) Submit a completed JFS 01250 "Plan of Operation for a Child Care Center" (rev. 9/2011). The JFS 01250 shall serve as the applicant's written plan of intended compliance with Chapter 5104. of the Revised Code and Chapter 5101:2-12 of the Administrative Code.

- (4) Complete and submit the JFS 01210 "Application for Child Care License" (rev. 9/2011) with the fee of five hundred dollars to ODJFS.
 - (a) The application fee submitted with an application is nonrefundable and shall not be credited or transferred to any other application. Any application fee submitted without a JFS 01210 shall be forfeited.

 - (b) The application is considered filed with ODJFS when the application has been submitted electronically and a valid fee payment is received or postmarked.
 - (i) If the fee is submitted by check and returned for nonpayment or is written for the wrong amount, the application is not a valid application and will not be filed.

 - (ii) The application will be deleted from the system after one year if a valid fee payment is not received.

 - (c) Any application submitted without complete and accurate information will need to be amended with complete and accurate information before being licensed.

- (5) Complete criminal records checks for owners and prospective administrators and have the results provided directly to ODJFS.

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(B) An application may be amended without a fee if the administrator or the name of the center changes but the ownership remains the same.

(C) An initial application shall be considered valid for one calendar year from the date it is filed with ODJFS. If an application is determined to be invalid, a new initial application and fee shall be submitted. If another child care center license of the owner has been revoked within five calendar years preceding the date of the application, the processing of the application shall cease, and shall not constitute denial of the application as specified in [rule 5101:2-12-09 of the Administrative Code](#).

(D) ODJFS shall not issue a child care center license if the applicant previously had been certified as a type B child care home and the county department of job and family services revoked the certification based on criteria that the applicant did not comply or refused to comply with criteria for certification and that the refusal or inability to comply resulted in a risk to the health or safety of children.

(E) An initial application and fee shall be required from a center in the following circumstances:

(1) Change in ownership which is defined as a sale of the child care program in its entirety or a transfer of control and administration by the owner(s) of a child care program to a new controlling entity.

(2) Following legal action resulting in denial or revocation of a center's previous application or license.

(F) The center shall comply with an inspection by ODJFS to determine that the requirements of Chapter 5104. of the Revised Code and Chapter 5101:2-12 of the Administrative Code are met.

(G) The center shall correct any noncompliances listed in the written inspection report by the date noted in the report.

(H) If the center has complied with all requirements, ODJFS shall issue a provisional license. The provisional license is valid for twelve calendar months from the date of approval. During the twelve month provisional license period the center shall comply with the requirements specified in [rule 5101:2-12-04.1 of the Administrative Code](#).

OAC 5101:2-12-04.1

5101:2-12-04.1 Procedures for child care centers operating under a provisional license

(A) During the provisional period:

(1) Full time centers shall comply with at least three inspections.

(a) All inspections shall be full inspections.

(b) All inspections shall be unannounced.

(2) The following types of centers shall comply with at least two unannounced inspections. Both of the inspections shall be full inspections.

(a) Centers designated as part time.

(b) Centers which operate for only three months during the summer.

(c) Centers which operate for more than four hours per day for no more than three weeks during the year.

(d) Centers which serve only school age children and operate only the hours before and after the regular school day.

(B) If by the expiration date of the provisional license the center is in compliance with all the following requirements, the provisional license shall be amended to a regular license. The center shall:

(1) Be in compliance with Chapter 5101:2-12 of the Administrative Code.

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(2) Have children enrolled and attending the center.

(3) Have a qualified administrator named and responsible for the day to day operation of the program.

(C) The Ohio department of job and family services (ODJFS) may propose revocation of a provisional license at any time during the provisional period for any of the following reasons:

(1) The center has failed to comply with the requirements of Chapter 5104. of the Revised Code and or Chapter 5101:2-12 of the Administrative Code and has accumulated a total of more than twelve points in accordance with appendix A to this rule during the provisional period.

(2) The center has furnished or made misleading or false statements or reports to ODJFS.

(3) The center has refused to allow ODJFS staff access onto its premises or to any areas used for child care.

(D) If the center is not in compliance with all requirements of this rule by the expiration date of the provisional license, the license shall not be amended to a regular license. The ODJFS may either recommend revocation of the provisional license according to the provisions of Chapter 5104. of the Revised Code and rules in Chapter 5101:2-12 of the Administrative Code or allow the center a maximum of thirty additional days to demonstrate compliance with the requirements.

(E) Centers which obtain a provisional license prior to the effective date of this rule shall:

(1) Have a six month provisional period.

(2) Receive at least one provisional inspection to assess the compliance with all requirements of Chapter 5104. of the Revised Code and Chapter 5101:2-12 of the Administrative Code.

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(3) Be amended to a regular license if ODJFS finds the center is in compliance with all requirements by the expiration date of the provisional license.

(4) Not be amended to a regular license and may be recommended for revocation according to the provisions of Chapter 5104. of the Revised Code if ODJFS finds the center is not in compliance by the expiration date of the provisional license.

OAC 5101:2-12-04.1, App.

5101:2-12-04.1 Appendix

 Image 1 within document in PDF format.

OAC 5101:2-12-05

5101:2-12-05 License amendments for licensed child care centers

(A) A license is valid only for the owner, administrator, address and license capacity for each age category of children designated on the license.

(1) If a center proposes a change to the administrator, license capacity or center name, the administrator or owner of the center shall complete and submit the JFS 01210 "Application for Child Care License or Amendment" (rev. 9/2011) to the Ohio department of job and family services (ODJFS) within five business days to request an amended license. There is no fee for an amended license in this circumstance nor is a new license number assigned or provisional period required.

(2) If a center proposes a change to its owner, the administrator or owner shall forward written notice of the proposed change to ODJFS. All requirements of the initial application process, as specified in [rule 5101:2-12-04 of the Administrative Code](#) shall be met, including completion of the JFS 01210, payment of an initial application fee, issuance of a new license number, and completion of a provisional license period, as specified in [rule 5101:2-12-04.1 of the Administrative Code](#).

(3) If the center proposes a change of address, the center shall complete and submit the JFS 01210 and submit a fee of two hundred fifty dollars to ODJFS a minimum of thirty days before the proposed move.

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(a) A new license number will be issued but a provisional period is not required if the original site was operating under a regular license.

(b) The center shall also comply with the following requirements before the license is issued:

(i) [Rule 5101:2-12-10 of the Administrative Code.](#)

(ii) [Rule 5101:2-12-11 of the Administrative Code.](#)

(iii) [Rule 5101:2-12-12 of the Administrative Code.](#)

(iv) Complete and submit a JFS 01250 "Plan of Operation" (rev. 9/2011).

(v) Comply with an inspection completed at the new location by ODJFS staff. Submit all required compliance material in a timely manner. The inspection shall include the determination of license capacity for the new location as outlined in [rule 5101:2-12-03 of the Administrative Code.](#)

(c) Child care operations at the original center location shall cease at the time the license is issued for the new address.

OAC 5101:2-12-06

5101:2-12-06 Procedures for renewal of a child care center license--Repealed

OAC 5101:2-12-07

5101:2-12-07 Inspection of licensed child care centers in a regular license and the investigation of unlicensed child care centers

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(A) The Ohio department of job and family services (ODJFS) shall investigate and inspect each center and shall provide a written inspection report to the licensee and/or administrator after each inspection.

(B) Centers shall be inspected at least once during every twelve month period and ODJFS may conduct additional inspections as needed. All inspections shall be unannounced.

(C) Every person, firm, partnership, organization, institution, or agency shall cooperate with ODJFS or any state or local official when performing inspection duties required by Chapter 5104. of the Revised Code and Chapter 5101:2-12 of the Administrative Code. The center shall:

(1) Provide access to all areas of the premises at any time during operation for either announced or unannounced inspections.

(2) Provide access to pertinent records upon request, or furnish records to the department within ten business days if records are not required to be on file at the center.

(3) Provide any other information or documentation the department determines is necessary to assess the center's compliance with the requirements of Chapter 5104. of the Revised Code and Chapter 5101:2-12 of the Administrative Code.

(4) Provide any materials to correct noncompliances detailed in the written inspection report and as requested by ODJFS, within the timeframe noted in the inspection report.

(D) Failure of any person, firm, partnership, organization, institution, or agency to cooperate with the department or any state or local official when performing duties required by Chapter 5104. of the Revised Code and Chapter 5101:2-12 of the Administrative Code shall be grounds for denial or revocation of a license, pursuant to administrative hearing rights afforded by Chapter 119. of the Revised Code.

(E) ODJFS shall investigate and may inspect any center upon receipt of any allegations that the center is out of compliance with the requirements of Chapter 5104. of the Revised Code and/or Chapter 5101:2-12 of the Administrative Code.

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(F) The center owner, administrator, or designee may use the following process to request a review of the investigation and/or inspection findings.

(1) If the administrator or designee of a licensed child care center disagrees with any of the findings and an informal discussion with the licensing specialist does not provide a resolution of the issues, the administrator or designee may submit a written request for a review of findings. This request must be submitted within seven business days from receipt of the findings to the appropriate licensing supervisor. The licensing supervisor shall review the findings and may meet with the administrator or designee. The licensing supervisor shall prepare a written decision of the review.

(2) If the administrator or designee of a licensed child care center disagrees with the decision of the licensing supervisor, the administrator or designee may submit a written request for a review of findings to the chief of the licensing section, within seven business days of receipt of the decision of the licensing supervisor. The chief of the licensing section shall review the findings, the materials and the decision of the licensing supervisor, and may meet with any or all parties. The chief of the licensing section shall prepare a written decision of the review. The decision of the chief of the licensing section shall be final and does not entitle the agency to any hearing rights under Chapter 119. of the Revised Code, unless the department initiates action to deny or revoke the license.

(G) ODJFS may hold hearings, issue subpoenas, compel testimony, and make adjudications as required by Chapter 119. of the Revised Code and Chapter 5101:2-12 of the Administrative Code.

(H) Upon receiving a complaint or otherwise being advised that the center is providing child care without a license, the department shall investigate and inspect all areas of the center.

(I) Upon determining that a center is operating without a license, the department shall notify the attorney general, the prosecuting attorney of the county in which the center is located, or the city attorney, village solicitor, or other chief legal officer of the municipal corporation in which the center is located, that the center is operating without a license. Upon receipt of this notification, the attorney general, prosecuting attorney, city attorney, village solicitor, or other chief legal officer of a municipal corporation shall file a complaint in the court of common pleas of the county in which the center is located, requesting that the court grant an order enjoining the owner from operating such center in violation of [section 5104.02 of the Revised Code](#).

(J) The department may petition for injunctive relief against a center in the following instances:

(1) When a center is operating and has not applied for a license.

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(2) When a center has applied for a license, but is operating without a license issued by the department.

(3) When a center is operating after an adjudication order revoking a license that is final according to Chapter 119. of the Revised Code.

OAC 5101:2-12-08

5101:2-12-08 Complaint investigations for licensed and unlicensed child care centers

(A) The Ohio department of job and family services (ODJFS) shall investigate and may inspect any licensed child care center upon receipt of any complaint that the center is out of compliance with the requirements of Chapter 5104. of the Revised Code or Chapter 5101:2-12 of the Administrative Code.

(B) The investigation may include any number of contacts with persons such as, but not limited to:

(1) Building inspectors, fire department inspectors, sanitarians, public health or other state or local officials.

(2) Neighbors.

(3) Parents and relatives of children in care.

(4) Staff of the public children services agency (PCSA).

(5) Persons mentioned by the complainant.

(6) Law enforcement personnel.

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(7) Current and past center employees.

(8) Other witnesses.

(C) ODJFS shall complete the JFS 01295 "Complaint Intake/Disposition Report" (rev. 12/2007) for each complaint at the conclusion of the investigation. This report shall summarize all allegations, the results of the investigation and the expectations for correction of any confirmed violations of rule requirements. The report shall be kept on file at ODJFS. A copy of the report containing any substantiated or discovered noncompliance findings shall be provided to the administrator or licensee.

(D) The administrator or licensee may submit a written response to a complaint investigation to ODJFS. The response shall be kept on file at ODJFS.

(E) The center owner, administrator, or designee shall use the following process to request a review of the summary of findings:

(1) If the administrator or designee of a licensed child care center disagrees with any of the findings and an informal discussion with the licensing specialist does not provide a resolution of the issues, the administrator or designee may submit a written request for a review of findings. This request must be submitted within seven business days from receipt of the summary report of findings to the appropriate licensing supervisor. The licensing supervisor shall review the findings and may meet with the administrator or designee. The licensing supervisor shall prepare a written decision of the review.

(2) If the administrator or designee of a licensed child care center disagrees with the decision of the licensing supervisor, the administrator or designee may submit a written request for a review of findings to the chief of the licensing section, within seven business days of receipt of the decision of the licensing supervisor. The chief of the licensing section shall review the findings, the review materials and decision of the supervisor, and may meet with any or all parties. The chief of the licensing section shall prepare a written decision of the review. The decision of the chief of the licensing section shall be final and does not entitle the agency to any hearing rights under Chapter 119. of the Revised Code, unless ODJFS initiates action to deny or revoke the license.

(F) ODJFS shall immediately notify the local PCSA upon receipt of a complaint when the allegations include child abuse or child neglect. The department shall send to the PCSA a report which includes:

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(1) A summary of the allegations.

(2) ODJFS's plan for investigation of the complaint in accordance with requirements of Chapter 5104. of the Revised Code and Chapter 5101:2-12 of the Administrative Code.

(3) A request for clarification of joint or parallel investigatory roles.

(G) A copy of the center's licensing record, with confidential information deleted, shall be provided to any person who submits a written request to the director. The center's written response to the findings of an investigation that are submitted within thirty days of the center's receipt of the complaint investigation report shall become part of the complaint record and be included in public records requests. The licensing record shall include all complaint investigation documents. ODJFS's report shall not disclose the results of investigations of abuse or neglect conducted by the PCSA.

OAC 5101:2-12-09

5101:2-12-09 Denial or revocation of a child care center application or license

(A) The Ohio department of job and family services (ODJFS) may deny an application or revoke a child care center license for any of the following reasons:

(1) A center has failed to comply with the requirements of Chapter 5104. of the Revised Code and Chapter 5101:2-12 of the Administrative Code.

(2) The owner or administrator has pleaded guilty to or been convicted of an offense described in division (A)(8) or (A)(9) of section 109.572 or division (A)(1) of section 5104.09 of the Revised Code and is not eligible for or has not met the standards of rehabilitation in rule 5101:2-12-26 of the Administrative Code.

(3) A center has furnished or made misleading or false statements or reports to the ODJFS.

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(4) A center refuses or fails to submit documentation or information requested by ODJFS within required time frames.

(5) A center has refused to allow ODJFS access onto its premises.

(B) ODJFS may propose the following actions that afford the right to a prior adjudicatory hearing in accordance with the requirements of Chapter 119. of the Revised Code:

(1) Denial of an initial license.

(2) Revocation of an existing license, either provisional or regular.

(3) The finding of jurisdiction in accordance with [rule 5101:2-12-01 of the Administrative Code](#).

(4) Issuance of a license with authorization for license capacity which does not agree with the authorization sought by the center.

(5) Denial of a regular license at the expiration of the center's provisional license.

(C) ODJFS may propose actions that are of a ministerial nature and which are not subject to the right to an administrative hearing. These include rejection by ODJFS of any application for a license for procedural reasons such as, but not limited to, improper fee payment, incomplete submission of required materials or use of invalid forms.

(D) The surrender of a child care center license to ODJFS or the withdrawal of an application for a child care center license by the owner or administrator of the center shall not prohibit ODJFS from instituting any of the requirements of this rule.

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(E) If ODJFS revokes a child care center license ODJFS shall not issue a license to the owner of the center within five years from the date of the revocation of the license.

OAC 5101:2-12-10

5101:2-12-10 Building approval for licensed child care centers

(A) Centers shall obtain a building approval for the purpose of operating a child care center and abide by any stipulations or limitations that are noted. Building approval shall be obtained from the Ohio department of commerce or from the local certified building department having enforcement authority for the center's location. Building approval shall be verified by a certificate of occupancy issued in accordance with Chapters 3781. and 3791. of the Revised Code. Building approval shall be obtained in the following circumstances:

- (1) Upon initial application for licensure or request to amend the license for a new address.
- (2) At the time of any major modification or alteration of any existing structure presently being used for child care.
- (3) Prior to the use of any parts of the structure not previously inspected and approved for use for child care.

(B) Centers shall not be required to obtain a building approval in the following circumstances:

- (1) A center submitting an initial application due to a change in ownership with no change of use;
- (2) Programs caring exclusively for school children operating in an existing public school or chartered nonpublic school building as defined in [section 5104.02 of the Revised Code](#).
 - (a) Upon request of the Ohio department of job and family services (ODJFS), the school superintendent shall provide verification that the center is in a school facility and is in compliance with applicable building codes. If ODJFS becomes aware of possible building code violations, the department shall notify the appropriate building official.
 - (b) If it is determined that the existing school facility is not in compliance with applicable building codes,

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it is the responsibility of the center owner or administrator to verify that the violations are corrected and to obtain a certificate of occupancy prior to initial license issuance or to retain continued licensure.

