

As Passed by the House

**125th General Assembly
Regular Session
2003-2004**

Sub. H. B. No. 11

**Representatives Jerse, Redfern, Allen, Raga, Miller, Widowfield, S. Patton,
Hartnett, Kearns, Seitz, Oelslager, D. Stewart, Hollister, Strahorn, Boccieri,
Sykes, Perry, Olman, DePiero, Hagan, Otterman, Raussen, Sferra, Price,
Carano, Ujvagi, Koziura, Seaver, Domenick, Yates, G. Smith, Cirelli, Fessler,
DeBose, Reidelbach, Barrett, Harwood, Schneider, Blasdel, Hoops, Taylor,
White, Beatty, Book, Carmichael, Cates, Chandler, Collier, Daniels, Distel,
Driehaus, C. Evans, D. Evans, Faber, Flowers, Gilb, Grendell, Hughes,
Jolivette, Key, Kilbane, Mason, McGregor, Niehaus, T. Patton, Schaffer,
Schmidt, Setzer, Skindell, S. Smith, Trakas, Wilson, Woodard**

—

A B I L L

To amend section 5104.011 and to enact sections 1
2919.223, 2919.224, 2919.225, 2919.226, and 2
2919.227 of the Revised Code to create the 3
offenses of misrepresentation by a child day-care 4
provider, failure of a child day-care center to 5
disclose the death or serious injury of a child, 6
and failure of a type A or type B family day-care 7
home to disclose the death or serious injury of a 8
child. 9

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 5104.011 be amended and sections 10
2919.223, 2919.224, 2919.225, 2919.226, and 2919.227 of the 11
Revised Code be enacted to read as follows: 12

Sec. 2919.223. As used in sections 2919.223 to 2919.227 of 13
the Revised Code: 14

(A) "Child day-care," "child day-care center," "in-home 15
aide," "type A family day-care home," and "type B family day-care 16
home" have the same meanings as in section 5104.01 of the Revised 17
Code. 18

(B) "Child day-care center licensee" means the owner of a 19
child day-care center licensed pursuant to Chapter 5104. of the 20
Revised Code who is responsible for ensuring the center's 21
compliance with Chapter 5104. of the Revised Code and rules 22
adopted pursuant to that chapter. 23

(C) "Child day-care facility" means a child day-care center, 24
a type A family day-care home, or a type B family day-care home. 25

(D) "Child day-care provider" means any of the following: 26

(1) An owner, provider, administrator, or employee of, or 27
volunteer at, a child day-care facility; 28

(2) An in-home aide; 29

(3) A person who represents that the person provides child 30
day-care. 31

(E) "Peace officer" has the same meaning as in section 32
2935.01 of the Revised Code. 33

Sec. 2919.224. (A) No child day-care provider shall knowingly 34
misrepresent any factor or condition that relates to the provision 35
of child day-care and that substantially affects the health or 36
safety of any child or children in that provider's facility or 37
receiving child day-care from that provider to any of the 38
following: 39

(1) A parent, guardian, custodian, or other person 40

responsible for the care of a child in the provider's facility or 41
receiving child day-care from the provider; 42

(2) A parent, guardian, custodian, or other person 43
responsible for the care of a child who is considering the 44
provider as a child day-care provider for the child; 45

(3) A public official responsible for issuing the provider a 46
license or certificate to provide child day-care; 47

(4) A public official investigating or inquiring about the 48
provision of child day-care by the provider; 49

(5) A peace officer. 50

(B) For the purposes of this section, "any factor or 51
condition that relates to the provision of child day-care" 52
includes, but is not limited to, the following: 53

(1) The person or persons who will provide child day-care to 54
the child of the parent, guardian, custodian, or other person 55
responsible for the care of the child, or to the children in 56
general; 57

(2) The qualifications to provide child day-care of the child 58
day-care provider, of a person employed by the provider, or of a 59
person who provides child day-care as a volunteer; 60

(3) The number of children to whom child day-care is provided 61
at one time or the number of children receiving child day-care in 62
the child day-care facility at one time; 63

(4) The conditions or safety features of the day-care 64
facility; 65

(5) The area of the child day-care facility in which child 66
day-care is provided. 67

(C) Whoever violates division (A) of this section is guilty 68
of misrepresentation by a child day-care provider, a misdemeanor 69

of the first degree.

70

Sec. 2919.225. (A) Subject to division (C) of this section,
no owner, provider, or administrator of a type A family day-care
home or type B family day-care home, knowing that the event
described in division (A)(1) or (2) of this section has occurred,
shall accept a child into that home without first disclosing to
the parent, guardian, custodian, or other person responsible for
the care of that child any of the following that has occurred:

71

72

73

74

75

76

77

(1) A child died while under the care of the home or while
receiving child day-care from the owner, provider, or
administrator or died as a result of injuries suffered while under
the care of the home or while receiving child day-care from the
owner, provider, or administrator.

78

79

80

81

82

(2) Within the preceding ten years, a child suffered injuries
while under the care of the home or while receiving child day-care
from the owner, provider, or administrator, and those injuries led
to the child being hospitalized for more than twenty-four hours.

83

84

85

86

(B)(1) Subject to division (C) of this section, no owner,
provider, or administrator of a type A family day-care home or
type B family day-care home shall fail to provide notice in
accordance with division (B)(3) of this section to the persons and
entities specified in division (B)(2) of this section, of any of
the following that occurs:

87

88

89

90

91

92

(a) A child who is under the care of the home or is receiving
child day-care from the owner, provider, or administrator dies
while under the care of the home or while receiving child day-care
from the owner, provider, or administrator or dies as a result of
injuries suffered while under the care of the home or while
receiving child day-care from the owner, provider, or
administrator.

