

Child Care Center Manual Table of Contents

Ted Strickland, Governor

Douglas E. Lumpkin, Director

[Ohio Department of Job and Family Services](#)

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Child Care Center Manual Transmittal Letters

CCCMTL 2 (5101:2-04, 05, 06 eff. 3/1/2009)

Child Care Center Manual Transmittal Letter No. 2

February 9, 2009

TO: All Child Care Center Manual Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: Amendment of Child Care Center Rules

This letter transmits amended rules as a result of recently revised forms for licensed child care centers. These rules will be effective on **March 1, 2009**.

The following is a summary of the rule amendments:

Rule [5101:2-12-04](#) Application and Issuance of Initial Licenses for Child Care Centers has been amended to change the revision date of the JFS 01210 and the JFS 01250 and to clarify language.

Rule [5101:2-12-05](#) License Fees and Notification Requirements for Licensed Child Care Centers has been amended to change the revision date of the JFS 01210.

Rule [5101:2-12-06](#) Procedures for renewal of a Child Care Center License has been amended to change the revision date of the JFS 01210. Language regarding the license renewal requirements regarding penalties and procedures for failing to submit the application in a timely manner has been revised.

The electronic version of the Child Care Center Manual is located at:

<http://emanuals.odjfs.state.oh.us/emanuals>. The manual contains all rules and transmittal letters that the department has issued to licensed child care centers. A current version of this manual should be accessible and utilized by all providers in all licensed child care centers.

Please contact the Help Desk for the Office for Children and Families at 1-866-886-3537, option 4 if you have any questions.

INSTRUCTIONS: The following chart identifies the material that needs to be removed from and inserted into the Child Care Center Manual (CCCM).

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
Rules	5101:2-12-04	5101:2-12-04
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	5101:2-12-06	5101:2-12-06
Transmittal Letters		CCCMTL No. 2

CCCMTL 1 (Introduction of new Child Care Center Manual)

Child Care Center Manual Transmittal Letter No. 1

January 15, 2009

To: All Child Care Manual Holders
From: Douglas E. Lumpkin, Director
Subject: Introduction of new Child Care Center Manual

This letter transmits the creation of a new manual for child care centers. All rules, future manual transmittal letters and procedure letters for child care centers will now be placed into the newly created Child Care Center Manual (CCCM). Previously released manual transmittal letters and manual procedure letters will remain in the current Child Care Manual (CCM). All forms will be available in the appendix link in the CCCM.

The electronic version of the Child Care Center Manual is located at:

<http://emanuals.odjfs.state.oh.us/emanuals>. The manual contains all rules, transmittal letters and procedure letters that the department has issued to child care centers. A current version of this manual should be utilized by all providers in all licensed child care centers. A current and updated copy of the manual should be accessible at all times to all providers.

Please contact the Help Desk for the Office for Children and Families at 1-866-886-3537, option 4 if you have any questions.

INSTRUCTIONS: The following chart identifies the material that needs to be removed from the Child Care Manual (CCM) and inserted into the Child Care Center Manual (CCCM).

LOCATION	REMOVE FROM CCM	INSERT INTO CCCM
CCM Licensed Child Care Centers: Chapter 12	5101:2-12-01	
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Child Care Center Manual Procedure Letters

CCCPL 1 (JFS 01299 Optional Online Submission Beginning May 15, 2009)

Child Care Centers Manual Procedure Letter No. 1

May 20, 2009

TO: All Child Care Center Manual Holders
All Child Care Type A Home Manual Holders
All Child Care Type B Home Manual Holders

FROM: Douglas E. Lumpkin, Director

SUBJECT: JFS 01299 "Incident/Injury Report for Child Care Centers/Type A Homes/Type B Providers" -
Optional Online Submission Beginning May 15, 2009

This letter announces a new option for licensed child care centers and type A providers, and certified type B providers to electronically submit the [JFS 01299](#) "Incident/Injury Report for Child Care Centers/Type A Homes/Type B Providers" for serious incidents. Serious incidents are described in rules 5101:2-12-35, 5101:2-13-35, 5101:2-14-28 and 5101:2-14-58 of the Administrative Code.

Licensed child care centers and licensed type A homes are required to contact verbally ODJFS within twenty-four hours after a serious incident and to follow with a written JFS 01299 within three business days of the serious incident. Certified type B homes are required to verbally contact the County Department of Job and Family Services (CDJFS) within twenty-four hours after a serious incident and to follow with a written JFS 01299 within three business days of the serious incident. When using the electronic submission, the written notification requirement is met. The serious incident data is retained in a database that will be accessible by ODJFS and CDJFS staff.

Beginning May 15, 2009, providers may electronically submit serious incidents to the Ohio Department of Job and Family Services (ODJFS) by accessing the form at: <http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01299> on the Forms Central website and submitting the PDF version of the form. Providers will need to have adobe acrobat version 7.0 to utilize this feature. Submission of serious reports via this system does not fulfill the 24 hour requirement to make contact with the designated person at ODJFS or the CDJFS.

As a reminder only serious incidents (as defined in rule) are to be submitted to ODJFS.

Please contact the Help Desk for the Office for Children and Families at 1-866-886-3537, option # 4 if you have any questions.

INSTRUCTIONS: The following chart identifies the material that needs to be removed from and inserted into the below Manuals.

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACE
CCCM Procedure Letters		CCCPL No. 1
CCAM Procedure Letters		CCAPL No. 1
CCBM Procedure Letters		CCBPL No. 1

Child Care Center Rules

CCMTL 82

Effective Date: September 1, 2007

Most Current Prior Effective Date: April 1, 2003

- (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.
- ~~(C)~~(D) "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.
- ~~(D)~~(E) "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.
- ~~(E)~~(F) "Child" means an infant, toddler, preschool child or school child.
- ~~(F)~~(G) "Child care staff member" means any adult employee of a child care center who is primarily responsible for the care and supervision of children.
- ~~(G)~~(H) "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 ~~an unchartered~~ 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.
 - (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 ~~director~~ 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.
- ~~(H)~~(I) "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

~~disinfected~~ 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.

~~(H)~~(J) "Date of admission" means the first day the child attends the center.

~~(J)~~(K) "Department" means the Ohio department of job and family services.

~~(K)~~(L) "Director" means the director of the Ohio department of job and family services.

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

~~(M)~~(N) "Employee" means a person who is at least fifteen years old, ~~and either~~ 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 ~~as a condition of the child's enrollment in the program~~, 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.

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

~~(O)~~(P) "Field trips" means infrequent or irregularly scheduled excursions from the center.

~~(P)~~(Q) "Food supplement" means any substance, including a vitamin, which is an addition of a food or nutrient to a meal or diet.

~~(Q)~~(R) "Infant" means a child who is under eighteen months of age.

~~(R)~~(S) "License capacity" means the maximum number of children in each age category who may be cared for in a child care center at any one time as determined by ~~the director of the Ohio~~ department ~~of job and family services.~~

~~(S)~~ ~~"Licensed physician" means a person licensed to practice medicine by the state medical board or by a comparable body in another state.~~

(T) "Licensee" means the owner of a child care center that is licensed ~~pursuant~~ 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, ~~and is~~. This includes medication that is over the counter, or prescribed or recommended by a licensed 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.

~~(X)~~(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 Code for a county.

~~(Y)~~(BB) "Routine trips" means ~~frequent scheduled repeated~~ repeated excursions ~~from the~~ off the center premises ~~which include, but are not limited to, taking a child to or from school, to or from home, to or from the center, or taking a child on walking trips in the vicinity of the center that are part of the center's curriculum~~ which regularly occur on a previously scheduled basis and that parents have been made aware of the destinations of the trip.

~~(Z)~~(CC) "School child" means a child who is ~~eligible to be~~ enrolled in ~~or is eligible to be enrolled in~~ a grade of kindergarten or above, but is less than fifteen years old. ~~For the purposes of licensure, "eligible to be enrolled in a grade of kindergarten or above" means that, as of September first of the current school year, the child is either attending or could attend a grade of kindergarten or above.~~

~~(AA)~~(DD) "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.

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

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

~~(DD)~~(GG) "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.

Effective: 09/01/2007

R.C. 119.032 review dates: 03/30/2007 and 09/01/2012

Certification: CERTIFIED ELECTRONICALLY

Date: 06/18/2007

Promulgated Under: 119.03

Statutory Authority: 5104.01, 5104.011

Rule Amplifies: 5104.01

Prior Effective Dates: 3/1/81, 2/8/82, 6/1/84, 9/1/86, 1/1/90, 1/2/92 (Emer.), 4/1/92, 4/1/03

CCMTL 82

Effective Date: September 1, 2007

Most Current Prior Effective Date: April 1, 2003

- (A) "Child care center", as defined in ~~section 5104.01~~ 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 ~~under in~~ Chapter 5101:2-12 of the Administrative Code.
- (B) "Drop in center", as defined in ~~section 5104.01~~ Chapter 5104. of the Revised Code, means a center that provides child care for children on a temporary, irregular basis. ~~For the purpose of this rule, "temporary~~ "Temporary and irregular" means no more than thirty days a year for any child enrolled. Drop in centers shall comply with all rules ~~under 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.~~be required to provide only one cot for an ill child and only a sufficient number of cots so that each toddler, preschool child, or school child who naps at the center shall have an individual cot.~~
 - ~~(3) In reference to rule 5101:2-12-37 of the Administrative Code, the drop in center shall not be required to obtain verification of a medical examination or immunization record for each child.~~
 - ~~(4)~~(3) In reference to rule 5101:2-12-37 of the Administrative Code, the drop in center shall not be required to obtain, and maintain on file at the center for at least one year, health and enrollment records for each child.
 - ~~(5)~~(4) In reference to rule 5101:2-12-32 of the Administrative Code, the drop in center shall not be required to maintain parent rosters.
 - ~~(6)~~(5) 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.
 - ~~(7)~~(6) 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 ~~section 5104.01~~ 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 ~~under 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.
 - (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 **families'** 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 ~~section 5104.01~~ [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 ~~meet~~ comply with all rules of 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 ~~5101:2-12-19~~ [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 **health department approval** food service license.
- (E) "School child care center", as defined in ~~section 5104.01~~ [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 ~~of in~~ Chapter 5101:2-12 of the Administrative Code except:
- (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 5101:2-12-19 of the Administrative Code, the school child care center shall be required to provide only one cot for an ill child, and only a sufficient number of cots, mats or pads so that each child who naps at the center has an individual cot, mat or pad.~~
- ~~(6)~~(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.

