

# As Passed by the Senate

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Am. Sub. H. B. No. 11

Representatives Jerse, Redfern, Allen, Raga, Miller, Widowfield, S. Patton, Hartnett, Kearns, Seitz, Oelslager, D. Stewart, Hollister, Strahorn, Bocchieri, 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  
Senators Austria, Amstutz, Carey, Coughlin, Dann, Fedor, Fingerhut, Robert Gardner, Hagan, Harris, Miller, Mumper, Padgett, Prentiss, Spada, White, Zurz

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## A B I L L

To amend sections 109.572, 307.86, 329.06, 2151.011,	3
2923.124, 3109.051, 3109.18, 3301.52, 3301.521,	4
3301.53, 3301.56, 3301.59, 3313.646, 3318.01,	5
3701.21, 3737.22, 3742.01, 3742.02, 3742.06,	6
3742.07, 3742.071, 3742.35, 3742.36, 3742.37,	7
3742.38, 3742.39, 3742.40, 3742.41, 3742.42,	8
3742.43, 3742.45, 3742.48, 5101.16, 5101.47,	9
5101.851, 5101.97, 5104.01, 5104.011, 5104.013,	10
5104.015, 5104.02, 5104.03, 5104.04, 5104.053,	11
5104.06, 5104.07, 5104.08, 5104.081, 5104.09,	12
5104.11, 5104.12, 5104.30, 5104.301, 5104.31,	13
5104.32, 5104.33, 5104.34, 5104.341, 5104.35,	14
5104.36, 5104.38, 5104.382, 5104.39, 5104.40,	1

5104.41, 5104.42, 5104.43, 5104.99, 5107.16, 2  
5107.26, 5107.30, 5107.58, 5107.66, 5733.38, 3  
5733.98, 5747.36, and 5747.98; to enact sections 4  
2151.861, 2919.223, 2919.224, 2919.225, 2919.226, 5  
2919.227, and 5153.175; and to repeal section 6  
5104.381 of the Revised Code to create the 7  
offenses of misrepresentation by a child day-care 8  
provider, failure of a child day-care center to 9  
disclose the death or serious injury of a child,  
and failure of a type A or type B family day-care  
home to disclose the death or serious injury of a  
child; to revise the law pertaining to child  
day-care; to include additional offenses in  
criminal background checks of child care provides;  
to regulate criminal background checks performed  
for child day camps; and to make changes in the  
law governing certification of type B family  
day-care homes.

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

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**Section 1.** That sections 109.572, 307.86, 329.06, 2151.011, 2  
2923.124, 3109.051, 3109.18, 3301.52, 3301.521, 3301.53, 3301.56, 3  
3301.59, 3313.646, 3318.01, 3701.21, 3737.22, 3742.01, 3742.02, 4  
3742.06, 3742.07, 3742.071, 3742.35, 3742.36, 3742.37, 3742.38, 5  
3742.39, 3742.40, 3742.41, 3742.42, 3742.43, 3742.45, 3742.48, 6  
5101.16, 5101.47, 5101.851, 5101.97, 5104.01, 5104.011, 5104.013, 7  
5104.015, 5104.02, 5104.03, 5104.04, 5104.053, 5104.06, 5104.07, 8  
5104.08, 5104.081, 5104.09, 5104.11, 5104.12, 5104.30, 5104.301, 9  
5104.31, 5104.32, 5104.33, 5104.34, 5104.341, 5104.35, 5104.36, 10  
5104.38, 5104.382, 5104.39, 5104.40, 5104.41, 5104.42, 5104.43, 11

5104.99, 5107.16, 5107.26, 5107.30, 5107.58, 5107.66, 5733.38, 12  
5733.98, 5747.36, and 5747.98 be amended and sections 2151.861, 10  
2919.223, 2919.224, 2919.225, 2919.226, 2919.227, and 5153.175 of 11  
the Revised Code be enacted to read as follows: 12

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 18  
section 121.08, 2151.86, 3301.32, 3301.541, 3319.39, 5104.012, 19  
5104.013, or 5153.111 of the Revised Code, a completed form 20  
prescribed pursuant to division (C)(1) of this section, and a set 21  
of fingerprint impressions obtained in the manner described in 22  
division (C)(2) of this section, the superintendent of the bureau 23  
of criminal identification and investigation shall conduct a 24  
criminal records check in the manner described in division (B) of 25  
this section to determine whether any information exists that 26  
indicates that the person who is the subject of the request 27  
previously has been convicted of or pleaded guilty to any of the 28  
following: 29

(a) A violation of section 2903.01, 2903.02, 2903.03, 30  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 31  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 32  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 33  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 34  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 35  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 36  
2925.06, or 3716.11 of the Revised Code, felonious sexual 37  
penetration in violation of former section 2907.12 of the Revised 38  
Code, a violation of section 2905.04 of the Revised Code as it 39  
existed prior to July 1, 1996, a violation of section 2919.23 of 40  
the Revised Code that would have been a violation of section 41  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 42  
had the violation been committed prior to that date, or a 43  
violation of section 2925.11 of the Revised Code that is not a 44  
minor drug possession offense; 45

(b) A violation of an existing or former law of this state, 46  
any other state, or the United States that is substantially 47  
equivalent to any of the offenses listed in division (A)(1)(a) of 48  
this section. 49

(2) On receipt of a request pursuant to section 5123.081 of 50  
the Revised Code with respect to an applicant for employment in 51  
any position with the department of mental retardation and 52  
developmental disabilities, pursuant to section 5126.28 of the 53  
Revised Code with respect to an applicant for employment in any 54  
position with a county board of mental retardation and 55  
developmental disabilities, or pursuant to section 5126.281 of the 56  
Revised Code with respect to an applicant for employment in a 57  
direct services position with an entity contracting with a county 58  
board for employment, a completed form prescribed pursuant to 59  
division (C)(1) of this section, and a set of fingerprint 60  
impressions obtained in the manner described in division (C)(2) of 61  
this section, the superintendent of the bureau of criminal 62  
identification and investigation shall conduct a criminal records 63  
check. The superintendent shall conduct the criminal records check 64  
in the manner described in division (B) of this section to 65  
determine whether any information exists that indicates that the 66  
person who is the subject of the request has been convicted of or 67  
pleaded guilty to any of the following: 68

(a) A violation of section 2903.01, 2903.02, 2903.03, 69  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 70  
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 71  
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 72  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 73  
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 74  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 75  
2925.03, or 3716.11 of the Revised Code; 76

(b) An existing or former municipal ordinance or law of this 77

state, any other state, or the United States that is substantially  
equivalent to any of the offenses listed in division (A)(2)(a) of  
this section.

(3) On receipt of a request pursuant to section 173.41,  
3712.09, 3721.121, or 3722.151 of the Revised Code, a completed  
form prescribed pursuant to division (C)(1) of this section, and a  
set of fingerprint impressions obtained in the manner described in  
division (C)(2) of this section, the superintendent of the bureau  
of criminal identification and investigation shall conduct a  
criminal records check with respect to any person who has applied  
for employment in a position that involves providing direct care  
to an older adult. The superintendent shall conduct the criminal  
records check in the manner described in division (B) of this  
section to determine whether any information exists that indicates  
that the person who is the subject of the request previously has  
been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03,  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05,  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31,  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11,  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21,  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36,  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13,  
2925.22, 2925.23, or 3716.11 of the Revised Code;

(b) An existing or former law of this state, any other state,  
or the United States that is substantially equivalent to any of  
the offenses listed in division (A)(3)(a) of this section.

(4) On receipt of a request pursuant to section 3701.881 of  
the Revised Code with respect to an applicant for employment with  
a home health agency as a person responsible for the care,

custody, or control of a child, a completed form prescribed 109  
pursuant to division (C)(1) of this section, and a set of 110  
fingerprint impressions obtained in the manner described in 111  
division (C)(2) of this section, the superintendent of the bureau 112  
of criminal identification and investigation shall conduct a 113  
criminal records check. The superintendent shall conduct the 114  
criminal records check in the manner described in division (B) of 115  
this section to determine whether any information exists that 116  
indicates that the person who is the subject of the request 117  
previously has been convicted of or pleaded guilty to any of the 118  
following: 119

(a) A violation of section 2903.01, 2903.02, 2903.03, 120  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 121  
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 122  
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 123  
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 124  
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 125  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 126  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 127  
violation of section 2925.11 of the Revised Code that is not a 128  
minor drug possession offense; 129

(b) An existing or former law of this state, any other state, 130  
or the United States that is substantially equivalent to any of 131  
the offenses listed in division (A)(4)(a) of this section. 132

(5) On receipt of a request pursuant to section 5111.95 or 133  
5111.96 of the Revised Code with respect to an applicant for 134  
employment with a waiver agency participating in a department of 135  
job and family services administered home and community-based 136  
waiver program or an independent provider participating in a 137  
department administered home and community-based waiver program in 138  
a position that involves providing home and community-based waiver 139  
services to consumers with disabilities, a completed form 140

prescribed pursuant to division (C)(1) of this section, and a set  
of fingerprint impressions obtained in the manner described in  
division (C)(2) of this section, the superintendent of the bureau  
of criminal identification and investigation shall conduct a  
criminal records check. The superintendent shall conduct the  
criminal records check in the manner described in division (B) of  
this section to determine whether any information exists that  
indicates that the person who is the subject of the request  
previously has been convicted of or pleaded guilty to any of the  
following:

(a) A violation of section 2903.01, 2903.02, 2903.03,  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21,  
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02,  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09,  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321,  
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13,  
2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40,  
2913.43, 2913.47, 2913.51, 2919.12, 2919.24, 2919.25, 2921.36,  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05,  
2925.06, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the  
Revised Code, felonious sexual penetration in violation of former  
section 2907.12 of the Revised Code, a violation of section  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a  
violation of section 2919.23 of the Revised Code that would have  
been a violation of section 2905.04 of the Revised Code as it  
existed prior to July 1, 1996, had the violation been committed  
prior to that date;

(b) An existing or former law of this state, any other state,  
or the United States that is substantially equivalent to any of  
the offenses listed in division (A)(5)(a) of this section.

(6) On receipt of a request pursuant to section 3701.881 of  
the Revised Code with respect to an applicant for employment with

a home health agency in a position that involves providing direct  
care to an older adult, a completed form prescribed pursuant to  
division (C)(1) of this section, and a set of fingerprint  
impressions obtained in the manner described in division (C)(2) of  
this section, the superintendent of the bureau of criminal  
identification and investigation shall conduct a criminal records  
check. The superintendent shall conduct the criminal records check  
in the manner described in division (B) of this section to  
determine whether any information exists that indicates that the  
person who is the subject of the request previously has been  
convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03,  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05,  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31,  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11,  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21,  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36,  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13,  
2925.22, 2925.23, or 3716.11 of the Revised Code;

(b) An existing or former law of this state, any other state,  
or the United States that is substantially equivalent to any of  
the offenses listed in division (A)(6)(a) of this section.

(7) When conducting a criminal records check upon a request  
pursuant to section 3319.39 of the Revised Code for an applicant  
who is a teacher, in addition to the determination made under  
division (A)(1) of this section, the superintendent shall  
determine whether any information exists that indicates that the  
person who is the subject of the request previously has been  
convicted of or pleaded guilty to any offense specified in section  
3319.31 of the Revised Code.



(8) On a request pursuant to section 2151.86 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(8)(a) of this section.