93

94

95

96

97

98

99

(b) A child who is under the care of the home or is receiving child day-care from the owner, provider, or administrator is hospitalized for more than twenty-four hours as a result of injuries suffered while under the care of the home or while receiving child day-care from the owner, provider, or administrator. 100
101
102
103
104
105

(2) An owner, provider, or administrator of a home shall provide the notices required under division (B)(1) of this section to each of the following: 106
107
108

(a) For each child who, at the time of the injury or death for which the notice is required, is receiving or is enrolled to receive child day-care at the home or from the owner, provider, or administrator, to the parent, guardian, custodian, or other person responsible for the care of the child; 109
110
111
112
113

(b) If the notice is required as the result of the death of a child as described in division (B)(1)(a) of this section, to the public children services agency of the county in which the home is located or the child day-care was given, a municipal or county peace officer in the county in which the child resides or in which the home is located or the child day-care was given, and the child fatality review board appointed under section 307.621 of the Revised Code that serves the county in which the home is located or the child day-care was given. 114
115
116
117
118
119
120
121
122

(3) An owner, provider, or administrator of a home shall provide the notices required by divisions (B)(1) and (2) of this section not later than forty-eight hours after the child dies or, regarding a child who is hospitalized for more than twenty-four hours as a result of injuries suffered while under the care of the home, not later than forty-eight hours after the child suffers the injuries. If a child is hospitalized for more than twenty-four hours as a result of injuries suffered while under the care of the 123
124
125
126
127
128
129
130

home, and the child subsequently dies as a result of those
injuries, the owner, provider, or administrator shall provide
separate notices under divisions (B)(1) and (2) of this section
regarding both the injuries and the death. All notices provided
under divisions (B)(1) and (2) of this section shall state that
the death or injury occurred.

131
132
133
134
135
136

(C) Division (A) of this section does not require more than
one person to make disclosures to the same parent, guardian,
custodian, or other person responsible for the care of a child
regarding any single injury or death for which disclosure is
required under that division. Division (B) of this section does
not require more than one person to give notices to the same
parent, guardian, custodian, other person responsible for the care
of the child, public children services agency, peace officer, or
child fatality review board regarding any single injury or death
for which disclosure is required under division (B)(1) of this
section.

137
138
139
140
141
142
143
144
145
146
147

(D) An owner, provider, or administrator of a type A family
day-care home or type B family day-care home is not subject to
civil liability solely for making a disclosure required by this
section.

148
149
150
151

(E) Whoever violates division (A) or (B) of this section is
guilty of failure of a type A or type B family day-care home to
disclose the death or serious injury of a child, a misdemeanor of
the fourth degree.

152
153
154
155

Sec. 2919.226. (A) If a child day-care provider accurately
answers the questions on a child day-care disclosure form that is
in substantially the form set forth in division (B) of this
section, presents the form to a person identified in division
(A)(1) or (2) of section 2919.224 of the Revised Code, and obtains
the person's signature on the acknowledgement in the form, to the

156
157
158
159
160
161

extent that the information set forth on the form is accurate, the 162
provider who presents the form is not subject to prosecution under 163
division (A) of section 2919.224 of the Revised Code regarding 164
presentation of that information to that person. 165

An owner, provider, or administrator of a type A family 166
day-care home or a type B family day-care home may comply with 167
division (A) of section 2919.225 of the Revised Code by accurately 168
answering the questions on a child day-care disclosure form that 169
is in substantially the form set forth in division (B) of this 170
section, providing a copy of the form to the parent, guardian, 171
custodian, or other person responsible for the care of a child and 172
to whom disclosure is to be made under division (A) of section 173
2919.225 of the Revised Code, and obtaining the person's signature 174
on the acknowledgement in the form. 175

The use of the form set forth in division (B) of this section 176
is discretionary and is not required to comply with any disclosure 177
requirement contained in section 2919.225 of the Revised Code or 178
for any purpose related to section 2919.224 of the Revised Code. 179

(B) To be sufficient for the purposes described in division 180
(A) of this section, a child day-care disclosure form shall be in 181
substantially the following form: 182

"CHILD DAY-CARE DISCLOSURE FORM 183

Please Note: This form contains information that is accurate 184
only at the time the form is given to you. The information 185
provided in this form is likely to change over time. It is the 186
duty of the person responsible for the care of the child to 187
monitor the status of child day-care services to ensure that those 188
services remain satisfactory. If a question on this form is left 189
unanswered, the child day-care provider makes no assertion 190
regarding the question. Choosing appropriate child day-care for a 191
child is a serious responsibility, and the person responsible for 192

the care of the child is encouraged to make all appropriate 193
inquiries. Also, in acknowledging receipt of this form, the person 194
responsible for the care of the child acknowledges that in 195
selecting the child day-care provider the person is not relying on 196
any representations other than those provided in this form unless 197
the child day-care provider has acknowledged the other 198
representations in writing. 199

1. What are the names and qualifications to provide child 200
day-care of: (a) the child day-care provider, (b) the employee who 201
will provide child day-care to the applicant child, (c) the 202
volunteer who will provide child day-care to the applicant child, 203
and (d) any other employees or volunteers of the child day care 204
provider? (attach additional sheets if necessary): 205
..... 206
..... 207
..... 208

2. What is the maximum number of children to whom you provide 209
child day-care at one time? (If children are divided into groups 210
or classes, please describe the maximum number of children in each 211
group or class and indicate the group or class in which the 212
applicant child will be placed.): 213
..... 214
..... 215
..... 216

3. Where in the home will you provide child day-care to the 217
applicant child?: 218
..... 219
..... 220
..... 221

4. Has a child died while in the care of, or receiving child 222
day-care from, the child day-care provider? (Yes/No) 223