OAC 5101:2-12-11

5101:2-12-11 Fire department approval for licensed child care centers

(A) Centers shall secure a fire inspection according to the provisions of section 3737.83 of the Revised Code and written approval from the state fire marshal or the local fire safety inspector for the municipality or township having jurisdiction according to section 3737.83 of the Revised Code. The written approval shall be documented by completion of the JFS 01303 "Fire Inspection Report" (rev. 7/2010) or the form used by the state fire marshal. The inspection and report shall be completed by the state fire marshal or the local fire safety inspector for the municipality or township having jurisdiction. The center shall abide by any stipulations or limitations documented on the JFS 01303 or the form used by the state fire marshal.

(B) Fire inspection and approval shall be obtained in the following circumstances:

(1) Upon initial application for licensure or any time a center relocates.

(2) Annually at least once within each twelve months from the date of the last fire approval report .

(3) At the time of any major modification, major repair or alteration of any existing structure presently being used for child care.

(4) Prior to the use of any parts of the structure not previously inspected and approved for use for child care as required by rule 5101:2-12-10 of the Administrative Code.

(5) Prior to caring for infants and nonambulatory children of any age other than on the first floor of a building.

(C) Failure to comply with the provisions of this rule shall be grounds for refusal to license, or for revocation of a license. All such actions of the department shall be in conformity with Chapter 119. of the Revised Code.

OAC 5101:2-12-12

5101:2-12-12 Food service licensure requirements for licensed child care centers

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(A) The center shall provide verification of a valid food service operation license, permitting the preparation and serving of food, or exemption status, from the local health department having jurisdiction or from the Ohio department of health.

(B) Meals or snacks may be provided by a licensed catering food service operation. The center shall maintain on file at the center a copy of the catering food service operation's current license. If the caterer only provides the food and it is the responsibility of the center to serve the food, the center shall follow the requirements of the local health department having jurisdiction.

OAC 5101:2-12-13

5101:2-12-13 Indoor floor space requirements for licensed child care centers

(A) A child care center shall have at least thirty-five square feet of usable wall-to-wall indoor floor space for each child the center is licensed to serve. Usable wall-to-wall indoor floor space shall not include hallways, kitchens, storage rooms, or other areas not available for the child care. Bathrooms may be included if they are used exclusively by children enrolled in the center.

(B) Areas included in the center's square footage shall be exclusively available for child care during all operating hours of the child care facility.

(C) The public may use areas such as entry ways, hallways, restrooms and other areas normally available for public use if such access does not constitute a risk or hazard to the health and safety of the children in care.

(D) Separate space, meeting the requirements of this paragraph, is required for groups that include children less than two and one half years of age. This space must be separate from space being used for groups of older children and shall:

(1) Be approved by the department prior to use for the care of children younger than two and one half years of age; and

(2) Be approved, as needed, by local building and fire officials; and

(3) Provide at least thirty-five square feet of floor space for each child per room or area; and

(4) Be defined by a continuous permanent or nonpermanent barrier that is at least thirty-six inches in height.

(E) The calculation of usable space for centers licensed prior to September 1, 1986 may include hallways, kitchens, storage areas and bathrooms not used exclusively by children and other areas not available for child care if either of the following apply:

(1) The center's license has been maintained since September 1, 1986; or

(2) A new license was issued due to the change of ownership of the center.

OAC 5101:2-12-14

5101:2-12-14 Outdoor play requirements for licensed child care centers

(A) The center shall provide outdoor play each day in suitable weather for any toddler, preschool child, and school child in attendance for more than four consecutive daylight hours. Any center or program providing child care after school for more than two hours shall provide an opportunity for outdoor play each day in suitable weather. When weather is not suitable for outdoor play, indoor large muscle activities must be provided.

(B) Child care staff members shall watch for potential hazards while observing children and shall actively supervise to prevent injury. When a group of children is outdoors, the child care staff member responsible for the group shall be able to summon another adult without leaving the group alone or unsupervised.

(C) The center shall have onsite a safe, sanitary outdoor play space free of hazardous conditions which shall meet all of the following requirements:

(1) Provides at least sixty square feet of usable space per child using the area at one time.

(2) Is well defined by a fence that is safe and in good repair or a natural or other barrier. Fencing is not considered outdoor equipment.

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(3) If gates are used, they shall be equipped with functional latches which cannot be easily opened by young children. Gates shall not be padlocked when children are present at the center.

(4) Is protected from traffic and animals.

(5) Is maintained free of heating and air conditioner units, generators, foreign objects and rubbish or these items are fenced or made inaccessible to children.

(6) Provides a shaded area as needed.

Green
& Pale Yellow

(7) Provides access to bathroom facilities and drinking water during play times.

(8) Provides for storage of accumulated trash, rubbish and garbage outside of the play area. A trash can with a lid is permitted in the play area if it is emptied daily and kept in a clean condition so as not to attract insects.

(D) A center may be exempt from having an onsite play area if the following requirements are met.

(1) The facility has an indoor recreation area that has a minimum of one thousand four hundred forty square feet of indoor space that is separate from the space required by rule 5101:2-12-13 of the Administrative Code and is regularly available and scheduled for use, and

(2) There is a safe park or play area regularly available, scheduled for daily use in suitable weather and approved by the department. Access to this area shall be safe and convenient, and children shall be closely supervised during play and when going to and from the area.

(E) The play area(s) and equipment shall be inspected at least four times a year on a quarterly basis by the administrator or designee, during months that the program is in operation. The inspection shall be documented on a JFS 01281 "Child Care Playground Inspection Report" (1/2007). If the administrator does not conduct the inspection, the designee who completed the inspection shall review the inspection report and findings with the administrator. The administrator shall sign the JFS 01281. One year of completed inspection reports must be kept on file at the center.

(F) Children shall only use equipment, whether stationary or portable, that is safe and appropriate for their age or development.

(1) Equipment shall meet all of the following requirements.

(a) Be placed out of the path of the area's main traffic patterns.

(b) Be anchored or stable, and have all parts in good working order and securely fastened.

(c) Have all climbing ropes anchored at both ends and not capable of looping back on themselves creating a loop with an interior perimeter of five inches or greater.

(d) Have all "S" hooks closed so that there is no gap greater than .04 inch or the thickness of a dime.

(e) Be free of rust, cracks, holes, splinters, sharp points or edges, chipped or peeling paint, toxic substances, protruding bolts, or tripping hazards.

(f) Have no openings that are greater than three and one half inches, but less than nine inches to avoid entrapment of the head or other body parts. Equipment shall be able to pass inspection using the head probe, torso probe, and protrusion gauge as indicated in appendix B of the consumer product safety commission "Public Playground Safety Handbook" (publication #325, revised April 2008) which can be accessed at:<http://www.cpsc.gov/cpscpub/pubs/playpubs.html>.

(g) Have protective barriers on platforms that are thirty inches or higher off the ground. A protective barrier means an enclosing device around an elevated platform that is intended to prevent both inadvertent and deliberate attempts to pass through the device.

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(h) Be assembled and installed according to manufacturers' guidelines.

(2) Trampolines more than four feet in diameter shall not be permitted for use with children in care.

(3) Except during the center's daylight hours of operation, all sandboxes shall be covered with a lid or other covering.

(G) Outdoor play equipment designated for climbing, and swings and slides shall be surrounded by a protective, resilient surface that meets the following requirements:

(1) Fall zones shall have a protective resilient material on the ground under and around the equipment.

(2) The material shall be, but not limited to, washed pea gravel, mulch, sand, wood chips, synthetic material such as rubber mats or tiles manufactured for this purpose. Synthetic surfaces shall follow manufacturers' guidelines for depth.

(3) This equipment shall not be placed over grass, concrete, asphalt, blacktop, dirt, rocks, or any hard surface.

(4) Any loose-fill particulate impact absorbing material under and around play equipment shall be checked at least monthly for packing, and shall be turned over or raked up to increase the resilience capability.

(H) No later than January 1, 2010, the resilient surface material depth in all fall zones under and around equipment designed for or observed being used for climbing, swinging, bouncing or sliding that is over twelve inches in height, shall be appropriate for the height and type of equipment as specified in appendix A to this rule.

(I) No later than January 1, 2010, fall zones for all equipment designed for or observed being used for climbing, swinging, bouncing or sliding shall extend a minimum of six feet in all directions from the perimeter of the equipment. The fall zone for moving or swinging equipment shall extend six feet from the point of furthest extension. The fall zone between two stationary pieces of equipment shall be a minimum of nine feet. Fall zones shall be kept clear of all obstacles that children could run into or fall on top of including retaining devices such as, but not limited to: fencing, walls, landscape timbers and mulch retaining walls.

(J) Centers licensed as of January 1, 2007 or with applications that have been received by the department as of January 1, 2007, that have fall zones meeting the requirements listed in paragraphs (G)(1), (G)(2) and (G)(3) of this rule are exempt from the requirements of paragraph (I) of this rule, unless stationary equipment designed for or observed used for climbing, swinging, bouncing or sliding is added, replaced or relocated. When this type of equipment is added, replaced or relocated the center must comply with the requirements of paragraph (I) of this rule for all pieces of equipment designed or observed used for climbing, swinging, bouncing or sliding on that playground.

(K) A center approved to use an off site area may use the play space regardless of change of ownership unless it is determined, upon inspection, that the area or its accessibility is unsafe.

OAC 5101:2-12-14, App.

5101:2-12-14 Appendix Depth of Protective, Resilient Surface Needed for Playground Equipment



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OAC 5101:2-12-15

5101:2-12-15 Safe and sanitary equipment and environment in licensed child care centers

(A) The center shall provide furniture, materials, equipment, and an environment which are safe.

- (1) Fire arms and ammunition materials shall not be on the premises.
- (2) The center shall maintain an indoor temperature which will not fall below sixty-five degrees Fahrenheit.
- (3) If the center's indoor temperature exceeds eighty-five degrees, ventilation that produces air movement or air conditioning shall be provided.
- (4) Equipment, materials, and furniture shall be sturdy and safe, easy to clean and maintain, and free of sharp points or corners, splinters, protruding nails, loose or rusty parts, paint which contains lead or other poisonous materials, or other hazardous features as determined by the department.

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(5) Children in care shall be protected from any items and conditions which threaten their health, safety, and well being, including but not limited to: stoves, bodies of water, window covering pull cords, telephone cords, electrical cords, extension cords, lead hazards, asbestos, wells, traffic, employees' personal belongings and other environmental hazards. If area rugs are used, they shall have a nonskid backing. Floor surfaces shall be maintained to prevent injury. Lawnmowers, power tools and other equipment shall not be used or stored in areas where children may have access to them.

(6) Furniture, equipment and materials which are not usable due to breakage or hazards shall be removed immediately and stored away from children until repaired.

(7) Toys or other materials small enough to be swallowed shall be kept out of the reach of infants and toddlers.

(8) Cleaning and sanitizing equipment and supplies shall be stored in a space that is inaccessible to children. Cleaning agents, aerosol cans and all other chemical substances shall be stored in a designated area in their original containers and/or clearly labeled.

(9) Mercury thermometers shall not be permitted at the center.

(10) Renovations and remodeling to areas in which child care is provided shall be conducted in a safe manner to ensure that lead poison hazards are not introduced into the environment as required by Chapter 3742. of the Revised Code.

(11) A pet or animal is permitted if it presents no apparent threat to the safety or health of the children. All pets shall be properly housed, cared for, and inoculated. Verification of inoculations, for each pet requiring such inoculations, shall be on file at the center for review by the department. Children shall not be directly exposed to animal urine or feces.

(12) Electrical outlets, including surge protectors, within the reach of children shall have child proof receptacle covers when not in use, except for programs which serve school children exclusively.

(13) Air conditioners, heat pumps, electric fans, and heaters shall be mounted or placed out of the children's

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reach or have safeguards which prevent children from being injured. All space heaters utilized by the child care center shall be approved in writing by the fire department and/or the building department.

(14) Unless toilets and sinks are of suitable height for use by the children, the center shall provide a sturdy, nonslip platform on which the children may stand.

(15) All areas used by children shall be ventilated and shall provide protection from rodents, insects and other hazards.

(16) Indoor swings, excluding infant swings, slides, climbers, and climbing apparatus shall not be placed over concrete, tile, or any similarly hard surface. There shall be shock absorbent protective covering under and around this equipment. If climbing equipment is over three feet high, landing mats at least one and one half inches thick shall be used. The protective covering shall be used and placed according to manufacturers' guidelines.

(17) Any children's equipment equipped with straps shall be used in accordance with manufacturers' guidelines.

(18) Spray aerosols shall not be used when children are in attendance.

(19) In accordance with [division \(A\)\(8\) of section 2923.1212 of the Revised Code](#), the center shall post a sign that contains a statement in substantially the following form: "Unless otherwise authorized by law, pursuant to the Revised Code, no person shall knowingly possess, have under the person's control, convey or attempt to convey a deadly weapon or dangerous ordnance on these premises."

(B) The center shall provide a clean and healthy environment and furniture, materials, and equipment which are maintained in sanitary condition.

(1) Toilet tissue, liquid soap, running water, individually assigned or disposable toweling or air dryers shall be provided in all restrooms. Toilets shall be flushed after each use.

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(2) The center shall be cleaned daily. Equipment, furnishings, and materials shall be kept clean and in good repair. Centers shall follow appendix A to this rule in regards to cleaning and sanitizing center equipment and facilities.

(3) Running water shall be publicly supplied or supplied by a well meeting local zoning standards. Water that is not publicly supplied shall be sampled by the local health department and determined to be safe by an approved laboratory prior to initial licensure approval and at least annually thereafter. A copy of the test results shall be maintained on file at the center for review by the department.

(4) Individual servings or individual packages of food or drink that have been served to a child shall be discarded or sent home with the child if not consumed during meal or snack time. Food or drink that is individually packaged and the package has not been opened may be stored at the center to be served again or sent home.

(5) Any containers, cups, dishes and silverware shall be discarded or cleaned and sanitized after each use, with the exception of individual, labeled containers used for water. Individual containers used for water that are labeled with the child's name shall be permitted to be used throughout the day but shall be washed and sanitized before being used again on another day. Dishes, cups, containers, and silverware sent by the parent/guardian shall be cleaned and sanitized by the center or sent home daily for cleaning.

OAC 5101:2-12-15, App.

5101:2-12-15 Appendix Schedule for Cleaning and Sanitizing Items for Child Care Centers and Type A Homes

 Image 1 within document in PDF format.

OAC 5101:2-12-15.1

5101:2-12-15.1 Handwashing and standard precautions for licensed child care centers

(A) Liquid soap, a handwashing facility and individually assigned or disposable toweling or air dryers shall be provided with all restrooms.

(1) A "handwashing facility" is a permanent type fixture with running water which conforms to the Ohio plumbing standards of division 4101:3 of the Administrative Code.

(2) Handwashing facilities shall not be used for formula or food preparation or for washing dishes or bottles.

(B) All employees shall wash their hands with liquid soap and running water:

- (1) Upon arriving at the center.
- (2) After toileting or after assisting each child with toileting.
- (3) After each diaper or pull up change.
- (4) After returning inside from outdoor activities.
- (5) After handling pets, pet cages or other pet objects that have come in contact with the pet.

(6) Before eating, serving or preparing food or bottles or feeding a child.

- (7) After contact with bodily fluids or cleaning up spills or objects contaminated with bodily fluids.
- (8) Before and after administering medication, first aid or completing a medical procedure.
- (9) After taking off disposable gloves.

(C) Hand sanitizer is permitted to be used by adults at the center after wiping children's noses, when a staff member is outside or alone in a room and needed in the staff/child ratio, and running water is not readily available. Staff must thoroughly wash hands with soap and running water as soon as staff/child ratio allows or upon re-entry to the building. The use of hand sanitizer does not replace the requirement of washing hands with running water and liquid soap.

(D) Children shall be instructed and assisted as needed, to wash their hands:

- (1) After toileting.
- (2) After returning inside after outdoor play.
- (3) After contact with bodily fluids.
- (4) After handling pets, pet cages or other pet objects.
- (5) Whenever hands are visibly dirty.

(6) Before eating food.

(E) Standard precautions are primarily designed to prevent the spread of diseases that are spread by blood or other bodily fluids. Standard precautions are designed to protect staff from potentially infectious diseases and shall be followed as defined below.

- (1) Vinyl gloves shall be worn during contact with blood or body fluids which contain blood, such as vomit or feces which contain blood that can be seen.
- (2) Disposal of materials that contain blood requires a sealable, leakproof plastic bag or double bagging in plastic bags that are securely tied.
- (3) Non-disposable items, such as clothing that contain blood shall be placed in a sealable, leakproof plastic bag or double bagged in plastic bags that are securely tied and sent home with the child.

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(4) Sharp items used for procedures on children with special care needs, such as lancets for finger sticks or syringes require a disposable container called a “sharps container”. This is a container made out of durable, rigid material which safely stores the lancets or needles until the parent can take them home for disposal. Sharps containers must be stored out of the reach of children.

(5) Surfaces contaminated with blood or bodily fluids containing blood shall first be cleaned with hot, soapy water, and then sanitized with an appropriate bleach solution which is prepared on a daily basis, following the product guidelines, or other acceptable disinfectant solution which is environmental protection agency (EPA) rated as hospital disinfectant with a label claim for mycobactericidal activity.

OAC 5101:2-12-15.2

5101:2-12-15.2 Diapering and toilet training for licensed child care centers

(A) Diapering shall be handled in conformity with the following methods.

(1) When a central diaper changing station is used, there shall be a disposable separation material, that acts as a barrier placed between the child and the changing surface, which is discarded after each use.