Effective: 09/01/2007

R.C. 119.032 review dates: 03/30/2007 and 09/01/2012

Certification: CERTIFIED ELECTRONICALLY

Date: 06/18/2007

Promulgated Under: 119.03

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Prior Effective Dates: 3/1/81, 6/1/84, 9/1/86, 1/1/90, 1/2/92 (Emer.), 4/1/92, 4/1/03

CCMTL 82

Effective Date: September 1, 2007

Most Current Prior Effective Date: April 1, 2003

- (A) "License capacity" is the maximum number of children in each age category, who may be cared for in a child care center at any one time. 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 ~~this count~~ the count for license capacity. The center's license shall state the license capacity for each age category of children.
- (B) ~~Criteria: license~~ License capacity shall be determined according to the following criteria:
- (1) Occupancy limitations set by the building or fire departments or other ~~applicable~~ agencies;
 - (2) Space, as required by rules 5101:2-12-13 and 5101:2-12-14 of the Administrative Code. Adequate space shall be available for the maximum number of children present at the center at one time;
 - (3) Child care staff members, as required by ~~rule 5101:2-12-20~~ rules 5101:2-12-01 and 5101:2-12-20 of the Administrative Code, so that there are enough staff members employed, ~~as defined by paragraph (M) of rule 5101:2-12-01 of the Administrative Code,~~ and ~~potentially~~ can be made available to ~~be able to~~ meet required staff/child ratios and group sizes. The center shall provide the ~~director's representative~~ department 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 ~~committed to work at the center as~~ a child care staff member;
 - (4) 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) ~~Requests for changes in license capacity: any~~ Any licensed center ~~desiring~~ requesting a change in license capacity shall submit written documentation in accordance with ~~paragraph (B) 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 ~~pending~~ noncompliance issues that have not been resolved, the administrator is responsible for responding to all noncompliance issues prior to a license capacity change. The change in license capacity ~~change~~ shall not be in effect until the department issues the approval is received in writing by to the center.

Effective: 09/01/2007

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Certification: CERTIFIED ELECTRONICALLY

Date: 06/18/2007

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CCMML 2

Effective Date: March 1, 2009

Most Current Prior Effective Date: September 1, 2007

- (A) ~~Every~~ The person, firm, organization, institution, or agency desiring to establish or operate a child care center shall ~~complete~~ do all of the following for an initial license:
- (1) ~~Apply to the Ohio department of job and family services (ODJFS) by completing~~ Complete and submit the [JFS 01210](#) "Application for Child Care License" (rev. ~~01/2007~~ 8/2008) with the fee to the Ohio department of job and family services (ODJFS).
 - (2) ~~Send the JFS 01210 with the fee to the department. The application shall be considered filed with the department as of the date it is postmarked. An application received by means other than the postal service shall be considered filed when it is time/date stamped by the department. Any application submitted without complete and accurate information shall be amended with complete and accurate information. An application may be amended without fee payment by filing a corrected application in cases of change of administrator or change in center's name if ownership remains the same.~~
 - ~~(3)~~(2) Submit a completed [JFS 01250](#) "Plan of Operation for a Child Care Center" (rev. ~~01/2007~~ 11/2008). 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)~~(3) Provide for completion of criminal records checks for owners and prospective administrators as required by rule [5101:2-12-26](#) of the Administrative Code.
 - ~~(5)~~(4) Participate in an application interview with ~~the assigned department's representative~~ ODJFS.
- (B) The application shall be considered filed with ODJFS as of the date it is postmarked. An application received by means other than the postal service shall be considered filed when it is time/date stamped by ODJFS.
- (C) An application may be amended without a fee if the administrator or the name of the center changes but the ownership remains the same.
- ~~(B)~~(D) An initial application shall be considered valid for one calendar year from the date it is filed with ~~the department~~ ODJFS. If an application is determined to be invalid, a new initial application and fee ~~must~~shall be submitted. If ~~during the application process the department determines that the~~ another child care center license of the owner has been revoked or a renewal of the license has been denied within two 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.
- (E) ODJFS shall not issue or renew 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)~~(F) 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) Change in address which is defined as any relocation from the center's present location to another location. Address is the street name and number assigned to a facility by a local city or county.

- (3) Following legal action resulting in denial or revocation of a center's previous application or license.
- ~~(D) The department shall provide instructions to applicants on how to access child care statutory and regulatory requirements contained in Chapter 5104. of the Revised Code and Chapter 5101:2-12 of the Administrative Code.~~
- ~~(E)~~(G) ~~The department~~The center shall comply with an inspection by ODJFS ~~investigate and inspect the child care center~~ to determine that the requirements of Chapter 5104. of the Revised Code and Chapter 5101:2-12 of the Administrative Code are met. ~~The department shall provide a written inspection report to the applicant and/or the administrator.~~
- ~~(F)~~(H) ~~When the department determines that a~~ The center shall address any noncompliances listed in the written inspection report by the date noted in the report. ~~is not in compliance with the requirements of Chapter 5104. of the Revised Code and Chapter 5101:2-12 of the Administrative Code, the department shall indicate the noncompliance findings in the written inspection report. The written inspection report shall include the following:~~
- ~~(1) A statement of the noncompliance findings.~~
 - ~~(2) What action must be taken by the applicant to achieve compliance.~~
 - ~~(3) The date the department must receive verification of compliance.~~
- ~~(G)~~(I) ~~After the department has completed all necessary inspections for an initial license and has determined that~~If the center has complied with all requirements, ODJFS shall issue a provisional license ~~shall be approved and issued.~~ The provisional license is valid for six calendar months from the date of approval.
- ~~(1) The provisional license is granted to allow the center time to implement its plan for full compliance as stated in the JFS 01250.~~
 - ~~(2)~~(1) During the six month provisional license period, ~~the department shall inspect the center at least once~~the center shall receive at least one 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 being met.
 - ~~(3)~~(2) If ~~the department finds that~~ the center is in compliance with all requirements by the expiration date of the provisional license, the provisional license shall be amended to a regular license. The regular license will be effective for two calendar years from the date of approval of the provisional license.
 - ~~(4)~~(3) If ~~the department finds that~~ the center is not in compliance with all requirements by the expiration date of the provisional license, the provisional license shall not be amended to a regular license. ~~The department~~ ODJFS may 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.

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CCM TL 2

Effective Date: March 1, 2009

Most Current Prior Effective Date: September 1, 2007

- (A) An application fee of one hundred dollars and a completed **JFS 01210** "Application for Child Care License" (~~rev. 1/2007~~ rev. 8/2008) is required at the time of application for a license to operate a child care center. A fee of fifty dollars and a completed JFS 01210 are required at the time of application for renewal of a license.
- (1) An application submitted without the application fee is not a valid application and will be returned to the sender.
 - (2) The application fee submitted with an application shall not be credited or transferred to any other application.
 - (3) An application fee submitted without a JFS 01210 shall be returned to the sender.
 - (4) An application fee is nonrefundable.
- (B) A license is valid only for the licensee, 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 owner of the center shall forward written notice of the proposed change to the department within five business days to request an amended license. There is no fee for an amended license in this circumstance.
 - (2) If a center proposes a change to its owner or address, the center shall forward written notice of the proposed change to the ~~department~~ Ohio department of job and family services (ODJFS) within five business days. 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 and payment of an initial application fee.

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CCCMTL 2

Effective Date: March 1, 2009

Most Current Prior Effective Date: September 1, 2007

- ~~(A)~~ The department shall mail the JFS 01210 "Application for Child Care License" (rev. 01/2007) and all other required forms for renewal of a license to the center at least one hundred twenty calendar days prior to the expiration date of the license.
- ~~(B)~~(A) The person, ~~firm, organization, institution, or agency~~ responsible for renewal of a license shall complete and submit the JFS 01210 A "Application for Child Care License" (rev. 8/2008) and all other required forms, and payment of ~~the~~ a license renewal fee of fifty dollars at least sixty calendar days prior to the expiration date of the current license. The application shall be considered filed with ~~the department~~ the Ohio department of job and family services (ODJFS) as of the date it is postmarked. An application received by means other than the postal service shall be considered filed when it is time/date stamped by ~~the department~~ ODJFS. Any application submitted without complete and/or accurate information must shall be amended with complete and/or accurate information.
- ~~(C)~~(B) When ~~the department~~ ODJFS does not receive the application and fee at least sixty days prior to the expiration date of the current license, the ~~following shall occur:~~ license shall not be renewed and the person responsible for renewal of a license shall complete and submit a JFS 01210 for an initial application. An initial license shall not be issued until all requirements for an initial application have been met.
- ~~(1)~~ The center must pay a late fee of one hundred fifty dollars, in addition to the fifty dollar license renewal fee, for a total of two hundred dollars, and the application must be filed with the department no later than the expiration date of the current license.
- ~~(2)~~ A renewal application and fee filed with the department after the expiration date of the current license must include a total fee of three hundred dollars, this includes a one hundred dollar fee in addition to the fifty dollar renewal fee and the one hundred fifty dollar late fee.
- ~~(3)~~ The center loses all legal rights to continue to do business at the licensed location after the expiration date of the current license if the application and license renewal fees are not filed with the department in compliance with the requirements of this rule.
- ~~(D)~~(C) Failure to file an application for renewal of a license prior to the expiration date of the current license renders the current license invalid as of the license expiration date. The center:
- ~~(1)~~ Loses all legal rights to continue to do business at the licensed location after the expiration date of the current license if the application and license renewal fee is not filed with the department in compliance with the requirements of this rule.
- ~~(1)~~(2) Has no rights to an appeal through the administrative hearing process pursuant to section 5104.03 and Chapter 119. of the Revised Code.
- ~~(2)~~(3) Shall be subject, after the license expiration date, to any penalty that could be assessed under section 5104.99 of the Revised Code.
- ~~(E)~~(D) ~~Upon receipt of an application for renewal of a license, the department~~ After the application for renewal is submitted shall inspect the center the center shall receive an inspection by ODJFS for compliance with Chapter 5104. of the Revised Code and Chapter 5101:2-12 of the Administrative Code, ~~and provide.~~ The center shall correct any noncompliances in a the written inspection report by the date noted in the report and submit all documentation requested in the inspection report to the licensee and administrator after the inspection. The written inspection report shall include the following:
- ~~(1)~~ A statement of the noncompliance findings.
- ~~(2)~~ What action must be taken by the applicant to achieve compliance.
- ~~(3)~~ The date the department must receive verification of compliance.