<u>Description/explanation (attach additional sheets if necessary)</u>	224	
.....	225	
.....	226	
.....	227	
.....	228	
<u>5. Has a child died as a result of injuries suffered while under the care of, or receiving child day-care from, the child day-care provider? (Yes/No)</u>	229	
	230	
	231	
<u>Description/explanation (attach additional sheets if necessary)</u>	232	
.....	233	
.....	234	
.....	235	
.....	236	
<u>6. Within the preceding ten years, has a child suffered injuries while under the care of, or receiving child day-care from, the child day-care provider that led to the child being hospitalized for more than 24 hours? (Yes/No)</u>	237	
	238	
	239	
	240	
<u>Description/explanation (attach additional sheets if necessary)</u>	241	
.....	242	
.....	243	
.....	244	
.....	245	
.....	246	
<u>Signature of person completing form</u>	<u>Date</u>	247
.....		248
<u>Name of person completing form</u>		249
<u>(Typed or printed)</u>		250
.....		251
<u>Title of person completing form</u>		252
<u>(Typed or printed)</u>		253
<u>Acknowledgement:</u>		254

I hereby acknowledge that I have been given a copy of the 255
preceding document and have read and understood its contents. I 256
further acknowledge that I am not relying on any other 257
representations in selecting the child day-care provider unless 258
the child day-care provider has acknowledged the other 259
representations in writing. 260

..... 261
Person receiving the form Date" 262

(C) If a child day-care provider accurately answers the 263
questions on a disclosure form that is substantially similar to 264
the form described in division (B) of this section and, presents 265
the form to a person identified in division (A)(1) or (2) of 266
section 2919.224 of the Revised Code, and obtains the person's 267
signature on the acknowledgement in the form, to the extent that 268
the information set forth on the form is accurate, the form is 269
sufficient for the purposes described in division (A) of this 270
section. 271

An owner, provider, or administrator of a type A family 272
day-care home or a type B family day-care home who accurately 273
answers the questions on a disclosure form that is substantially 274
similar to the form described in division (B) of this section, 275
provides a copy of the completed form to the parent, guardian, 276
custodian, or other person who is responsible for the care of a 277
child and to whom disclosure is to be made under division (A) of 278
section 2919.225 of the Revised Code, and obtains the person's 279
signature on the acknowledgement in the form complies with the 280
requirements of that division. If the owner, provider, or 281
administrator uses the disclosure form, leaving a portion of the 282
disclosure form blank does not constitute a misrepresentation for 283
the purposes of section 2919.224 of the Revised Code but may 284
constitute a violation of section 2919.225 of the Revised Code. 285
The owner, provider, or administrator of a type A family day-care 286

home or type B family day-care home who completes the disclosure 287
form and provides a copy of the form to any person described in 288
section 2919.224 or 2919.225 of the Revised Code may retain a copy 289
of the completed form. 290

Sec. 2919.227. (A)(1) No child day-care center licensee shall 291
accept a child into that center without first providing to the 292
parent, guardian, custodian, or other person responsible for the 293
care of that child the following information, if the parent, 294
guardian, custodian, or other person responsible for the care of 295
the child requests the information: 296

(a) The types of injuries to children, as reported in 297
accordance with rules adopted under section 5104.011 of the 298
Revised Code, that occurred at the center on or after April 1, 299
2003, or the date that is two years before the date the 300
information is requested, whichever date is more recent; 301

(b) The number of each type of injury to children that 302
occurred at the center during that period. 303

(2) If a death described in division (A)(2)(a) or (A)(2)(b) 304
occurred during the fifteen-year period immediately preceding the 305
date that the parent, guardian, custodian, or other person 306
responsible for the care of a child seeks to enroll that child, no 307
child day-care center licensee shall accept that child into that 308
center without first providing to the parent, guardian, custodian, 309
or other person responsible for the care of that child a notice 310
that states that the death occurred. 311

(a) A child died while under the care of the center or while 312
receiving child day-care from the owner, provider, or 313
administrator of the center; 314

(b) A child died as a result of injuries suffered while under 315
the care of the center or while receiving child day-care from the 316

owner, provider, or administrator of the center.

317

(3) Each child day-care center licensee shall keep on file at the center a copy of the information provided under this division for at least three years after providing the information.

318

319

320

(B)(1) No child day-care center licensee shall fail to provide notice in accordance with division (B)(3) of this section to the persons and entities specified in division (B)(2) of this section if a child who is under the care of the center or is receiving child day-care from the owner, provider, or administrator of the center dies while under the care of the center or while receiving child day-care from the owner, provider, or administrator or dies as a result of injuries suffered while under the care of the center or while receiving child day-care from the owner, provider, or administrator.

321

322

323

324

325

326

327

328

329

330

(2) A child day-care center licensee shall provide the notice required under division (B)(1) of this section to all of the following:

331

332

333

(a) The parent, guardian, custodian, or other person responsible for the care of each child who, at the time of the death for which notice is required, is receiving or is enrolled to receive child day-care from the center;

334

335

336

337

(b) The public children services agency of the county in which the center is located or the child day-care was given;

338

339

(c) A municipal or county peace officer in the county in which the child resides or in which the center is located or the child day-care was given;

340

341

342

(d) The child fatality review board appointed under section 307.621 of the Revised Code that serves the county in which the center is located or the child day-care was given.