(9) When conducting a criminal records check on a request pursuant to section 5104.013 of the Revised Code for a person who

is an owner, licensee, or administrator of a child day-care center 236  
or type A family day-care home or an authorized provider of a 237  
certified type B family day-care home, the superintendent, in 238  
addition to the determination made under division (A)(1) of this 239  
section, shall determine whether any information exists that 240  
indicates that the person has been convicted of or pleaded guilty 241  
to any of the following: 242

(a) A violation of section 2913.02, 2913.03, 2913.04, 243  
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 244  
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 245  
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2921.11, 246  
2921.13, or 2923.01 of the Revised Code, a violation of section 247  
2923.02 or 2923.03 of the Revised Code that relates to a crime 248  
specified in this division or division (A)(1)(a) of this section, 249  
or a second violation of section 4511.19 of the Revised Code 250  
within five years of the date of application for licensure or 251  
certification. 252

(b) A violation of an existing or former law of this state, 253  
any other state, or the United States that is substantially 254  
equivalent to any of the offenses or violations described in 255  
division (A)(9)(a) of this section. 256

(10) Not later than thirty days after the date the 257  
superintendent receives the request, completed form, and 258  
fingerprint impressions, the superintendent shall send the person, 259  
board, or entity that made the request any information, other than 260  
information the dissemination of which is prohibited by federal 261  
law, the superintendent determines exists with respect to the 262  
person who is the subject of the request that indicates that the 263  
person previously has been convicted of or pleaded guilty to any 264  
offense listed or described in division (A)(1), (2), (3), (4), 265  
(5), (6), (7), ~~or~~ (8), or (9) of this section, as appropriate. The 266  
superintendent shall send the person, board, or entity that made 267

the request a copy of the list of offenses specified in division 268  
(A)(1), (2), (3), (4), (5), (6), (7), ~~or~~ (8), or (9) of this 269  
section, as appropriate. If the request was made under section 270  
3701.881 of the Revised Code with regard to an applicant who may 271  
be both responsible for the care, custody, or control of a child 272  
and involved in providing direct care to an older adult, the 273  
superintendent shall provide a list of the offenses specified in 274  
divisions (A)(4) and (6) of this section. 275

(B) The superintendent shall conduct any criminal records 276  
check requested under section 121.08, 173.41, 2151.86, 3301.32, 277  
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 278  
5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, 279  
or 5153.111 of the Revised Code as follows: 280

(1) The superintendent shall review or cause to be reviewed 281  
any relevant information gathered and compiled by the bureau under 282  
division (A) of section 109.57 of the Revised Code that relates to 283  
the person who is the subject of the request, including any 284  
relevant information contained in records that have been sealed 285  
under section 2953.32 of the Revised Code; 286

(2) If the request received by the superintendent asks for 287  
information from the federal bureau of investigation, the 288  
superintendent shall request from the federal bureau of 289  
investigation any information it has with respect to the person 290  
who is the subject of the request and shall review or cause to be 291  
reviewed any information the superintendent receives from that 292  
bureau. 293

(3) The superintendent or the superintendent's designee may 294  
request criminal history records from other states or the federal 295  
government pursuant to the national crime prevention and privacy 296  
compact set forth in section 109.571 of the Revised Code. 297

(C)(1) The superintendent shall prescribe a form to obtain 298

the information necessary to conduct a criminal records check from 299  
any person for whom a criminal records check is required by 300  
section 121.08, 173.41, 2151.86, 3301.32, 3301.541, 3319.39, 301  
3701.881, 3712.09, 3721.121, 3722.151, 5104.012, 5104.013, 302  
5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 5153.111 of the 303  
Revised Code. The form that the superintendent prescribes pursuant 304  
to this division may be in a tangible format, in an electronic 305  
format, or in both tangible and electronic formats. 306

(2) The superintendent shall prescribe standard impression 307  
sheets to obtain the fingerprint impressions of any person for 308  
whom a criminal records check is required by section 121.08, 309  
173.41, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 310  
3721.121, 3722.151, 5104.012, 5104.013, 5111.95, 5111.96, 311  
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. Any 312  
person for whom a records check is required by any of those 313  
sections shall obtain the fingerprint impressions at a county 314  
sheriff's office, municipal police department, or any other entity 315  
with the ability to make fingerprint impressions on the standard 316  
impression sheets prescribed by the superintendent. The office, 317  
department, or entity may charge the person a reasonable fee for 318  
making the impressions. The standard impression sheets the 319  
superintendent prescribes pursuant to this division may be in a 320  
tangible format, in an electronic format, or in both tangible and 321  
electronic formats. 322

(3) Subject to division (D) of this section, the 323  
superintendent shall prescribe and charge a reasonable fee for 324  
providing a criminal records check requested under section 121.08, 325  
173.41, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 326  
3721.121, 3722.151, 5104.012, 5104.013, 5111.95, 5111.96, 327  
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The 328  
person making a criminal records request under section 121.08, 329  
173.41, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 330

3721.121, 3722.151, 5104.012, 5104.013, 5111.95, 5111.96, 331  
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code shall 332  
pay the fee prescribed pursuant to this division. A person making 333  
a request under section 3701.881 of the Revised Code for a 334  
criminal records check for an applicant who may be both 335  
responsible for the care, custody, or control of a child and 336  
involved in providing direct care to an older adult shall pay one 337  
fee for the request. 338

(4) The superintendent of the bureau of criminal 339  
identification and investigation may prescribe methods of 340  
forwarding fingerprint impressions and information necessary to 341  
conduct a criminal records check, which methods shall include, but 342  
not be limited to, an electronic method. 343

(D) A determination whether any information exists that 344  
indicates that a person previously has been convicted of or 345  
pleaded guilty to any offense listed or described in division 346  
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 347  
(b), (A)(5)(a) or (b), (A)(6), (A)(7)(a) or (b), ~~or~~ (A)(8)(a) or 348  
(b), or (A)(9)(a) or (b) of this section that is made by the 349  
superintendent with respect to information considered in a 350  
criminal records check in accordance with this section is valid 351  
for the person who is the subject of the criminal records check 352  
for a period of one year from the date upon which the 353  
superintendent makes the determination. During the period in which 354  
the determination in regard to a person is valid, if another 355  
request under this section is made for a criminal records check 356  
for that person, the superintendent shall provide the information 357  
that is the basis for the superintendent's initial determination 358  
at a lower fee than the fee prescribed for the initial criminal 359  
records check. 360

(E) As used in this section: 361

(1) "Criminal records check" means any criminal records check 362  
conducted by the superintendent of the bureau of criminal 363  
identification and investigation in accordance with division (B) 364  
of this section. 365

(2) "Home and community-based waiver services" and "waiver 366  
agency" have the same meanings as in section 5111.95 of the 367  
Revised Code. 368

(3) "Independent provider" has the same meaning as in section 369  
5111.96 of the Revised Code. 370

(4) "Minor drug possession offense" has the same meaning as 371  
in section 2925.01 of the Revised Code. 372

(5) "Older adult" means a person age sixty or older. 373

**Sec. 307.86.** Anything to be purchased, leased, leased with an 374  
option or agreement to purchase, or constructed, including, but 375  
not limited to, any product, structure, construction, 376  
reconstruction, improvement, maintenance, repair, or service, 377  
except the services of an accountant, architect, attorney at law, 378  
physician, professional engineer, construction project manager, 379  
consultant, surveyor, or appraiser, by or on behalf of the county 380  
or contracting authority, as defined in section 307.92 of the 381  
Revised Code, at a cost in excess of twenty-five thousand dollars, 382  
except as otherwise provided in division (D) of section 713.23 and 383  
in sections 125.04, 307.022, 307.041, 307.861, 339.05, 340.03, 384  
340.033, 4115.31 to 4115.35, 5119.16, 5513.01, 5543.19, 5713.01, 385  
and 6137.05 of the Revised Code, shall be obtained through 386  
competitive bidding. However, competitive bidding is not required 387  
when any of the following applies: 388

(A) The board of county commissioners, by a unanimous vote of 389  
its members, makes a determination that a real and present 390  
emergency exists, and that determination and the reasons for it 391

are entered in the minutes of the proceedings of the board, when 392  
either of the following applies: 393

(1) The estimated cost is less than fifty thousand dollars. 394

(2) There is actual physical disaster to structures, radio 395  
communications equipment, or computers. 396

For purposes of this division, "unanimous vote" means all 397  
three members of a board of county commissioners when all three 398  
members are present, or two members of the board if only two 399  
members, constituting a quorum, are present. 400

Whenever a contract of purchase, lease, or construction is 401  
exempted from competitive bidding under division (A)(1) of this 402  
section because the estimated cost is less than fifty thousand 403  
dollars, but the estimated cost is twenty-five thousand dollars or 404  
more, the county or contracting authority shall solicit informal 405  
estimates from no fewer than three persons who could perform the 406  
contract, before awarding the contract. With regard to each such 407  
contract, the county or contracting authority shall maintain a 408  
record of such estimates, including the name of each person from 409  
whom an estimate is solicited. The county or contracting authority 410  
shall maintain the record for the longer of at least one year 411  
after the contract is awarded or the amount of time the federal 412  
government requires. 413

(B)(1) The purchase consists of supplies or a replacement or 414  
supplemental part or parts for a product or equipment owned or 415  
leased by the county, and the only source of supply for the 416  
supplies, part, or parts is limited to a single supplier. 417

(2) The purchase consists of services related to information 418  
technology, such as programming services, that are proprietary or 419  
limited to a single source. 420

(C) The purchase is from the federal government, the state, 421

another county or contracting authority of another county, or a  
board of education, township, or municipal corporation.

(D) The purchase is made by a county department of job and  
family services under section 329.04 of the Revised Code and  
consists of family services duties or workforce development  
activities or is made by a county board of mental retardation and  
developmental disabilities under section 5126.05 of the Revised  
Code and consists of program services, such as direct and  
ancillary client services, child ~~day-care~~ care, case management  
services, residential services, and family resource services.

(E) The purchase consists of criminal justice services,  
social services programs, family services, or workforce  
development activities by the board of county commissioners from  
nonprofit corporations or associations under programs funded by  
the federal government or by state grants.

(F) The purchase consists of any form of an insurance policy  
or contract authorized to be issued under Title XXXIX of the  
Revised Code or any form of health care plan authorized to be  
issued under Chapter 1751. of the Revised Code, or any combination  
of such policies, contracts, or plans that the contracting  
authority is authorized to purchase, and the contracting authority  
does all of the following:

(1) Determines that compliance with the requirements of this  
section would increase, rather than decrease, the cost of the  
purchase;

(2) Employs a competent consultant to assist the contracting  
authority in procuring appropriate coverages at the best and  
lowest prices;

(3) Requests issuers of the policies, contracts, or plans to  
submit proposals to the contracting authority, in a form  
prescribed by the contracting authority, setting forth the



coverage and cost of the policies, contracts, or plans as the 453  
contracting authority desires to purchase; 454

(4) Negotiates with the issuers for the purpose of purchasing 455  
the policies, contracts, or plans at the best and lowest price 456  
reasonably possible. 457

(G) The purchase consists of computer hardware, software, or 458  
consulting services that are necessary to implement a computerized 459  
case management automation project administered by the Ohio 460  
prosecuting attorneys association and funded by a grant from the 461  
federal government. 462

(H) Child ~~day-care~~ care services are purchased for provision 463  
to county employees. 464

(I)(1) Property, including land, buildings, and other real 465  
property, is leased for offices, storage, parking, or other 466  
purposes, and all of the following apply: 467

(a) The contracting authority is authorized by the Revised 468  
Code to lease the property. 469

(b) The contracting authority develops requests for proposals 470  
for leasing the property, specifying the criteria that will be 471  
considered prior to leasing the property, including the desired 472  
size and geographic location of the property. 473

(c) The contracting authority receives responses from 474  
prospective lessors with property meeting the criteria specified 475  
in the requests for proposals by giving notice in a manner 476  
substantially similar to the procedures established for giving 477  
notice under section 307.87 of the Revised Code. 478

(d) The contracting authority negotiates with the prospective 479  
lessors to obtain a lease at the best and lowest price reasonably 480  
possible considering the fair market value of the property and any 481  
relocation and operational costs that may be incurred during the 482

period the lease is in effect.