(2) The center shall have disposable gloves available for diapering. The use of gloves or hand sanitizer does not eliminate the need for proper handwashing.

(3) The central diaper changing station shall be cleaned when visibly soiled and sanitized after each diaper change. Children shall not be left unattended on a changing table.

(4) If an infant’s crib is used to change the diaper, there shall be separation material between the infant and the crib sheet. If the bedding becomes wet or soiled during the diaper change, it shall be replaced with clean bedding.

(5) Children’s clothing that becomes soiled with fecal matter may be sent home without being rinsed. It shall be placed in a plastic container or bag, sealed and stored away from the rest of the child’s belongings and out of the reach of children.

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(6) Soiled diapers shall be disposed of in a plastic lined receptacle that prevents hand contamination. The receptacle shall be covered or otherwise enclosed and be inaccessible to children. These containers shall be emptied, cleaned and sanitized at least daily, or more frequently as needed to eliminate odor.

(7) Soiled diapers to be laundered at the center shall be stored in an appropriate germicidal solution, out of the reach of children, until laundered. If a commercial laundering service is used, soiled diapers shall be held for laundering for no more than five consecutive days. Soiled cloth diapers from home shall be stored in an individual plastic lined, covered container and sent home daily.

(8) If disposable wipes or paper towels are used during diaper changing, they shall be discarded after each use. If washcloths are used, they shall be used once and stored in an appropriate germicidal solution, out of the reach of children, until laundered.

(9) Any product used during diapering, which is used on more than one child, shall be used so that the container does not touch the child. Any product obtained from a common container shall be removed and applied in such a manner so as not to contaminate the product or its container. Common containers shall be cleaned and sanitized when soiled.

(B) Toilet training shall occur based on a child's readiness and consultation with parents/guardians regarding practices in the children's homes. The center shall ensure that toilet training is never forced.

(C) Potty chairs shall be emptied into the toilet, rinsed, cleaned, and sanitized after each use.

(D) When children under two and one half years of age are enrolled, there shall be handwashing facilities available for diapering within the space(s) where groups which include these children receive care. When handwashing facilities are located elsewhere within the center the following requirements shall be met:

(1) Staff child ratios and supervision, as required by [rule 5101:2-12-20 of the Administrative Code](#) are maintained at all times.

(2) Child care staff members assure that children are safe and sanitary while toileting or being diapered and intervene if necessary.

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(3) If restrooms are used for diapering, infants and toddlers who are waiting for toileting or diapering shall not be placed directly on the floor.

(4) Children shall not be left unattended on a changing table.

OAC 5101:2-12-15.3

5101:2-12-15.3 Smoke free environment for licensed child care centers

(A) The center shall provide for a smoke free environment for the children and adhere to the following requirements.

(1) Smoking shall only be allowed on the premises of the center during its hours of operation if persons who are smoking cannot be seen by the children and if they smoke in either of the following.

(a) An indoor area that is separately ventilated from the rest of the center. "Separately ventilated" means stand alone ventilation, separate from the building's heating and cooling source.

(b) An outdoor area that is so far removed from the children being cared for that the children cannot inhale any smoke.

(2) If smoking is permitted in the center during hours that the center is not operating, the administrator shall provide written notice to the parent, custodian, or guardian of each child enrolled that smoking occurs at the center outside of center operating hours.

(3) The administrator shall post in a conspicuous place at the main entrance of the center, a notice stating that smoking is prohibited.

OAC 5101:2-12-15.4

5101:2-12-15.4 Toothbrushing in licensed child care centers

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(A) Toothbrushing may be conducted in child care centers. If toothbrushing is practiced it shall be done in compliance with the following requirements.

(B) If a single tube of toothpaste is used for more than one child when brushing teeth, a pea sized amount shall be dispensed onto a clean piece of paper or paper product for each child. It shall not be placed directly on the toothbrush.

(C) Each toothbrush shall be labeled with the child's name and stored with the bristles to air dry in such a way that the toothbrushes cannot contact or drip on each other and the bristles are not in contact with any surface.

(D) A toothbrush must be discarded and replaced every three months or if:

(1) It becomes contaminated through contact with another brush.

(2) It is used by more than one child.

(3) The child has a communicable illness requiring medical attention.

(4) The toothbrush comes in contact with the toilet or toileting area.

(E) Racks and devices used to hold toothbrushes for storage shall be labeled and shall be washed and sanitized or replaced on a monthly basis or whenever visibly soiled or after any contamination with bodily fluids.

OAC 5101:2-12-16

5101:2-12-16 Requirements for programming and equipment in licensed child care centers

(A) The center shall provide, on a daily basis, a well balanced program of activities and opportunities for both quiet and active play suitable to the developmental levels and abilities of each child in care.

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(B) A copy of the daily program schedule shall be posted in a conspicuous place. The department shall also observe this program for each age group.

(C) The center's program and environment shall:

(1) Include outdoor play each day except as limited by rule 5101:2-12-14 of the Administrative Code. The program shall provide an opportunity for indoor gross motor play such as, climbing, jumping, running, riding wheel toys, or music and movement on days when outdoor play is not provided.

(2) Provide durable furniture, such as tables and chairs, for the purpose of implementing the program. This furniture shall be child sized or safely adapted for use by children.

(3) Provide play materials to be used in the center's daily program. These materials shall be visible, readily accessible, and arranged in an orderly manner so that children have opportunities to select, remove, and replace play materials with a minimum of assistance and as the program's schedule allows .

(4) Provide opportunities for periods of child initiated activities such as, imaginative play, language development and creative activities.

(5) Provide a well supervised, quiet area that is inviting to children and is easily accessible to the child who seeks or needs time alone.

(D) The center shall ensure that equipment, materials, and furnishings provided for both indoor and outdoor play are sufficiently varied to meet the developmental needs of the children and in sufficient quantity for the total number of children the center is licensed to serve. The center shall have enough play materials and equipment so that, at any one time in the daily program and as the program's schedule allows, each child the center is licensed to serve can be actively involved in play with developmentally appropriate equipment or materials.

(E) Equipment and materials shall be available and representative of all of the following categories for each age group.

(1) Infant:

- (a) Pretend or dramatic play materials.
- (b) Language arts and auditory equipment.
- (c) Sensory perceptual motor materials.
- (d) Manipulative materials and equipment.
- (e) Music equipment.

(f) Gross motor activities.

- (g) Large blocks.
- (h) Transportation toys.

(2) Toddler and preschool child:

- (a) Art supplies.
- (b) Blocks.

(c) Transportation toys.

(d) Language arts and auditory equipment and materials.

(e) Pretend or dramatic play materials.

(f) Gross motor equipment.

(g) Manipulative materials and equipment.

(h) Music equipment.

(i) Science and nature materials.

(j) Sensory motor equipment.

(3) School child:

(a) Art supplies.

(b) Manipulative materials and equipment.

(c) Sports and gross motor equipment.

(d) Science and nature materials.

(e) Language arts materials.

(f) Pretend or dramatic play material.

(g) Music equipment.

(h) Blocks.

(i) Transportation toys.

(F) The center shall designate an area where children can individually store their personal belongings. This area shall not block walkways or evacuation routes.

OAC 5101:2-12-17

5101:2-12-17 Swimming and water safety requirements for licensed child care centers

(A) All swimming sites shall meet all state and local guidelines for environmental health inspections and for onsite and private pools. Verification of the inspections for onsite and private pools shall be maintained at the center.

(1) Swimming activities shall not be permitted in lakes, rivers, ponds, creeks, or other similar bodies of water with the exception of school children who have the written permission from the child's parent or legal guardian.

(2) For onsite and private pools over two feet in depth, there shall be one lifeguard for every thirty-five children involved in the water activity at any one time.

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(3) Activities in bodies of water two or more feet in depth shall be supervised by persons who are currently certified as lifeguards or water safety instructors by the American red cross or an equivalent water safety program, as determined by the department. If the lifeguard is a child care staff member, they shall not be counted as a child care staff member in the staff/child ratio.

(4) Child care staff members and all adults accompanying the children shall be actively supervising children and shall be able to clearly see all parts of the swimming area including the bottom of pools.

(B) Wading pools shall be filtered or emptied daily. Portable wading pools shall be sanitized daily, or more often, if needed.

(C) Child care staff members shall review swimming and/or water safety rules with children each time they participate in water activities. Included in these rules there shall be a system for checking to ensure that each child is safe when in the water.

(1) The use of saunas, hot tubs, and spas by children is prohibited.

(2) Swimming pools, wading pools, and other swimming/wading sites shall be made inaccessible to the children when adult supervision is not available.

(D) The child care center shall have written permission from the parent or guardian:

(1) Before the child swims in water two or more feet in depth.

(2) Before the child participates in activities near water two or more feet in depth.

(3) Before infants and toddlers use wading pools.

(4) Before school children participate in swimming activities in lakes, rivers, ponds, creeks or other similar bodies of water.

(E) The written permission shall be signed and dated by the parent or guardian, and be on file for review. The permission shall include the following:

(1) The child's name and birthdate.

(2) A statement indicating whether the child is a swimmer or a nonswimmer.

(3) Location of the swimming site.

(4) A statement of whether or not the center is providing additional adults or child care staff members above the licensing ratio requirements for this activity.

(5) A statement that the parent or guardian grants permission for the child to participate.

OAC 5101:2-12-18

5101:2-12-18 Transportation procedural requirements for licensed child care centers

(A) In order to ensure the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee, children shall be supervised at all times in accordance with the following:

(1) The staff/child ratio requirements of [rule 5101:2-12-20 of the Administrative Code](#) shall be met on field trips and routine trips. Children shall be assigned to specific child care staff members for all field trips.

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(2) On routine trips the driver shall be an employee or child care staff member with the exception of contracted transportation services.

(3) Parents, guardians or adults authorized by the center may be drivers on field trips provided that staff/child ratio requirements are met at the destination.

(a) When children are transported in a parent's, guardian's or authorized adult's vehicle they shall be seated and restrained in a child restraint system according to the requirements of [section 4511.81 of the Revised Code](#).

(b) The child care staff member responsible for each child on the field trip shall maintain a written record of which vehicle each child is being transported in and the cellular phone number of the adult in that vehicle who could be contacted in an emergency.

(4) A second adult shall be present in the vehicle for every five infants or a combination of seven or more toddlers, preschool and school age children whenever children are transported by a vehicle.

(5) A second adult shall be present in the vehicle for every ten school children, or the driver shall have a means of immediate communication, such as cellular phone, to summon a second adult whenever only school children are transported in one vehicle.

(6) The second adult in the vehicle may be the driver or a parent or volunteer.

(7) An adult must be present with the vehicle any time children are in the vehicle.

At no time are children to be left unattended in a vehicle.

(8) During routine walking trips or walking field trips, a second adult shall be present for every five infants or a combination of seven or more toddlers, preschool and school children or for every ten school children if the group of children on the walking trip includes only school children.

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(B) The center shall have written permission from the parent or guardian before transporting or walking children off the center premises or out of the areas approved for child care. The permission form signed by the parent or guardian shall include:

(1) The child's name.

(2) The specific destination(s).

(3) The dated signature of the parent or guardian.

(4) For field trips, the date of the field trip and the approximate time during which the children will be on the trip.

(5) A statement notifying parents or guardian that their child will be participating in activities near water if water that is more than two feet in depth will be accessible to the children on the field trip.

(6) A statement notifying parents or guardians how their child will be transported, such as if the child will be transported by vehicles provided by the center, other parents' vehicles or public transportation.

(C) Permission for routine trips shall be updated at least annually, or as needed.

(D) Written permission shall be retained on file for at least one year and shall be available for review by the department.

(E) If the vehicle used to transport children is manufactured with seat belts, they shall be utilized by adults and children, and no more than one person may be strapped in each seat belt. Children or adults shall not be permitted to stand in a moving vehicle, sit on the floor or ride in a vehicle where all seats are not securely anchored.

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(F) All children shall be seated and restrained in a child restraint system, according to the requirements of [section 4511.81](#). of the Revised Code.

(G) Children under twelve years of age shall not be permitted to ride in the front seat of any vehicle.

(H) The driver shall see that each child safely boards and exits the vehicle from the curb side of the street whenever physically possible and out of the path of moving vehicles. Drop off or pick ups at which it is not possible to board and exit from the curb side must be conducted in a safe manner and with close supervision by the child care staff member responsible for the children.

(I) The driver shall conduct a check of the vehicle at the completion of each trip to ensure that no child has been left on the vehicle.

(J) Prior to transporting children, staff shall check the fuel level of the vehicle and fill it if necessary. Children shall not be in the vehicle when it is being refueled except when a trip is of such a length as to require refueling after starting with a full tank.

(K) Smoking shall be prohibited in all vehicles owned by the child care facility. Smoking shall be prohibited in all privately owned vehicles when occupied by children.

(L) A person trained in first aid and management of communicable disease and CPR, in accordance with [rule 5101:2-12-27 of the Administrative Code](#), shall be present at the destination on all field trips, and a person trained in first aid and management of communicable disease in accordance with [rule 5101:2-12-27 of the Administrative Code](#) shall be present in the vehicle for routine trips. The person providing coverage for this requirement must have both first aid and management of communicable diseases. Another staff member present at the destination of the field trip may provide coverage for CPR.

(M) A completed JFS 01234 "Child Enrollment and Health Information" (rev. 2/2009) shall be available for each child on all trips except for routine walks.

(N) The following shall be available on all trips, including routine walks:

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(1) First aid supplies as required by [rule 5101:2-12-36 of the Administrative Code](#), shall be available at all field trip destinations and on all vehicles used for routine trips. Vehicles which are inspected by the Ohio state highway patrol shall maintain first aid kits which meet the requirements of that agency.

(2) The completed JFS 01236 "Child Medical/Physical Care Plan" (rev. 09/2006) or the equivalent form for any child who has health conditions which could require special procedures or precautions during the course of the trip. The center shall also take supplies needed to provide treatment.

(3) A record listing each child on the trip.

(4) A working cellular phone or other means of immediate communication, which shall not be used by the driver while the vehicle is in motion.

(O) Except for routine trips to and from the child's school or home, each child on the trip shall have identification attached containing the center's name, address, and a telephone number to contact in the event the child becomes lost.

OAC 5101:2-12-18, App. A

5101:2-12-18 Appendix A National Highway Traffic Safety Administration (NHTSA) Child Safety Seat Recommendations

 [Image 1 within document in PDF format.](#)

OAC 5101:2-12-18.1

5101:2-12-18.1 Transportation/vehicle requirements for licensed child care centers

(A) Requirements for center transportation vehicles.

(1) Effective January 1, 2017:

(a) Centers shall not be permitted to use converted cargo vans or passenger vans designed by the manufacturer to carry ten or more passengers.

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(b) Vehicles used to transport children which are required by the United States department of transportation to be equipped with seat belts at the time of manufacture or assembly, must have factory installed passenger restraint anchorages and passenger restraints that are suitable for use in transporting children of any age who are to be transported. "Factory installed", means installed by the manufacturer or retrofitting that is accompanied by a certification document from the manufacturer. Add-on restraints such as infant carriers, car seats or booster seats are designed to be installed by the end user and are not subject to these requirements.

(2) Effective September 1, 2008:

(a) Centers that are issued a provisional license shall not be permitted to use converted cargo vans or passenger vans designed by the manufacturer to carry ten or more passengers when the license is issued. Vehicles used to transport children which are required by the United States department of transportation to be equipped with seat belts at the time of manufacture or assembly, must have factory installed passenger restraint anchorages and passenger restraints that are suitable for use in transporting children of any age who are to be transported. "Factory installed", means installed by the manufacturer or retrofitting that is accompanied by a certification document from the manufacturer. Add-on restraints such as infant carriers, car seats or booster seats are designed to be installed by the end user and are not subject to these requirements.

(b) Centers that replace or add a vehicle for use before January 1, 2017 shall not be permitted to use converted cargo vans or passenger vans designed by the manufacturer to carry ten or more passengers. This applies to all vehicles that are owned, leased or contracted. Vehicles used to transport children which are required by the United States department of transportation to be equipped with seat belts at the time of manufacture or assembly, must have factory installed passenger restraint anchorages and passenger restraints that are suitable for use in transporting children of any age who are to be transported. "Factory installed", means installed by the manufacturer or retrofitting that is accompanied by a certification document from the manufacturer. Add-on restraints such as infant carriers, car seats or booster seats are designed to be installed by the end user and are not subject to these requirements.

(B) All vehicles operated by the center or driven by the center staff, or vehicles used by contractors for transporting children for routine trips or field trips shall be mechanically safe and shall receive an annual safety check from an automotive service excellence (ASE) certified mechanic. A vehicle sticker issued from the Ohio state highway patrol indicating the vehicle has passed a school bus or personal vehicle inspection may be used to meet this requirement. School buses and multifunction school activity buses which are inspected and licensed by the Ohio state highway patrol are exempt from the annual safety check required in this rule.

(1) The safety check shall be completed and approved prior to the use of any vehicle for transporting children, except that a new vehicle purchased directly from the dealer shall have the safety check completed before one year from the date of purchase. The bill of sale from the vehicle purchase must be maintained on file at the center to verify compliance.

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(2) Verification of the safety check shall be documented on the JFS 01230 "Vehicle Inspection Report" (rev. 9/2006). This verification shall include notation and correction of any safety violation and shall be maintained on file at the center for review by the department.

(C) For all vehicles used for transporting children, the center shall maintain and shall require providers of transportation services for children to maintain, documentation that staff have performed weekly inspections followed by any necessary repairs or other appropriate actions, for the following items:

(1) A visual inspection of the vehicle's tires for wear and adequate pressure.