343

344

345

(3) A child day-care center licensee shall provide the notice

346

required by division (B)(1) of this section not later than 347
forty-eight hours after the child dies. The notice shall state 348
that the death occurred. 349

(C) Whoever violates division (A) or (B) of this section is 350
guilty of failure of a child day-care center to disclose the death 351
or serious injury of a child, a misdemeanor of the fourth degree. 352

Sec. 5104.011. (A) The director of job and family services 353
shall adopt rules pursuant to Chapter 119. of the Revised Code 354
governing the operation of child day-care centers, including, but 355
not limited to, parent cooperative centers, part-time centers, 356
drop-in centers, and school child centers, which rules shall 357
reflect the various forms of child day-care and the needs of 358
children receiving child day-care or publicly funded child 359
day-care and, no later than January 1, 1992, shall include 360
specific rules for school child day-care centers that are 361
developed in consultation with the department of education. The 362
rules shall not require an existing school facility that is in 363
compliance with applicable building codes to undergo an additional 364
building code inspection or to have structural modifications. The 365
rules shall include the following: 366

(1) Submission of a site plan and descriptive plan of 367
operation to demonstrate how the center proposes to meet the 368
requirements of this chapter and rules adopted pursuant to this 369
chapter for the initial license application; 370

(2) Standards for ensuring that the physical surroundings of 371
the center are safe and sanitary including, but not limited to, 372
the physical environment, the physical plant, and the equipment of 373
the center; 374

(3) Standards for the supervision, care, and discipline of 375
children receiving child day-care or publicly funded child 376

day-care in the center;	377
(4) Standards for a program of activities, and for play equipment, materials, and supplies, to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible. As used in this division, "program" does not include instruction in religious or moral doctrines, beliefs, or values that is conducted at child day-care centers owned and operated by churches and does include methods of disciplining children at child day-care centers.	378 379 380 381 382 383 384 385 386 387
(5) Admissions policies and procedures, health care policies and procedures, including, but not limited to, procedures for the isolation of children with communicable diseases, first aid and emergency procedures, procedures for discipline and supervision of children, standards for the provision of nutritious meals and snacks, and procedures for screening children and employees, including, but not limited to, any necessary physical examinations and immunizations;	388 389 390 391 392 393 394 395
(6) Methods for encouraging parental participation in the center and methods for ensuring that the rights of children, parents, and employees are protected and that responsibilities of parents and employees are met;	396 397 398 399
(7) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee;	400 401 402
(8) Procedures for record keeping, organization, and administration;	403 404
(9) Procedures for issuing, renewing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	405 406 407

(10) Inspection procedures;	408
(11) Procedures and standards for setting initial and renewal license application fees;	409 410
(12) Procedures for receiving, recording, and responding to complaints about centers;	411 412
(13) Procedures for enforcing section 5104.04 of the Revised Code;	413 414
(14) A standard requiring the inclusion, on and after July 1, 1987, of a current department of job and family services toll-free telephone number on each center provisional license or license which any person may use to report a suspected violation by the center of this chapter or rules adopted pursuant to this chapter;	415 416 417 418 419
(15) Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention. Training requirements for child day-care centers adopted under this division shall be consistent with divisions (B)(6) and (C)(1) of this section.	420 421 422 423 424 425
(16) Procedures to be used by licensees for checking the references of potential employees of centers and procedures to be used by the director for checking the references of applicants for licenses to operate centers;	426 427 428 429
(17) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child day-care or publicly funded child day-care in the center;	430 431 432 433
(18) <u>A procedure for reporting injuries of children that occur at the center;</u>	434 435
(19) Any other procedures and standards necessary to carry out this chapter.	436 437

(B)(1) The child day-care center shall have, for each child 438
for whom the center is licensed, at least thirty-five square feet 439
of usable indoor floor space wall-to-wall regularly available for 440
the child day-care operation exclusive of any parts of the 441
structure in which the care of children is prohibited by law or by 442
rules adopted by the board of building standards. The minimum of 443
thirty-five square feet of usable indoor floor space shall not 444
include hallways, kitchens, storage areas, or any other areas that 445
are not available for the care of children, as determined by the 446
director, in meeting the space requirement of this division, and 447
bathrooms shall be counted in determining square footage only if 448
they are used exclusively by children enrolled in the center, 449
except that the exclusion of hallways, kitchens, storage areas, 450
bathrooms not used exclusively by children enrolled in the center, 451
and any other areas not available for the care of children from 452
the minimum of thirty-five square feet of usable indoor floor 453
space shall not apply to: 454

(a) Centers licensed prior to or on September 1, 1986, that 455
continue under licensure after that date; 456

(b) Centers licensed prior to or on September 1, 1986, that 457
are issued a new license after that date solely due to a change of 458
ownership of the center. 459

(2) The child day-care center shall have on the site a safe 460
outdoor play space which is enclosed by a fence or otherwise 461
protected from traffic or other hazards. The play space shall 462
contain not less than sixty square feet per child using such space 463
at any one time, and shall provide an opportunity for supervised 464
outdoor play each day in suitable weather. The director may exempt 465
a center from the requirement of this division, if an outdoor play 466
space is not available and if all of the following are met: 467

(a) The center provides an indoor recreation area that has 468

not less than sixty square feet per child using the space at any 469
one time, that has a minimum of one thousand four hundred forty 470
square feet of space, and that is separate from the indoor space 471
required under division (B)(1) of this section. 472

(b) The director has determined that there is regularly 473
available and scheduled for use a conveniently accessible and safe 474
park, playground, or similar outdoor play area for play or 475
recreation. 476

(c) The children are closely supervised during play and while 477
traveling to and from the area. 478