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(2) The contracting authority may use the services of a real estate appraiser to obtain advice, consultations, or other recommendations regarding the lease of property under this division.

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(J) The purchase is made pursuant to section 5139.34 or sections 5139.41 to 5139.46 of the Revised Code and is of programs or services that provide case management, treatment, or prevention services to any felony or misdemeanor delinquent, unruly youth, or status offender under the supervision of the juvenile court, including, but not limited to, community residential care, day treatment, services to children in their home, or electronic monitoring.

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(K) The purchase is made by a public children services agency pursuant to section 307.92 or 5153.16 of the Revised Code and consists of family services, programs, or ancillary services that provide case management, prevention, or treatment services for children at risk of being or alleged to be abused, neglected, or dependent children.

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Any issuer of policies, contracts, or plans listed in division (F) of this section and any prospective lessor under division (I) of this section may have the issuer's or prospective lessor's name and address, or the name and address of an agent, placed on a special notification list to be kept by the contracting authority, by sending the contracting authority that name and address. The contracting authority shall send notice to all persons listed on the special notification list. Notices shall state the deadline and place for submitting proposals. The contracting authority shall mail the notices at least six weeks prior to the deadline set by the contracting authority for submitting proposals. Every five years the contracting authority

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may review this list and remove any person from the list after 514  
mailing the person notification of that action. 515

Any contracting authority that negotiates a contract under 516  
division (F) of this section shall request proposals and 517  
renegotiate with issuers in accordance with that division at least 518  
every three years from the date of the signing of such a contract. 519

Any consultant employed pursuant to division (F) of this 520  
section and any real estate appraiser employed pursuant to 521  
division (I) of this section shall disclose any fees or 522  
compensation received from any source in connection with that 523  
employment. 524

**Sec. 329.06.** (A) Except as provided in division (C) of this 525  
section and section 6301.08 of the Revised Code, the board of 526  
county commissioners shall establish a county family services 527  
planning committee. The board shall appoint a member to represent 528  
the county department of job and family services; an employee in 529  
the classified civil service of the county department of job and 530  
family services, if there are any such employees; and a member to 531  
represent the public. The board shall appoint other individuals to 532  
the committee in such a manner that the committee's membership is 533  
broadly representative of the groups of individuals and the public 534  
and private entities that have an interest in the family services 535  
provided in the county. The board shall make appointments in a 536  
manner that reflects the ethnic and racial composition of the 537  
county. The following groups and entities may be represented on 538  
the committee: 539

- (1) Consumers of family services; 540
- (2) The public children services agency; 541
- (3) The child support enforcement agency; 542
- (4) The county family and children first council; 543

(5) Public and private colleges and universities;	544
(6) Public entities that provide family services, including boards of health, boards of education, the county board of mental retardation and developmental disabilities, and the board of alcohol, drug addiction, and mental health services that serves the county;	545 546 547 548 549
(7) Private nonprofit and for-profit entities that provide family services in the county or that advocate for consumers of family services in the county, including entities that provide services to or advocate for victims of domestic violence;	550 551 552 553
(8) Labor organizations;	554
(9) Any other group or entity that has an interest in the family services provided in the county, including groups or entities that represent any of the county's business, urban, and rural sectors.	555 556 557 558
(B) The county family services planning committee shall do all of the following:	559 560
(1) Serve as an advisory body to the board of county commissioners with regard to the family services provided in the county, including assistance under Chapters 5107. and 5108. of the Revised Code, publicly funded child <del>day-care</del> <u>care</u> under Chapter 5104. of the Revised Code, and social services provided under section 5101.46 of the Revised Code;	561 562 563 564 565 566
(2) At least once a year, review and analyze the county department of job and family services' implementation of the programs established under Chapters 5107. and 5108. of the Revised Code. In its review, the committee shall use information available to it to examine all of the following:	567 568 569 570 571
(a) Return of assistance groups to participation in either program after ceasing to participate;	572 573

(b) Teen pregnancy rates among the programs' participants;	574
(c) The other types of assistance the programs' participants receive, including medical assistance under Chapter 5111. of the Revised Code, publicly funded child <del>day-care</del> <u>care</u> under Chapter 5104. of the Revised Code, food stamp benefits under section 5101.54 of the Revised Code, and energy assistance under Chapter 5117. of the Revised Code;	575 576 577 578 579 580
(d) Other issues the committee considers appropriate.	581
The committee shall make recommendations to the board of county commissioners and county department of job and family services regarding the committee's findings.	582 583 584
(3) Conduct public hearings on proposed county profiles for the provision of social services under section 5101.46 of the Revised Code;	585 586 587
(4) At the request of the board, make recommendations and provide assistance regarding the family services provided in the county;	588 589 590
(5) At any other time the committee considers appropriate, consult with the board and make recommendations regarding the family services provided in the county. The committee's recommendations may address the following:	591 592 593 594
(a) Implementation and administration of family service programs;	595 596
(b) Use of federal, state, and local funds available for family service programs;	597 598
(c) Establishment of goals to be achieved by family service programs;	599 600
(d) Evaluation of the outcomes of family service programs;	601
(e) Any other matter the board considers relevant to the	602

provision of family services.

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(C) If there is a committee in existence in a county on  
October 1, 1997, that the board of county commissioners determines  
is capable of fulfilling the responsibilities of a county family  
services planning committee, the board may designate the committee  
as the county's family services planning committee and the  
committee shall serve in that capacity.

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**Sec. 2151.011.** (A) As used in the Revised Code:

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(1) "Juvenile court" means whichever of the following is  
applicable that has jurisdiction under this chapter and Chapter  
2152. of the Revised Code:

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(a) The division of the court of common pleas specified in  
section 2101.022 or 2301.03 of the Revised Code as having  
jurisdiction under this chapter and Chapter 2152. of the Revised  
Code or as being the juvenile division or the juvenile division  
combined with one or more other divisions;

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(b) The juvenile court of Cuyahoga county or Hamilton county  
that is separately and independently created by section 2151.08 or  
Chapter 2153. of the Revised Code and that has jurisdiction under  
this chapter and Chapter 2152. of the Revised Code;

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(c) If division (A)(1)(a) or (b) of this section does not  
apply, the probate division of the court of common pleas.

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(2) "Juvenile judge" means a judge of a court having  
jurisdiction under this chapter.

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(3) "Private child placing agency" means any association, as  
defined in section 5103.02 of the Revised Code, that is certified  
under section 5103.03 of the Revised Code to accept temporary,  
permanent, or legal custody of children and place the children for  
either foster care or adoption.

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(4) "Private noncustodial agency" means any person, 632  
organization, association, or society certified by the department 633  
of job and family services that does not accept temporary or 634  
permanent legal custody of children, that is privately operated in 635  
this state, and that does one or more of the following: 636

(a) Receives and cares for children for two or more 637  
consecutive weeks; 638

(b) Participates in the placement of children in certified 639  
foster homes; 640

(c) Provides adoption services in conjunction with a public 641  
children services agency or private child placing agency. 642

(B) As used in this chapter: 643

(1) "Adequate parental care" means the provision by a child's 644  
parent or parents, guardian, or custodian of adequate food, 645  
clothing, and shelter to ensure the child's health and physical 646  
safety and the provision by a child's parent or parents of 647  
specialized services warranted by the child's physical or mental 648  
needs. 649

(2) "Adult" means an individual who is eighteen years of age 650  
or older. 651

(3) "Agreement for temporary custody" means a voluntary 652  
agreement authorized by section 5103.15 of the Revised Code that 653  
transfers the temporary custody of a child to a public children 654  
services agency or a private child placing agency. 655

(4) "Certified foster home" means a foster home, as defined 656  
in section 5103.02 of the Revised Code, certified under section 657  
5103.03 of the Revised Code. 658

(5) "Child" means a person who is under eighteen years of 659  
age, except that the juvenile court has jurisdiction over any 660  
person who is adjudicated an unruly child prior to attaining 661

eighteen years of age until the person attains twenty-one years of  
age, and, for purposes of that jurisdiction related to that  
adjudication, a person who is so adjudicated an unruly child shall  
be deemed a "child" until the person attains twenty-one years of  
age.

(6) "Child day camp," "child ~~day-care~~ care," "child day-care  
center," "part-time child day-care center," "type A family  
day-care home," "certified type B family day-care home," "type B  
home," "administrator of a child day-care center," "administrator  
of a type A family day-care home," "in-home aide," and "authorized  
provider" have the same meanings as in section 5104.01 of the  
Revised Code.

(7) "Child ~~day-care~~ care provider" means an individual who is  
a child-care staff member or administrator of a child day-care  
center, a type A family day-care home, or a type B family day-care  
home, or an in-home aide or an individual who is licensed, is  
regulated, is approved, operates under the direction of, or  
otherwise is certified by the department of job and family  
services, department of mental retardation and developmental  
disabilities, or the early childhood programs of the department of  
education.

(8) "Chronic truant" has the same meaning as in section  
2152.02 of the Revised Code.

(9) "Commit" means to vest custody as ordered by the court.

(10) "Counseling" includes both of the following:

(a) General counseling services performed by a public  
children services agency or shelter for victims of domestic  
violence to assist a child, a child's parents, and a child's  
siblings in alleviating identified problems that may cause or have  
caused the child to be an abused, neglected, or dependent child.



(b) Psychiatric or psychological therapeutic counseling 692  
services provided to correct or alleviate any mental or emotional 693  
illness or disorder and performed by a licensed psychiatrist, 694  
licensed psychologist, or a person licensed under Chapter 4757. of 695  
the Revised Code to engage in social work or professional 696  
counseling. 697

(11) "Custodian" means a person who has legal custody of a 698  
child or a public children services agency or private child 699  
placing agency that has permanent, temporary, or legal custody of 700  
a child. 701

(12) "Delinquent child" has the same meaning as in section 702  
2152.02 of the Revised Code. 703

(13) "Detention" means the temporary care of children pending 704  
court adjudication or disposition, or execution of a court order, 705  
in a public or private facility designed to physically restrict 706  
the movement and activities of children. 707

(14) "Developmental disability" has the same meaning as in 708  
section 5123.01 of the Revised Code. 709

(15) "Foster caregiver" has the same meaning as in section 710  
5103.02 of the Revised Code. 711

(16) "Guardian" means a person, association, or corporation 712  
that is granted authority by a probate court pursuant to Chapter 713  
2111. of the Revised Code to exercise parental rights over a child 714  
to the extent provided in the court's order and subject to the 715  
residual parental rights of the child's parents. 716

(17) "Habitual truant" means any child of compulsory school 717  
age who is absent without legitimate excuse for absence from the 718  
public school the child is supposed to attend for five or more 719  
consecutive school days, seven or more school days in one school 720  
month, or twelve or more school days in a school year. 721

(18) "Juvenile traffic offender" has the same meaning as in 722  
section 2152.02 of the Revised Code. 723

(19) "Legal custody" means a legal status that vests in the 724  
custodian the right to have physical care and control of the child 725  
and to determine where and with whom the child shall live, and the 726  
right and duty to protect, train, and discipline the child and to 727  
provide the child with food, shelter, education, and medical care, 728  
all subject to any residual parental rights, privileges, and 729  
responsibilities. An individual granted legal custody shall 730  
exercise the rights and responsibilities personally unless 731  
otherwise authorized by any section of the Revised Code or by the 732  
court. 733

(20) A "legitimate excuse for absence from the public school 734  
the child is supposed to attend" includes, but is not limited to, 735  
any of the following: 736

(a) The fact that the child in question has enrolled in and 737  
is attending another public or nonpublic school in this or another 738  
state; 739