~~(F)~~(E) ~~Following the inspection, if the department~~ If the center meets all of the ~~determines that all~~ requirements ~~are in~~ of Chapter 5104. of the Revised Code and Chapter 5101:2-12 of the Administrative Code ~~compliance, the department~~ ODJFS shall-renew the license for a period of two years.

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CCMTL 82

Effective Date: September 1, 2007

Most Current Prior Effective Date: September 1, 2003

- (A) The department shall investigate and inspect each center and shall provide a written inspection report to the licensee and administrator ~~within a reasonable time~~ after each inspection.
- (B) Except as provided in paragraph (C) of this rule, centers shall be inspected at least twice during every twelve month period and the department may conduct additional inspections as needed. At least one inspection shall be unannounced and all inspections may be unannounced.
- (C) The following types of centers ~~are to~~ shall be inspected at least once during every twelve month period; ~~and at least one inspection during the licensing period for these centers shall be unannounced, except during the initial licensing period:~~ Any inspection may be unannounced:
- (1) Centers designated as part time; ~~and~~
 - (2) Centers which operate for more than four hours per day for no more than three weeks during the year; ~~and~~
 - (3) Centers designated as school child centers, which operate only hours before and after the regular school day; ~~or~~
 - (4) Centers which operate for only three months during the summer.
- ~~(D) For all types of centers all inspections may be unannounced.~~
- ~~(E)~~(D) Every person, firm, partnership, organization, institution, or agency shall cooperate with the department 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. ~~by:~~ The center must:
- (1) ~~Providing~~ Provide access to all areas of the premises at any time during operation for either announced or unannounced inspections.
 - (2) ~~Providing~~ Provide access to pertinent records upon request, or ~~by furnishing~~ furnish ~~same records to the department~~ within a reasonable period of time, not to exceed fourteen calendar days; ten business days if said records are not required to be on file at the center.
 - (3) ~~Providing~~ Provide any other information or documentation ~~as~~ the department determines is necessary to ~~determine~~ assess the center's compliance with the requirements of Chapter 5104. of the Revised Code; and Chapter 5101:2-12 of the Administrative Code.
- ~~(F)~~(E) 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.
- ~~(G)~~(F) The department 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 ~~or~~ and Chapter 5101:2-12 of the Administrative Code.
- ~~(H)~~(G) The center owner, administrator, or designee may use the following process to request a review of the investigation and/or inspection ~~summary of findings.~~
- (1) If the administrator or designee of a licensed child care center disagrees with any of the findings ~~presented~~ and an informal ~~inquiry~~ 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 five seven business days from receipt of the inspection summary report findings to the appropriate ~~ODJFS~~ licensing supervisor. The licensing supervisor shall review the findings and may meet with the administrator or designee

~~to discuss the review.~~ The licensing supervisor shall ~~render~~ prepare a written decision of the review ~~or meeting if one is held.~~

(2) If the administrator or designee of a licensed child care center disagrees with the decision of the ~~ODJFS~~ licensing supervisor, ~~according to the requirements of this rule,~~ the administrator or designee may submit a written request for a review of findings to ~~ODJFS,~~ the chief of the licensing section, within ~~five seven~~ business days of receipt of the decision of the ~~ODJFS~~ licensing supervisor. The chief of the licensing section shall review the findings, the review materials and the decision of the licensing supervisor, ~~and the review of the administrator or designee,~~ and may meet with any or all parties. The chief of the licensing section shall ~~render~~ prepare a written decision of the review ~~or meeting if one is held.~~ 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 ~~ODJFS~~ department initiates action to deny or revoke the license.

~~(H)~~(H) The department may hold hearings, issue subpoenas, compel testimony, and make adjudications as required by ~~rule 5101:2-12-09 of the Administrative Code~~ Chapter 119. of the Revised Code and Chapter 5101:2-12 of the Administrative Code.

~~(J)~~(I) ~~The department, upon~~ Upon receiving a complaint or otherwise being advised that the center is providing child care without a license, the department shall investigate ~~the center and may~~ and inspect all areas of the center. ~~areas children have access to or areas necessary for the care of children in the center during suspected hours of operation.~~

~~(K)~~(J) ~~The director, upon~~ 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 ~~the~~ 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. ~~The department may petition for injunctive relief in the following instances:~~

- ~~(1) Against centers operating who have not made application for licensure, or against centers operating who have made application but are operating without a license to do so.~~
- ~~(2) Against centers operating after expiration of their existing license who have failed to make a timely renewal application as required by rule 5101:2-12-06 of the Administrative Code.~~
- ~~(3) Against centers operating after the adjudication order revoking an existing license or denying a filed renewal application for licensure has become final pursuant to Chapter 119. of the Revised Code.~~

~~(K)~~ 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.
- (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 the expiration of a license and the center has failed to complete a timely renewal application as required by rule 5101:2-12-06 of the Administrative Code.
- (4) When a center is operating after an adjudication order revoking a license or denying a license renewal application that is final according to Chapter 119. of the Revised Code.

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CCMTL 89

Effective Date: May 1, 2008

Most Current Prior Effective Date: September 1, 2007

- (A) The ~~department~~ 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.
 - (7) Current and past center employees.
 - (8) Other witnesses.
- (C) ~~The department~~ ODJFS shall complete the JFS 01295 "Complaint/Disposition Complaint Intake/Disposition Report" (rev. ~~01/2007~~ 12/2007) for each complaint at the conclusion of the investigation. This report shall ~~outline~~ summarize all allegations, the results of the investigation, and the expectations for correction of any confirmed violations of ~~the~~ rule requirements. The report shall be kept on file at ~~the Ohio department of job and family services (ODJFS)~~ ODJFS. A copy of the ~~summary~~ report of findings 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 ~~the department~~ 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) ~~The department~~ 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:
- (1) A summary of the allegations.
 - (2) ~~The department's~~ 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. ~~The department's~~ ODJFS's report shall not disclose the results of investigations of abuse or neglect conducted by the PCSA.

Effective: 05/01/2008

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CCMTL 92

Effective Date: August 14, 2008

Most Current Prior Effective Date: September 1, 2007

- (A) An application for a child care center license may be denied or revoked 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 ~~section~~ division (A)(8) or (A)(9) of section 109.572 or section 5104.09 of the Revised Code and 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 ~~department in violation of section 2921.13 of the Revised Code~~ Ohio department of job and family services (ODJFS).
 - (4) A center refuses or fails to submit reports requested by ~~the department~~ ODJFS within required time frames.
 - (5) A center has refused to allow ~~the department~~ ODJFS access onto its premises.
- (B) ~~Licensing actions of the department~~ ODJFS may propose the following actions which afford the right to a prior adjudicatory hearing in accordance with the requirements of Chapter 119. of the Revised Code ~~are~~:
- (1) ~~The proposal of the department to deny~~ Denial of an initial license or a renewal of a ~~child care center~~ license.
 - (2) ~~The proposal of the department to revoke~~ Revocation of an existing child care center license, either provisional or regular.
 - (3) The finding of jurisdiction in accordance with rule 5101:2-12-01 of the Administrative Code.
 - (4) ~~The issuance~~ Issuance of a ~~child care center~~ license ~~by the department~~ with authorization for license capacity which does not agree with the authorization sought by the center.
 - (5) ~~The proposal of the department to deny~~ Denial of a regular child care center license at the expiration of the center's provisional license.
- (C) ~~Licensing actions of the department~~ ODJFS may propose actions which are of a ministerial nature and are not subject to the right to an administrative hearing. ~~This includes~~ These include; rejection by the department 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 ~~the department~~ ODJFS or the withdrawal of an application for a child care center license by the owner or administrator of the center shall not prohibit ~~the department~~ ODJFS from instituting any of the requirements of this rule.
- (E) When ~~the department~~ ODJFS revokes a child care center license or refuses to renew a license, ~~the department~~ ODJFS shall not issue a license to the owner of the center within two years from the date of the revocation of the license or the date of the refusal to renew the license.

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CCMTL 66

Effective Date: September 1, 2005

Most Current Prior Effective Date: April 1, 2003

- (A) Centers shall obtain a building approval for the purpose of operating a child care center. 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;
 - (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) ~~Exemptions: centers~~ 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 ~~age~~ 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 ~~director's representative~~ department, the school superintendent shall provide verification that the center is in a school facility and is in compliance with applicable building codes. If the department 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, it is the ~~center's~~ 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.

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Statutory Authority: 5104.011, 5104.05, 5104.051

Rule Amplifies: 5104.05, 5104.051

Prior Effective Dates: 3/1/81, 4/1/85, 9/1/86, 1/2/92, 4/1/92 (Emer.), 4/1/03

CCMTL 85

Effective Date: September 1, 2007

Most Current Prior Effective Date: September 1, 2005

- (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 may be documented by completion of the JFS 01303 "Fire Inspection Report" (rev. ~~7/2003~~ 3/2007) by the state fire marshal or the local fire safety inspector for the municipality or township having jurisdiction.
- (B) Fire inspection and approval shall be obtained in the following circumstances:
- (1) Upon initial application for licensure;
 - (2) Annually at least once within each twelve months following the issuance of the center's existing license;
 - (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.

Effective: 09/01/2007

R.C. 119.032 review dates: 01/31/2010

Certification: CERTIFIED ELECTRONICALLY

Date: 07/30/2007

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Rule Amplifies: 5104.05, 5104.051

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CCMTL 66

Effective Date: September 1, 2005

Most Current Prior Effective Date: April 1, 2003

(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 ~~board of~~ 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.

Effective: 09/01/2005

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Rule Amplifies: 5104.05, 5104.051

Prior Effective Dates: 3/1/81, 9/1/86, 1/2/92 (Emer.), 4/1/92, 4/1/03

CCMTL 66

Effective Date: September 1, 2005

Most Current Prior Effective Date: April 1, 2003 (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) Centers licensed prior to September 2, 1986 may include hallways, kitchens, storage areas, and bathrooms not used exclusively by children and other areas not available for the child care if:~~

- ~~(1) The center's license was maintained since September 2, 1986; or~~
- ~~(2) A new license was issued due to the change of ownership of the center.~~

~~(E)~~(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.