The director also shall exempt from the requirement of this 479
division a child day-care center that was licensed prior to 480
September 1, 1986, if the center received approval from the 481
director prior to September 1, 1986, to use a park, playground, or 482
similar area, not connected with the center, for play or 483
recreation in lieu of the outdoor space requirements of this 484
section and if the children are closely supervised both during 485
play and while traveling to and from the area and except if the 486
director determines upon investigation and inspection pursuant to 487
section 5104.04 of the Revised Code and rules adopted pursuant to 488
that section that the park, playground, or similar area, as well 489
as access to and from the area, is unsafe for the children. 490

(3) The child day-care center shall have at least two 491
responsible adults available on the premises at all times when 492
seven or more children are in the center. The center shall 493
organize the children in the center in small groups, shall provide 494
child-care staff to give continuity of care and supervision to the 495
children on a day-by-day basis, and shall ensure that no child is 496
left alone or unsupervised. Except as otherwise provided in 497
division (E) of this section, the maximum number of children per 498
child-care staff member and maximum group size, by age category of 499

children, are as follows:			500
	Maximum Number of		501
	Children Per	Maximum	502
Age Category	Child-Care	Group	503
of Children	Staff Member	Size	504
(a) Infants:			505
(i) Less than twelve			506
months old	5:1, or		507
	12:2 if two		508
	child-care		509
	staff members		510
	are in the room	12	511
(ii) At least twelve			512
months old, but			513
less than eighteen			514
months old	6:1	12	515
(b) Toddlers:			516
(i) At least eighteen			517
months old, but			518
less than thirty			519
months old	7:1	14	520
(ii) At least thirty months			521
old, but less than			522
three years old	8:1	16	523
(c) Preschool			524
children:			525
(i) Three years old	12:1	24	526
(ii) Four years old and			527
five years old who			528
are not school			529
children	14:1	28	530
(d) School children:			531
(i) A child who is			532

enrolled in or is			533
eligible to be			534
enrolled in a grade			535
of kindergarten			536
or above, but			537
is less than			538
eleven years old	18:1	36	539
(ii) Eleven through fourteen			540
years old	20:1	40	541

Except as otherwise provided in division (E) of this section, 542
the maximum number of children per child-care staff member and 543
maximum group size requirements of the younger age group shall 544
apply when age groups are combined. 545

(4)(a) The child day-care center administrator shall show the 546
director both of the following: 547

(i) Evidence of at least high school graduation or 548
certification of high school equivalency by the state board of 549
education or the appropriate agency of another state; 550

(ii) Evidence of having completed at least two years of 551
training in an accredited college, university, or technical 552
college, including courses in child development or early childhood 553
education, or at least two years of experience in supervising and 554
giving daily care to children attending an organized group 555
program. 556

(b) In addition to the requirements of division (B)(4)(a) of 557
this section, any administrator employed or designated on or after 558
September 1, 1986, shall show evidence of, and any administrator 559
employed or designated prior to September 1, 1986, shall show 560
evidence within six years after such date of, at least one of the 561
following: 562

(i) Two years of experience working as a child-care staff 563

member in a center and at least four courses in child development 564
or early childhood education from an accredited college, 565
university, or technical college, except that a person who has two 566
years of experience working as a child-care staff member in a 567
particular center and who has been promoted to or designated as 568
administrator of that center shall have one year from the time the 569
person was promoted to or designated as administrator to complete 570
the required four courses; 571

(ii) Two years of training, including at least four courses 572
in child development or early childhood education from an 573
accredited college, university, or technical college; 574

(iii) A child development associate credential issued by the 575
national child development associate credentialing commission; 576

(iv) An associate or higher degree in child development or 577
early childhood education from an accredited college, technical 578
college, or university, or a license designated for teaching in an 579
associate teaching position in a preschool setting issued by the 580
state board of education. 581

(5) All child-care staff members of a child day-care center 582
shall be at least eighteen years of age, and shall furnish the 583
director evidence of at least high school graduation or 584
certification of high school equivalency by the state board of 585
education or the appropriate agency of another state or evidence 586
of completion of a training program approved by the department of 587
job and family services or state board of education, except as 588
follows: 589

(a) A child-care staff member may be less than eighteen years 590
of age if the staff member is either of the following: 591

(i) A graduate of a two-year vocational child-care training 592
program approved by the state board of education; 593

(ii) A student 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, provided that the student performs the student's duties in the child day-care center under the continuous supervision of an experienced child-care staff member, receives periodic supervision from the vocational child-care training program teacher-coordinator in the student's high school, and meets all other requirements of this chapter and rules adopted pursuant to this chapter.

(b) A child-care staff member shall be exempt from the educational requirements of this division if the staff member:

(i) Prior to January 1, 1972, was employed or designated by a child day-care center and has been continuously employed since either by the same child day-care center employer or at the same child day-care center; or

(ii) Is a student 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, provided that the student performs the student's duties in the child day-care center under the continuous supervision of an experienced child-care staff member, receives periodic supervision from the vocational child-care training program teacher-coordinator in the student's high school, and meets all other requirements of this chapter and rules adopted pursuant to this chapter.

(6) Every child day-care staff member of a child day-care center annually shall complete fifteen hours of inservice training in child development or early childhood education, child abuse recognition and prevention, first aid, and in prevention, recognition, and management of communicable diseases, until a total of forty-five hours of training has been completed, unless the staff member furnishes one of the following to the director:

(a) Evidence of an associate or higher degree in child development or early childhood education from an accredited college, university, or technical college;

(b) A license designated for teaching in an associate teaching position in a preschool setting issued by the state board of education;

(c) Evidence of a child development associate credential;

(d) Evidence of a preprimary credential from the American Montessori society or the association Montessori international. For the purposes of division (B)(6) of this section, "hour" means sixty minutes.