(2) A visual inspection for working headlights and taillights, signals, mirrors, wiper blades and dash gauges.

(3) An inspection for properly functioning child and driver restraints.

(4) An inspection for properly functioning doors and windows.

(5) An inspection for, and cleaning of, debris from the vehicle's interior.

(D) School buses and multifunction school activity buses are not required to complete the inspections of paragraph (C) of this rule. They shall prepare the buses before each trip following the Ohio department of education's operational and safety rules of division 3301-83 of the Administrative Code.

(E) Emergency exiting procedures shall be practiced by all persons required to complete the driver transportation training requirement of [paragraph \(C\)\(2\) of rule 5101:2-12-18.2 of the Administrative Code](#). The emergency exiting procedures shall be practiced with the children on a monthly basis. This practice shall occur during months that the vehicle is used for transporting children and shall take place on the center's premises or other safe location that is protected from traffic and other hazards to assure the safety of the children involved. A written record shall be kept of the dates when the emergency exiting procedure was practiced and the staff that were involved.

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(F) Parents, who are not employed by the center, who use their vehicles for transportation to occasional field trips shall not have to meet the requirements of paragraphs (B), (C) and (E) of this rule. "Occasional" means three or fewer times per calendar year.

OAC 5101:2-12-18.2

5101:2-12-18.2 Transportation/driver requirements for licensed child care centers

(A) The driver for all trips shall meet all of the following requirements:

(1) Drivers who are used in the staff/child ratio or are employees of the center must meet the following requirements:

(a) Be at least eighteen years old.

(b) Hold a currently valid driver's license required for the vehicle driven in accordance with Ohio law.

(i) A copy of each driver's current driver's license shall be kept on file at the center.

(ii) The administrator is responsible for assuring that the copy of the driver's license on file is kept current.

(c) Be free from the influence of any substance which could impair driving abilities.

(d) Meet the requirements of paragraphs (A), (B) and (D) of rules 5101:2-12-25 and 5101:2-12-26 of the [Administrative Code](#).

(2) For drivers who are not used in the staff/child ratios and who are not employees of the center the administrator shall secure and keep on file at the center a JFS 01266 "Contracted Driver Qualification

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Statement for Child Care Centers and Type A Homes” (9/2011) that has been completed at least annually by the driver’s employer.

(B) All drivers who are employees of the center shall be trained according to paragraph (C) of this rule. When the driver is not an employee of the center there shall be at least one trained child care staff member present on the vehicle when children are transported. Training shall be completed prior to the driver assuming driving duties.

(1) A trained child care staff member is not required in the vehicle on field trips when parents are providing the transportation.

(2) A trained child care staff member is not required when public transportation is being utilized or the school district is providing transportation to or from the center.

(C) Training shall be completed prior to the driver assuming driving duties and meet the following requirements:

(1) The training shall utilize the curriculum developed by the Ohio department of job and family services (ODJFS) and shall include:

(a) The proper weekly safety inspection of the vehicle set forth in [paragraphs \(C\)\(1\) to \(C\)\(5\) of rule 5101:2-12-18.1 of the Administrative Code](#).

(b) The proper use of child safety restraints per national highway traffic safety administration (NHTSA) recommendations as referenced in appendix A to [rule 5101:2-12-18 of the Administrative Code](#).

(c) The proper procedures for loading, unloading and recording attendance of children being transported as stated in [rule 5101:2-12-18 of the Administrative Code](#).

(d) The proper procedures for evacuation drills in the vehicle as required in [rule 5101:2-12-18.1 of the Administrative Code](#).

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(e) The developmentally appropriate practices applicable to the behavior management of children during transportation as limited by [rule 5101:2-12-22 of the Administrative Code](#).

(2) This training for transportation shall be completed at least annually for all drivers and any child care staff members who accompany drivers not employed by the center who have not received the training.

(3) This training shall be documented and kept on file at the center in the employee's file for review by ODJFS.

OAC 5101:2-12-19

5101:2-12-19 Requirements for children who rest, nap or sleep and use of cots in licensed child care centers

(A) The child care center shall provide a quiet space for children who want to rest, nap or sleep. If a nap time is provided it shall be in accordance with the developmental needs of the child.

(B) No child shall be permitted to rest, nap or sleep on the floor. No toddler or preschool child shall sleep on anything other than a cot, as defined in [rule 5101:2-12-01 of the Administrative Code](#). The center shall have on the premises, firm and sanitary cots for the total number of toddlers and preschool children that the center is licensed to serve. Each toddler and preschool child who attends the center for more than five hours on a given day or who participates in a nap time program shall be provided with a cot.

(C) A center that operates more than five hours but less than seven hours on a given day and does not intend for the program to include a nap or rest period, shall not be required to provide cots.

(D) School children who rest, nap or sleep may be provided with a clean, washable pad, mat or comfortable furniture instead of a cot. When children rest, nap or sleep on mats or pads, floors shall be clean, warm, dry and draft free.

(E) Rest areas shall be lighted enough to allow visual supervision of all children at all times.

(F) Any child who does not fall asleep after an appropriate length of time during the designated nap time shall have

the opportunity to engage in quiet activities.

(G) Cots, pads, mats or furniture shall be assigned individually to each child and shall be disinfected with an appropriate germicide before assignment to another child.

(H) Evacuation routes shall not be blocked by resting children. Each child shall have a free and clear means of egress. Child care staff members shall have a clear path to each resting child.

(I) If the use of a cot is hazardous to a child, the center shall have an alternative plan in writing, including the written permission of the parent or guardian, for the child's nap time. The written plan and permission shall be on file for review by the department.

OAC 5101:2-12-20

5101:2-12-20 Supervision, staff/child ratios and grouping for licensed child care centers

(A) Supervision of children is the function of actively observing and guiding a child or group of children. This includes awareness of and responsibility for the activity of each child and being physically present and near enough to intervene if needed. Supervision means child care staff members have knowledge of children's needs, accountability for their care, and knowledge of which children they are responsible for at all times. With the exception of school age children in programs that have a written supervision policy permitting school age children to be supervised as specified in paragraph (E) of this rule, no child shall ever be left alone or unsupervised. Supervised means that children shall be within sight and hearing of child care staff members at all times. Staff must be able to see and hear children without the use of mechanical devices such as baby monitors, video cameras or walkie talkies. The use of mirrors to view children in another room does not meet the supervision requirements of this rule.

(B) No employee shall be under the influence of any substance that impairs the employee's ability to supervise children and/or perform the employee's duties.

(C) The center shall employ the number of child care staff members needed to meet staff/child ratios for the center's enrollment or license capacity, whichever is less, except as noted in [rule 5101:2-12-04.1 of the Administrative Code](#). Child care staff members shall be assigned to a group of children and shall have regularly assigned working hours to give continuity of care and supervision to children. The ratio of child care staff to children present shall be:

Age of children	Staff/child ratio
Infants (birth and under 12 months)	1 to 5 or 2 to 12 in same room

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Infants (12 months and under 18 months)	1 to 6
Toddlers (18 months and under 2 1/2 years)	1 to 7
Toddlers (2 1/2 years and under 3 years)	1 to 8
Preschool - three years	1 to 12
Preschool - four and five years of age	1 to 14
School age - kindergarten to 11	1 to 18
School age - 11 years through 14 years	1 to 20

(1) When there is a combination of ages within a group of children the age of the youngest child determines the staff/child ratio. The only exception to this is that when no more than one child, two and one half years of age or older, is permanently assigned to a group in which all the other children are in the next older age group, the staff/child ratio shall be determined by the older children.

(2) Child care staff members shall not be counted in the staff/child ratio if they are engaged in duties that interfere with the staff's supervision of children. Child care staff members shall not be counted in the staff/child ratio if they are engaged in telephone conversations or conversations with parents that prevent child care staff members from adequately supervising children.

(3) During nap time the staff may supervise twice the number of toddlers, preschool and school children allowed by the staff/child ratio provided all of the following are met:

(a) At least one child care staff member is physically present supervising the room during nap time.

(b) There are enough child care staff members readily accessible within the building to ensure that required staff/child ratios can be met.

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(c) Nap time preparations are complete, and all children are sleeping or resting on cots.

(d) These nap time provisions are in effect for no longer than two hours during a twenty-four hour period.

(4) To show compliance with staff/child ratios, a JFS 01306 "Employee Record Chart" (rev. 9/2011) shall be maintained by the center and shall be available for review by the Ohio department of job and family services (ODJFS). The JFS 01306 shall include:

(a) The name of each employee.

(b) Position of employee.

(c) Date of employment.

(d) Group assignment if the employee is a child care staff member.

(e) Days and hours the employee is assigned to work. If a child care staff member has other duties at the center, indicate when the staff member is assigned to a group of children.

(5) The center shall post the JFS 01310 "Required Staff/Child Ratios for Child Care Centers" (03/2006) in a conspicuous area at the entrance of each classroom or home base area to assure that parents are aware of the required ratio for all groups of children.

(D) The center shall implement a written policy for the following:

(1) Arrival and departure of children to assure that a child care staff member is aware of each child's presence at the center.

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(2) Arrival and departure of children to and from public school buses, assuring that all children are supervised as they are getting on and off the school bus. Children shall not be permitted to walk unsupervised to or from the vehicle that is to be transporting them.

(3) Release of a child to persons other than the parent or guardian. A child shall only be released to persons sixteen years of age or older, except when parent or guardian permission is on file. This written permission shall be signed and dated by the parent or guardian and administrator.

(4) Determining the whereabouts of a child when the child is absent, but is scheduled to be at the center. The procedure shall only be for children who do not arrive at the center with their parent or guardian.

(5) Plan for operation when schools or programs are delayed or canceled due to inclement weather or other emergency situations.

(E) The center shall have and implement its own policy whether to permit the following when caring for school children:

(1) School children may run errands inside the building or use the restroom alone or in groups of no more than six children without adult supervision as long as the following conditions are met:

(a) Children are within hearing distance of a child care staff member.

(b) The child care staff member checks on the children at least every five minutes until they return to the group.

(c) The restroom shall be for the exclusive use of the center.

(2) One group of no more than six school children, fourth grade age or older, may engage in activities which

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pose no physical risk to their safety in a room without a child care staff member as long as the child care staff member:

(a) Can see or hear the children at all times.

(b) Checks on the children at least every five minutes.

(3) School children may leave the center for specific activities, including walking to and from the center or school, walking home or to another destination. Written permission shall be obtained from the parent or guardian and kept on file at the center. The written permission shall specify:

(a) The child's name.

(b) The child's destination.

(c) Arrangements for transportation to and from the activities.

(d) Time of arrival and departure.

(e) Time period for which permission is given.

(f) Parent or guardian's signature and date.

(4) School children may participate in activities in the building sponsored by other groups. Written permission shall be obtained from the parent or guardian and kept on file at the center for review. The written permission shall specify:

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- (a) The child's name.

- (b) The nature of the activity.

- (c) Location in the building.

- (d) Arrangements for going to and from the activity.

- (e) Starting and ending times of the activity.

- (f) Time period for which permission is given.

- (g) Parent or guardians signature and date.

(F) Children may visit the next older age group for transitioning purposes. There shall be room for the transitioning child in the next age group, and the staff/child ratios and group sizes shall be maintained. The center shall have a procedure for listing these children on attendance records, including the specific days and times the child is with either group. The center shall have available in the classrooms, a copy of the transition agreement between the parent and the center as required in [rule 5101:2-12-30 of the Administrative Code](#).

(G) If a regularly employed child care staff member is unable, for any reason, to fulfill the responsibility for the care of children, the staff member shall be replaced immediately by another child care staff member. A list of substitutes and verification of their qualifications shall be kept on file for review by ODJFS.

(H) The child care center shall at all times have at least two responsible adults available on the premises and at field or routine trip destinations when seven or more children are present. One adult shall be a child care staff member.

- (1) The second adult shall:

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(a) Be available within the building or immediate area used for children.

(b) Be able to be summoned by the child care staff member without leaving the group unsupervised.

(c) Be able to react as to reduce risk to children during an emergency.

(2) If the second adult is not an employee of the center, the following documentation shall be on file:

(a) A signed copy of the JFS 01238 "Second Adult Statement" (rev. 9/2011). This statement shall be updated annually.

(b) A signed non-conviction statement as required by [rule 5101:2-12-26 of the Administrative Code](#).

(I) The children shall be organized in groups to give continuity of care and supervision to the children on a day by day basis. Children shall not be moved from one group to another to maintain staff/child ratios.

(1) "Group" is defined as a given number of children assigned to specific child care staff members.

(2) Facilities caring for more than one group in a classroom or area shall assign children to specific child care staff members who are responsible for their care.

(3) Each group shall have a designated home base area.

(J) Group size shall not exceed twice the maximum number of children allowed per child care staff member as required in the staff/child ratio section of this rule.

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(1) When age groups are combined the group size for the youngest child shall apply.

(2) Group size limitations shall not be interpreted to apply during nap time, evening sleep time, meal time, snack time, outdoor play, field trips, routine trips or special occasions.

(K) If there is a time when there is no more than twelve children present on the premises, the children being cared for at this time may be cared for as one group, and this group may include children of all ages. This mixed age group shall be cared for in a safe environment.

(L) A record of daily attendance shall be kept for each child enrolled, beginning on the child's first day.

(1) A record of daily attendance for each group shall be kept by the child care staff member responsible for that group. Attendance records shall remain with the group at all times throughout the day including: outdoor play, emergency evacuations and when groups are combined. This record shall specify:

(a) The names and birth dates of children.

(b) The names of the child care staff members responsible for the group.

(c) The designated area used as home base.

(d) For those centers caring for children on both a part time and a full time basis, the attendance record shall include the days and hours of enrollment for each child.

(2) Attendance shall be recorded by the child care staff member upon the child's arrival, and the attendance record shall provide for documentation of each child's departure.

(3) A child attending the center on a drop in basis shall be listed on the attendance sheet of the group to which they are assigned.

(4) The written records of attendance shall be kept for a period of one year. A copy of attendance records shall remain at the center at all times.

OAC 5101:2-12-21

5101:2-12-21 Care and nurturing of children for licensed child care centers

(A) Staff shall be responsible for the well being and safety of each child in the group to which they are assigned and meeting each child's basic needs.

(1) The administrator and each employee of a child care center shall protect or remove children from a person or situation that is determined to be unsafe or inappropriate.

(2) The administrator and each employee of a child care center are required under [section 2151.421 of the Revised Code](#) to immediately report their suspicions of child abuse or neglect to their local children's protective services agency.

(3) All children must be served food that is not a choking hazard, that is developmentally appropriate in size, amount and texture. A list of foods that are examples of choking hazards for young children is provided in appendix A to this rule . Food provided to children in care must conform to the safety measures listed in the appendix.

(4) Staff must acknowledge and respond appropriately to children who are crying or who show distress.

(5) Staff must assist with the needs of children such as toileting, hand washing and basic hygiene including, tying shoe laces, wiping noses and washing faces.

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(6) Diapers must be checked regularly for wetness and feces. Centers must secure a statement in writing from the child's parents or guardians, stating the frequency in which they want their child's diaper checked. Diapers must be changed when found to be wet or soiled.

(7) Clothing must be changed immediately when wet or soiled with urine, vomit or fecal matter. Wet clothing from other sources such as, water play, drinks or painting, shall be changed at the end of the activity.

(8) Children shall not be exposed to inappropriate language, conversations, or behavior by center employees or any type of media.

(9) Children must be permitted the opportunity and encouraged to learn to feed themselves as their developmental levels allow.

(10) No person shall step over barriers such as, but not limited to, gates, shelving units or furniture, while holding a child.

(B) Staff shall implement practices that are supportive of individual developmental needs when caring for children with special needs.

(1) Centers who care for children with special needs or who require treatment for health conditions shall make appropriate adjustments as needed for these children.

(2) A child with developmental delays may receive care in a group of children which best meets the child's individual needs in consultation with the parent/guardian.

OAC 5101:2-12-21, App. A

5101:2-12-21 Appendix A Choking Hazards



Image 1 within document in PDF format.

OAC 5101:2-12-22

5101:2-12-22 Child guidance and management for licensed child care centers

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(A) Child care staff members assigned to supervise a child or group of children shall be responsible for their guidance and management.

(B) Child guidance and management measures must be developmentally appropriate for the child, shall be consistent, shall be explained to the child and shall take place at the time of the incident as soon as the issue can be safely addressed.

(C) The child care staff member shall:

(1) Use developmentally appropriate techniques suitable to the children's ages and relevant to the circumstances such as, but not limited to:

(a) Setting clear limits.

(b) Redirecting the child to an appropriate activity.

(c) Showing children positive alternatives.

(d) Modeling the desired behavior.

(e) Reinforcing appropriate behavior.

(f) Encouraging children to control their own behavior, cooperating with others and solving problems by talking things out.

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(2) Intervene, when needed, as quickly as possible to ensure the safety of all children.

(3) If centers use developmentally appropriate separation from the situation the separation shall last no more than one minute for each year of age of the child and shall not be used with infants. When the child is to return to the activity child care staff members must review the reason for the separation and discuss with the child what behavior is expected.

(4) Communicate and consult with parents or guardians prior to implementing any specific behavior management plan. This plan must be in writing and signed by the parent/guardian and must be consistent with the requirements of this rule.

(D) All employees and child care staff members shall not: green and blue

(1) Abuse, endanger or neglect children.