(b) The fact that the child in question is excused from 740  
attendance at school for any of the reasons specified in section 741  
3321.04 of the Revised Code; 742

(c) The fact that the child in question has received an age 743  
and schooling certificate in accordance with section 3331.01 of 744  
the Revised Code. 745

(21) "Mental illness" and "mentally ill person subject to 746  
hospitalization by court order" have the same meanings as in 747  
section 5122.01 of the Revised Code. 748

(22) "Mental injury" means any behavioral, cognitive, 749  
emotional, or mental disorder in a child caused by an act or 750  
omission that is described in section 2919.22 of the Revised Code 751

and is committed by the parent or other person responsible for the 752  
child's care. 753

(23) "Mentally retarded person" has the same meaning as in 754  
section 5123.01 of the Revised Code. 755

(24) "Nonsecure care, supervision, or training" means care, 756  
supervision, or training of a child in a facility that does not 757  
confine or prevent movement of the child within the facility or 758  
from the facility. 759

(25) "Of compulsory school age" has the same meaning as in 760  
section 3321.01 of the Revised Code. 761

(26) "Organization" means any institution, public, 762  
semipublic, or private, and any private association, society, or 763  
agency located or operating in the state, incorporated or 764  
unincorporated, having among its functions the furnishing of 765  
protective services or care for children, or the placement of 766  
children in certified foster homes or elsewhere. 767

(27) "Out-of-home care" means detention facilities, shelter 768  
facilities, certified foster homes, placement in a prospective 769  
adoptive home prior to the issuance of a final decree of adoption, 770  
organizations, certified organizations, child day-care centers, 771  
type A family day-care homes, child ~~day-care~~ care provided by type 772  
B family day-care home providers and by in-home aides, group home 773  
providers, group homes, institutions, state institutions, 774  
residential facilities, residential care facilities, residential 775  
camps, day camps, hospitals, and medical clinics that are 776  
responsible for the care, physical custody, or control of 777  
children. 778

(28) "Out-of-home care child abuse" means any of the 779  
following when committed by a person responsible for the care of a 780  
child in out-of-home care: 781

(a) Engaging in sexual activity with a child in the person's care;	782 783
(b) Denial to a child, as a means of punishment, of proper or necessary subsistence, education, medical care, or other care necessary for a child's health;	784 785 786
(c) Use of restraint procedures on a child that cause injury or pain;	787 788
(d) Administration of prescription drugs or psychotropic medication to the child without the written approval and ongoing supervision of a licensed physician;	789 790 791
(e) Commission of any act, other than by accidental means, that results in any injury to or death of the child in out-of-home care or commission of any act by accidental means that results in an injury to or death of a child in out-of-home care and that is at variance with the history given of the injury or death.	792 793 794 795 796
(29) "Out-of-home care child neglect" means any of the following when committed by a person responsible for the care of a child in out-of-home care:	797 798 799
(a) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child;	800 801 802
(b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person;	803 804 805 806
(c) Failure to develop a process for all of the following:	807
(i) Administration of prescription drugs or psychotropic drugs for the child;	808 809
(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;	810 811

(iii) Reporting to the licensed physician who prescribed the 812  
drug all unfavorable or dangerous side effects from the use of the 813  
drug. 814

(d) Failure to provide proper or necessary subsistence, 815  
education, medical care, or other individualized care necessary 816  
for the health or well-being of the child; 817

(e) Confinement of the child to a locked room without 818  
monitoring by staff; 819

(f) Failure to provide ongoing security for all prescription 820  
and nonprescription medication; 821

(g) Isolation of a child for a period of time when there is 822  
substantial risk that the isolation, if continued, will impair or 823  
retard the mental health or physical well-being of the child. 824

(30) "Permanent custody" means a legal status that vests in a 825  
public children services agency or a private child placing agency, 826  
all parental rights, duties, and obligations, including the right 827  
to consent to adoption, and divests the natural parents or 828  
adoptive parents of all parental rights, privileges, and 829  
obligations, including all residual rights and obligations. 830

(31) "Permanent surrender" means the act of the parents or, 831  
if a child has only one parent, of the parent of a child, by a 832  
voluntary agreement authorized by section 5103.15 of the Revised 833  
Code, to transfer the permanent custody of the child to a public 834  
children services agency or a private child placing agency. 835

(32) "Person responsible for a child's care in out-of-home 836  
care" means any of the following: 837

(a) Any foster caregiver, in-home aide, or provider; 838

(b) Any administrator, employee, or agent of any of the 839  
following: a public or private detention facility; shelter 840  
facility; organization; certified organization; child day-care 841

center; type A family day-care home; certified type B family 842  
day-care home; group home; institution; state institution; 843  
residential facility; residential care facility; residential camp; 844  
day camp; hospital; or medical clinic; 845

(c) Any other person who performs a similar function with 846  
respect to, or has a similar relationship to, children. 847

(33) "Physically impaired" means having one or more of the 848  
following conditions that substantially limit one or more of an 849  
individual's major life activities, including self-care, receptive 850  
and expressive language, learning, mobility, and self-direction: 851

(a) A substantial impairment of vision, speech, or hearing; 852

(b) A congenital orthopedic impairment; 853

(c) An orthopedic impairment caused by disease, rheumatic 854  
fever or any other similar chronic or acute health problem, or 855  
amputation or another similar cause. 856

(34) "Placement for adoption" means the arrangement by a 857  
public children services agency or a private child placing agency 858  
with a person for the care and adoption by that person of a child 859  
of whom the agency has permanent custody. 860

(35) "Placement in foster care" means the arrangement by a 861  
public children services agency or a private child placing agency 862  
for the out-of-home care of a child of whom the agency has 863  
temporary custody or permanent custody. 864

(36) "Planned permanent living arrangement" means an order of 865  
a juvenile court pursuant to which both of the following apply: 866

(a) The court gives legal custody of a child to a public 867  
children services agency or a private child placing agency without 868  
the termination of parental rights. 869

(b) The order permits the agency to make an appropriate 870  
placement of the child and to enter into a written agreement with 871

a foster care provider or with another person or agency with whom  
the child is placed. 872  
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(37) "Practice of social work" and "practice of professional  
counseling" have the same meanings as in section 4757.01 of the  
Revised Code. 874  
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(38) "Sanction, service, or condition" means a sanction,  
service, or condition created by court order following an  
adjudication that a child is an unruly child that is described in  
division (A)(4) of section 2152.19 of the Revised Code. 877  
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(39) "Protective supervision" means an order of disposition  
pursuant to which the court permits an abused, neglected,  
dependent, or unruly child to remain in the custody of the child's  
parents, guardian, or custodian and stay in the child's home,  
subject to any conditions and limitations upon the child, the  
child's parents, guardian, or custodian, or any other person that  
the court prescribes, including supervision as directed by the  
court for the protection of the child. 881  
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(40) "Psychiatrist" has the same meaning as in section  
5122.01 of the Revised Code. 889  
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(41) "Psychologist" has the same meaning as in section  
4732.01 of the Revised Code. 891  
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(42) "Residential camp" means a program in which the care,  
physical custody, or control of children is accepted overnight for  
recreational or recreational and educational purposes. 893  
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(43) "Residential care facility" means an institution,  
residence, or facility that is licensed by the department of  
mental health under section 5119.22 of the Revised Code and that  
provides care for a child. 896  
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(44) "Residential facility" means a home or facility that is  
licensed by the department of mental retardation and developmental 900  
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disabilities under section 5123.19 of the Revised Code and in 902  
which a child with a developmental disability resides. 903

(45) "Residual parental rights, privileges, and 904  
responsibilities" means those rights, privileges, and 905  
responsibilities remaining with the natural parent after the 906  
transfer of legal custody of the child, including, but not 907  
necessarily limited to, the privilege of reasonable visitation, 908  
consent to adoption, the privilege to determine the child's 909  
religious affiliation, and the responsibility for support. 910

(46) "School day" means the school day established by the 911  
state board of education pursuant to section 3313.48 of the 912  
Revised Code. 913

(47) "School month" and "school year" have the same meanings 914  
as in section 3313.62 of the Revised Code. 915

(48) "Secure correctional facility" means a facility under 916  
the direction of the department of youth services that is designed 917  
to physically restrict the movement and activities of children and 918  
used for the placement of children after adjudication and 919  
disposition. 920

(49) "Sexual activity" has the same meaning as in section 921  
2907.01 of the Revised Code. 922

(50) "Shelter" means the temporary care of children in 923  
physically unrestricted facilities pending court adjudication or 924  
disposition. 925

(51) "Shelter for victims of domestic violence" has the same 926  
meaning as in section 3113.33 of the Revised Code. 927

(52) "Temporary custody" means legal custody of a child who 928  
is removed from the child's home, which custody may be terminated 929  
at any time at the discretion of the court or, if the legal 930  
custody is granted in an agreement for temporary custody, by the 931



person who executed the agreement.

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(C) For the purposes of this chapter, a child shall be presumed abandoned when the parents of the child have failed to visit or maintain contact with the child for more than ninety days, regardless of whether the parents resume contact with the child after that period of ninety days.

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Sec. 2151.861. (A) The department of job and family services may periodically conduct a random sampling of registered child day camps to determine compliance with section 2151.86 of the Revised Code.

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(B)(1) No child day camp shall fail to comply with section 2151.86 of the Revised Code in regards to a person it appoints or employs.

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(2) If the department determines that a child day camp has violated division (B)(1) of this section, the department shall do both of the following:

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(a) Consider imposing a civil penalty on the child day camp in an amount that shall not exceed ten per cent of the camp's gross revenues for the full month immediately preceding the month in which the violation occurred. If the camp was not operating for the entire calendar month preceding the month in which the violation occurred, the penalty shall be five hundred dollars.

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(b) Order the child day camp to initiate a criminal records check of the person who is the subject of the violation within a specified period of time.

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(3) If, within the specified period of time, the child day camp fails to comply with an order to initiate a criminal records check of the person who is the subject of the violation or to release the person from the appointment or employment, the department shall do both of the following:

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(a) Impose a civil penalty in an amount not less than the amount previously imposed and that shall not exceed twice the amount permitted by division (B)(2)(a) of this section; 962  
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(b) Order the child day camp to initiate a criminal records check of the person who is the subject of the violation within a specified period of time. 965  
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(C) If the department determines that a child day camp has violated division (B)(1) of this section, the department may post a notice at a prominent place at the camp that states that the camp has failed to conduct criminal records checks of its appointees or employees as required by section 2151.86 of the Revised Code. Once the camp demonstrates to the department that the camp is in compliance with that section, the department shall permit the camp to remove the notice. 968  
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(D) The department shall include on the department's web site a list of child day camps that the department has determined from a random sample to be not in compliance with the criminal records check requirements of section 2151.86 of the Revised Code. The department shall remove a camp's name from the list when the camp demonstrates to the department that the camp is in compliance with that section. 976  
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(E) For the purposes of divisions (C) and (D) of this section, a child day camp will be considered to be in compliance with section 2151.86 of the Revised Code by doing any of the following: 983  
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(1) Requesting that the bureau of criminal identification and investigation conduct a criminal records check regarding the person who is the subject of the violation of division (B)(1) of this section and, if the person does not qualify for the appointment or employment, releasing the person from the appointment or employment; 987  
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(2) Releasing the person who is the subject of the violation 993  
from the appointment or employment. 994

(F) The attorney general shall commence and prosecute to 995  
judgment a civil action in a court of competent jurisdiction to 996  
collect any civil penalty imposed under this section that remains 997  
unpaid. 998

(G) A child day camp may appeal any action the department 999  
takes under divisions (B) to (D) of this section to the court of 1000  
common pleas of the county in which the camp is located. 1001

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

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

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

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

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

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

(2) An in-home aide; 29

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

(E) "Peace officer" has the same meaning as in section 32

2935.01 of the Revised Code.