(7) The administrator of each child day-care center shall prepare at least once annually and for each group of children at the center a roster of names and telephone numbers of parents, custodians, or guardians of each group of children attending the center and upon request shall furnish the roster for each group to the parents, custodians, or guardians of the children in that group. The administrator may prepare a roster of names and telephone numbers of all parents, custodians, or guardians of children attending the center and upon request shall furnish the roster to the parents, custodians, or guardians of the children who attend the center. The administrator shall not include in any roster the name or telephone number of any parent, custodian, or guardian who requests the administrator not to include the parent's, custodian's, or guardian's name or number and shall not furnish any roster to any person other than a parent, custodian, or guardian of a child who attends the center.

(C)(1) Each child day-care center shall have on the center premises and readily available at all times at least one child-care staff member who has completed a course in first aid and in prevention, recognition, and management of communicable

diseases which is approved by the state department of health and a 656
staff member who has completed a course in child abuse recognition 657
and prevention training which is approved by the department of job 658
and family services. 659

(2) The administrator of each child day-care center shall 660
maintain enrollment, health, and attendance records for all 661
children attending the center and health and employment records 662
for all center employees. The records shall be confidential, 663
except as otherwise provided in division (B)(7) of this section 664
and except that they shall be disclosed by the administrator to 665
the director upon request for the purpose of administering and 666
enforcing this chapter and rules adopted pursuant to this chapter. 667
Neither the center nor the licensee, administrator, or employees 668
of the center shall be civilly or criminally liable in damages or 669
otherwise for records disclosed to the director by the 670
administrator pursuant to this division. It shall be a defense to 671
any civil or criminal charge based upon records disclosed by the 672
administrator to the director that the records were disclosed 673
pursuant to this division. 674

(3)(a) Any parent who is the residential parent and legal 675
custodian of a child enrolled in a child day-care center and any 676
custodian or guardian of such a child shall be permitted unlimited 677
access to the center during its hours of operation for the 678
purposes of contacting their children, evaluating the care 679
provided by the center, evaluating the premises of the center, or 680
for other purposes approved by the director. A parent of a child 681
enrolled in a child day-care center who is not the child's 682
residential parent shall be permitted unlimited access to the 683
center during its hours of operation for those purposes under the 684
same terms and conditions under which the residential parent of 685
that child is permitted access to the center for those purposes. 686
However, the access of the parent who is not the residential 687

parent is subject to any agreement between the parents and, to the extent described in division (C)(3)(b) of this section, is subject to any terms and conditions limiting the right of access of the parent who is not the residential parent, as described in division (I) of section 3109.051 of the Revised Code, that are contained in a parenting time order or decree issued under that section, section 3109.12 of the Revised Code, or any other provision of the Revised Code.

(b) If a parent who is the residential parent of a child has presented the administrator or the administrator's designee with a copy of a parenting time order that limits the terms and conditions under which the parent who is not the residential parent is to have access to the center, as described in division (I) of section 3109.051 of the Revised Code, the parent who is not the residential parent shall be provided access to the center only to the extent authorized in the order. If the residential parent has presented such an order, the parent who is not the residential parent shall be permitted access to the center only in accordance with the most recent order that has been presented to the administrator or the administrator's designee by the residential parent or the parent who is not the residential parent.

(c) Upon entering the premises pursuant to division (C)(3)(a) or (b) of this section, the parent who is the residential parent and legal custodian, the parent who is not the residential parent, or the custodian or guardian shall notify the administrator or the administrator's designee of the parent's, custodian's, or guardian's presence.

(D) The director of job and family services, in addition to the rules adopted under division (A) of this section, shall adopt rules establishing minimum requirements for child day-care centers. The rules shall include, but not be limited to, the requirements set forth in divisions (B) and (C) of this section.

Except as provided in section 5104.07 of the Revised Code, the
rules shall not change the square footage requirements of division
(B)(1) or (2) of this section; the maximum number of children per
child-care staff member and maximum group size requirements of
division (B)(3) of this section; the educational and experience
requirements of division (B)(4) of this section; the age,
educational, and experience requirements of division (B)(5) of
this section; the number of inservice training hours required
under division (B)(6) of this section; or the requirement for at
least annual preparation of a roster for each group of children of
names and telephone numbers of parents, custodians, or guardians
of each group of children attending the center that must be
furnished upon request to any parent, custodian, or guardian of
any child in that group required under division (B)(7) of this
section; however, the rules shall provide procedures for
determining compliance with those requirements.

(E)(1) When age groups are combined, the maximum number of
children per child-care staff member shall be determined by the
age of the youngest child in the group, except that when no more
than one child thirty months of age or older receives services in
a group in which all the other children are in the next older age
group, the maximum number of children per child-care staff member
and maximum group size requirements of the older age group
established under division (B)(3) of this section shall apply.

(2) The maximum number of toddlers or preschool children per
child-care staff member in a room where children are napping shall
be twice the maximum number of children per child-care staff
member established under division (B)(3) of this section if all
the following criteria are met:

(a) At least one child-care staff member is present in the
room.