Effective: 09/01/2005

R.C. 119.032 review dates: 03/31/2005 and 01/31/2010

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Statutory Authority: 5104.011

Rule Amplifies: 5104.011

Prior Effective Dates: 3/1/81, 6/1/84, 9/1/86 (Emer.), 4/1/92, 4/1/03

CCMTL 77

Effective Date: January 1, 2007

Most Current Prior Effective Date: September 1, 2005

- (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 outdoor play each day in suitable weather. There shall be a written policy, approved by the department and followed by the center, which lists the limitations placed on 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.
- (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 ~~or safely accessible~~ 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.
 - (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 foreign objects and rubbish.
 - (6) Provides a shaded area as needed.
 - (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.
- ~~(D) A center may be exempt from the requirements of paragraph (C) of this rule if the following 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 use 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) A center that is 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.~~
- (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, during months that the program is in operation. The inspection shall be documented on a JFS 01281 "Child Care Playground Inspection Report" (1/2007). One year of completed inspection reports must be kept on file at the center.
- (F) ~~Outdoor Children shall only use equipment, whether stationary or portable, shall be safe and designed to meet the developmental needs of all of the age groups of children using the space~~ that is safe and appropriate for their age or development.
- (1) ~~Equipment, such as but not limited to, climbing gyms, swings and slides~~ shall meet all of the following requirements. ~~Fencing is not considered outdoor equipment.~~
- (a) ~~Shall be~~ Be placed out of the path of the area's main traffic patterns.
- (b) ~~Shall be~~ Be anchored or stable, and have all parts in good working order and securely fastened.
- (c) ~~Shall have~~ 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) ~~Shall have~~ Have all "S" hooks closed so that there is no gap greater than .04 inch or the thickness of a dime.
- (e) ~~Shall be~~ Be free of rust, cracks, holes, splinters, sharp points or edges, chipped or peeling paint, toxic substances, protruding bolts, or tripping hazards.
- (f) ~~Shall have~~ 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.
- (g) ~~Shall have~~ Have protective barriers on platforms that are thirty inches or higher off the ground.
- (h) ~~Shall be~~ Be assembled and installed according to manufacturers' guidelines.
- (2) Sandboxes shall be covered with a lid or other covering when sandboxes are not in use.
- ~~(G) Sandboxes shall be covered with a lid or other covering when they are not in use.~~
- ~~(H) Outdoor play equipment, designated for climbing, swinging and sliding, shall have a fall zone of protective resilient material on the ground under and around the equipment. 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. This equipment shall not be placed over grass, concrete, asphalt, blacktop, dirt, rocks, or any hard surface. Synthetic surfaces shall follow manufacturers' guidelines for depth.~~
- (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 that is over twelve inches in height, shall be appropriate for the height and type of equipment as specified in appendix a of this rule.

- (I) No later than January 1, 2010, fall zones 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 equipment is added, replaced or relocated. When equipment is added, replaced or relocated the center must comply with the requirements of paragraph (I) of this rule.
- (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.

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

[Click here to view Appendix A - Depth of Protective, Resilient Surface Needed for Playground Equipment and Surfaces](#)

Effective: 01/01/2007

R.C. 119.032 review dates: 01/31/2010

Certification: CERTIFIED ELECTRONICALLY

Date: 11/17/2006

Promulgated Under: 119.03

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CCMTL 82

Effective Date: September 1, 2007

Most Current Prior Effective Date: January 1, 2005

- (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 ~~goes above~~ 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.
 - (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 ~~used or stored where children have access to them~~ 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 reach or have safeguards which prevent children from being injured. ~~Only~~ All space heaters utilized by the child care center shall be approved in writing by the fire department and/or the building department ~~shall be used~~.
 - (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.
 - (2) The center shall be cleaned daily. Equipment, furnishings, and materials shall be kept clean, ~~sanitized~~ and in good repair. ~~The schedule contained in appendix A to this rule shall be followed in regards to cleaning and sanitizing center equipment and facilities. "Clean" means to remove dirt and debris by scrubbing and washing with a detergent solution suitable for the surface being cleaned and rinsing the surface. "Sanitize" means to kill most germs using a chlorine bleach solution which is prepared daily or a commercial product for sanitizing approved as a "hospital grade" germicide.~~ Centers shall follow appendix A to this rule in regards to cleaning and sanitizing center equipment and facilities.
 - ~~(3) Cleaning shall not take place while rooms are occupied by children except for general clean up activities which are part of the daily routine, and do not interfere with the supervision of children.~~
 - ~~(4)~~(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 ~~director's representative~~ department.
 - ~~(5)~~(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; ~~unless the food~~ Food or drink that is individually packaged and the package has not be been opened may be stored at the center to be served again or sent home.
 - ~~(6)~~(5) ~~Cups,~~ 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. ~~Water bottles~~ 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 and~~ cups, containers, and silverware sent by the parent/guardian shall be cleaned and sanitized by the center or sent home daily for cleaning.

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

[Click here to view Appendix A - Schedule for Cleaning and Sanitizing Items for Child Care Centers and Type A Homes](#)

Effective: 09/01/2007

R.C. 119.032 review dates: 01/31/2010

Certification: CERTIFIED ELECTRONICALLY

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Rule Amplifies: 5104.011, 5104.015, 2923.1212

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CCMTL 77

Effective Date: January 1, 2007

- (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 assisting with toileting.
 - (3) After changing diapers or pull-ups.
 - (4) After handling pets, pet cages or other pet objects that have come in contact with the pet.
 - (5) Before eating, serving or preparing food or bottles or feeding a child.
 - (6) After contact with bodily fluids or cleaning up spills or objects contaminated with bodily fluids.
 - (7) Before and after administering medication, first aid or completing a medical procedure.
 - (8) After taking off disposable gloves.
- Hand sanitizer is permitted 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.
- (C) 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.
- (D) Basic precautions are primarily designed to prevent the spread of diseases that are spread by blood or other bodily fluids. Basic 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.
 - (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.

Replaces: Part of 5101:2-12-43

Effective: 01/01/2007

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CCMTL 82

Effective Date: September 1, 2007

Most Current Prior Effective Date: January 1, 2007

- (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 ~~with an appropriate germicide~~. 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.
 - (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 ~~disinfected~~ 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 ~~disinfected~~ 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.

(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.

~~(C) 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, except as prescribed in paragraph (C)(1) of this rule.~~

~~(1) When handwashing facilities are not available within the space or spaces where the children receive care, handwashing facilities located elsewhere within the center may be used when the following requirements are met.~~

~~(a) Staff/child ratios, as required by rule 5101:2-12-20 of the Administrative Code are maintained at all times.~~

~~(b) Child care staff members must assure that children are engaged in safe, sanitary and age appropriate activities while diapers are being changed.~~

~~(c) If restrooms are used for diaper changing, infants or toddlers who are not able to walk and who are waiting for diapering shall not be placed directly on the restroom floor.~~

~~(d) All children shall remain within sight and hearing of the child care staff member and the child care staff member shall intervene if unsafe or unsanitary conditions occur. Children shall not be left unattended on the changing table.~~

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CCMTL 77

Effective Date: January 1, 2007

- (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.

Replaces: Part of 5101:2-12-15

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5101:2-12-15.4 Toothbrushing in Licensed Child Care Centers

CCMTL 77

Effective Date: January 1, 2007

- (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.

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CCMTL 66

Effective Date: September 1, 2005

Most Current Prior Effective Date: April 1, 2003

- (A) ~~Program: the~~ 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.
- (B) A copy of the daily program schedule shall be posted in a conspicuous place. The ~~director's representative~~ 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 ~~throughout the day~~ 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) ~~Equipment and materials: the~~ The center shall ensure that equipment, materials, and furnishings provided for both indoor and outdoor play are sufficiently varied ~~and adequate~~ to meet the developmental needs of the children and in sufficient quantity for the total number of children ~~for which~~ the center is ~~authorized~~ 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 ~~authorized~~ 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.

Effective: 09/01/2005

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CCMTL 66

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Most Current Prior Effective Date: April 1, 2003

- (A) ~~Swimming sites: all~~ 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.
 - (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 ~~currently certified~~ by the American ~~Red-Cross~~ 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) ~~Adults~~ 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) ~~Water safety: child~~ 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) ~~Parental permission: the~~ 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.

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CCMTL 77

Effective Date: January 1, 2007

Most Current Prior Effective Date: September 1, 2005

- (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.
 - (2) On routine trips the driver shall be an employee or child care staff member with the exception of contracted bus 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.
 - (4) Whenever children are transported by vehicle, 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.
 - (5) Whenever only school children are transported in one vehicle, 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.
 - (6) The second adult in the vehicle may be the driver or a parent or volunteer.
 - (7) At no time are children to be left unattended in a vehicle. An adult must be present in the vehicle.
 - (8) During routine walking trips or walking field ~~walking~~ 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.
- (B) The center shall have written permission from the parent or guardian before transporting or walking children off the center premises. ~~The Written~~ permission ~~from~~ 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) ~~Before the child participates~~ a statement notifying parents or guardian that their child will be participating in activities near water ~~two or more feet in depth~~ 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 ~~child~~ person may be strapped in each seat belt. Children or adults shall not be permitted to stand in a moving vehicle, ~~or sit on the floor~~ or ride in a vehicle where all seats are not securely anchored.
- (F) All children shall be seated and restrained in a child safety seat, according to the requirements of ~~Ohio law~~ section 4511.81. of the Revised Code, which can be accessed at <http://onlinedocs.andersonpublishing.com>.
- (G) Children under twelve years of age shall not be permitted to ride in the front seat of any vehicle.
- ~~(G)~~(H) The driver shall see that each child boards and exits the vehicle from the curb side of the street and out of the path of moving vehicles.
- ~~(H)~~(I) The driver shall conduct a check of the vehicle at the completion of each destination 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.
- ~~(J)~~(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.
- ~~(K)~~(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. 09/2006) shall be available for each child on all trips except for routine walks.
- ~~(K)~~(N) The following shall be available on all trips, ~~except for including~~ routine walks:
- (1) First aid supplies as required by rule 5101:2-12-36 of the Administrative Code, except those vehicles which are inspected by the Ohio state highway patrol shall maintain first aid kits which meet the requirements of that agency. These supplies shall be available at all field trip destinations and on all vehicles used for routine trips; and
 - ~~(2) Emergency transportation authorization for each child; and~~
 - ~~(3)~~(2) The ~~health record~~ 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; and
 - ~~(4)~~(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.
- ~~(L)~~(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.
- ~~(M)~~ The driver for all trips shall meet all of the following requirements:
- ~~(1) Be at least eighteen years old.~~
 - ~~(2) Hold a currently valid driver's license required for the vehicle driven in accordance with Ohio law.~~
 - ~~(3) Not be under the influence of any substance which could impair driving abilities.~~