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

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(1) A parent, guardian, custodian, or other person  
responsible for the care of a child in the provider's facility or  
receiving child care from the provider;

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

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

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

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(5) A peace officer.

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

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

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

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(3) The number of children to whom child care is provided at

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one time or the number of children receiving child care in the  
child care facility at one time;

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(4) The conditions or safety features of the child care  
facility;

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

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(C) Whoever violates division (A) of this section is guilty  
of misrepresentation by a child care provider, a misdemeanor of  
the first degree.

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**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:

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(1) A child died while under the care of the home or while  
receiving child 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 care from the owner, provider, or  
administrator.

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

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(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

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the following that occurs:

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(a) A child who is under the care of the home or is receiving child care from the owner, provider, or administrator dies while under the care of the home or while receiving child 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.

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(b) A child who is under the care of the home or is receiving child 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 care from the owner, provider, or administrator.

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(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:

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(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 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;

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(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 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 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 care was given.

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(3) An owner, provider, or administrator of a home shall 123  
provide the notices required by divisions (B)(1) and (2) of this 124  
section not later than forty-eight hours after the child dies or, 125  
regarding a child who is hospitalized for more than twenty-four 126  
hours as a result of injuries suffered while under the care of the 127  
home, not later than forty-eight hours after the child suffers the 128  
injuries. If a child is hospitalized for more than twenty-four 129  
hours as a result of injuries suffered while under the care of the 130  
home, and the child subsequently dies as a result of those 131  
injuries, the owner, provider, or administrator shall provide 132  
separate notices under divisions (B)(1) and (2) of this section 133  
regarding both the injuries and the death. All notices provided 134  
under divisions (B)(1) and (2) of this section shall state that 135  
the death or injury occurred. 136

(C) Division (A) of this section does not require more than 137  
one person to make disclosures to the same parent, guardian, 138  
custodian, or other person responsible for the care of a child 139  
regarding any single injury or death for which disclosure is 140  
required under that division. Division (B) of this section does 141  
not require more than one person to give notices to the same 142  
parent, guardian, custodian, other person responsible for the care 143  
of the child, public children services agency, peace officer, or 144  
child fatality review board regarding any single injury or death 145  
for which disclosure is required under division (B)(1) of this 146  
section. 147

(D) An owner, provider, or administrator of a type A family 148  
day-care home or type B family day-care home is not subject to 149  
civil liability solely for making a disclosure required by this 150  
section. 151

(E) Whoever violates division (A) or (B) of this section is 152  
guilty of failure of a type A or type B family day-care home to 153  
disclose the death or serious injury of a child, a misdemeanor of 154

the fourth degree.

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Sec. 2919.226. (A) If a child care provider accurately answers the questions on a child 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 extent that the information set forth on the form is accurate, the provider who presents the form is not subject to prosecution under division (A) of section 2919.224 of the Revised Code regarding presentation of that information to that person.

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

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

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

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"CHILD CARE DISCLOSURE FORM

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Please Note: This form contains information that is accurate

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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 care services to ensure that those 188  
services remain satisfactory. If a question on this form is left 189  
unanswered, the child care provider makes no assertion regarding 190  
the question. Choosing appropriate child care for a child is a 191  
serious responsibility, and the person responsible for the care of 192  
the child is encouraged to make all appropriate inquiries. Also, 193  
in acknowledging receipt of this form, the person responsible for 194  
the care of the child acknowledges that in selecting the child 195  
care provider the person is not relying on any representations 196  
other than those provided in this form unless the child care 197  
provider has acknowledged the other representations in writing. 198

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

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2. What is the maximum number of children to whom you provide 209  
child care at one time? (If children are divided into groups or 210  
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

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<u>3. Where in the home will you provide child care to the applicant child?:</u>	217
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<u>4. Has a child died while in the care of, or receiving child care from, the child care provider? (Yes/No)</u>	222
<u>Description/explanation (attach additional sheets if necessary)</u>	223
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.....	228
<u>5. Has a child died as a result of injuries suffered while under the care of, or receiving child care from, the child day-care provider? (Yes/No)</u>	229
<u>Description/explanation (attach additional sheets if necessary)</u>	230
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<u>6. Within the preceding ten years, has a child suffered injuries while under the care of, or receiving child care from, the child care provider that led to the child being hospitalized for more than 24 hours? (Yes/No)</u>	237
<u>Description/explanation (attach additional sheets if necessary)</u>	238
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<u>Signature of person completing form</u>	<u>Date</u>
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<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	
<u>I hereby acknowledge that I have been given a copy of the</u>	255	
<u>preceding document and have read and understood its contents. I</u>	256	
<u>further acknowledge that I am not relying on any other</u>	257	
<u>representations in selecting the child care provider unless the</u>	258	
<u>child care provider has acknowledged the other representations in</u>	259	
<u>writing.</u>	260	
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<u>Person receiving the form</u>	<u>Date"</u>	262
<u>(C) If a child care provider accurately answers the questions</u>	263	
<u>on a disclosure form that is substantially similar to the form</u>	264	
<u>described in division (B) of this section, presents the form to a</u>	265	
<u>person identified in division (A)(1) or (2) of section 2919.224 of</u>	266	
<u>the Revised Code, and obtains the person's signature on the</u>	267	
<u>acknowledgement in the form, to the extent that the information</u>	268	
<u>set forth on the form is accurate, the form is sufficient for the</u>	269	
<u>purposes described in division (A) of this section.</u>	270	
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<u>An owner, provider, or administrator of a type A family</u>	272	
<u>day-care home or a type B family day-care home who accurately</u>	273	
<u>answers the questions on a disclosure form that is substantially</u>	274	
<u>similar to the form described in division (B) of this section,</u>	275	
<u>provides a copy of the completed form to the parent, guardian,</u>	276	
<u>custodian, or other person who is responsible for the care of a</u>	277	
<u>child and to whom disclosure is to be made under division (A) of</u>	278	
<u>section 2919.225 of the Revised Code, and obtains the person's</u>	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 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  
of this section occurred during the fifteen-year period 305  
immediately preceding the date that the parent, guardian, 306  
custodian, or other person responsible for the care of a child 307  
seeks to enroll that child, no child care center licensee shall 308  
accept that child into that center without first providing to the 309  
parent, guardian, custodian, or other person responsible for the 310

care of that child a notice that states that the death occurred. 311

(a) A child died while under the care of the center or while 312  
receiving child care from the owner, provider, or administrator of 313  
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 care from the 316  
owner, provider, or administrator of the center. 317

(3) Each child care center licensee shall keep on file at the 318  
center a copy of the information provided under this division for 319  
at least three years after providing the information. 320

(B)(1) No child care center licensee shall fail to provide 321  
notice in accordance with division (B)(3) of this section to the 322  
persons and entities specified in division (B)(2) of this section 323  
if a child who is under the care of the center or is receiving 324  
child care from the owner, provider, or administrator of the 325  
center dies while under the care of the center or while receiving 326  
child care from the owner, provider, or administrator or dies as a 327  
result of injuries suffered while under the care of the center or 328  
while receiving child care from the owner, provider, or 329  
administrator. 330

(2) A child care center licensee shall provide the notice 331  
required under division (B)(1) of this section to all of the 332  
following: 333

(a) The parent, guardian, custodian, or other person 334  
responsible for the care of each child who, at the time of the 335  
death for which notice is required, is receiving or is enrolled to 336  
receive child care from the center; 337

(b) The public children services agency of the county in 338  
which the center is located or the child care was given; 339

(c) A municipal or county peace officer in the county in 340

which the child resides or in which the center is located or the 341  
child care was given; 342

(d) The child fatality review board appointed under section 343  
307.621 of the Revised Code that serves the county in which the 344  
center is located or the child care was given. 345

(3) A child 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 care center to disclose the death or 351  
serious injury of a child, a misdemeanor of the fourth degree. 352

**Sec. 2923.124.** As used in sections 2923.124 to 2923.1213 of 1028  
the Revised Code: 1029

(A) "Application form" means the application form prescribed 1030  
pursuant to division (A)(1) of section 109.731 of the Revised Code 1031  
and includes a copy of that form. 1032

(B) "Competency certification" and "competency certificate" 1033  
mean a document of the type described in division (B)(3) of 1034  
section 2923.125 of the Revised Code. 1035

(C) "Detention facility" has the same meaning as in section 1036  
2921.01 of the Revised Code. 1037

(D) "Licensee" means a person to whom a license to carry a 1038  
concealed handgun has been issued under section 2923.125 of the 1039  
Revised Code and, except when the context clearly indicates 1040  
otherwise, includes a person to whom a temporary emergency license 1041  
to carry a concealed handgun has been issued under section 1042  
2923.1213 of the Revised Code. 1043

(E) "License fee" or "license renewal fee" means the fee for 1044

a license to carry a concealed handgun or the fee to renew that  
license that is prescribed pursuant to division (C) of section  
109.731 of the Revised Code and that is to be paid by an applicant  
for a license of that type.

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

(G) "State correctional institution" has the same meaning as  
in section 2967.01 of the Revised Code.

(H) "Valid license" means a license or temporary emergency  
license to carry a concealed handgun that has been issued under  
section 2923.125 or 2923.1213 of the Revised Code, that is  
currently valid, that is not under a suspension under division  
(A)(1) of section 2923.128 or under ~~section~~ section 2923.1213 of  
the Revised Code, and that has not been revoked under division  
(B)(1) of section 2923.128 or under section 2923.1213 of the  
Revised Code.

(I) "Civil protection order" means a protection order issued,  
or consent agreement approved, under section 2903.214 or 3113.31  
of the Revised Code.

(J) "Temporary protection order" means a protection order  
issued under section 2903.213 or 2919.26 of the Revised Code.

(K) "Protection order issued by a court of another state" has  
the same meaning as in section 2919.27 of the Revised Code.

(L) "Child day-care center," "type A family day-care home"  
and "type B family day-care home" have the same meanings as in  
section 5104.01 of the Revised Code.

(M) "Type C family day-care home" means a family day-care  
home authorized to provide child ~~day-care~~ care by Sub. H.B. 62 of  
the 121st ~~General Assembly~~ general assembly, as amended by Am.  
Sub. S.B. 160 of the 121st ~~General Assembly~~ general assembly and

Sub. H.B. 407 of the 123rd <del>General Assembly</del> <u>general assembly</u> .	1075
(N) "Foreign air transportation," "interstate air transportation," and "intrastate air transportation" have the same meanings as in 49 U.S.C. 40102, as now or hereafter amended.	1076 1077 1078
<b>Sec. 3109.051.</b> (A) If a divorce, dissolution, legal separation, or annulment proceeding involves a child and if the court has not issued a shared parenting decree, the court shall consider any mediation report filed pursuant to section 3109.052 of the Revised Code and, in accordance with division (C) of this section, shall make a just and reasonable order or decree permitting each parent who is not the residential parent to have parenting time with the child at the time and under the conditions that the court directs, unless the court determines that it would not be in the best interest of the child to permit that parent to have parenting time with the child and includes in the journal its findings of fact and conclusions of law. Whenever possible, the order or decree permitting the parenting time shall ensure the opportunity for both parents to have frequent and continuing contact with the child, unless frequent and continuing contact by either parent with the child would not be in the best interest of the child. The court shall include in its final decree a specific schedule of parenting time for that parent. Except as provided in division (E)(6) of section 3113.31 of the Revised Code, if the court, pursuant to this section, grants parenting time to a parent or companionship or visitation rights to any other person with respect to any child, it shall not require the public children services agency to provide supervision of or other services related to that parent's exercise of parenting time or that person's exercise of companionship or visitation rights with respect to the child. This section does not limit the power of a juvenile court pursuant to Chapter 2151. of the Revised Code to issue orders with respect to children who are alleged to be	1079 1080 1081 1082 1083 1084 1085 1086 1087 1088 1089 1090 1091 1092 1093 1094 1095 1096 1097 1098 1099 1100 1101 1102 1103 1104 1105 1106



abused, neglected, or dependent children or to make dispositions 1107  
of children who are adjudicated abused, neglected, or dependent 1108  
children or of a common pleas court to issue orders pursuant to 1109  
section 3113.31 of the Revised Code. 1110