(b) Sufficient child-care staff members are on the child 751
day-care center premises to meet the maximum number of children 752
per child-care staff member requirements established under 753
division (B)(3) of this section. 754

(c) Naptime preparations are complete and all napping 755
children are resting or sleeping on cots. 756

(d) The maximum number established under division (E)(2) of 757
this section is in effect for no more than one and one-half hours 758
during a twenty-four-hour day. 759

(F) The director of job and family services shall adopt rules 760
pursuant to Chapter 119. of the Revised Code governing the 761
operation of type A family day-care homes, including, but not 762
limited to, parent cooperative type A homes, part-time type A 763
homes, drop-in type A homes, and school child type A homes, which 764
shall reflect the various forms of child day-care and the needs of 765
children receiving child day-care. The rules shall include the 766
following: 767

(1) Submission of a site plan and descriptive plan of 768
operation to demonstrate how the type A home proposes to meet the 769
requirements of this chapter and rules adopted pursuant to this 770
chapter for the initial license application; 771

(2) Standards for ensuring that the physical surroundings of 772
the type A home are safe and sanitary, including, but not limited 773
to, the physical environment, the physical plant, and the 774
equipment of the type A home; 775

(3) Standards for the supervision, care, and discipline of 776
children receiving child day-care or publicly funded child 777
day-care in the type A home; 778

(4) Standards for a program of activities, and for play 779
equipment, materials, and supplies, to enhance the development of 780

each child; however, any educational curricula, philosophies, and 781
methodologies that are developmentally appropriate and that 782
enhance the social, emotional, intellectual, and physical 783
development of each child shall be permissible; 784

(5) Admissions policies and procedures, health care policies 785
and procedures, including, but not limited to, procedures for the 786
isolation of children with communicable diseases, first aid and 787
emergency procedures, procedures for discipline and supervision of 788
children, standards for the provision of nutritious meals and 789
snacks, and procedures for screening children and employees, 790
including, but not limited to, any necessary physical examinations 791
and immunizations; 792

(6) Methods for encouraging parental participation in the 793
type A home and methods for ensuring that the rights of children, 794
parents, and employees are protected and that the responsibilities 795
of parents and employees are met; 796

(7) Procedures for ensuring the safety and adequate 797
supervision of children traveling off the premises of the type A 798
home while under the care of a type A home employee; 799

(8) Procedures for record keeping, organization, and 800
administration; 801

(9) Procedures for issuing, renewing, denying, and revoking a 802
license that are not otherwise provided for in Chapter 119. of the 803
Revised Code; 804

(10) Inspection procedures; 805

(11) Procedures and standards for setting initial and renewal 806
license application fees; 807

(12) Procedures for receiving, recording, and responding to 808
complaints about type A homes; 809

(13) Procedures for enforcing section 5104.04 of the Revised 810

Code;	811
(14) A standard requiring the inclusion, on or after July 1, 1987, of a current department of job and family services toll-free telephone number on each type A home provisional license or license which any person may use to report a suspected violation by the type A home of this chapter or rules adopted pursuant this chapter;	812 813 814 815 816 817
(15) Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;	818 819 820 821
(16) Procedures to be used by licensees for checking the references of potential employees of type A homes and procedures to be used by the director for checking the references of applicants for licenses to operate type A homes;	822 823 824 825
(17) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child day-care or publicly funded child day-care in the type A home;	826 827 828 829
(18) Standards for the maximum number of children per child-care staff member;	830 831
(19) Requirements for the amount of usable indoor floor space for each child;	832 833
(20) Requirements for safe outdoor play space;	834
(21) Qualifications and training requirements for administrators and for child-care staff members;	835 836
(22) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type A home during its hours of operation;	837 838 839
(23) Standards for the preparation and distribution of a	840

roster of parents, custodians, and guardians; 841

(24) Any other procedures and standards necessary to carry 842
out this chapter. 843

(G) The director of job and family services shall adopt rules 844
pursuant to Chapter 119. of the Revised Code governing the 845
certification of type B family day-care homes. 846

(1) The rules shall include procedures, standards, and other 847
necessary provisions for granting limited certification to type B 848
family day-care homes that are operated by the following adult 849
providers: 850

(a) Persons who provide child day-care for eligible children 851
who are great-grandchildren, grandchildren, nieces, nephews, or 852
siblings of the provider or for eligible children whose caretaker 853
parent is a grandchild, child, niece, nephew, or sibling of the 854
provider; 855

(b) Persons who provide child day-care for eligible children 856
all of whom are the children of the same caretaker parent. 857

The rules shall require, and shall include procedures for the 858
director to ensure, that type B family day-care homes that receive 859
a limited certification provide child day-care to children in a 860
safe and sanitary manner. With regard to providers who apply for 861
limited certification, a provider shall be granted a provisional 862
limited certification on signing a declaration under oath 863
attesting that the provider meets the standards for limited 864
certification. Such provisional limited certifications shall 865
remain in effect for no more than sixty calendar days and shall 866
entitle the provider to offer publicly funded child day-care 867
during the provisional period. Except as otherwise provided in 868
division (G)(1) of this section, prior to the expiration of the 869
provisional limited certificate, a county department of job and 870
family services shall inspect the home and shall grant limited 871

certification to the provider if the provider meets the 872
requirements of this division. Limited certificates remain valid 873
for two years unless earlier revoked. Except as otherwise provided 874
in division (G)(1) of this section, providers operating under 875
limited certification shall be inspected annually. 876

If a provider is a person described in division (G)(1)(a) of 877
this section or a person described in division (G)(1)(b) of this 878
section who is a friend of the caretaker parent, the provider and 879
the caretaker parent may verify in writing to the county 880
department of job and family services that minimum health and 881
safety requirements are being met in the home. If such 882
verification is provided, the county shall waive any inspection 883
and any criminal records check required by this chapter and grant 884
limited certification to the provider. 885

(2) The rules shall provide for safeguarding the health, 886
safety, and welfare of children receiving child day-care or 887
publicly funded child day-care in a certified type B home and 888
shall include the following: 889

(a) Standards for ensuring that the type B home and the 890
physical surroundings of the type B home are safe and sanitary, 891
including, but not limited to, physical environment, physical 892
plant, and equipment; 893

(b) Standards for the supervision, care, and discipline of 894
children receiving child day-care or publicly funded child 895
day-care in the home; 896