~~(4) If the driver is an employee of the center, rules 5101:2-12-25 and 5101:2-12-26 of the Administrative Code shall be met by this driver, and this documentation shall be on file at the center.~~

~~(N) Vehicles operated by the center or driven by the center staff to transport 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 or other entity pre-approved by the department. Parents' vehicles used for field trips shall be exempt from this safety check requirement. Verification of the safety check shall be a written inspection verification or a dated statement of a mechanic's inspection and identification number of the certified mechanic. This verification shall include notation and correction of any safety violation and shall be maintained on file at the center for review by the director's representative. The safety check shall include, at a minimum:~~

~~(1) Lights and turn signals.~~

~~(2) Brakes.~~

~~(3) Windshield wipers.~~

~~(4) Horn.~~

~~(5) Tires.~~

~~(6) Seat belts.~~

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

[Click here to view Appendix A - National Highway Traffic Safety Administration \(NHTSA\) Child Safety Seat Recommendations](#)

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CCMTL 77

Effective Date: January 1, 2007

- (A) Requirements for center transportation vehicles.
- (1) Effective September 1, 2013, centers shall not be permitted to use converted cargo vans or passenger vans designed by the manufacturer to carry ten or more passengers.
 - (2) Effective September 1, 2008:
 - (a) Centers issued an initial license on or after September 1, 2008 shall meet the vehicle requirements of paragraph (A)(1) of this rule when the license is issued.
 - (b) Centers that replace or add a vehicle for use shall meet the vehicle requirements of paragraph (A)(1) of this rule. This applies to all vehicles that are owned, leased or contracted.
 - (c) Vehicles 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, except school buses and multifunction school activity buses which are inspected and licensed by the Ohio state highway patrol, shall be mechanically safe and shall receive an annual safety check from an automotive service excellence (ASE) certified mechanic or other entity approved by the department. Parents' vehicles used for field trips shall be exempt from this safety check requirement. Verification of the safety check shall be documented on the JFS 01230 "Vehicle Inspection Report" (rev. 09/2006). 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. The safety check shall include, at a minimum:
- (1) Lights and turn signals.
 - (2) Brakes.
 - (3) Windshield wipers.
 - (4) Horn.
 - (5) Tires.
 - (6) Seat belts.
- (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 with the children on a monthly basis by all staff responsible for transporting children. This practice shall occur during months that the vehicle is used for transporting children and shall take place on the center's premises 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.
- (F) Parents, who are not employed by the center, who use their vehicles for transportation to occasional fieldtrips 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.

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Rule Amplifies: 5104.011

CCMTL 77

Effective Date: January 1, 2007

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

- (1) Be at least eighteen years old.
- (2) Hold a currently valid driver's license required for the vehicle driven in accordance with Ohio law.
- (3) Be free from the influence of any substance which could impair driving abilities.
- (4) Meet the requirements of paragraphs (A), (B) and (D) of rule 5101:2-12-25 and rule 5101:2-12-26 of the Administrative Code, whether this employee is employed by the center or is an employee of a contracted agency. This documentation shall be on file at the center.
- (5) If the driver is currently employed as a bus driver in the public school system, copies of their medical, three references, criminal records check and nonconviction statement from the public school may be used to meet the requirements of rules 5101:2-12-25 and 5101:2-12-26 of the Administrative Code. This documentation shall be on file at the center.

(B) All current employees who are not serving as drivers and those persons hired after the effective date of this rule, who will be responsible for transporting children, shall be trained by the administrator or designee on the topics in paragraph (B)(1) of this rule, prior to assuming driving duties. All persons currently employed by the child care facility who are responsible for transporting children shall be trained no later than January 1, 2008. This does not include parents driving only for the occasional fieldtrip.

- (1) The training shall utilize the curriculum developed by the department 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 transportation 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.
 - (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.
- (3) This training shall be documented and kept on file in the employee's file for review by the department.

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5101:2-12-19 Requirements for Children Who Rest, Nap or Sleep and Use of Cots in Licensed Child Care Centers

Effective Date: September 1, 2005

Most Current Prior Effective Date: [April 1, 2003](#)

(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.

- ~~(1) 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.~~
- ~~(2) 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.~~
- ~~(3) School age 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.~~
- ~~(4) Rest areas shall be lighted enough to allow visual supervision of children at all times.~~
- ~~(5) Any child who does not fall asleep after an appropriate length of time during the center's designated nap time shall have the opportunity to engage in quiet activities.~~
- ~~(6) Cots, pads, mats or other furniture shall be assigned individually to each child, and shall be disinfected with an appropriate germicide before assignment to another child.~~
- ~~(7) Evacuation routes shall not be blocked by resting children. Each child shall have a free and direct means of egress. Child care staff members shall have a clear path to each resting child.~~
- ~~(8) If the use of a cot is hazardous to a child, the center shall provide a written alternative plan, including written parent permission, for the child's nap time. The written permission shall be on file for review by the director's representative.~~

(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.

(l) 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.

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[CCMTL 66](#)

CCMTL 90

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Most Current Prior Effective Date: January 1, 2007

- (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 hear children without the use of mechanical devices such as baby monitors or walkie talkies.
- (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 license capacity. 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
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~~;~~.
 - (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 one and one half hours during a twenty-four hour period.
- (4) To show compliance with staff/child ratios, a ~~current employee record chart~~ [JFS 01306 "Employee Record Chart" \(rev. 8/2008\)](#) shall be maintained by the center and shall be available for review by the ~~director's representative~~ Ohio department of job and family services (ODJFS). The JFS 01306 ~~"Employee Record Chart" (rev. 7/2003)~~ 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~~;~~ ~~and~~.
 - (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~~;~~.
- (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 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;_and_
 - (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:
- (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 ~~the director's representative~~ 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 ~~at all times~~ when seven or more children are ~~in the center present~~. One adult shall be a child care staff member.
- (1) The second adult shall:
- (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. (09/2006)~~ (rev. 9/2006). 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.
 - (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 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 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.

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CCMTL 77

Effective Date: January 1, 2007

Most Current Prior Effective Date: April 1, 2003

- (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.
 - (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. Information on foods that are choking hazards for young children may be found at: <http://www.aap.org>, <http://www.nal.usda.gov/childcare/Resources/choking.html> or http://nrc.uchsc.edu/CFOC/HTMLVersion/Chapter_4.html.
 - (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, but not limited to, wiping noses and washing faces.
 - (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 coordinate with the child's service providers with parental/guardian consent. The center shall document its efforts if the center is unable to obtain parental/guardian consent. The center shall make appropriate adjustments as needed for these children.
 - (2) Information obtained from service providers, service coordinators and other professionals involved in the child's care shall be documented in the child's written record. This information shall be shared with any child care staff member responsible for caring for the child.
 - (3) 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.

Effective: 01/01/2007

R.C. 119.032 review dates: 04/01/2011

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Statutory Authority: 5104.011

Rule Amplifies: 5104.011

CCMTL 77

Effective Date: January 1, 2007

Most Current Prior Effective Date: April 1, 2003

- (A) ~~Staff responsibility: child~~ 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, and shall be explained to the child.
- ~~(B)(C) Managing behavior: when children's behavior is unacceptable, the~~ 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.
 - (2) Intervene, when needed, as quickly as possible to ensure the safety of all children.
 - ~~(2)(3)~~ If centers use ~~Use~~ developmentally appropriate separation from the situation ~~only as necessary~~ 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 what behavior is expected.
 - ~~(3)(4)~~ Communicate and consult with parents or guardians ~~in~~ 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.
- ~~(C)(D) When children's behavior is unacceptable, the~~ All employees and child care staff ~~member~~ members shall not:
- (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;
 - (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.

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CCMTL 77

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Most Current Prior Effective Date: April 1, 2003

- (A) A child care center is considered to be providing evening and overnight care when children are in attendance any time between the hours of seven ~~o'clock~~ p.m. and six ~~o'clock~~ 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) ~~Supervision and security: evening~~ Evening and overnight care ~~shall~~ 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, ~~and~~ 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) ~~Programming and sleeping arrangements: the~~ 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.
 - (3) Bedtime routines shall be developed in consultation with parents or guardians.
 - (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 ~~101:2-12-42~~ 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) ~~Sanitation and hygiene: the~~ 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 with a clean, individual washcloth, towel, and toothbrush. 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.
- (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.

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CCMTL 77

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Most Current Prior Effective Date: April 1, 2003

- (A) ~~Administrator responsibilities: the~~ 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.
 - (a) 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 to complete administrative duties.
 - (3) The administrators shall post their scheduled hours of availability in a conspicuous place for parents that is easily accessible to parents.
- (B) ~~Administrator's designee: whenever~~ Whenever the administrators are not on the premises, a child care staff member shall be designated as the person in charge. 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) ~~Administrator qualifications: written~~ Written documentation verifying the administrator's qualifications shall be kept on file at the center. 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; ~~or~~ or
 - (b) A copy of other written documentation approved by the department verifying high school completion or equivalency; ~~or~~ such as the Ohio general educational development high school equivalence diploma (GED).
 - (c) A letter from the state or local board of education stating that the curriculum for the course of home study taken by the administrator meets the required standards.
 - ~~(c)~~(d) Copy of the degree or transcript verifying completion of an associates degree or higher.
 - (2) In addition the administrator shall have one of the following:
 - (a) Two years of training verified by a transcript including four courses in child development; ~~two~~ 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) ~~Two years of~~ Twenty-four calendar months, for at least twelve hours a week, of experience ~~(twenty-four calendar months for at least twelve hours a week)~~ 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) ~~Two years~~ Twenty-four calendar months, for at least twelve hours a week of experience ~~(twenty-four calendar months for at least twelve hours a week)~~ working as a child care

staff member in a licensed child care center or type a home and 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 must be currently valid;~~or,~~

Administrators named prior to the effective date of this rule and whose CDA has expired, have until September 1, 2008 to obtain a currently valid CDA. Persons may not serve in the capacity of administrator if their CDA is not currently valid by September 1, 2008. Additional information on the CDA process may be obtained at <http://www.cdacouncil.org/>.

- (d) A combination, to equal two years, of experience as defined in paragraph (C)(2)(b) of this rule and college training, as defined in paragraph (C)(2)(a) of this rule, and four courses in child development, as defined in paragraph (C)(2)(a) of this rule. for the purposes of this combination, one month's work experience shall be equal to 2.5 semester college credit hours or 3.75 quarter college credit hours;
- (e) A ~~pre-kindergarten~~ pre-kindergarten associate certificate that is issued by the state board of education;
- (f) A ~~montessori~~ Montessori pre-primary/early childhood credential from the American ~~montessori~~ Montessori society, association of ~~montessori~~ Montessori international, national center for ~~montessori~~ Montessori education, or other ~~montessori~~ Montessori program accredited by the ~~montessori~~ Montessori accreditation council for teacher education.