(2) Utilize cruel, harsh, unusual, or extreme techniques.

(3) Utilize any form of corporal punishment.

(4) Delegate children to manage or discipline other children.

(5) Use physical restraints on a child.

(6) Restrain a child by any means other than holding children for a short period of time, such as in a protective hug, so that the children may regain control.

(a) Prone restraint of a child is prohibited. Prone restraint is defined as all items or measures used to limit or control the movement or normal functioning of any portion, or all, of a child's body while the child is in

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a face-down position.

(b) Prone restraint includes physical or mechanical restraint.

(7) Place children in a locked room or confine children in any enclosed area.

(8) Confine children to equipment such as cribs or high chairs.

(9) Humiliate, threaten or frighten children.

(10) Subject children to profane language or verbal abuse.

(11) Make derogatory or sarcastic remarks about children or their families.

(12) Punish children for failure to eat or sleep or for toileting accidents.

(13) Withhold any food, including snacks and treats, rest or toilet use.

(14) Punish an entire group of children due to the unacceptable behavior of one or a few.

(15) Isolate and restrict children from all activities for an extended period of time.

OAC 5101:2-12-23

5101:2-12-23 Evening and overnight care for licensed child care centers

(A) A child care center is considered to be providing evening and overnight care when children are in attendance

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any time between the hours of seven p.m. and six a.m. Care being provided during these hours shall comply with all applicable rules of Chapter 5101:2-12 of the Administrative Code and the additional stipulations of this rule.

(B) Evening and overnight care must ensure that children are safe and the center is secure.

(1) Child care staff members shall remain awake at all times, and shall supervise sleeping children.

(2) The center shall provide adequate lighting indoors in all areas, including bathrooms, hallways, and sleeping rooms to ensure that child care staff members are able to see all children at all times.

(3) Persons on the premises during evening and overnight care hours shall be limited to persons authorized by the administrator or owner and parents and guardians of children in care.

(4) Parking areas, outdoor walkways, and all building entrances shall be adequately lighted for safety and security.

(5) The center shall provide a written security plan that ensures that access to the center is limited to parents and guardians of children in care and authorized persons. The center shall ensure that children are supervised at all times during limited access hours. The plan shall ensure the supervision of the children.

(C) The center shall provide a safe evening and overnight care program and schedule.

(1) The center shall provide sleeping arrangements so that sleeping children are cared for separately from children who are awake, and so that sleeping children are not disturbed by arrivals and departures.

(2) The center shall ensure areas where children sleep during evening and overnight care are on the building's ground floor unless another floor has been approved for the care of sleeping children by the local fire official having jurisdiction.

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(3) Bedtime routines shall be developed in consultation with parents or guardians.

green and blue

(4) The center shall have a program of activities before bedtime, which allows for children's individual choices and needs. Activities may include meals, play, homework, relaxation, personal grooming, and outdoor play during daylight hours.

(5) Each child in care during evening and overnight hours shall be provided with an individual blanket and a crib or a cot, as required in [rule 5101:2-12-19](#) or [5101:2-12-42 of the Administrative Code](#).

(6) Each child who sleeps at the center for four or more hours shall have clean comfortable sleeping garments.

(7) Individual storage spaces for personal belongings and clothing shall be provided.

(D) The center shall provide a sanitary environment, and shall provide for these additional hygiene stipulations during evening and overnight care:

(1) School age boys and girls shall be separated during washing and while changing clothes to ensure privacy.

(2) Child care staff members shall assist children during washing and changing clothes according to children's developmental needs.

(3) Bed linens shall be changed at least weekly, or when soiled or assigned to a different child.

(4) Each child shall be provided by the center with a clean, individual washcloth, towel, and toothbrush if the parent does not provide these items. Anything to be re-used shall be labeled for each child and stored in a sanitary manner such that items do not touch and do not promote bacterial growth.

(5) Children shall have access to running water, liquid soap, and toothpaste.

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(6) If bathing facilities are used at the center, bath tubs and showers shall be cleaned and disinfected after each use, and shall be equipped to prevent slipping. All children shall bathe separately.

OAC 5101:2-12-24

5101:2-12-24 Administrator responsibilities and qualifications for licensed child care centers

(A) The administrators named on the license are responsible for the daily operation of the child care center and with maintaining compliance with Chapter 5101:2-12 of the Administrative Code.

(1) The administrators shall be on site a minimum of one half of the hours that the child care center is in operation during the week, or a minimum of forty hours per week, whichever is less. If there is more than one administrator, at least one shall meet this requirement.

Administrators of centers that are in operation on the weekends and/or evenings/overnights as well as during the week, shall be on site at the center at least twenty hours per week during the hours of seven a.m. to six p.m. Monday through Friday. If there is more than one administrator, at least one must meet this requirement.

(2) The administrators shall have time each week when they are not in the classroom to complete administrative duties.

(3) The administrators shall post their scheduled hours of availability in a conspicuous place that is easily accessible to parents.

(B) Whenever an administrator is not on the premises, a child care staff member shall be designated as the person in charge. The person designated as in charge is not required to meet administrator educational requirements. Child care staff members and employees shall be aware of the person designated to be in charge. This designated person shall handle all emergencies and have access to all records required by Chapter 5101:2-12 of the Administrative Code.

(C) Written documentation verifying the administrator's qualifications shall be kept on file at the center.

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Administrators shall meet the following qualifications:

(1) The administrator shall have completed a high school education verified by one of the following:

(a) A copy of a high school diploma recognized by the state board of education or the appropriate agency of another state as equivalent to a high school education.

(b) A copy of other written documentation approved by the department verifying high school completion or equivalency, such as the Ohio general educational development high school equivalence diploma (GED).

(c) Copy of the degree or transcript verifying completion of an associates degree or higher.

(2) In addition, at the time the administrator is designated, he or she shall provide documentation of one of the following:

(a) Two years of training verified by a transcript including four courses in child development. Two years of training shall be sixty semester or ninety quarter hours from an accredited college, university or technical college. Four courses shall be twelve semester hours or eighteen quarter hours from an accredited college, university or technical college. Child development shall be as defined in [rule 5101:2-12-28 of the Administrative Code](#).

(b) Twenty-four calendar months, for at least twelve hours a week, of experience working as a child care staff member in a licensed child care center or type A home.

(c) An “early childhood professional level three” designation from the career pathways model of the quality-rating program. This designation may be received by meeting the requirements on the professional registry network (PRN) which can be accessed at: <https://www.opdn.org>.

(3) Additionally, not later than one year after being designated as the administrator, he or she must submit documentation that they have also met at least one of the following requirements:

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(a) Two years of training verified by a transcript including four courses in child development. Two years of training shall be sixty semester or ninety quarter hours from an accredited college, university or technical college. Four courses shall be twelve semester hours or eighteen quarter hours from an accredited college, university or technical college. Child development shall be as defined in [rule 5101:2-12-28 of the Administrative Code](#).

(b) Twenty-four calendar months, for at least twelve hours a week, of experience working as a child care staff member in a licensed child care center or type A home and four courses in child development, as defined in paragraph (C)(2)(a) of this rule.

(c) A currently valid child development associate credential (CDA) issued by the national child development associate credentialing commission. In order to remain as the administrator, the CDA credential shall be renewed as needed.

(d) A license issued from the Ohio department of education which is designated for teaching in an associate teaching position in a preschool setting.

(e) An administrator credential as approved by the Ohio department of job and family services (ODJFS.)

(4) A person who is named as administrator and who does not meet the requirements of paragraph (C)(3) of this rule within one year of being designated as administrator may no longer serve as the administrator. The person also may not be named as administrator at the same site or another location until the administrator qualifications of paragraph (C)(3) of this rule have been met.

(5) A child care staff member who does not meet requirements of paragraph (C)(2) of this rule may be promoted one time to administrator from within a center if that person meets all of the following:

(a) Has been employed at that site for two years as verified by the Ohio department of job and family services' employee record charts;

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(b) Completes four courses, equaling twelve semester hour or eighteen quarter hours, from an accredited college, university or technical college in child development or obtains a child development associate credential within one year from the date of promotion;

(c) Has filed a written plan with the department for securing the required course work or the child development associate credential.

(D) The administrator shall complete a rules review course provided by the Ohio department of job and family services.

(1) Administrators shall complete the rules review course within six months of the date of their appointment.

(2) Verification of completion of the rules review course shall be on the prescribed form JFS 01241 "Administrator Rules Review Course Certificate" (rev. 9/2011). This form shall be kept on file at the center.

(3) Completion of the type A administrator rules training does not meet the requirements of this rule.

(E) The owner or administrator shall report a change in the position of administrator to ODJFS as soon as possible but no later than five business days after the date of the change. Written verification of qualifications shall be received and approved by the department within thirty days of a change of administrator.

OAC 5101:2-12-25

5101:2-12-25 Employee and child care staff member requirements for licensed child care centers

(A) Every administrator, employee, and child care staff member of a child care center shall be mentally and physically able to carry out their duties. No child care center shall employ as a child care staff member a person whose physical or mental disability would prevent such person from recognizing and acting upon any hazards to a child's safety and well being.

(1) Each administrator, employee, and child care staff member shall receive a medical examination from a licensed physician, a physician's assistant, advanced practice nurse or a certified nurse practitioner within twelve months prior to the first day of employment.

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(2) A completed form, verifying the exam, shall be on file the first day of employment for review by the director's representative.

(3) The medical statement form shall include all of the following:

(a) The date of the examination.

(b) The signature, business address, and telephone number of the licensed physician, physician's assistant or certified nurse practitioner who completed the examination.

(4) The medical form shall be signed by the physician, physician's assistant or certified nurse practitioner verifying that the employee is all of the following:

(a) Physically fit for employment in a facility caring for children.

(b) Immunized against measles, mumps and rubella (MMR), except that for persons born on or before December 31, 1956, a history of measles or mumps disease may be substituted for the vaccine. A history of rubella disease shall not be substituted for rubella vaccine. Only a laboratory test demonstrating detectable rubella antibodies shall be accepted in lieu of rubella vaccine.

(c) Immunized against tetanus and diphtheria. At the time the next booster for tetanus and diphtheria is due, the employee must also be immunized against pertussis (Tdap). All employees must have verification of being immunized against pertussis by January 1, 2017.

(5) An employee may be exempt from the immunization requirement for religious reasons upon filing a written request with the center, and for medical reasons upon filing a written request signed by a licensed physician.

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(6) An additional report or examination by a licensed physician or mental health professional may be required when there is concern about an employee's ability to perform required duties.

(B) Except as otherwise provided in this rule, a child care staff member shall be at least eighteen years of age and have completed a high school education as defined in paragraph (B)(1) of this rule.

(1) There shall be on file at the center on the first day of employment evidence to verify each child care staff member's high school education. Verification of high school must be one of the following:

(a) A copy of a high school diploma recognized by the state board of education or the appropriate agency of another state as equivalent to a high school education.

(b) A copy of other written documentation approved by the department verifying high school completion or equivalency, such as the Ohio general educational development high school equivalence diploma (GED).

(c) A copy of a transcript from an accredited college, university or technical college indicating that the student has completed the high school education requirements and has been accepted to or is in the process of taking college coursework.

(d) A copy of the degree or transcript verifying completion of an associates degree or higher from an accredited college, university or technical college.

(2) Any child care staff member employed prior to January 1, 1972, by the same employer and continually employed at the same site, shall be exempt from the requirements of paragraph (B) of this rule.

(3) A child care staff member who is receiving or has completed the final year of instruction at home as authorized under [section 3321.04 of the Revised Code](#) or has graduated from a nonchartered, nonpublic school in Ohio shall be exempt from the educational requirements of this rule.

(a) A child care staff member who is being or who has been home schooled, shall submit documentation

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from the superintendent, exempt village school district or educational service center for the district in which the child resides which states the child is or was excused from attendance.

(b) A child care staff member who has graduated from a nonchartered, nonpublic school in Ohio shall submit a copy of the high school diploma that was received from the school.

(4) A graduate of a two year vocational child care training program approved by the state board of education may be less than eighteen years of age and be a child care staff member. There shall be on file at the center evidence to verify the child care staff member's graduation from an approved program. Evidence shall be:

(a) A copy of a diploma or a transcript verifying graduation from an approved vocational child care training program; or

(b) A copy of other written evidence approved by the director.

(C) A child care staff member may include a student that is less than eighteen years of age if the student is enrolled in the second year of a vocational child care training program approved by the state board of education which leads to high school graduation. The following requirements shall be met:

(1) The student shall perform duties under the supervision of an experienced child care staff member. A child care staff member shall be on the premises at all times a student is responsible for the care and supervision of children.

(2) The student shall not perform the duties of the second adult on the premises as required by [rule 5101:2-12-20 of the Administrative Code](#) unless the student is eighteen years of age.

(3) The student shall receive periodic supervision from the teacher coordinator of the vocational child care training program.

(4) There shall be on file at the center a signed statement from the teacher coordinator of the vocational child care training program that verifies that the student is in the second year of a vocational child care training

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program and that the student is receiving periodic supervision.

(D) The center shall maintain documentation for each current employee on file at the center. Employment records shall be made available upon request by the department for at least three years after each employee's departure. Information shall include days and hours worked, duties and group assignments, if applicable.

(E) A parent or guardian of a child enrolled in the center shall be exempt from the requirements in this rule unless the parent or guardian is acting as an employee or child care staff member. Parents who do not meet the requirements of this rule may not be counted in the staff/child ratio or be left alone with children, except as a driver for a field trip as specified in [paragraph \(A\)\(3\) of rule 5101:2-12-18 of the Administrative Code](#).

(F) The orientation training shall be completed within ninety days of starting employment at the center as a child care staff member. This orientation shall be presented by the administrator or designee who meets administrator qualifications.

(1) The orientation training shall include all of the following topics that pertain to the center:

(a) Active supervision of children.

(b) Appropriate child management techniques, including basic developmental expectations for the age group(s) with which the child care staff member will be working.

(c) Maximum required staff/child ratios and maximum group sizes.

(d) Fieldtrip and swimming safety.

(e) Attendance requirements.

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- (f) Hand washing.
- (g) Diapering.
- (h) Emergencies, including which staff have current first aid training.
- (i) Evacuation procedures for fire, tornado, and general emergencies.
- (j) Child abuse reporting requirements.
- (k) Communicable disease policy, which staff have current communicable disease training, standard precautions and location of communicable disease chart.
- (l) Medication policy and who is the designated person(s) to administer medicines and/or treatments.
- (m) The names and ages of the children for whom the child care staff member will be responsible and if any child has special needs or health concerns.
- (n) A copy of the daily schedule for the classroom(s) in which the child care staff member will be working.
- (o) Parent policies addressed in the written parent policy handbook that pertain to the child care staff member's classroom or that the child care staff member would be responsible for implementing.
- (p) Rules and laws that pertain to any of the above categories.

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(2) The course outline prepared by the department shall be utilized for all trainings.

(3) The training shall include interactive opportunities, appropriate role modeling, discussion with questions and answers and demonstrations as needed.

(4) To document completion of this training staff and the administrator shall sign the JFS 01246 "Child Care Staff Member Orientation and Policy Review Statement" (rev. 9/2011). This completed form shall be kept on file at the center.

(5) Child care staff members who complete or have completed this training after November 1, 2010 using the online curriculum may receive up to five hours of electronic media inservice training. The JFS 01307 "Inservice Training" (rev. 7/2010) shall be used to document the inservice credit. Only the original, full training shall be used to receive inservice training hours.

(6) Once an employee or child care staff member has completed this orientation training and then begins employment at another licensed child care program, the employee will need to only complete the sections of the training relating to center specific policies and procedures. A copy of the original JFS 01246 verifying completion of the full orientation training shall be kept on file at the center.

(G) At the time of employment the administrator shall review center policies, procedures, and licensing rules that pertain to their area of work, with each employee of the center and each child care staff member of the center. All employees and child care staff members shall sign the JFS 01246, to be kept on file at the center, verifying the review of the pertinent licensing rules and review and receipt of a copy of each of the following:

(1) The center's parent/employee policies and procedures;

(2) The center's medical, dental, and general emergency plan.

(H) A copy of the licensing rules shall be available to all staff and kept in at least one classroom, home base area, or staff rest area on the premises. The copy of the rules for staff to reference shall be accessible to all staff and shall not be kept only in the administrator's office or desk area.

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(I) Employee's records shall be confidential, except that they shall be available to the department for the purpose of administering Chapter 5104. of the Revised Code and Chapter 5101:2-12 of the Administrative Code.

OAC 5101:2-12-26

5101:2-12-26 Statement of nonconviction and criminal records checks for licensed child care centers

(A) Definitions.

(1) "Criminal records check" has the same meaning as in [section 109.572 of the Revised Code](#).

(2) "Employee" has the same meaning as in [section 5104.01 of the Revised Code](#).

(B) All persons who are employees in any capacity in a child care center, anyone who owns or operates a child care center, any administrator, and any person who, at any time, has care, custody or control of a child or is alone with a child or a group of children at the child care center shall follow the requirements of this rule.

(C) The JFS 01328 "Statement of Nonconviction for Child Care Centers and Type A Homes" (rev. 7/2010) shall be completed and kept on file at the center for the following persons at the following times:

(1) All administrators and owners of centers:

(a) Prior to the issuance of a provisional license.

(b) By the date of hire.

(c) Annually from the date of hire.

(2) All employees and persons designated as second adults of centers:

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(a) By the date of hire or signing of second adult statement.