(c) Standards for a program of activities, and for play 897
equipment, materials, and supplies to enhance the development of 898
each child; however, any educational curricula, philosophies, and 899
methodologies that are developmentally appropriate and that 900
enhance the social, emotional, intellectual, and physical 901
development of each child shall be permissible; 902

(d) Admission policies and procedures, health care, first aid	903
and emergency procedures, procedures for the care of sick	904
children, procedures for discipline and supervision of children,	905
nutritional standards, and procedures for screening children and	906
authorized providers, including, but not limited to, any necessary	907
physical examinations and immunizations;	908
(e) Methods of encouraging parental participation and	909
ensuring that the rights of children, parents, and authorized	910
providers are protected and the responsibilities of parents and	911
authorized providers are met;	912
(f) Standards for the safe transport of children when under	913
the care of authorized providers;	914
(g) Procedures for issuing, renewing, denying, refusing to	915
renew, or revoking certificates;	916
(h) Procedures for the inspection of type B family day-care	917
homes that require, at a minimum, that each type B family day-care	918
home be inspected prior to certification to ensure that the home	919
is safe and sanitary;	920
(i) Procedures for record keeping and evaluation;	921
(j) Procedures for receiving, recording, and responding to	922
complaints;	923
(k) Standards providing for the special needs of children who	924
are handicapped or who receive treatment for health conditions	925
while the child is receiving child day-care or publicly funded	926
child day-care in the type B home;	927
(l) Requirements for the amount of usable indoor floor space	928
for each child;	929
(m) Requirements for safe outdoor play space;	930
(n) Qualification and training requirements for authorized	931
providers;	932

(o) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type B home during its hours of operation;

(p) Any other procedures and standards necessary to carry out this chapter.

(H) The director shall adopt rules pursuant to Chapter 119. of the Revised Code governing the certification of in-home aides. The rules shall include procedures, standards, and other necessary provisions for granting limited certification to in-home aides who provide child day-care for eligible children who are great-grandchildren, grandchildren, nieces, nephews, or siblings of the in-home aide or for eligible children whose caretaker parent is a grandchild, child, niece, nephew, or sibling of the in-home aide. The rules shall require, and shall include procedures for the director to ensure, that in-home aides that receive a limited certification provide child day-care to children in a safe and sanitary manner. The rules shall provide for safeguarding the health, safety, and welfare of children receiving publicly funded child day-care in their own home and shall include the following:

(1) Standards for ensuring that the child's home and the physical surroundings of the child's home are safe and sanitary, including, but not limited to, physical environment, physical plant, and equipment;

(2) Standards for the supervision, care, and discipline of children receiving publicly funded child day-care in their own home;

(3) Standards for a program of activities, and for play equipment, materials, and supplies to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that

enhance the social, emotional, intellectual, and physical	964
development of each child shall be permissible;	965
(4) Health care, first aid, and emergency procedures,	966
procedures for the care of sick children, procedures for	967
discipline and supervision of children, nutritional standards, and	968
procedures for screening children and in-home aides, including,	969
but not limited to, any necessary physical examinations and	970
immunizations;	971
(5) Methods of encouraging parental participation and	972
ensuring that the rights of children, parents, and in-home aides	973
are protected and the responsibilities of parents and in-home	974
aides are met;	975
(6) Standards for the safe transport of children when under	976
the care of in-home aides;	977
(7) Procedures for issuing, renewing, denying, refusing to	978
renew, or revoking certificates;	979
(8) Procedures for inspection of homes of children receiving	980
publicly funded child day-care in their own homes;	981
(9) Procedures for record keeping and evaluation;	982
(10) Procedures for receiving, recording, and responding to	983
complaints;	984
(11) Qualifications and training requirements for in-home	985
aides;	986
(12) Standards providing for the special needs of children	987
who are handicapped or who receive treatment for health conditions	988
while the child is receiving publicly funded child day-care in the	989
child's own home;	990
(13) Any other procedures and standards necessary to carry	991
out this chapter.	992

(I) To the extent that any rules adopted for the purposes of 993
this section require a health care professional to perform a 994
physical examination, the rules shall include as a health care 995
professional a physician assistant, a clinical nurse specialist, a 996
certified nurse practitioner, or a certified nurse-midwife. 997

(J) The director of job and family services shall send copies 998
of proposed rules to each licensee and each county director of job 999
and family services and shall give public notice of hearings 1000
regarding the rules to each licensee and each county director of 1001
job and family services at least thirty days prior to the date of 1002
the public hearing, in accordance with section 119.03 of the 1003
Revised Code. Prior to the effective date of a rule, the director 1004
of job and family services shall provide copies of the adopted 1005
rule to each licensee and each county director of job and family 1006
services. 1007

The county director of job and family services shall send 1008
copies of proposed rules to each authorized provider and in-home 1009
aide and shall give public notice of hearings regarding the rules 1010
to each authorized provider and in-home aide at least thirty days 1011
prior to the date of the public hearing, in accordance with 1012
section 119.03 of the Revised Code. Prior to the effective date of 1013
a rule, the county director of job and family services shall 1014
provide copies of the adopted rule to each authorized provider and 1015
in-home aide. 1016

Additional copies of proposed and adopted rules shall be made 1017
available by the director of job and family services to the public 1018
on request at no charge. 1019

(K) The director of job and family services shall review all 1020
rules adopted pursuant to this chapter at least once every seven 1021
years. 1022

(L) Notwithstanding any provision of the Revised Code, the 1023

director of job and family services shall not regulate in any way 1024
under this chapter or rules adopted pursuant to this chapter, 1025
instruction in religious or moral doctrines, beliefs, or values. 1026

Section 2. That existing section 5104.011 of the Revised Code 1027
is hereby repealed. 1028