(3) 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;
- (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) Administrators appointed prior to the implementation of this rule, shall have eighteen months from the effective date of this rule to complete the rules review course.~~
- ~~(3)~~(2) Verification of completion of the rules review course shall be on the required prescribed form JFS 01241 "Administrator Rules Review Course Certificate" (rev. 2/2006). This form shall be kept on file at the center ~~for review by the director's representative.~~

(E) The owner or administrator shall report a change in the position of administrator to the department 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.

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CCMTL 85

Effective Date: September 1, 2007

Most Current Prior Effective Date: January 1, 2007

- (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 or a certified nurse practitioner within three years prior to the first day of employment, and every three years from date of exam.
 - (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) Free of communicable tuberculosis.
 - (b) Physically fit for employment in a facility caring for children.
 - (c) 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.
 - (d) 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).
 - (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.
 - (6) Staff who are employed on the effective date of this rule shall not be required to obtain verification of these immunizations until the next time their medical is due for renewal. This waiver shall not extend more than three years from the effective date of this rule.
 - (7) 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) For the home schooled student, a letter from the state or local board of education stating that the curriculum for the course of home study taken by the child care staff member meets the required standards.
 - (d) A copy of the degree or transcript verifying completion of an associates degree or higher.
- (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 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 program and that the student is receiving periodic supervision.
- (D) Prior to initial license issuance, each license applicant shall provide the department with three written reference statements. References shall not be required of persons such as, but not limited to, owner representative, corporations, board members or officers of firms, organizations, institutions, or agencies unless such persons are potential employees of the center.
- (1) Before the first day of employment, each employee shall provide the center with three written reference statements from persons not related to the employee. The references shall attest to the suitability of the employee to work with children.
 - (2) The reference statements shall include the name, address, telephone number, and signature of the individual providing the reference, and the date the reference was given.
 - (3) Telephone references may be obtained by the center's administrator. Comments obtained shall be documented, signed and dated by the administrator, and shall include the referent's name and telephone number. The signature of the individual providing the reference is not needed when the administrator obtains the information via the telephone.
- (E) 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.

- (F) 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.
- (G) The orientation training shall be completed within thirty 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.
 - (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.
 - (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" (~~09/2006~~ rev. 03/2007). This completed form shall be kept on file at the center.
 - (5) Orientation training time shall not be included in the child care staff member inservice training requirements.
- (H) At the time of employment the administrator shall review all center policies, procedures, and licensing rules that pertain to their area of work, with each employee and child care staff member. All employees and child care staff members shall sign a statement, 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.
- (I) 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.
- (J) 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.

Effective: 09/01/2007

R.C. 119.032 review dates: 04/01/2011

Certification: CERTIFIED ELECTRONICALLY

Date: 07/30/2007

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Statutory Authority: 5104.01, 5104.011

Rule Amplifies: 5104.011

Prior Effective Dates: 3/1/81, 2/8/82, 9/1/86, 1/2/92(Emer.), 4/1/92, 4/1/03, 1/1/07

CCMTL 92

Effective Date: September 1, 2008

Most Current Prior Effective Date: January 1, 2007

(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. 8/2008) 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:

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

(b) Annually from the date of hire.

(3) For any current owner, administrator, or employee, the JFS 01328 shall be completed and on file at the center no later than the annual date of the date the most recent nonconviction statement was signed or March 1, 2009, whichever date is earlier.

(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 www.webcheck.ag.state.oh.us.

(2) All criminal records check results shall be dated, have an authentication number and 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).

- (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 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 owner and administrator shall complete the **JFS 01311** "Criminal Records Check for Owners and Administrators of Child Care Centers and Type A Homes" (rev. 8/2008) and have the results of the BCII and Federal bureau of investigation (FBI) criminal records checks sent to ODJFS. These criminal records checks shall be repeated and submitted to ODJFS every four years at the time of the license renewal.
- (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 license shall be issued.
- (H) Current owners and administrators who do not have a criminal records check on file with ODJFS that was completed on or after September 1, 2004 shall complete a JFS 01311 and a BCII criminal records check and have the results on file with ODJFS no later than March 1, 2009. Owners and administrators shall have an updated BCII and an FBI criminal records check every four years at the time of the license renewal.
- (I) 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. 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 criminal records check be completed on or after September 1, 2004, 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 criminal records check be completed on or after September 1, 2004 and 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.

(J) The administrator shall verify that a BCII criminal records check has been completed since September 1, 2004 for all current employees.

(1) The center shall have the results of the BCII criminal records check on file at the center no later than March 1, 2009.

(2) A BCII criminal records check shall be repeated every four years for every employee.

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

(K) Any employee who has never had a BCII criminal records check shall obtain a BCII criminal records check and have the results on file at the center no later than March 1, 2009.

(L) 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 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.

(M) 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:

(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.

Replaces: 5101:2-12-26

Effective: 09/01/2008

R.C. 119.032 review dates:

Certification

Date

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CCMTL 77

Effective Date: January 1, 2007

Most Current Prior Effective Date: September 1, 2005

- (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 who has successfully completed current and valid training in:
- (1) First aid and management of communicable disease; and
 - (2) Cardiopulmonary resuscitation (CPR) appropriate for all age groups that the center is licensed to serve; and
 - (3) Child abuse recognition and prevention.
- Child care staff members trained in these three areas may be three separate persons. Training in these three areas may not be taken through electronic media presentation.
- (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 the department in collaboration with the Ohio department of health; or
 - (2) Be for the length of time required by an approved health organization and ~~Follow~~ follow guidelines and curriculum of a first aid course designed for child care staff by a health organization approved by the department; 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 ~~three hour~~ review training. The review training shall include all specific topics of the approved curriculums. It shall be at least three hours in length or the length of time required by an approved health organization.
- (D) Registered nurses, emergency medical service instructors, emergency medical technicians and paramedics with current valid credentials shall be exempt from the first aid training requirement.
- (E) The first aid trainer shall be one of the following:
- (1) An authorized trainer for ~~a~~ an approved health organization ~~approved by the department; or,~~
 - (2) A licensed physician or registered nurse; ~~or,~~
 - (3) An emergency medical service instructor.
- (F) 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.
 - (4) Be appropriate for all age groups the center is licensed to serve.
- (G) The CPR trainer shall be an authorized trainer for a health organization approved by the department.
- (H) The training in management of communicable disease shall:
- (1) Be at least six hours in length and follow a curriculum approved by the department; or
 - (2) Follow guidelines and curriculum or a management of communicable disease course designed for child care staff by a health organization approved by the department; and
 - (3) Be valid for three years.

- (I) This management of communicable disease training shall be updated by either completion of the full training or completion of a three hour review training. The review training shall include all specific topics of the approved curriculums.
- (J) Registered nurses with current valid credentials shall be exempt from the management of communicable disease training requirement.
- (K) The management of communicable disease trainer shall be one of the following:
 - (1) An authorized communicable disease trainer for a health organization approved by the department; or
 - (2) A licensed physician or registered nurse.
- (L) The training in child abuse recognition and prevention shall follow a curriculum approved by the department ~~in collaboration with the Ohio department of health~~ and shall:
 - (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.
- (M) This child abuse prevention training shall be updated by either completion of the full training or completion of a three hour review training. The review training shall include all specific topics of the approved curriculums.
- (N) 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 the department; 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.
- (O) 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 the department. The following shall be documentation ~~of completion of~~ that training has been completed:
 - (1) ~~A Completed~~ completed prescribed form JFS 01307 "Inservice Training" (rev. 09/2006) signed and dated by the trainer; or
 - (2) ~~A Verification cards~~ verification card or forms form from a health organizations organization approved by the department 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.

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

Effective: 01/01/2007

R.C. 119.032 review dates: 03/31/2006 and 04/01/2011

Certification: CERTIFIED ELECTRONICALLY

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CCMTL 77

Effective Date: January 1, 2007

Most Current Prior Effective Date: April 1, 2003

- (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 (~~K~~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: ~~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) ~~Exemptions: a~~ a child care staff member shall be exempt from the in-service training requirement if the child care staff member:
- (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 (~~K~~G) of this rule; or
 - (2) Has a child development associate credential; or
 - (3) Has a ~~montessori~~Montessori pre primary/early childhood credential from the American ~~montessori~~Montessori society, association of ~~montessori~~Montessori international, national center for ~~montessori~~Montessori education, or other ~~montessori~~Montessori program accredited by the ~~montessori~~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) ~~Trainers: a trainer~~ 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.
- (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.

~~(G)~~(H) A trainer in child development topics shall meet ~~qualification as follows~~ at least one of the following qualifications:

- (1) Have a masters degree or higher in child development or related field;~~or.~~
- (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 ~~(K)~~(G) of this rule;~~or.~~
- (3) Have at least two years experience in the subject area of the training, and have a currently valid child development associate credential;~~or.~~
- (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.
 - (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.
- (H)(K) A trainer in child development or health and safety shall submit to the department, upon request, a detailed 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.
- (I)(L) Resource ~~persons: 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.
- (J)(M) ~~Electronic media trainings: for~~ For training in child development topics, video, CD ROM computer software presentations, and electronic media resource 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.
- (K) ~~Child development topics: child development topics relate to all of the following:~~
- ~~(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 director.~~

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CCMTL 66

Effective Date: September 1, 2005

Most Current Prior Effective Date: April 1, 2003

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.