(B)(1) In a divorce, dissolution of marriage, legal 1111  
separation, annulment, or child support proceeding that involves a 1112  
child, the court may grant reasonable companionship or visitation 1113  
rights to any grandparent, any person related to the child by 1114  
consanguinity or affinity, or any other person other than a 1115  
parent, if all of the following apply: 1116

(a) The grandparent, relative, or other person files a motion 1117  
with the court seeking companionship or visitation rights. 1118

(b) The court determines that the grandparent, relative, or 1119  
other person has an interest in the welfare of the child. 1120

(c) The court determines that the granting of the 1121  
companionship or visitation rights is in the best interest of the 1122  
child. 1123

(2) A motion may be filed under division (B)(1) of this 1124  
section during the pendency of the divorce, dissolution of 1125  
marriage, legal separation, annulment, or child support proceeding 1126  
or, if a motion was not filed at that time or was filed at that 1127  
time and the circumstances in the case have changed, at any time 1128  
after a decree or final order is issued in the case. 1129

(C) When determining whether to grant parenting time rights 1130  
to a parent pursuant to this section or section 3109.12 of the 1131  
Revised Code or to grant companionship or visitation rights to a 1132  
grandparent, relative, or other person pursuant to this section or 1133  
section 3109.11 or 3109.12 of the Revised Code, when establishing 1134  
a specific parenting time or visitation schedule, and when 1135  
determining other parenting time matters under this section or 1136

section 3109.12 of the Revised Code or visitation matters under 1137  
this section or section 3109.11 or 3109.12 of the Revised Code, 1138  
the court shall consider any mediation report that is filed 1139  
pursuant to section 3109.052 of the Revised Code and shall 1140  
consider all other relevant factors, including, but not limited 1141  
to, all of the factors listed in division (D) of this section. In 1142  
considering the factors listed in division (D) of this section for 1143  
purposes of determining whether to grant parenting time or 1144  
visitation rights, establishing a specific parenting time or 1145  
visitation schedule, determining other parenting time matters 1146  
under this section or section 3109.12 of the Revised Code or 1147  
visitation matters under this section or under section 3109.11 or 1148  
3109.12 of the Revised Code, and resolving any issues related to 1149  
the making of any determination with respect to parenting time or 1150  
visitation rights or the establishment of any specific parenting 1151  
time or visitation schedule, the court, in its discretion, may 1152  
interview in chambers any or all involved children regarding their 1153  
wishes and concerns. If the court interviews any child concerning 1154  
the child's wishes and concerns regarding those parenting time or 1155  
visitation matters, the interview shall be conducted in chambers, 1156  
and no person other than the child, the child's attorney, the 1157  
judge, any necessary court personnel, and, in the judge's 1158  
discretion, the attorney of each parent shall be permitted to be 1159  
present in the chambers during the interview. No person shall 1160  
obtain or attempt to obtain from a child a written or recorded 1161  
statement or affidavit setting forth the wishes and concerns of 1162  
the child regarding those parenting time or visitation matters. A 1163  
court, in considering the factors listed in division (D) of this 1164  
section for purposes of determining whether to grant any parenting 1165  
time or visitation rights, establishing a parenting time or 1166  
visitation schedule, determining other parenting time matters 1167  
under this section or section 3109.12 of the Revised Code or 1168  
visitation matters under this section or under section 3109.11 or 1169

3109.12 of the Revised Code, or resolving any issues related to 1170  
the making of any determination with respect to parenting time or 1171  
visitation rights or the establishment of any specific parenting 1172  
time or visitation schedule, shall not accept or consider a 1173  
written or recorded statement or affidavit that purports to set 1174  
forth the child's wishes or concerns regarding those parenting 1175  
time or visitation matters. 1176

(D) In determining whether to grant parenting time to a 1177  
parent pursuant to this section or section 3109.12 of the Revised 1178  
Code or companionship or visitation rights to a grandparent, 1179  
relative, or other person pursuant to this section or section 1180  
3109.11 or 3109.12 of the Revised Code, in establishing a specific 1181  
parenting time or visitation schedule, and in determining other 1182  
parenting time matters under this section or section 3109.12 of 1183  
the Revised Code or visitation matters under this section or 1184  
section 3109.11 or 3109.12 of the Revised Code, the court shall 1185  
consider all of the following factors: 1186

(1) The prior interaction and interrelationships of the child 1187  
with the child's parents, siblings, and other persons related by 1188  
consanguinity or affinity, and with the person who requested 1189  
companionship or visitation if that person is not a parent, 1190  
sibling, or relative of the child; 1191

(2) The geographical location of the residence of each parent 1192  
and the distance between those residences, and if the person is 1193  
not a parent, the geographical location of that person's residence 1194  
and the distance between that person's residence and the child's 1195  
residence; 1196

(3) The child's and parents' available time, including, but 1197  
not limited to, each parent's employment schedule, the child's 1198  
school schedule, and the child's and the parents' holiday and 1199  
vacation schedule; 1200

(4) The age of the child;	1201
(5) The child's adjustment to home, school, and community;	1202
(6) If the court has interviewed the child in chambers,	1203
pursuant to division (C) of this section, regarding the wishes and	1204
concerns of the child as to parenting time by the parent who is	1205
not the residential parent or companionship or visitation by the	1206
grandparent, relative, or other person who requested companionship	1207
or visitation, as to a specific parenting time or visitation	1208
schedule, or as to other parenting time or visitation matters, the	1209
wishes and concerns of the child, as expressed to the court;	1210
(7) The health and safety of the child;	1211
(8) The amount of time that will be available for the child	1212
to spend with siblings;	1213
(9) The mental and physical health of all parties;	1214
(10) Each parent's willingness to reschedule missed parenting	1215
time and to facilitate the other parent's parenting time rights,	1216
and with respect to a person who requested companionship or	1217
visitation, the willingness of that person to reschedule missed	1218
visitation;	1219
(11) In relation to parenting time, whether either parent	1220
previously has been convicted of or pleaded guilty to any criminal	1221
offense involving any act that resulted in a child being an abused	1222
child or a neglected child; whether either parent, in a case in	1223
which a child has been adjudicated an abused child or a neglected	1224
child, previously has been determined to be the perpetrator of the	1225
abusive or neglectful act that is the basis of the adjudication;	1226
and whether there is reason to believe that either parent has	1227
acted in a manner resulting in a child being an abused child or a	1228
neglected child;	1229
(12) In relation to requested companionship or visitation by	1230

a person other than a parent, whether the person previously has  
been convicted of or pleaded guilty to any criminal offense  
involving any act that resulted in a child being an abused child  
or a neglected child; whether the person, in a case in which a  
child has been adjudicated an abused child or a neglected child,  
previously has been determined to be the perpetrator of the  
abusive or neglectful act that is the basis of the adjudication;  
whether either parent previously has been convicted of or pleaded  
guilty to a violation of section 2919.25 of the Revised Code  
involving a victim who at the time of the commission of the  
offense was a member of the family or household that is the  
subject of the current proceeding; whether either parent  
previously has been convicted of an offense involving a victim who  
at the time of the commission of the offense was a member of the  
family or household that is the subject of the current proceeding  
and caused physical harm to the victim in the commission of the  
offense; and whether there is reason to believe that the person  
has acted in a manner resulting in a child being an abused child  
or a neglected child;

(13) Whether the residential parent or one of the parents  
subject to a shared parenting decree has continuously and  
willfully denied the other parent's right to parenting time in  
accordance with an order of the court;

(14) Whether either parent has established a residence or is  
planning to establish a residence outside this state;

(15) In relation to requested companionship or visitation by  
a person other than a parent, the wishes and concerns of the  
child's parents, as expressed by them to the court;

(16) Any other factor in the best interest of the child.

(E) The remarriage of a residential parent of a child does  
not affect the authority of a court under this section to grant

parenting time rights with respect to the child to the parent who 1262  
is not the residential parent or to grant reasonable companionship 1263  
or visitation rights with respect to the child to any grandparent, 1264  
any person related by consanguinity or affinity, or any other 1265  
person. 1266

(F)(1) If the court, pursuant to division (A) of this 1267  
section, denies parenting time to a parent who is not the 1268  
residential parent or denies a motion for reasonable companionship 1269  
or visitation rights filed under division (B) of this section and 1270  
the parent or movant files a written request for findings of fact 1271  
and conclusions of law, the court shall state in writing its 1272  
findings of fact and conclusions of law in accordance with Civil 1273  
Rule 52. 1274

(2) On or before July 1, 1991, each court of common pleas, by 1275  
rule, shall adopt standard parenting time guidelines. A court 1276  
shall have discretion to deviate from its standard parenting time 1277  
guidelines based upon factors set forth in division (D) of this 1278  
section. 1279

(G)(1) If the residential parent intends to move to a 1280  
residence other than the residence specified in the parenting time 1281  
order or decree of the court, the parent shall file a notice of 1282  
intent to relocate with the court that issued the order or decree. 1283  
Except as provided in divisions (G)(2), (3), and (4) of this 1284  
section, the court shall send a copy of the notice to the parent 1285  
who is not the residential parent. Upon receipt of the notice, the 1286  
court, on its own motion or the motion of the parent who is not 1287  
the residential parent, may schedule a hearing with notice to both 1288  
parents to determine whether it is in the best interest of the 1289  
child to revise the parenting time schedule for the child. 1290

(2) When a court grants parenting time rights to a parent who 1291  
is not the residential parent, the court shall determine whether 1292

that parent has been convicted of or pleaded guilty to a violation 1293  
of section 2919.25 of the Revised Code involving a victim who at 1294  
the time of the commission of the offense was a member of the 1295  
family or household that is the subject of the proceeding, has 1296  
been convicted of or pleaded guilty to any other offense involving 1297  
a victim who at the time of the commission of the offense was a 1298  
member of the family or household that is the subject of the 1299  
proceeding and caused physical harm to the victim in the 1300  
commission of the offense, or has been determined to be the 1301  
perpetrator of the abusive act that is the basis of an 1302  
adjudication that a child is an abused child. If the court 1303  
determines that that parent has not been so convicted and has not 1304  
been determined to be the perpetrator of an abusive act that is 1305  
the basis of a child abuse adjudication, the court shall issue an 1306  
order stating that a copy of any notice of relocation that is 1307  
filed with the court pursuant to division (G)(1) of this section 1308  
will be sent to the parent who is given the parenting time rights 1309  
in accordance with division (G)(1) of this section. 1310

If the court determines that the parent who is granted the 1311  
parenting time rights has been convicted of or pleaded guilty to a 1312  
violation of section 2919.25 of the Revised Code involving a 1313  
victim who at the time of the commission of the offense was a 1314  
member of the family or household that is the subject of the 1315  
proceeding, has been convicted of or pleaded guilty to any other 1316  
offense involving a victim who at the time of the commission of 1317  
the offense was a member of the family or household that is the 1318  
subject of the proceeding and caused physical harm to the victim 1319  
in the commission of the offense, or has been determined to be the 1320  
perpetrator of the abusive act that is the basis of an 1321  
adjudication that a child is an abused child, it shall issue an 1322  
order stating that that parent will not be given a copy of any 1323  
notice of relocation that is filed with the court pursuant to 1324

division (G)(1) of this section unless the court determines that  
it is in the best interest of the children to give that parent a  
copy of the notice of relocation, issues an order stating that  
that parent will be given a copy of any notice of relocation filed  
pursuant to division (G)(1) of this section, and issues specific  
written findings of fact in support of its determination.