(b) Annually from the date of hire or signing of the second adult statement.

(D) Each owner, administrator and employee of the center shall sign a statement attesting that he or she has not had a child removed from his or her home pursuant to [section 2151.353 of the Revised Code](#). This statement is included on the JFS 01328. If an owner, administrator or employee has had a child removed, he or she shall immediately be released from employment.

(E) No person who has been convicted of or pleaded guilty to a prohibited offense listed in division [\(A\)\(8\)](#) or [\(A\)\(9\) of section 109.572](#) or [division \(A\)\(1\) of section 5104.09 of the Revised Code](#) shall be employed in any capacity in or own or operate a child care center unless the person meets the standards for rehabilitation in this rule.

(F) Criminal records check.

(1) Child care centers shall submit fingerprints according to the requirements of the bureau of criminal identification and investigation (BCII). Information on how to obtain a criminal records check can be found at <http://www.ohioattorneygeneral.gov/Services/Business/WebCheck> .

(2) All criminal records check results shall be dated, have an authentication number and the last four digits of the social security number of the person for whom the criminal records check was completed.

(3) Each center shall pay to BCII the prescribed fee for each requested criminal records check. If the center chooses to charge an employee, the center shall notify the employee in writing of the amount of the fee, and the procedure for reimbursement of the fee to the center.

(4) Criminal records check results are not public records and shall not be made available to any person other than the person who is the subject of the criminal records check or his or her representative, the center administrator, owner, the owner's designee or the Ohio department of job and family services (ODJFS).

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(5) [Section 109.572 of the Revised Code](#) requires that this rule applies to records of convictions that have been sealed pursuant to [section 2953.32 of the Revised Code](#).

(6) A conviction of or a plea of guilty to an offense listed in division (A)(8) or (A)(9) of [section 109.572](#) or division (A)(1) of [section 5104.09 of the Revised Code](#) shall not prevent the hiring of an employee or the issuance of a provisional license if the owner, administrator or employee provides evidence that he or she has been granted an unconditional pardon for the offense pursuant to Chapter 2967. of the Revised Code or the conviction or guilty plea has been set aside pursuant to law. For purposes of this rule, “unconditional pardon” includes a conditional pardon when all conditions have been performed or have transpired.

(7) If the result of a criminal record check for an employee indicates the possibility of a prohibited offense but does not include a conviction of or plea of guilty to the offense, the administrator shall secure the needed court documents to verify the final disposition. The administrator shall keep this documentation in the employee’s file.

(8) If the employee fails to obtain a criminal records check he or she shall not be an employee of the child care center.

(G) Before the issuance of an initial provisional license, owners and administrators shall complete a criminal records check and ODJFS shall review and approve the results.

(1)) The results of the BCII and Federal bureau of investigation (FBI) criminal records checks shall be sent to ODJFS. These criminal records checks shall be repeated and submitted to ODJFS every four years thereafter.

(2) A criminal records check shall not be required when an initial application is needed solely because the center has changed location.

(3) The initial license application shall be denied or the license revocation process shall begin, if ODJFS receives a criminal records report verifying that an owner or administrator has a conviction under division (A)(8) or (A)(9) of [section 109.572](#) or division (A)(1) of [section 5104.09 of the Revised Code](#) unless ODJFS determines that the person meets the standards for rehabilitation in this rule.

(4) Owners and administrators shall provide ODJFS proof that the standards for rehabilitation have been met. If the owner or administrator fail to provide such proof or if the proof offered by the person is inconclusive, no

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license shall be issued.

(H) A person applying for employment at the center shall complete a criminal records check prior to the first day of employment and every four years thereafter.

(1) The center administrator shall assure that a person applying for employment has submitted his or her fingerprints for a BCII criminal records webcheck, including an FBI criminal records check, at a BCII authorized webcheck location. This includes all employees of the program who are present during any child care hours and all persons providing contracted services who care for children or are used in the staff/child ratio for the center. The results shall be on file within thirty calendar days from the date of hire and returned directly to the administrator or child care center.

(2) The administrator shall review and approve the results of the criminal records check before any applicant has sole responsibility for the care, custody, or control of a child.

(3) A center that uses the services of a student placed by a high school or college as part of a supervised field assignment or student teaching experience has complied with this rule if either the administrator, high school or college requested that the BCII or FBI criminal records check be completed and the results are on file at the center.

(4) A center that uses the services of, or contracts with individuals or agencies, such as but not limited to, agencies providing temporary employees, providers of speech therapy, computer training, dance or transportation drivers has complied with this rule if the center, the contracted entity or the person requested that the BCII or FBI criminal records check be completed and documentation of the results are on file at the center.

(5) The administrator of a center shall request updated BCII and FBI criminal records checks if an employee leaves the center's employment and is then rehired.

(6) Administrators may include an FBI criminal records check in addition to the BCII criminal records check every four years.

(I) If the criminal records check results indicate that an employee has a conviction under division (A)(8) or (A)(9) of section 109.572 or division (A)(1) of section 5104.09 of the Revised Code, the center administrator shall immediately release the person from employment until the administrator determines and documents that the person

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meets the standards for rehabilitation in this rule and the center chooses to employ the person. It is the employee's responsibility to provide all information to verify that he or she meets the standards for rehabilitation in this rule.

(J) An applicant, employee, owner or administrator of a child care center who has a prohibited offense shall meet the following standards for rehabilitation:

(1) Where the offense was a misdemeanor, at least three years have elapsed from the date the person was fully discharged from imprisonment, probation or parole in regard to the conviction. A person who has had his or her record of misdemeanor conviction sealed by a court pursuant to [section 2953.32 of the Revised Code](#) shall be considered to have met this condition. If the offense was a felony, at least ten years have elapsed since the person was fully discharged from imprisonment, probation or parole.

(2) The victim of the offense was not one of the following:

(a) A person under eighteen years of age.

(b) A functionally impaired person as defined in [section 2903.10 of the Revised Code](#).

(c) A mentally retarded person as defined in [section 5123.01 of the Revised Code](#).

(d) A developmentally disabled person as defined in [section 5123.01 of the Revised Code](#).

(e) A person with a mental illness as defined in [section 5122.01 of the Revised Code](#).

(f) A person sixty years of age or older.

(3) The prospective person's hiring will not jeopardize the health, safety, or welfare of the children served by the center. The following factors shall be considered:

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- (a) The age of the person at the time of the offense.
- (b) The nature and seriousness of the offense.
- (c) The circumstances under which the offense was committed.
- (d) The degree to which the person participated in the offense.
- (e) The time elapsed since discharge from imprisonment, probation or parole.
- (f) The likelihood that the circumstances leading to the offense will recur.
- (g) Whether the person is a repeat offender.
- (h) The person's employment record.
- (i) The efforts at rehabilitation and the results of those efforts.
- (j) Whether any criminal proceedings are pending.
- (k) Any other relevant factors.

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(4) The JFS 01206 "Rehabilitation Criteria" (rev. 9/2011) shall be completed by the administrator or owner in conjunction with the individual who has the prohibited convictions. A copy of the complete disposition report shall be attached to the JFS 01206 for each prohibited conviction.

(5) If it is the administrator or owner who has the prohibited conviction, the completed JFS 01206 and a copy of the complete disposition report shall be reviewed and approved or disapproved by ODJFS if it is determined the rehabilitation requirements have been met.

OAC 5101:2-12-27

5101:2-12-27 Training in first aid, CPR, management of communicable disease and child abuse prevention for staff in licensed child care centers

(A) The child care center shall have in all center buildings and readily accessible during all operating hours at least one child care staff member for each of the following trainings who has successfully completed current and valid training in:

(1) First aid,

(2) Cardiopulmonary resuscitation (CPR) appropriate for all age groups that the center is licensed to serve,

(3) Management of communicable disease.

(4) Child abuse recognition and prevention.

Child care staff members trained in these areas may be four separate persons. Training in these areas may not be taken through electronic media presentation unless approved the Ohio department of job and family services (ODJFS).

(B) The training in first aid shall be appropriate for child care staff and shall:

(1) Be at least six hours in length and follow a curriculum approved by (ODJFS) in collaboration with the Ohio department of health; or

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(2) Be for the length of time required by an approved health organization and follow guidelines and curriculum of a first aid course designed for child care staff by a health organization approved by (ODJFS); and

(3) Be valid for three years or the number of years indicated on the card or form received from the approved health organization.

(C) This first aid training shall be updated by either completion of the full training or completion of a review training.

(D) The first aid trainer shall be one of the following:

(1) An authorized trainer for an approved health organization.

(2) A licensed physician or registered nurse.

(3) An emergency medical service instructor.

(E) The CPR training, if taken separately from first aid, shall meet all of the following requirements:

(1) Be for the length of time required by an approved health organization.

(2) Follow a curriculum of an approved health organization.

(3) Be valid for the number of years indicated on the card or form received from the health organization.

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(4) Be appropriate for all age groups the center is licensed to serve.

(F) The CPR trainer shall be an authorized trainer for a health organization approved by (ODJFS).

(G) The training in management of communicable disease shall:

(1) Be at least six hours in length and follow a curriculum approved by (ODJFS); or

(2) Follow guidelines and curriculum or a management of communicable disease course designed for child care staff by a health organization approved by (ODJFS); and

(3) Be valid for three years.

(H) This management of communicable disease training shall be updated by either completion of the full training or completion of a three hour review training.

(I) The management of communicable disease trainer shall be one of the following:

(1) An authorized communicable disease trainer for a health organization approved by (ODJFS); or

(2) A licensed physician or registered nurse.

(J) The training in child abuse recognition and prevention shall follow a curriculum approved by (ODJFS) and shall:

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(1) Be at least six hours; and

(2) Be valid for three years; and

(3) Include all of the following curriculum areas:

(a) Ohio law and rules pertaining to child abuse and neglect, including definitions, reporting and confidentiality requirements and the requirement to report suspected abuse or neglect by child care staff members if observed or suspected;

(b) Physical and behavioral indicators of child abuse and neglect;

(c) Details on reporting, including penalty, immunity and how and to whom to report;

(d) The investigatory role of the children's protective services agency;

(e) The sharing of information and the role of law enforcement, licensing, and the courts in reports of child abuse and neglect;

(f) Helping families who have occurrences of abuse or neglect;

(g) Prevention of child abuse and neglect in the center, including: staff supervision and training, policies and procedures and appropriate discipline.

(K) This child abuse prevention training shall be updated by either completion of the full training or completion of a three hour review training.

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(L) The child abuse prevention trainer shall be one of the following:

(1) An authorized trainer for a public children services agency or a child abuse prevention trainer approved by (ODJFS); or

(2) A person with at least an associates degree in social work, child development or related field from an accredited college and two years of experience professionally assessing child abuse and neglect or providing counseling to abused children or training others in child abuse prevention or the combination of experience and training; or

(3) A licensed physician or registered nurse with two years of experience professionally assessing child abuse and neglect or providing counseling to abused children or training others in child abuse prevention or the combination of experience and training.

(M) Documentation of training in first aid, CPR, management of communicable disease and child abuse prevention shall be kept on file at the center for review by (ODJFS). The following shall be documentation that training has been completed:

(1) A completed JFS 01307 "Inservice Training" (rev. 7/2010) signed and dated by the trainer; or

(2) A verification card or form from a health organization approved by (ODJFS) that specifies the name of the trainer, the date of the training, the subject content/title of the training, the number of hours of the training and the expiration date of the training.

(N) The review training for first aid, CPR, management of communicable disease and child abuse prevention shall:

(1) Include all specific topics of the approved curriculums.

(2) Be at least three hours in length or the length of time required by an approved health organization.

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(O) Completion of the full training shall be verified by (ODJFS) in order for a review training to be in compliance.

(P) All trainers with current valid training credentials shall be exempt from the trainings required by this rule.

OAC 5101:2-12-29

5101:2-12-29 Unlawful discriminatory practices in licensed child care centers

It shall be unlawful for an owner, administrator, licensee, or child care staff member to discriminate in the enrollment of children in the child care center upon the basis of race, color, religion, sex, or national origin.

OAC 5101:2-12-30

5101:2-12-30 Written information, policies and procedures to be provided to parents/guardians of children in licensed child care centers

(A) The administrator shall supply the custodial parent or guardian and all employees with written information concerning licensing, the program, policies and procedures of the center at the time of enrollment or employment, or when there are any revisions or additions.

(1) The written information shall include the JFS 01237 "Center Parent Information Required By Ohio Administrative Code" (rev. 9/2011) or all of the information included on that form.

(2) Center program information shall include at a minimum:

(a) The center's name, address, telephone number.

(b) Days and hours of operation.

(c) The center's goals and philosophies.

(d) The staff/child ratios and group sizes maintained for each age group.

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(e) A sample daily program schedule for all hours of operation for each age group of children the center is authorized to serve.

(f) A parental participation plan that keeps parents informed about the center's program and its services. The plan shall include:

(i) A standard procedure for parents or guardians and employees to follow when they need to discuss issues or when they need assistance with resolving problems related to the child care center.

(ii) Activities that provide parents or guardians opportunities to participate in the center's program.

(iii) Opportunities for parents or guardians to meet with child care staff members to discuss their children's care and development and to exchange information about the program.

(g) The standard procedure for parents or guardians to receive a list of contact information for other parents and guardians with children attending the center. Only those individuals who indicate on the JFS 01234 "Child Enrollment and Health Information" (rev. 9/2011) that they want their contact information made available should be included on the list. The list shall only be given to parents or guardians of a child who attends the center and individuals associated with the center who request it for center related business.

(3) Any information provided by the center shall not be in conflict with the licensing rules and shall include at a minimum, the center's:

(a) Guidance and management policy as described in [rule 5101:2-12-22 of the Administrative Code](#), including:

(i) Specific behavior management techniques to be used;

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(ii) A statement that the requirements of [rule 5101:2-12-22 of the Administrative Code](#) apply to all employees of the center.

(b) Supervision of children information as described in [rule 5101:2-12-20 of the Administrative Code](#), including all of the following:

(i) Arrival and departure procedure to assure that children are supervised by center staff at all times, and that staff are aware of each child's arrival and departure.

(ii) Procedure for releasing a child to persons other than the parent or guardian.

(iii) Procedures regarding releasing a child according to a custody agreement.

(iv) A statement that all children will be supervised at all times and, if the center chooses to serve school children, the center's policy on the activities of school children developed according to [rule 5101:2-12-20 of the Administrative Code](#).

(v) Procedures for the development of a written agreement for transitioning a child into the next age group, which may be initiated at the request of the parent or guardian or the center. The written agreement between the parent or guardian and the center shall specify the beginning and ending date of the transitioning period including the transitioning schedule. The agreement shall be signed by the parent or guardian.

(vi) Written procedures for determining the whereabouts of a child who is to arrive at the center from another program when the child fails to appear at the center.

(vii) The plan for operating the program when schools or programs are delayed or canceled.

(c) Food information as required in [rule 5101:2-12-39 of the Administrative Code](#), including:

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(i) Meals and snacks which will be served by the center.

(ii) Required nutritional information if food is provided by parents or guardians.

(d) Procedures for emergencies and accidents as required in [rule 5101:2-12-34 of the Administrative Code](#), including:

(i) A summary of the action to be taken by the center in the case of a “general emergency” or a “serious incident, injury or illness”. This shall include a site the center may use in the event of emergency evacuation.

(ii) The procedure to complete a JFS 01299 “Incident/Injury Report” (rev. 6/2007).

(e) Management of illness as required in [rule 5101:2-12-33 of the Administrative Code](#), including:

(i) Symptoms for discharge.

(ii) Isolation precautions.

(iii) Means of notifying parents or guardians when their children have been exposed to communicable disease.

(iv) Procedures for administration of medication, food supplements and modified diets.

(v) Policy regarding whether or not the center allows the possession and use of an inhaler or medication by a school child, when needed in an emergency for a child with a special health condition, including the procedures for obtaining consents and releases as the center deems appropriate if the center allows such possession and use.

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(f) Transportation of children as required in [rule 5101:2-12-18 of the Administrative Code](#), including:

(i) Means of transporting children for emergencies, field trips and routine trips.

(ii) Specific supervision plans for field trips and routine trips, which explains how all children will be accounted for at all times while in route and at destination.

(iii) A statement that written permission from a parent or guardian is required for all trips.

(g) Swimming policy as required in [rule 5101:2-12-17 of the Administrative Code](#), including:

(i) Summary of the center's plan for any swimming activities.

(ii) Specific supervision plan during swimming activities.

(iii) A statement that written permission from parent or guardian is required for swimming activities.

(h) Outdoor play policy as required in [rule 5101:2-12-14 of the Administrative Code](#), including:

(i) A statement that the center shall provide outdoor play each day in suitable weather for toddlers, preschool, and school children in attendance four or more consecutive daylight hours.

(ii) The center's policy to limit outdoor play due to weather or safety issues. Considerations may include but are not limited to temperature, humidity, wind chill, ozone levels, pollen count, lightening, rain or ice. This plan shall provide for indoor large muscle play and include how the

indoor large muscle play will be provided

(i) Evening and overnight care as required in [rule 5101:2-12-23 of the Administrative Code](#), including:

(i) A specific plan for supervision of children during evening and overnight care.

(ii) A security plan that ensures that access to the center is limited to parents and guardians and authorized persons.

(iii) Safe evening and overnight program and schedule.

(j) Fees, overtime charges, registration, and permanent disenrollment policies.