Effective: 09/01/2005

R.C. 119.032 review dates: 03/31/2005 and 01/31/2010

Certification: CERTIFIED ELECTRONICALLY

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Rule Amplifies: 5104.09

Prior Effective Dates: 2/8/82, 9/1/86, 4/1/03

CCMTL 85

Effective Date: September 1, 2007

Most Current Prior Effective Date: September 1, 2005

- (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. The information shall include:
- (1) The written information contained in paragraph (A)(1) of this rule will be provided to the center by the department for distribution to custodial parents or guardians of children served by the center and to the center's employees.
 - (a) The center shall post the license issued by the Ohio department of job and family services in a conspicuous place in the center for review.
 - (b) A toll free number is listed on the license for reporting suspected violations of Chapter 5104. of the Revised Code or Chapter 5101:2-12 of the Administrative Code. A copy of the law and rules are available at the center for review upon request.
 - (c) The administrator and each employee of the child care center are required under section 2151.421 of the Revised Code to report their suspicions of child abuse or neglect to the public children services agency.
 - (d) Any custodial parent or guardian of a child enrolled in a child care center shall be permitted unlimited access to the center during hours of operation for the purposes of contacting their child(ren), or evaluating the care or the premises. A parent of a child enrolled at the center who is not the child's residential parent shall be permitted unlimited access to the center and be afforded the same rights as the residential parent unless there is court documentation limiting access and conditions of the nonresidential parent. Upon entering the center, the parent or guardian shall notify the administrator or designee of their presence.
 - (e) Rosters that include names and telephone numbers of parents of enrolled children are available upon request. Parents shall be notified that the rosters do not include the names or telephone numbers of those parents who requested not to be included.
 - (f) Licensing inspection reports and substantiated complaint investigation reports for the current licensing period must be displayed in a conspicuous location readily in view of parents or guardians in the center.
 - (g) The center's licensing record, including licensing inspection reports and complaint investigations, as well as evaluation forms from the health, building, and fire departments that inspect the center, are available upon request from the Ohio department of job and family services.
 - (h) It is unlawful for the center to discriminate in the enrollment of children upon the basis of race, color, religion, sex, or national origin or disability in violation of the Americans with Disabilities Act of 1990, 104 Stat. 327, 42 U.S.C. 12101 et seq.
 - (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.
 - (e) Sample of the daily program schedule for all hours of operation for each age group of children the center is authorized to serve.

- (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;
 - (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:
 - (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. ~~6/2004~~ 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.

- (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.
- (i) Participation policy as required in rule 5101:2-12-32 of the Administrative Code, including:
 - (i) A procedure for parents or guardians and employees who need assistance with problems at the center.
 - (ii) Opportunities for parent or guardian participation.
 - (iii) Opportunities for parents or guardians to meet with center staff.
- (j) 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.
- (k) Fees, overtime charges, registration, and permanent disenrollment policies.
- (l) Enrollment and health information as required in rule 5101:2-12-37 of the Administrative Code which is required for admission.
- (m) 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 the department.
- (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 department.
- (D) The center shall demonstrate in daily practice that all written policies, procedures, and statements given to the parents, guardians, and employees are followed.

- (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.

Effective: 09/01/2007

R.C. 119.032 review dates: 01/31/2010

Certification: CERTIFIED ELECTRONICALLY

Date: 07/30/2007

Promulgated Under: 119.03

Statutory Authority: 5104.011

Rule Amplifies: 5104.011, 5104.03

Prior Effective Dates: 3/1/81, 2/8/82, 9/1/86, 1/2/92 (Emer.), 4/1/92, 4/1/03, 9/1/05

CCMTL 66

Effective Date: September 1, 2005

Most Current Prior Effective Date: April 1, 2003

- (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 ~~prescribed form provided by the department~~ 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) ~~Nonprescription medication: only~~ 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 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 ~~at one time~~ within a fourteen day period, unless under written instructions from a physician.
 - (3) ~~Nonprescription topical products or lotions: centers~~ 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 ~~prescribed form provided by the department~~ 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.
 - (4) ~~Syrup of ipecac: in cases of extreme emergency, center personnel may administer syrup of ipecac to a child without written instructions from a physician or parent or guardian following verbal instructions of the poison control center or a licensed physician.~~
- (B) ~~Safeguards: when~~ 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 ~~prescribed form provided by the department~~ 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 ~~director's representative~~ department for at least one year following the administration of the medication, food supplement, or modified diet.
- (C) ~~Storage of medications: when~~ 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 ~~having~~ 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;
 - (5) Remove all medications from the center when no longer needed or if the label indicates that the medication has expired.

Effective: 09/01/2005

R.C. 119.032 review dates: 03/31/2005 and 01/31/2010

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CCMTL 77

Effective Date: January 1, 2007

Most Current Prior Effective Date: September 1, 2005

- (A) The center administrator shall develop and distribute a written plan that will encourage parental participation and keep parents informed about the center's program and its services. ~~The plan shall ensure that the rights of children, parents and employees are protected and that the responsibilities of parents and employees are met.~~ The plan shall be updated at least annually and shall include:
- (1) 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
 - (2) Activities that provide parents or guardians opportunities to participate in the center's program
 - (3) 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.
- (B) The center administrator shall prepare at least once annually a dated roster of names and telephone numbers of parents or guardians for each group of children. Upon request, this roster shall be given to the parents or guardians of the children in the group.
- (C) The center administrator may prepare a roster of names and telephone numbers of all parents or guardians of children attending the center. Upon request, this roster shall be given to the parents or guardians of the children who attend the center.
- (D) Any roster shall not include the names and telephone numbers of any parent or guardian who requests that the center administrator not include the parent's or guardian's name or telephone number.
- (E) The center administrator shall not give any roster to a person other than a parent or guardian of a child who attends the center.
- (F) The center administrator shall furnish a copy of any roster to the department for review.
- (G) The center administrator shall have each parent or guardian sign a statement indicating whether they want their name and telephone number included on the roster. Only those individuals who indicate they want to be on the roster will be included.

Effective: 01/01/2007

R.C. 119.032 review dates: 01/31/2010

Certification: CERTIFIED ELECTRONICALLY

Date: 11/17/2006

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Rule Amplifies: 5104.011

Prior Effective Dates: 9/1/86, 1/2/92 (Emer.), 4/1/92, 4/1/03, 9/1/05

CCMTL 77

Effective Date: January 1, 2007

Most Current Prior Effective Date: September 1, 2005

- (A) 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 shall observe each child daily upon arrival at the center.
- (B) The center shall immediately notify the parent or guardian of the child's condition when a child has been observed with signs or symptoms of illness.
- (C) 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, ~~obvious discharge, matted eyelashes, burning, itching~~ 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.
 - (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.
- (D) 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 ~~disinfected~~ sanitized with an appropriate germicide, or if soiled with blood, feces, ~~vomit~~ vomit or other body fluids, the cot shall be cleaned with soap and water and ~~disinfected~~ sanitized with an appropriate germicide.
 - (4) A school child may be made comfortable on a mat that shall be cleaned with soap and water and ~~disinfected~~ sanitized with an appropriate germicide.
- (E) 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 ~~provide training is provided~~ for all staff in the process of handwashing ~~and disinfection procedures prior to working with children, including a thorough review of the requirements for handwashing~~ and diapering. Employees shall also be provided with training on basic precautions as outlined in paragraph (D) of rule 5101:2-12-15.1 of the Administrative Code.

- (2) The center administrator shall ensure that staff are following procedures described in paragraph (E)(1) of this rule.
- ~~(2)~~(3) The center shall release employees who have a communicable disease or who are unable to perform their duties due to illness.
- ~~(3)~~(4) The center shall notify parents, within the next day of center operation, when their child has been exposed to a communicable disease.
- ~~(4)~~(5) Centers shall follow the current version of the JFS 08087 "Ohio department of health Communicable Disease Chart" (rev. ~~7/2002~~04/2006) for appropriate management of suspected illnesses. The chart shall be posted in a location readily available to center staff and parents.

Effective: 01/01/2007

R.C. 119.032 review dates: 01/31/2010

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CCMTL 77

Effective Date: January 1, 2007

Most Current Prior Effective Date: April 1, 2003

- (A) ~~Emergency plan: the~~ The center shall ~~have a written plan for medical, dental and general emergencies~~ complete a JFS 01242 "Medical, Dental and General Emergency Plan" (rev. 09/2006). 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. ~~This plan shall include, at a minimum, the following information:~~
- ~~(1) Name, address and telephone number of the center;~~
 - ~~(2) Locations of the first aid kit, fire extinguishers and fire alarm system, and electrical circuit box;~~
 - ~~(3) Telephone numbers for: emergency squad, fire department, hospital, poison control center, public children services agency, and police department;~~
 - ~~(4) Names of staff currently trained to administer first aid and CPR;~~
 - ~~(5) Location of children's records;~~
 - ~~(6) General instructions to staff in case of emergency that includes a detailed plan for supervision of all children;~~
 - ~~(7) General instructions to staff in the event of any serious incident, injury or illness affecting a child. These instructions shall include immediate notification of parents in case of any serious incident, injury or illness, as defined in paragraph (C) of this rule;~~
 - ~~(8) JFS 01201 "Dental First Aid Chart", including instructions to staff in case of a dental emergency;~~
 - ~~(9) Instructions to staff in the event of a general emergency, as defined in paragraph (B) of this rule;~~
 - ~~(10) Location of a child car safety seat or the written policy to use an emergency squad for emergency transportation.~~
- (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.
- (E) A JFS 01201 "Dental First Aid Chart" (rev. 09/2006) shall be completed and posted in each classroom, office space and other spaces used by children, such as large muscle space, gymnasium, and cafeteria.
- ~~(E)~~(F) The center shall have access at all times to a working non-coin operated telephone within the child care center building.
- ~~(F)~~(G) The center shall conduct monthly fire drills at varying times. Documentation of these drills shall be posted in a conspicuous location.
- ~~(G)~~(H) 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.

~~(H)(I)~~ ~~If the center~~ Centers that transport children ~~transports~~ 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 ~~shall be~~ readily available on the premises, ~~and the~~ The requirements of Appendix A of this rule ~~current child safety restraint law~~ shall be met.

5101:2-12-34 Appendix A - Ohio Child Restraint Requirements.

[Click here to view Appendix A - Ohio Child Restraint Requirements](#)

Effective: 01/01/2007

R.C. 119.032 review dates: 03/31/2006 and 04/01/2011

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CCMTL 80

Effective Date: June 1, 2007

Most Current Prior Effective Date: January 1, 2007

- (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
 - (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. ~~09/2006~~ [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 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 or mailed to the licensing office within three business days from the occurrence. This notification does not replace reporting to the public children services agency if there are concerns of child abuse or neglect.

Effective: 06/01/2007

R.C. 119.032 review dates: 04/01/2011

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CCMTL 77

Effective Date: January 1, 2007

Most Current Prior Effective Date: April 1, 2003

- (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.
- (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 ~~except for routine walks~~ and shall be available at all field trip destinations.
 - (3) The supplies of a complete kit shall include ~~all items as most recently approved by the Ohio department of health. a list of these items shall be provided on the JFS 01244 "First Aid Supplies"~~ 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.
 - (i) Disposable vinyl 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.
 - ~~(4)~~(6) The center shall have a system to replace damaged, outdated, non-sterile, or used materials on a regular basis.