(3) If a court, prior to April 11, 1991, issued an order  
granting parenting time rights to a parent who is not the  
residential parent and did not require the residential parent in  
that order to give the parent who is granted the parenting time  
rights notice of any change of address and if the residential  
parent files a notice of relocation pursuant to division (G)(1) of  
this section, the court shall determine if the parent who is  
granted the parenting time rights has been convicted of or pleaded  
guilty to a violation of section 2919.25 of the Revised Code  
involving a victim who at the time of the commission of the  
offense was a member of the family or household that is the  
subject of the proceeding, has been convicted of or pleaded guilty  
to any other offense involving a victim who at the time of the  
commission of the offense was a member of the family or household  
that is the subject of the proceeding and caused physical harm to  
the victim in the commission of the offense, or has been  
determined to be the perpetrator of the abusive act that is the  
basis of an adjudication that a child is an abused child. If the  
court determines that the parent who is granted the parenting time  
rights has not been so convicted and has not been determined to be  
the perpetrator of an abusive act that is the basis of a child  
abuse adjudication, the court shall issue an order stating that a  
copy of any notice of relocation that is filed with the court  
pursuant to division (G)(1) of this section will be sent to the  
parent who is granted parenting time rights in accordance with  
division (G)(1) of this section.



If the court determines that the parent who is granted the parenting time rights has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding, has been convicted of or pleaded guilty to any other offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding and caused physical harm to the victim in the commission of the offense, or has been determined to be the perpetrator of the abusive act that is the basis of an adjudication that a child is an abused child, it shall issue an order stating that that parent will not be given a copy of any notice of relocation that is filed with the court pursuant to division (G)(1) of this section unless the court determines that it is in the best interest of the children to give that parent a copy of the notice of relocation, issues an order stating that that parent will be given a copy of any notice of relocation filed pursuant to division (G)(1) of this section, and issues specific written findings of fact in support of its determination.

(4) If a parent who is granted parenting time rights pursuant to this section or any other section of the Revised Code is authorized by an order issued pursuant to this section or any other court order to receive a copy of any notice of relocation that is filed pursuant to division (G)(1) of this section or pursuant to court order, if the residential parent intends to move to a residence other than the residence address specified in the parenting time order, and if the residential parent does not want the parent who is granted the parenting time rights to receive a copy of the relocation notice because the parent with parenting time rights has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at

the time of the commission of the offense was a member of the 1389  
family or household that is the subject of the proceeding, has 1390  
been convicted of or pleaded guilty to any other offense involving 1391  
a victim who at the time of the commission of the offense was a 1392  
member of the family or household that is the subject of the 1393  
proceeding and caused physical harm to the victim in the 1394  
commission of the offense, or has been determined to be the 1395  
perpetrator of the abusive act that is the basis of an 1396  
adjudication that a child is an abused child, the residential 1397  
parent may file a motion with the court requesting that the parent 1398  
who is granted the parenting time rights not receive a copy of any 1399  
notice of relocation. Upon the filing of the motion, the court 1400  
shall schedule a hearing on the motion and give both parents 1401  
notice of the date, time, and location of the hearing. If the 1402  
court determines that the parent who is granted the parenting time 1403  
rights has been so convicted or has been determined to be the 1404  
perpetrator of an abusive act that is the basis of a child abuse 1405  
adjudication, the court shall issue an order stating that the 1406  
parent who is granted the parenting time rights will not be given 1407  
a copy of any notice of relocation that is filed with the court 1408  
pursuant to division (G)(1) of this section or that the 1409  
residential parent is no longer required to give that parent a 1410  
copy of any notice of relocation unless the court determines that 1411  
it is in the best interest of the children to give that parent a 1412  
copy of the notice of relocation, issues an order stating that 1413  
that parent will be given a copy of any notice of relocation filed 1414  
pursuant to division (G)(1) of this section, and issues specific 1415  
written findings of fact in support of its determination. If it 1416  
does not so find, it shall dismiss the motion. 1417

(H)(1) Subject to section 3125.16 and division (F) of section 1418  
3319.321 of the Revised Code, a parent of a child who is not the 1419  
residential parent of the child is entitled to access, under the 1420

same terms and conditions under which access is provided to the residential parent, to any record that is related to the child and to which the residential parent of the child legally is provided access, unless the court determines that it would not be in the best interest of the child for the parent who is not the residential parent to have access to the records under those same terms and conditions. If the court determines that the parent of a child who is not the residential parent should not have access to records related to the child under the same terms and conditions as provided for the residential parent, the court shall specify the terms and conditions under which the parent who is not the residential parent is to have access to those records, shall enter its written findings of facts and opinion in the journal, and shall issue an order containing the terms and conditions to both the residential parent and the parent of the child who is not the residential parent. The court shall include in every order issued pursuant to this division notice that any keeper of a record who knowingly fails to comply with the order or division (H) of this section is in contempt of court.

(2) Subject to section 3125.16 and division (F) of section 3319.321 of the Revised Code, subsequent to the issuance of an order under division (H)(1) of this section, the keeper of any record that is related to a particular child and to which the residential parent legally is provided access shall permit the parent of the child who is not the residential parent to have access to the record under the same terms and conditions under which access is provided to the residential parent, unless the residential parent has presented the keeper of the record with a copy of an order issued under division (H)(1) of this section that limits the terms and conditions under which the parent who is not the residential parent is to have access to records pertaining to the child and the order pertains to the record in question. If the

residential parent presents the keeper of the record with a copy 1453  
of that type of order, the keeper of the record shall permit the 1454  
parent who is not the residential parent to have access to the 1455  
record only in accordance with the most recent order that has been 1456  
issued pursuant to division (H)(1) of this section and presented 1457  
to the keeper by the residential parent or the parent who is not 1458  
the residential parent. Any keeper of any record who knowingly 1459  
fails to comply with division (H) of this section or with any 1460  
order issued pursuant to division (H)(1) of this section is in 1461  
contempt of court. 1462

(3) The prosecuting attorney of any county may file a 1463  
complaint with the court of common pleas of that county requesting 1464  
the court to issue a protective order preventing the disclosure 1465  
pursuant to division (H)(1) or (2) of this section of any 1466  
confidential law enforcement investigatory record. The court shall 1467  
schedule a hearing on the motion and give notice of the date, 1468  
time, and location of the hearing to all parties. 1469

(I) A court that issues a parenting time order or decree 1470  
pursuant to this section or section 3109.12 of the Revised Code 1471  
shall determine whether the parent granted the right of parenting 1472  
time is to be permitted access, in accordance with section 1473  
5104.011 of the Revised Code, to any child day-care center that 1474  
is, or that in the future may be, attended by the children with 1475  
whom the right of parenting time is granted. Unless the court 1476  
determines that the parent who is not the residential parent 1477  
should not have access to the center to the same extent that the 1478  
residential parent is granted access to the center, the parent who 1479  
is not the residential parent and who is granted parenting time 1480  
rights is entitled to access to the center to the same extent that 1481  
the residential parent is granted access to the center. If the 1482  
court determines that the parent who is not the residential parent 1483  
should not have access to the center to the same extent that the 1484

residential parent is granted such access under division (C) of 1485  
section 5104.011 of the Revised Code, the court shall specify the 1486  
terms and conditions under which the parent who is not the 1487  
residential parent is to have access to the center, provided that 1488  
the access shall not be greater than the access that is provided 1489  
to the residential parent under division (C) of section 5104.011 1490  
of the Revised Code, the court shall enter its written findings of 1491  
fact and opinions in the journal, and the court shall include the 1492  
terms and conditions of access in the parenting time order or 1493  
decree. 1494

(J)(1) Subject to division (F) of section 3319.321 of the 1495  
Revised Code, when a court issues an order or decree allocating 1496  
parental rights and responsibilities for the care of a child, the 1497  
parent of the child who is not the residential parent of the child 1498  
is entitled to access, under the same terms and conditions under 1499  
which access is provided to the residential parent, to any student 1500  
activity that is related to the child and to which the residential 1501  
parent of the child legally is provided access, unless the court 1502  
determines that it would not be in the best interest of the child 1503  
to grant the parent who is not the residential parent access to 1504  
the student activities under those same terms and conditions. If 1505  
the court determines that the parent of the child who is not the 1506  
residential parent should not have access to any student activity 1507  
that is related to the child under the same terms and conditions 1508  
as provided for the residential parent, the court shall specify 1509  
the terms and conditions under which the parent who is not the 1510  
residential parent is to have access to those student activities, 1511  
shall enter its written findings of facts and opinion in the 1512  
journal, and shall issue an order containing the terms and 1513  
conditions to both the residential parent and the parent of the 1514  
child who is not the residential parent. The court shall include 1515  
in every order issued pursuant to this division notice that any 1516

school official or employee who knowingly fails to comply with the 1517  
order or division (J) of this section is in contempt of court. 1518

(2) Subject to division (F) of section 3319.321 of the 1519  
Revised Code, subsequent to the issuance of an order under 1520  
division (J)(1) of this section, all school officials and 1521  
employees shall permit the parent of the child who is not the 1522  
residential parent to have access to any student activity under 1523  
the same terms and conditions under which access is provided to 1524  
the residential parent of the child, unless the residential parent 1525  
has presented the school official or employee, the board of 1526  
education of the school, or the governing body of the chartered 1527  
nonpublic school with a copy of an order issued under division 1528  
(J)(1) of this section that limits the terms and conditions under 1529  
which the parent who is not the residential parent is to have 1530  
access to student activities related to the child and the order 1531  
pertains to the student activity in question. If the residential 1532  
parent presents the school official or employee, the board of 1533  
education of the school, or the governing body of the chartered 1534  
nonpublic school with a copy of that type of order, the school 1535  
official or employee shall permit the parent who is not the 1536  
residential parent to have access to the student activity only in 1537  
accordance with the most recent order that has been issued 1538  
pursuant to division (J)(1) of this section and presented to the 1539  
school official or employee, the board of education of the school, 1540  
or the governing body of the chartered nonpublic school by the 1541  
residential parent or the parent who is not the residential 1542  
parent. Any school official or employee who knowingly fails to 1543  
comply with division (J) of this section or with any order issued 1544  
pursuant to division (J)(1) of this section is in contempt of 1545  
court. 1546

(K) If any person is found in contempt of court for failing 1547  
to comply with or interfering with any order or decree granting 1548

parenting time rights issued pursuant to this section or section 1549  
3109.12 of the Revised Code or companionship or visitation rights 1550  
issued pursuant to this section, section 3109.11 or 3109.12 of the 1551  
Revised Code, or any other provision of the Revised Code, the 1552  
court that makes the finding, in addition to any other penalty or 1553  
remedy imposed, shall assess all court costs arising out of the 1554  
contempt proceeding against the person and require the person to 1555  
pay any reasonable attorney's fees of any adverse party, as 1556  
determined by the court, that arose in relation to the act of 1557  
contempt, and may award reasonable compensatory parenting time or 1558  
visitation to the person whose right of parenting time or 1559  
visitation was affected by the failure or interference if such 1560  
compensatory parenting time or visitation is in the best interest 1561  
of the child. Any compensatory parenting time or visitation 1562  
awarded under this division shall be included in an order issued 1563  
by the court and, to the extent possible, shall be governed by the 1564  
same terms and conditions as was the parenting time or visitation 1565  
that was affected by the failure or interference. 1566