(k) Enrollment and health information as required in [rule 5101:2-12-37 of the Administrative Code](#) which is required for admission.

(l) Any additional center policies.

(B) A copy of the center's written information, policies and procedures shall be available at the center for review by ODJFS.

(C) The parent or guardian and each employee shall sign and date a statement verifying the review and receipt of the center's written policies and procedures. The signed statement shall be kept on file at the center for review by the ODJFS.

(D) The center shall demonstrate in daily practice that all written policies, procedures, and statements given to the parents, guardians, and employees are followed.

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(E) The administrator or designee shall interview each child and their parent or guardian prior to the child's admission to the program. The parent or guardian board of a parent cooperative child care center may conduct the pre-admission interview.

(F) The center shall provide the center's tax identification number to the parent or guardian at the time children are accepted into the program or upon request from the parent or guardian.

OAC 5101:2-12-31

5101:2-12-31 Administration of medication in licensed child care centers

(A) The center shall set its own policy regarding whether or not the center will administer medication. If a center chooses to administer medication, food supplements, or modified diets, the center shall meet the following requirements:

(1) Prescription medication, food supplements and modified diets: the center shall secure and follow the written instructions of a licensed physician, an advanced practice nurse certified to prescribe medication, or a licensed dentist on the JFS 01217 "Request for Administration of Medication" (rev. 9/2005). All instructions on this form shall be followed. The center shall also secure written instructions from the parent or guardian on the form. A prescription label also serves as written instructions for medications and food supplements as long as the following are met:

(a) The label contains the child's full name, a current date (within the last twelve months), the exact dosage to be given and the means of administration;

(b) The prescription label is attached to the original container.

(2) Only nonprescription fever/pain reducing medications that do not contain aspirin or cough or cold medications that do not contain codeine may be administered by the center, without written instructions from a licensed physician, if the following are met:

(a) The center secures and follows written instructions from the parent or guardian on the prescribed form

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provided by the department. These instructions do not exceed manufacturers' recommended dosages;

(b) Medication is in the original container with the original label attached. The label must specify appropriate dosages based on the child's age or weight;

(c) The full name of the child, who is to receive the medication, is printed on the container;

(d) The center administers the medication for no more than three consecutive days within a fourteen day period, unless under written instructions from a physician.

(3) Centers may apply nonprescription topical products or lotions if the following are met:

(a) The center shall secure written instructions from the parent or guardian on the JFS 01217. The form shall be valid for no longer than twelve months.

(b) The center shall follow manufacturers' guidelines regarding application.

(c) When used for skin irritations, such as diaper rash, the topical product shall be applied by the center for no longer than fourteen consecutive days at any one period of use.

B) When administering medication, food supplements, modified diets, the center shall:

(1) Assure that the medication, food supplement, or modified diet is not administered for any period of time beyond the date indicated by the physician, advanced practice nurse certified to prescribe medication, or licensed dentist, or for twelve months whichever comes first.

(2) Designate individuals who will administer prescription and nonprescription medication. Any staff member may apply nonprescription topical products or lotions used as a preventative measure.

(3) Verify each administration or application of medication by documenting it on the JFS 01217. Application of nonprescription topical products and lotions used only as a preventative measure does not need to be documented.

(4) Assure that dosages administered by the center do not exceed prescribed dosages or manufacturers' recommended dosages.

(5) Assure that a separate form is used for each medication to be administered.

(6) Assure that completed forms be kept on file at the center for review by the department for at least one year following the administration of the medication, food supplement, or modified diet.

C) When storing medications the center shall:

(1) Assure that all medication and food supplements are given directly to center personnel for immediate safe storage, except that an inhaler or medication may be available to a school child with a special health condition in an emergency in accordance with the center's policy as required in rule 5101:2-12-30 of the Administrative Code.

(2) Assure that all center personnel are made aware of all school children who have immediate access to personal inhalers and that a JFS 01217 is completed for all school children who have immediate access to personal inhalers.

(3) Refrigerate medication as needed immediately upon arrival at the center and store in a separate container to prevent contamination with foods.

(4) Keep medications out of the reach of children.

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(5) Remove all medications from the center when no longer needed or if the label indicates that the medication has expired .

OAC 5101:2-12-32

5101:2-12-32 Parental participation policies and parent roster requirement in licensed child care centers--Repealed

OAC 5101:2-12-33

5101:2-12-33 Management of illness in licensed child care centers

(A) Centers shall post and follow the JFS 08087 "Ohio Communicable Disease Chart" (rev. 9/2009) for appropriate management of suspected illnesses.

(1) The chart shall be posted in a location readily available to center staff and parents.

(2) The JFS 08087 with a revision date of either 4/2009 or 9/2009 may be posted and followed.

(B) A child care staff member with current, valid training in the management of communicable diseases according to [rule 5101:2-12-27 of the Administrative Code](#) or one who has been trained in recognition of communicable diseases meeting the following training requirements shall observe each child daily upon arrival at the center and before the child joins a group of children.

(1) This training shall include the symptoms for discharge covered in paragraph (D) of this rule and information included on the JFS 08087.

(2) The training shall be conducted by an individual with current valid training in management of communicable diseases according to [rule 5101:2-12-27 of the Administrative Code](#).

(3) The training shall be documented in the child care staff member's file and include a statement acknowledging that they have completed the training, the date of the training and the name of the individual conducting the training.

(C) The center shall immediately notify the parent or guardian of the child's condition when a child has been

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observed with signs or symptoms of illness.

(D) A child with any of the following signs or symptoms of illness shall be immediately isolated and discharged to his parent or guardian or person designated by the parent or guardian:

(1) Temperature of at least one hundred degrees Fahrenheit when in combination with any other sign or symptom of illness. Temperature shall be taken by the axillary (armpit) method with a digital thermometer. The thermometer shall be sanitized after each use.

(2) Diarrhea (three or more abnormally loose stools within a twenty-four hour period).

(3) Severe coughing, causing the child to become red or blue in the face or to make a whooping sound.

(4) Difficult or rapid breathing.

(5) Yellowish skin or eyes.

(6) Redness of the eye or eyelid, thick and purulent (pus) discharge, matted eyelashes, burning, itching or eye pain.

(7) Untreated infected skin patches, unusual spots or rashes.

(8) Unusually dark urine and/or gray or white stool.

(9) Stiff neck with an elevated temperature.

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(10) Evidence of untreated lice, scabies, or other parasitic infestations.

(11) Sore throat or difficulty in swallowing.

(12) Vomiting more than one time or when accompanied by any other sign or symptom of illness.

(E) A child isolated due to suspected communicable disease shall be:

(1) Within sight and hearing of a staff member at all times.

(2) Cared for in another room or portion of a room away from other children.

(3) Provided with a cot and made comfortable. After use, the cot shall be sanitized with an appropriate sanitizing agent, or if soiled with blood, feces, vomit or other body fluids, the cot shall be cleaned with hot, soapy water and sanitized with an appropriate bleach solution which is prepared on a daily basis, or other acceptable disinfectant solution which is environmental protection agency (EPA) rated as hospital disinfectant with a label claim for mycobactericidal activity.

(4) A school child may be made comfortable on a mat that shall be cleaned as indicated in paragraph (E)(3) of this rule.

(F) The center shall implement the following preventative practices for the management of communicable disease on a daily basis:

(1) The center administrator shall ensure that training is provided for all staff in the process of handwashing and diapering. Employees shall also be provided with training on standard precautions as outlined in [paragraph \(D\) of rule 5101:2-12-15.1 of the Administrative Code](#).

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(2) The center administrator shall ensure that staff are following procedures described in paragraph (E)(1) of this rule.

(3) The center shall release employees who have a communicable disease or who are unable to perform their duties due to illness.

(4) The center shall notify parents, within the next day of center operation, when their child has been exposed to a communicable disease.

OAC 5101:2-12-34

5101:2-12-34 Medical, dental, and general emergency plan for licensed child care centers

(A) The center shall complete a JFS 01242 "Medical, Dental and General Emergency Plan" (rev. 9/2011). This medical, dental and general emergency plan shall be implemented, when necessary, and shall be posted, readily in view, by each telephone and in each classroom, and other spaces used by the children, such as large muscle space, gymnasium, cafeteria.

(B) General emergencies include:

(1) Any threats to the safety of children due to environmental situations or threats of violence.

(2) Natural disasters such as fire, tornado, flood, etc.

(3) Loss of power, heat, or water.

(C) "Serious incident, injury, or illness" includes any situation occurring while a child is in care of the center, that requires emergency medical treatment or professional consultation or transportation for emergency treatment.

(D) A fire and weather alert plan shall also be posted in each classroom, and other spaces used by the children, such as large muscle space, gymnasium, cafeteria, and shall include a diagram indicating evacuation routes.

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(E) A JFS 01201 "Dental First Aid Chart" (rev. 9/2011) shall be completed and posted in each classroom, office space and other spaces used by children, such as large muscle space, gymnasium, and cafeteria.

(F) The center shall have access at all times to a working non-coin operated telephone within the child care center building.

(G) The center shall conduct monthly fire drills at varying times. Documentation of these drills shall be posted in a conspicuous location.

(H) The center shall conduct monthly weather emergency drills in the months March through September. Documentation of these drills shall be posted in a conspicuous location.

(I) If a child is transported for emergency treatment, the child's health and medical records required by [rules 5101:2-12-37](#) and [5101:2-12-38 of the Administrative Code](#) shall accompany the child. The center administrator or a child care staff member shall stay with the child until the parent or guardian assumes responsibility for the child's care.

(J) Centers that transport children in case of emergency, must have at least one child car safety seat that has the manufacturer's label attached indicating the weight and age of child it is designed to serve readily available on the premises.

OAC 5101:2-12-35

5101:2-12-35 Incident/injury report for licensed child care centers

(A) An incident/injury report shall be completed by the child care staff member in charge of the child when the following occur:

(1) An illness, accident, or injury which requires first aid treatment; or

(2) A bump or blow to the head; or

(3) Emergency transporting; or

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(4) An unusual or unexpected event which jeopardizes the safety of children or staff, such as, a child leaving the center unattended.

(B) The center shall document the incident/injury on the JFS 01299 "Incident/Injury Report" (rev. 6/2007). The completed report shall be given on the day of the incident/injury to the parent, guardian, or person picking up the child from the center. In situations requiring emergency transportation, the incident/injury report shall be available at the center for the parent or guardian within at least twenty-four hours following the incident/injury. Copies of incident/injury report forms shall be kept on file at the center for at least one year, and shall be available for review by the director's representative.

(C) Notification of incidents to the licensing office: the center administrator or designee shall speak with a representative from the appropriate licensing office within twenty-four hours during the week, or within forty-eight hours if the incident occurs on a weekend or holiday in the event of any of the following:

(1) Death of a child at the center.

(2) Serious incident, injury, or illness to a child as defined in [paragraph \(C\) of rule 5101:2-12-34 of the Administrative Code](#).

(3) An unusual or unexpected event as described in paragraph (A)(4) of this rule.

(D) Written notification shall follow the twenty-four hour verbal notification and shall be on the JFS 01299. This form shall be faxed, mailed, or scanned and emailed or submitted online to the licensing office within three business days from the occurrence. Submission of the JFS 01299 does not fulfill the verbal notification requirements of paragraph (C) of this rule. This notification does not replace reporting to the public children services agency if there are concerns of child abuse or neglect.

OAC 5101:2-12-36

5101:2-12-36 First aid supplies/procedures for licensed child care centers

(A) First aid supplies shall be readily available in a clean and clearly marked unlocked container and kept out of the reach of the children.

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(1) One complete kit shall be available for every seventy-five children at the center. Centers that operate on separate floors, or separate buildings shall have a complete kit on each floor and in each building.

(2) A complete first aid kit shall be available on all trips and shall be available at all field trip destinations.

(3) The supplies of a complete kit shall include the following items:

(a) Rounded end scissors.

(b) Tweezers.

(c) Digital thermometer.

(d) Assorted sterile adhesive bandages individually packaged.

(e) Assorted sterile gauze squares individually packaged.

(f) Hypoallergenic first aid tape.

(g) Gauze rolled bandage.

(h) Instant cold pack or ice.

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(i) Disposable non-latex gloves.

(j) Pocket mask or face shield, appropriate for all ages of children served at the center, for cardiopulmonary resuscitation (CPR) administration.

(k) Working flashlight.

(l) Sealable plastic bags in assorted sizes for soiled materials.

(m) Triangular bandage.

(n) Programs serving school age children must also have a tooth preservation system or fresh chilled milk in which to transport a lost permanent tooth.

(4) In addition to the above items, on field trips and/or when vehicles are being used for routine transportation, the following items are required.

(a) Soap or waterless sanitizer.

(b) Bottled water.

(5) The first aid kit shall contain a written reference indicating the location of the refrigerator/freezer where ice and milk are stored if an instant ice pack or tooth preservation system is not part of the first aid kit. All other supplies must be stored in the first aid kit. Items not stored in the first aid kit must be taken with the kit whenever it is removed from the center.

(6) Vehicles regulated by the Ohio state highway patrol shall not meet the requirements of this rule as those vehicles carry a first aid kit that meets the requirements of that agency, which differ from the requirements of

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this rule.

(B) The center shall have supplies to practice standard precaution procedures, as defined in [rule 5101:2-12-15.1 of the Administrative Code](#).

(C) If the center first aid kit contains items other than those listed in this rule, the items must be clearly labeled as to whom they can be administered.

OAC 5101:2-12-37

5101:2-12-37 Children's medical and enrollment records for licensed child care centers

(A) Each child attending the licensed child care center, including those children who are attending kindergarten at the center, shall secure and have on file verification of a medical examination. Children who attend a grade of kindergarten and above in an elementary school are exempt from this requirement.

(1) A medical statement shall verify the date of a medical examination within the past twelve months. This statement shall be on file at the center within thirty days of the child's date of admission and every thirteen months thereafter.

(2) The medical statement shall contain the following information:

(a) The child's name and birth date.

(b) The date of the medical examination.

(c) A statement that the child has been examined and is in suitable condition for participation in group care.

(d) The signature, business address and telephone number of the physician, physician's assistant (PA), advanced practice nurse (APN) or certified nurse practitioner (CNP) who examined the child.

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(e) A record of the immunizations that the child has had, specifying the month, day and year of each immunization.

(f) A statement that the physician, PA, APN, or CNP reviewed the child's record against the immunizations recommended by the Ohio department of health (ODH). ODH recommended immunization schedule is appendix A to this rule.

(g) A statement of any immunization exemptions.

(B) The center shall maintain a completed JFS 01234 "Child Enrollment and Health Information" (rev. 9/2011) for each child attending the center.

(1) The center shall have on file a JFS 01234 for each child no later than the child's first day of attendance and it shall be immediately accessible to the administrator or designee. The JFS 01234 shall be reviewed and revised as needed and updated at least annually.

(2) The center shall set its own policy regarding the admittance of children whose parents or guardians refuse to grant consent for transportation for emergency treatment.

(C) Children's records shall be confidential but shall be available to the Ohio department of job and family services for the purpose of administering Chapter 5104. of the Revised Code and Chapter 5101:2-12 of the Administrative Code. The immunization records shall be subject to review by the ODH for disease outbreak control and for immunization level assessment purposes.

OAC 5101:2-12-37, App.

5101:2-12-37 Appendix Immunization Summary



Image 1 within document in PDF format.

OAC 5101:2-12-38

5101:2-12-38 Care of children with health conditions in licensed child care centers

(A) If care is provided for a child who requires or may require a medical procedure or who has an ongoing health condition that requires child specific care, the parent/guardian shall complete the JFS 01236 "Medical/Physical Care

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Plan” (rev. 9/2011) or an equivalent form. The center staff shall implement the plan. This requirement does not include short term illnesses, unless the child care staff member needs to perform a medical procedure for the child.

(B) The plan shall be written, signed and dated by the parent or guardian. The plan shall also be signed and dated by the child care staff member taking responsibility, the center administrator and, if applicable, the certified professional who trained the center staff to perform medical procedures. The plan shall be readily accessible to the child care staff members caring for the child.

(C) The medical/physical care plan shall be written for each condition that requires different actions and shall include the following:

(1) The name of the child.

(2) Identification of and instructions for any necessary medical procedure to be performed.

(3) Symptoms of any condition that child care staff members need to be alert to and the actions to be taken by the child care staff member if the symptom is observed.

(4) The names of the child care staff members trained by the parent or guardian or certified professional to perform the medical procedures or to care for the child according to the child’s JFS 01236.

(5) Parent or guardian permission statement for the performance of the medical procedures.

(6) A written individualized emergency preparedness plan, if the child requires more assistance than other children of the same age or in the same group or if they require special supplies in an emergency situation .

(D) The plan shall be revised at least annually, or more often, if necessary.

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(E) The plan shall be on file at the center for review by the department.

(F) A child with a health condition includes a school age child whose medical condition requires the availability of emergency medication such as an inhaler or epi-pen. Center staff shall be notified of these children whose condition necessitates the carrying of these items.

(G) Only child care staff members trained by the parent or guardian or a certified professional shall be permitted to perform medical procedures.

(H) There shall be a trained child care staff member onsite at all times whenever a child who has a health condition is present. If the child with a health condition is taken on a routine or field trip there shall be a trained child care staff member who has any needed supplies with the child at all times.

OAC 5101:2-12-39

5101:2-12-39 Requirements for meals and snacks in licensed child care centers

(A) A meal or snack which meets the requirements of this rule shall be prepared and served to any toddler, preschool child or school child at intervals of not more than four hours.