~~(5)~~(7) Vehicles regulated by the Ohio state highway patrol shall ~~have a first aid kit~~ not meet the requirements of this rule as those vehicles carry a first aid kit that meets the requirements of that agency.

(B) The center shall have supplies to practice ~~these basic~~ standard precaution procedures; as defined in rule 5101:2-12-15 of the Administrative Code.

- ~~(1) Blood spills shall be treated cautiously and decontaminated promptly. Disposable gloves shall be worn while handling any blood spill, bloody diarrhea, bloody nose, etc. and discarded after each use.~~
- ~~(2) Contaminated surfaces shall first be cleaned with hot, soapy water, and then disinfected with an appropriate bleach solution prepared daily, according to product guidelines, or other acceptable disinfectant solution (EPA-rated as hospital disinfectant with label claim for mycobactericidal activity).~~
- ~~(3) Handwashing with soap and water shall occur after the cleaning of any spill involving blood, vomitus, fecal or urinary incontinence.~~

(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.

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CCMTL 93

Effective Date: February 1, 2009

Most Current Prior Effective Date: January 1, 2007

- (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. ~~who is not attending a grade of kindergarten or above shall secure and have on file verification of a medical exam~~ Children who attend a grade of kindergarten and above in an elementary school are exempt from this requirement.
- (1) ~~The~~ A medical statement shall verify ~~a~~ the date of ~~exam~~ a medical examination within the past twelve months, ~~and~~ This statement shall be on file at the center within thirty days of the child's date of admission and every thirteen months thereafter, ~~until the children are attending a grade of kindergarten or above.~~
- (2) The medical statement shall contain the following information:
- (a) The child's name and birth date.
- (b) The date of the medical examination.
- ~~(b)~~(c) ~~The~~ A statement that the child has been examined and is in suitable condition for participation in group care ~~date of examination.~~
- ~~(c)~~(d) The signature, business address and telephone number of the ~~licensed~~ physician, physician's assistant (PA) or ~~certified nurse practitioner~~ advanced practice nurse (APN) who examined the child.
- ~~(d)~~(e) ~~The statement that a~~ A record of the immunizations that the child has had, specifying the month, day and year of each immunization ~~is included and that the physician, physician's assistant or certified nurse practitioner has reviewed the child's record against the immunizations recommended by the Ohio department of health. The Ohio department of health's recommended immunization schedule is available as appendix A to this rule.~~
- (f) A statement that the physician, PA or APN 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.
- ~~(e)~~ ~~The statement that the child has been examined and is in suitable condition for participation in group care.~~
- (B) ~~Centers~~ The center shall maintain a completed ~~enrollment records which include health records, emergency transportation information, and parent or guardian roster permissions for all children~~ JFS 01234 "Child Enrollment and Health Information" (rev. 2/2009) for each child attending the center ~~on the JFS 01234 "Child Enrollment and Health Information" (rev. 09/2006).~~
- (1) The center shall ~~secure and~~ have on file ~~all children's~~ each child's JFS 01234 enrollment records no later than the child's first day of attendance ~~and it shall be.~~ ~~All records shall be~~ immediately accessible to the administrator or designee, The JFS 01234 ~~and~~ shall be reviewed and revised as needed and updated at least annually.
- (2) ~~Immunizations may be waived by the administrator for religious reasons upon submission of the parent or guardian's written request for exemption or for medical reasons upon submission of a physician's or certified nurse practitioner's written request for exemption. These statements shall be on file at the center.~~
- ~~(3)~~(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, ~~except that they shall be available to the director's representative~~ 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 ~~health department's representative~~ ODH for disease outbreak control and for immunization level assessment purposes.

5101:2-12-37 Appendix A - Immunizations Summary for Day Care, Head Start, Pre-School and School Attendance.

[Click here to view Appendix A - Immunizations Summary for Day Care, Head Start, Pre-School and School Attendance](#)

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CCMTL 77

Effective Date: January 1, 2007

Most Current Prior Effective Date: April 1, 2003

- (A) A child care center providing care for children with health conditions or ~~requiring~~ for children who require medical procedures shall ~~do so on~~ have a complete the JFS 01236 "Medical/Physical Care Plan" (rev. 09/2006) or an equivalent form.
- (B) ~~Detail of medical/physical plan: the~~ 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.
- (C) The medical/physical care plan shall include the following:
- (1) The name of the child.
 - (2) Identification of and instructions for any necessary medical procedure to be performed.
 - (3) The names of the child care staff members trained by the parent or guardian or certified professional to perform the medical procedures.
 - (4) Parent or guardian permission statement for the performance of the medical procedures.
 - (5) Additional services such as educational or therapeutic services which the child is receiving from other service providers.
 - (6) Parent or guardian permission statement allowing the center to contact these providers of additional service, if applicable.
- (D) The plan shall be revised at least annually, or more often, if necessary.
- (E) The plan shall be on file at the center for review by the ~~director's representative~~ department.
- (F) A child with a health condition includes a school age child whose medical condition requires the availability of an inhaler or medication for emergency needs. 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 certified professional shall be permitted to perform medical procedures. There shall be a trained child care staff member onsite at all times whenever children who require treatment are present.

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CCMTL 66

Effective Date: September 1, 2005

Most Current Prior Effective Date: April 1, 2003

(A) ~~Meals and snacks:~~ 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 ~~(USDA~~ 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.
- (4) A breakfast shall include, at a minimum, one serving each of fluid milk, fruit or vegetable, and bread or grains.
- (5) Only ~~full-strength (one hundred per cent)~~ 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.

(B) In order to verify compliance with this rule, the ~~director's representative~~ 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 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) ~~Food provided by parents or guardians: parents~~ 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: ~~protein, grain, fruit/vegetable, dairy,~~ 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) ~~Safety and sanitation: the~~ 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 ~~placed~~ 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.

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- (A) ~~Infant space: each~~ 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 supervision of supervise sleeping 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) ~~Infant program: the~~ The center shall ~~devise~~ develop and implement a program of activities suitable to the age ~~levels~~ and developmental abilities of the infants ~~under~~ in care.
- (1) Each infant shall be removed from the crib, swing, infant seat, or other equipment throughout the day for individual attention.
- (2) ~~Provisions for outdoor~~ Outdoor play shall be available according to the ~~infants'~~ infant's stage of development. Outdoor play space used by ~~the~~ 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) ~~Infant records and staff assignment: the~~ The center shall maintain a daily written record that is given to parents or guardians ~~on a daily basis~~ each day for children up to ~~twelve~~ eighteen months of age. The record shall include the following ~~areas~~:
- (1) Food intake;_
- (2) Sleeping patterns;_
- (3) Times and results of diaper changes;_
- (4) Information about daily activities.
- (E) ~~The~~ 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. ~~to assure continuity of care.~~ 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.

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- (A) ~~Infant feeding: each infant shall be removed from his 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.~~
- (B) ~~Center policies and practices shall support parent preferences in infant feeding, including breast feeding and introduction of solid foods as long as developmentally appropriate and not detrimental to the health of the child.~~
- (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 **individual** 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 **child** infant, the infant shall be served ~~formula and/or~~ food in **sufficient** amounts ~~to that~~ meet the meal pattern and **quality quantity** of the **USDA** United States department of agriculture (USDA) child and adult care food program child care component.
- (F) ~~Bottles prepared at center: when~~ 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. ~~in conformity with written instructions from the parent or guardian, or physician. All powdered or concentrated formula shall be prepared according to the manufacturers' instructions unless written instructions from a physician or an advance practice nurse certified to prescribe medication are on file at the center.~~
- (G) The center shall clean and ~~disinfect~~ sanitize all **counter** surfaces ~~and equipment needed to prepare the~~ 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, ~~and be~~ thoroughly rinsed and boiled for one minute prior to use or reuse. ~~Equipment not washed in a dishwasher shall be boiled for five minutes or more just prior to filling bottles.~~ Handwashing facilities shall not be used for formula ~~or~~ breast milk or food preparation or for rinsing or washing dishes and bottles. ~~Handwashing facilities shall not be used for formula or food preparation, or for washing dishes and bottles or rinsing for reuse.~~
- (H) ~~For children requiring bottles, but no longer on formula, milk shall be poured from the original container into clean, disinfected, and labeled bottles.~~
- (H)(H) Centers that care for infants shall have available the appropriate commercially prepared formula for the infant ~~to be used~~ 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.
- (J)(I) ~~Safety and storage: the~~ The center shall develop and implement a plan for the safe storage of food, formula and breast milk.

- (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 ~~if not used within twenty-four hours~~ or sent home daily if not used.
- ~~(2)~~ ~~Any formula or food to be stored at the center for any period of time, whether prepared by the parent or guardian or the center, shall be labeled with the child's name and date of preparation and shall be used only for the intended child.~~
- ~~(3)~~(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. ~~Formula and food shall be stored no longer than twenty-four hours.~~
- ~~(4)~~(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, ~~and immediately refrigerated or frozen. Refrigerated breast milk shall not be stored for more than twenty-four hours. Breast milk shall be kept frozen no more than two weeks.~~ Centers shall follow the chart below in regard to storing breast milk:

Breast milk storage guidelines

- ~~(5)~~(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.
- ~~(6)~~(5) Microwave ovens shall not be used for heating formula, breast milk or other liquids ~~bottles~~.
- ~~(7)~~(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.
- ~~(8)~~(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.
- ~~(9)~~(8) Food heated in a microwave oven shall be stirred or shaken to avoid uneven heating.

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- (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.
- (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 ~~with an appropriate germicidal detergent and regularly~~ 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.
 - (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 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.
 - (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 ~~thirty-five inches tall~~ 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) 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.
 - (7) 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.
 - (3) ~~Mesh cribs, playpens and bassinets of any type shall be prohibited for use during any nap time period.~~
- (C) Cribs shall be safe and meet the following standards.

- (1) The space between the mattress and the side or end panels of the crib shall not exceed one and one-half inches.
 - (2) 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.
 - (3) Bumper pads shall not be used in cribs or ~~portable~~ porta cribs.
 - (4) 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 ~~licensed~~ physician and be available on file for review.
 - (3) Infants shall be placed on their backs to sleep unless the child's ~~licensed~~ physician provides a written request to do otherwise on the JFS 01235 "Sleep Position Waiver" (~~rev. 9/2006~~) (rev. 03/2007). These forms shall be kept on file for review by the department.

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Child Care Manual Appendix

All forms are maintained in the Child Care Manual.

[Child Care Forms](#)