The center shall serve:

If a child is in attendance at a center:

1 meal and 1 snack

More than 4 up to 7 consecutive hours

1 meal and 2 snacks or 2 meals and 1 snack

7 to 10 consecutive hours

In addition, the following stipulations apply:

The child shall be served at least:

If a child is in attendance at a center:

1 breakfast

Entirely between 5:00 am and 6:30 am

1 meal

Entirely between 11:00 am and 1:30 pm

1 meal

Entirely between 5:00 pm and 7pm

1 snack

From 6:30 pm to bedtime

1 snack

After school (School children only)

(1) Children in evening or overnight care shall be accommodated to the above schedule, as applicable, during the hours the child is awake.

(2) A meal shall meet one-third of the recommended daily dietary allowances as most recently specified by the United States department of agriculture (USDA) child and adult care food program child care component as identified in 7 CFR 226.20 (Sept. 1, 2004). This includes at a minimum, one serving of fluid milk, one serving of meat or meat alternative, two servings of vegetables and/or fruits (one serving of each is recommended) and one serving of bread or grains.

The sizes of individual food servings may be varied according to the developmental needs of the child being served, but additional amounts of food shall be prepared and ready to serve in order to meet one-third the recommended daily dietary allowance for each child in attendance.

(3) A snack shall provide nutritional value in addition to calories and contain at least one food from two of the four basic food groups. The basic food groups are:

(a) Meat/meat alternate.

(b) Bread/grains.

(c) Fruit/vegetable.

(d) Milk.

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(4) A breakfast shall include, at a minimum, one serving each of fluid milk, fruit or vegetable, and bread or grains.

(5) Only one hundred percent, undiluted fruit or vegetable juice shall meet the fruit or vegetable requirement for meals or snacks.

(6) For children over twenty-four months of age, the center shall provide fluid milk that is vitamin D fortified. Low fat and skim milk shall be vitamin A and vitamin D fortified. Reconstituted dry powdered milk shall be used only for cooking and shall not be used as a beverage.

(7) For children under twelve months of age the center shall use formula or breast milk unless otherwise directed in writing by a licensed physician. For children older than twelve months but under twenty-four months of age, the center shall provide and use whole homogenized vitamin D fortified cow's milk, unless otherwise directed in writing by a licensed physician.

green and pink

(B) In order to verify compliance with this rule, the department may require the center to submit food preparation records that shall include:

(1) Menus which reflect quantities of all foods served by the center .

(2) A record of ingredients, from the four food groups, which were used to prepare mixed food recipes, such as pasta and cheese, casseroles, or soups.

(3) The total number of children of each age group and the adults served.

(C) Current dated menus for the entire week shall be displayed in a conspicuous place readily in view for parents or guardians at the center, and shall reflect all meals and snacks served by the center. Any substitute foods served shall be recorded on the posted menu at the time of the change.

(D) Modified diets shall be approved in writing by a licensed physician. If an entire food group is eliminated, the center shall obtain written instructions from a physician on the prescribed form provided by the department. When

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special diets are required for cultural or religious reasons, the center shall obtain written, dated and signed instructions from the child's parent or guardian unless the special diet is part of a center program.

(E) When the center provides the meal, the center shall set its own policy regarding the accommodation of a parent's alternate diet for a child, but the center shall assure that any alternate diet, except those required for religious, cultural, or medical reasons as specified in paragraph (D) of this rule, include items from each of the following categories: protein, grain, fruit/vegetable, dairy.

(F) Parents or guardians may provide food for the children's meals and snacks if the center meets the following requirements:

(1) Has provisions for safe storage of parent provided food.

(2) Has supplemental foods from all four food groups on the premises and readily accessible during meal times. Supplemental food which is needed to fulfill one-third of the child's recommended daily dietary allowances shall be readily available and offered to each child if the parent provided meal does not meet the requirements of paragraph (A) of this rule.

(3) Provides all parents or guardians and staff written nutritional information regarding meeting one-third of the child's recommended daily dietary allowance. A copy of this written nutritional information shall be on file at the center.

(G) The center shall provide for the safe storage of all food. If safe storage of milk is not available on routine trips or field trips, milk may be served at snack instead of at the meal.

(H) All surfaces, appliances and equipment in the kitchen area and in the classrooms used for food preparation shall be kept clean and in good repair.

(I) Food shall not be served on bare tables. Food for infants may be placed directly on an individual highchair tray if the tray is removed, washed and sanitized after each use.

(J) All eating utensils and dishes shall be suitable for the age and developmental level of the children.

(K) Drinking water shall be freely available to children. If drinking fountains are used, there shall be sufficient water pressure so that the child's mouth does not come in contact with the water dispensing mechanism.

OAC 5101:2-12-40 green and blue

5101:2-12-40 Daily program for infants in licensed child care centers

(A) Each infant shall be allowed to safely and comfortably sit, crawl, toddle, walk and play according to the infant's stage of development, in a designated space apart from the sleeping area each day.

(B) Cribs shall be separated from the play space by a safe and sturdy physical barrier which does not impair the ability of child care staff to supervise infants by sight and hearing. Sight and hearing is when the child care staff can see the infants in and out of their cribs and hear their sounds. The barrier shall provide for safe accessibility.

(C) The center shall develop and implement a program of activities suitable to the age and developmental abilities of the infants in care.

(1) Each infant shall be removed from the crib, swing, infant seat, or other equipment throughout the day for individual attention.

(2) Outdoor play shall be available according to the infant's stage of development. Outdoor play space used by infants shall meet the requirements of [rule 5101:2-12-14 of the Administrative Code](#).

(3) Equipment and play materials in sufficient quantities shall be available as specified in [rule 5101:2-12-16 of the Administrative Code](#).

(D) The center shall maintain a daily written record that is given to parents or guardians each day for children up to eighteen months of age. The record shall include the following:

(1) Food intake

(2) Sleeping patterns.

(3) Times and results of diaper changes.

(4) Information about daily activities.

(E) To assure continuity of care, the center shall assign one child care staff member to have primary responsibility for each group of infants in care during each staff daily shift.. Parents or guardians shall be informed of the primary caregivers assigned to their infants. The center shall assure that any necessary information regarding an infant's care is exchanged between child care staff members and between staff members and parents.

OAC 5101:2-12-41

5101:2-12-41 Infant feeding requirements in licensed child care centers

(A) Center policies and practices shall support parent preferences in infant feeding, including breastfeeding and shall recognize the center for disease control's determination that handling and storage of breast milk does not require the use of universal precautions and that breast milk is not considered a biohazard. Center policies and practices shall also support the introduction of solid foods as long as developmentally appropriate and not detrimental to the health of the child.

(B) Each infant shall be removed from his or her crib for all feedings. Infants shall be held or fed sitting up for bottle feedings. At no time shall a bottle be propped for an infant.

(C) Infant food shall be prepared and served in a manner appropriate to the developmental needs of each child according to his stage of development.

(D) Infants shall be served food in conformity with dated written instructions from the parent or guardian or physician. The instructions shall include amounts of food, type of food, and feeding times and be updated as needed based upon the child's needs and parent's instructions.

(E) Should the parent or guardian not provide instructions for the serving of food to their infant, the infant shall be served food in amounts that meet the meal pattern and quantity of the United States department of agriculture

(USDA) child and adult care food program child care component.

(F) When infant formula is prepared by the center, it shall be prepared according to the manufacturer's instructions or instructions from the child's physician or advance practice nurse.

(G) The center shall clean and sanitize all surfaces just prior to preparing formula, breast milk or food. All equipment, including bottles and nipples, shall be washed in a dishwasher or scrubbed with hot water containing soap, thoroughly rinsed and boiled for one minute prior to use or reuse. Handwashing facilities shall not be used for formula, breast milk or food preparation or for rinsing or washing dishes and bottles.

(H) Centers that care for infants shall have available the appropriate commercially prepared formula for the infant in the event that the parent or guardian does not provide a quantity of formula sufficient to meet the infant's daily requirement. Formula beyond its expiration date shall not be served.

(I) The center shall develop and implement a plan for the safe storage of food, formula and breast milk.

green and pink

(1) Open containers of ready to feed and concentrated formula shall be covered, dated and refrigerated according to the manufacturer's instructions. Prepared formula and food shall be discarded or sent home daily if not used.

(2) Until used, all formula or food shall be labeled with the child's name and date of preparation and refrigerated immediately after preparation or upon arrival if prepared by the parent or guardian, and sent home daily. Formula or food that is commercially prepared may not be required to be refrigerated until after opening and shall be stored and served according to the manufacturer's instructions and the expiration date on the label and labeled with the child's name and date of preparation.

(3) If breast milk is provided by the parent or guardian, it shall be labeled with the child's name, date expressed and the date of receipt.. Centers shall follow the chart below in regard to storing breast milk:

Breast milk storage guidelines

If breast milk is stored:

Then keep it as long as:

at room temperature (up to 78 degrees Fahrenheit)

6 to 8 hours

Green
& Pink

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in the refrigerator (39 degrees Fahrenheit or lower)	up to 5 days counted from the day the breast milk was expressed
in a freezer compartment inside a refrigerator (5 degrees Fahrenheit)	2 weeks
in a freezer compartment of a refrigerator with separate doors (0 degrees Fahrenheit)	3 to 6 months
chest or upright deep freezer (- 4 degrees Fahrenheit)	6 to 12 months

Green
& Pink

(4) If formula or fluid breast milk is to be warmed, bottles shall be placed in a container of hot, not boiling, water or be placed in a commercial bottle warmer. The container of water shall be emptied and cleaned each day. The bottle shall be shaken well, and the formula or breast milk temperature tested before feeding. Frozen breast milk shall be thawed under cold running water or in the refrigerator.

(5) Microwave ovens shall not be used for heating formula, breast milk or other liquids.

(6) Infant bottles, formula, breast milk and food shall be readily available to staff. Staff/child ratios and supervision shall be maintained when staff are obtaining, preparing or warming bottles or food.

(7) The unused portion of formula, breast milk or food remaining in a container from which the infant has been directly fed, shall not be reheated or served again.

(8) Food heated in a microwave oven shall be stirred or shaken to avoid uneven heating.

OAC 5101:2-12-42

5101:2-12-42 Cribs in licensed child care centers

(A) Each infant shall be provided with a separate crib. The center shall have cribs, which meet requirements of this rule, for the total number of infants that the center is licensed to serve.

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(1) Each crib shall be labeled with the infant's name who is assigned to use the crib, and shall be for the infant's exclusive use.

(2) Cribs and mattresses shall be thoroughly cleaned and sanitized before assignment for use by another child.

(3) When cribs are in use they shall be spaced apart from each other by a minimum of two feet on all sides or the cribs shall be separated by a divider and have at least two feet of space on two of the sides or ends of the crib. If a divider is used between cribs, the divider shall meet all of the following requirements:

(a) Be constructed so that staff may view children through or around the divider.

(b) Be unbreakable in normal use situations.

(c) Be made of a nonporous material that can be easily sanitized.

(d) Shall extend up higher than an infant standing in a crib can reach up and shall not impede child care staff members' ability to hear the child.

(4) If the center does not have all full size cribs, the center shall have a combination of full size and porta cribs.

(5) Cribs shall be defined by size as follows:

(a) "Full size crib" has an interior dimension greater than fifty-two and three-eighths inches (plus or minus five-eighths inch) in length and twenty-eight inches (plus or minus five-eighths inch) in width. With the mattress support in its lowest position and the crib side in its highest position, the vertical distance from the upper surface of the mattress support to the upper surface of the crib side or end panel shall not be less than twenty-six inches.

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(i) Only children under thirty-five inches tall shall be assigned to use a full size crib.

(ii) Children thirty-five inches tall and over shall be assigned to use a cot unless written authorization is obtained from a physician and updated every six months for the child to remain in the crib.

(b) "Porta crib" has dimensions less than those specified for a full size crib. Only children under thirty inches tall shall be assigned to use a porta crib. Porta cribs with dimensions less than thirty-six inches in length and twenty-four inches in width shall not be used. With the mattress support in its lowest position and the crib side in its highest position, the vertical distance from the upper surface of the mattress support to the upper surface of the crib side or end panel shall not be less than twenty-two inches.

(6) At all times, except when the caregiver is in the process of placing, removing or soothing the infant, cribs and porta cribs shall be used with the mattress supports in their lowest positions and the crib sides in their highest positions.

(7) An infant sixteen months or older may be assigned to a cot with written parental permission. The crib assigned to the sixteen month old infant may be placed in storage onsite once the child is no longer using it, however, the crib shall not be assigned to another infant until the original child is eighteen months of age or no longer attending the center.

(8) If a crib is considered hazardous for an infant, regardless of age, the infant may be assigned to a cot with written permission from parent or guardian.

(B) Each crib shall be of sturdy construction, with closely spaced bars and with corner posts that do not exceed one sixteenth of an inch above the top of the end panel.

(1) Spaces between the bars of the crib and between the bars and end panels of the crib shall not exceed two and three-eighths inches.

(2) Stacked cribs shall be prohibited.

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(C) Cribs shall be safe and meet the following standards.

(1) Cribs purchased or obtained after June 28, 2011 shall meet the United States consumer product safety commission (CPSC) safety standards, 16 CFR parts 1219, 1220 and 1500, that are in effect as of June 28, 2011. Cribs purchased or obtained before June 28, 2011 shall meet the June 28, 2011 CPSC safety standards or be replaced by December 28, 2012 with cribs that meet this standard. These standards may be found at: <http://www.cpsc.gov/info/cribs/index.html>.

(2) The space between the mattress and the side or end panels of the crib shall not exceed one and one-half inches.

(3) Each mattress shall be at least one and one half inches thick, securely covered with a waterproof material which is not dangerous to children and can be thoroughly sanitized and have a properly fitted clean crib sheet.

(4) Bumper pads shall not be used in cribs or porta cribs.

(5) Nothing shall obstruct the staff member's visibility of an infant and nothing shall be placed in the crib or hung over the side of the crib that obstructs this visibility.

(D) Infants shall be cared for in a safe manner.

(1) Infants shall not be placed in the cribs with bibs or any other items which could pose a strangulation or suffocation risk. This includes devices designed to maintain sleep positions, unless prescribed in writing by a physician.

(2) Infants shall be placed in their cribs for sleeping, and shall not be allowed to sleep in car seats, swings, mesh cribs, playpens, bassinets of any type, or other equipment. If a medical condition exists where a child needs to sleep in equipment other than a crib, written permission shall be obtained and updated every six months from a physician and be available on file for review.

(3) All infants shall be placed on their backs to sleep unless the child's physician provides a written request to

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do otherwise on the JFS 01235 "Sleep Position Waiver" (rev. 9/2011). These forms shall be kept on file for review by the Ohio department of job and family services.

OAC 5101:2-12-43

5101:2-12-43 Handwashing and diapering--Repealed

OAC 5101:2-12-44

5101:2-12-44 First-aid supplies--Repealed

OAC 5101:2-12-45

5101:2-12-45 Admission policies and procedures--Repealed

OAC 5101:2-12-46

5101:2-12-46 Safety of children--Repealed

OAC 5101:2-12-47

5101:2-12-47 Swimming and water safety--Repealed

OAC 5101:2-12-48

5101:2-12-48 Transportation and field trip safety--Repealed

OAC 5101:2-12-49

5101:2-12-49 Medical and dental emergency plan--Repealed

OAC 5101:2-12-50

5101:2-12-50 Management of communicable disease--Repealed

OAC 5101:2-12-51

5101:2-12-51 Administration of medications, food supplements, modified diets, or fluoride supplements--Repealed

OAC 5101:2-12-52

5101:2-12-52 Care of children with handicapping conditions or health conditions--Repealed

OAC 5101:2-12-53

5101:2-12-53 Parental access--Repealed

OAC 5101:2-12-54

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5101:2-12-54 Parent roster--Repealed

OAC 5101:2-12-55

5101:2-12-55 Parental participation--Repealed

OAC 5101:2-12-56

5101:2-12-56 Discipline of children--Repealed

OAC 5101:2-12-57

5101:2-12-57 Unlawful discriminatory practices--Repealed

OAC 5101:2-12-58

5101:2-12-58 Child's medical statement--Repealed

OAC 5101:2-12-59

5101:2-12-59 Children's records--Repealed

OAC 5101:2-12-60

5101:2-12-60 Children to be served a meal--Repealed

OAC 5101:2-12-61

5101:2-12-61 Nutritional requirement of meals--Repealed

OAC 5101:2-12-62

5101:2-12-62 Snacks--Repealed

OAC 5101:2-12-63

5101:2-12-63 Menus--Repealed

OAC 5101:2-12-64

5101:2-12-64 Food provided by parent--Repealed

OAC 5101:2-12-65

5101:2-12-65 Infants cared for on first story of building--Repealed

OAC 5101:2-12-66

5101:2-12-66 Infant daily program--Repealed

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OAC 5101:2-12-67

5101:2-12-67 Infant caregivers--Repealed

OAC 5101:2-12-68

5101:2-12-68 Handwashing facilities--Repealed

OAC 5101:2-12-69

5101:2-12-69 Diaper care standards--Repealed

OAC 5101:2-12-70

5101:2-12-70 Infant formula--Repealed

OAC 5101:2-12-71

5101:2-12-71 Infant food--Repealed

OAC 5101:2-12-72

5101:2-12-72 Cribs--Repealed

OAC 5101:2-12-99

5101:2-12-99 Day-care advisory council--Repealed