(L) Any parent who requests reasonable parenting time rights 1567  
with respect to a child under this section or section 3109.12 of 1568  
the Revised Code or any person who requests reasonable 1569  
companionship or visitation rights with respect to a child under 1570  
this section, section 3109.11 or 3109.12 of the Revised Code, or 1571  
any other provision of the Revised Code may file a motion with the 1572  
court requesting that it waive all or any part of the costs that 1573  
may accrue in the proceedings. If the court determines that the 1574  
movant is indigent and that the waiver is in the best interest of 1575  
the child, the court, in its discretion, may waive payment of all 1576  
or any part of the costs of those proceedings. 1577

(M) The juvenile court has exclusive jurisdiction to enter 1578  
the orders in any case certified to it from another court. 1579

(N) As used in this section: 1580

(1) "Abused child" has the same meaning as in section 1581  
2151.031 of the Revised Code, and "neglected child" has the same 1582  
meaning as in section 2151.03 of the Revised Code. 1583

(2) "Record" means any record, document, file, or other 1584  
material that contains information directly related to a child, 1585  
including, but not limited to, any of the following: 1586

(a) Records maintained by public and nonpublic schools; 1587

(b) Records maintained by facilities that provide child 1588  
~~day-care~~ care, as defined in section 5104.01 of the Revised Code, 1589  
publicly funded child ~~day-care~~ care, as defined in section 5104.01 1590  
of the Revised Code, or pre-school services operated by or under 1591  
the supervision of a school district board of education or a 1592  
nonpublic school; 1593

(c) Records maintained by hospitals, other facilities, or 1594  
persons providing medical or surgical care or treatment for the 1595  
child; 1596

(d) Records maintained by agencies, departments, 1597  
instrumentalities, or other entities of the state or any political 1598  
subdivision of the state, other than a child support enforcement 1599  
agency. Access to records maintained by a child support 1600  
enforcement agency is governed by section 3125.16 of the Revised 1601  
Code. 1602

(3) "Confidential law enforcement investigatory record" has 1603  
the same meaning as in section 149.43 of the Revised Code. 1604

**Sec. 3109.18.** (A)(1) A board of county commissioners may 1605  
establish a child abuse and child neglect prevention advisory 1606  
board or may designate the county family and children first 1607  
council to serve as the child abuse and child neglect prevention 1608  
advisory board. The boards of county commissioners of two or more 1609  
contiguous counties may instead form a multicounty district to be 1610



served by a child abuse and child neglect prevention advisory 1611  
board or may designate a regional family and children first 1612  
council to serve as the district child abuse and child neglect 1613  
prevention advisory board. Each advisory board shall meet at least 1614  
twice a year. 1615

(2) The county auditor is hereby designated as the auditor 1616  
and fiscal officer of the advisory board. In the case of a 1617  
multicounty district, the boards of county commissioners that 1618  
formed the district shall designate the auditor of one of the 1619  
counties as the auditor and fiscal officer of the advisory board. 1620

(B) Each county that establishes an advisory board or, in a 1621  
multicounty district, the county the auditor of which has been 1622  
designated as the auditor and fiscal officer of the advisory 1623  
board, shall establish a fund in the county treasury known as the 1624  
county or district children's trust fund. The advisory board shall 1625  
deposit all funds received from the children's trust fund board 1626  
into that fund, and the auditor shall distribute money from the 1627  
fund at the request of the advisory board. 1628

(C) Each January, the board of county commissioners of a 1629  
county that has established an advisory board or, in a multicounty 1630  
district, the board of county commissioners of the county the 1631  
auditor of which has been designated as the auditor and fiscal 1632  
officer for the advisory board, shall appropriate the amount 1633  
described in division (B)(2) of section 3109.17 of the Revised 1634  
Code for distribution by the advisory board to child abuse and 1635  
child neglect prevention programs. 1636

(D)(1) Except in the case of a county or regional family and 1637  
children first council that is designated to serve as a child 1638  
abuse and child neglect prevention advisory board, each advisory 1639  
board shall consist of an odd number of members from both the 1640  
public and private sectors, including all of the following: 1641

(a) A representative of an agency responsible for the administration of children's services in the county or district;	1642 1643
(b) A provider of alcohol or drug addiction services or a representative of a board of alcohol, drug addiction, and mental health services that serves the county or district;	1644 1645 1646
(c) A provider of mental health services or a representative of a board of alcohol, drug addiction, and mental health services that serves the county or district;	1647 1648 1649
(d) A representative of a board of mental retardation and developmental disabilities that serves the county or district;	1650 1651
(e) A representative of the educational community appointed by the superintendent of the school district with largest enrollment in the county or multicounty district.	1652 1653 1654
(2) The following groups and entities may be represented on the advisory board:	1655 1656
(a) Parent groups;	1657
(b) Juvenile justice officials;	1658
(c) Pediatricians, health department nurses, and other representatives of the medical community;	1659 1660
(d) School personnel;	1661
(e) Counselors and social workers;	1662
(f) Head start agencies;	1663
(g) Child <del>day-care</del> <u>care</u> providers;	1664
(h) Other persons with demonstrated knowledge in programs for children.	1665 1666
(3) Of the members first appointed, at least one shall serve for a term of three years, at least one for a term of two years, and at least one for a term of one year. Thereafter, each member	1667 1668 1669

shall serve a term of three years. Each member shall serve until  
the member's successor is appointed. All vacancies on the board  
shall be filled for the balance of the unexpired term in the same  
manner as the original appointment.

(E) Each board of county commissioners may incur reasonable  
costs not to exceed five per cent of the funds allocated to the  
county or district under section 3109.17 of the Revised Code, for  
the purpose of carrying out the functions of the advisory board.

(F) Each child abuse and child neglect prevention advisory  
board shall do all of the following:

(1) Develop a comprehensive allocation plan for the purpose  
of preventing child abuse and child neglect and submit the plan to  
the children's trust fund board;

(2) Provide effective public notice, as defined in rules  
adopted by the department of job and family services, to potential  
applicants about the availability of funds from the children's  
trust fund, including an estimate of the amount of money available  
for grants within each county or district, the date of at least  
one public hearing, information on obtaining a copy of the grant  
application form, and the deadline for submitting grant  
applications;

(3) Review all applications received using criteria specified  
in the state plan adopted by the board under section 3109.17 of  
the Revised Code;

(4) Consistent with the plan developed pursuant to division  
(F)(1) of this section, make grants to child abuse and child  
neglect prevention programs. In making grants to child abuse and  
child neglect prevention programs, the advisory board may consider  
factors such as need, geographic location, diversity, coordination  
with or improvement of existing services, maintenance of local  
funding efforts, and extensive use of volunteers.

(5) Establish reporting requirements for grant recipients. 1701

(G) A member of a child abuse and child neglect prevention 1702  
advisory board shall not participate in the development of a 1703  
comprehensive allocation plan under division (F)(1) of this 1704  
section if it is reasonable to expect that the member's judgment 1705  
could be affected by the member's own financial, business, 1706  
property, or personal interest or other conflict of interest. For 1707  
purposes of this division, "conflict of interest" means the taking 1708  
of any action that violates any applicable provision of Chapter 1709  
102. or 2921. of the Revised Code. Questions relating to the 1710  
existence of a conflict of interest pertaining to Chapter 2921. of 1711  
the Revised Code shall be submitted by the advisory board to the 1712  
local prosecuting attorney for resolution. Questions relating to 1713  
the existence of a conflict of interest pertaining to Chapter 102. 1714  
of the Revised Code shall be submitted by the advisory board to 1715  
the Ohio ethics commission for resolution. 1716

(H) Each advisory board shall assist the children's trust 1717  
fund board in monitoring programs that receive money from the 1718  
children's trust fund and shall perform such other duties for the 1719  
local administration of the children's trust fund as the 1720  
children's trust fund board requires. 1721

(I) A recipient of a grant from the children's trust fund 1722  
shall use the grant funds only to fund primary and secondary child 1723  
abuse and child neglect prevention programs. Any grant funds that 1724  
are not spent by the recipient of the funds within the time 1725  
specified by the terms of the grant shall be returned to the 1726  
county treasurer. Any grant funds returned that are not 1727  
redistributed by the advisory board within the state fiscal year 1728  
in which they are received shall be returned to the treasurer of 1729  
state. The treasurer of state shall deposit such unspent moneys 1730  
into the children's trust fund to be spent for purposes consistent 1731  
with the state plan adopted under section 3109.17 of the Revised 1732

Code.	1733
(J) Applications for grants from the children's trust fund shall be made to the advisory board on forms prescribed by the children's trust fund board.	1734 1735 1736
(K)(1) Each recipient of a children's trust fund grant from an advisory board shall file with the advisory board a copy of an annual report that includes the information required by the children's trust fund board.	1737 1738 1739 1740
(2) Each advisory board shall file with the children's trust fund board a copy of an annual report regarding the county or district comprehensive allocation plan that contains the information required by the children's trust fund board.	1741 1742 1743 1744
<b>Sec. 3301.52.</b> As used in sections 3301.52 to 3301.59 of the Revised Code:	1745 1746
(A) "Preschool program" means either of the following:	1747
(1) A child <del>day-care</del> <u>care</u> program for preschool children that is operated by a school district board of education or an eligible nonpublic school.	1748 1749 1750
(2) A child <del>day-care</del> <u>care</u> program for preschool children age three or older that is operated by a county MR/DD board.	1751 1752
(B) "Preschool child" or "child" means a child who has not entered kindergarten and is not of compulsory school age.	1753 1754
(C) "Parent, guardian, or custodian" means the person or government agency that is or will be responsible for a child's school attendance under section 3321.01 of the Revised Code.	1755 1756 1757
(D) "Superintendent" means the superintendent of a school district or the chief administrative officer of an eligible nonpublic school.	1758 1759 1760
(E) "Director" means the director, head teacher, elementary	1761

principal, or site administrator who is the individual on site and 1762  
responsible for supervision of a preschool program. 1763

(F) "Preschool staff member" means a preschool employee whose 1764  
primary responsibility is care, teaching, or supervision of 1765  
preschool children. 1766

(G) "Nonteaching employee" means a preschool program or 1767  
school child program employee whose primary responsibilities are 1768  
duties other than care, teaching, and supervision of preschool 1769  
children or school children. 1770

(H) "Eligible nonpublic school" means a nonpublic school 1771  
chartered as described in division (B)(8) of section 5104.02 of 1772  
the Revised Code or chartered by the state board of education for 1773  
any combination of grades one through twelve, regardless of 1774  
whether it also offers kindergarten. 1775

(I) "County MR/DD board" means a county board of mental 1776  
retardation and developmental disabilities. 1777

(J) "School child program" means a child ~~day-care~~ care 1778  
program for only school children that is operated by a school 1779  
district board of education, county MR/DD board, or eligible 1780  
nonpublic school. 1781

(K) "School child" and "child ~~day-care~~ care" have the same 1782  
meanings as in section 5104.01 of the Revised Code. 1783

(L) "School child program staff member" means an employee 1784  
whose primary responsibility is the care, teaching, or supervision 1785  
of children in a school child program. 1786

**Sec. 3301.521.** Sections 3301.53 to 3301.59 of the Revised 1787  
Code do not apply to child ~~day-care~~ care provided exclusively for 1788  
participants of an adult education program that receives funds 1789  
under the department of education's state plan for implementing 1790  
the "Adult Education Act of 1966," 80 Stat. 1216, 20 U.S.C. 1201, 1791

as amended, or an adult education program operated under section 1792  
3313.52, 3313.531, 3313.641, or 3313.644 of the Revised Code, if 1793  
the child ~~day-care~~ care is provided on a part-time basis, is 1794  
provided on the same premises as and during the hours of operation 1795  
of the adult education program, and at least one parent, 1796  
custodian, or guardian of each child is on the premises and 1797  
readily accessible at all times. 1798

**Sec. 3301.53.** (A) Not later than July 1, 1988, the state 1799  
board of education, in consultation with the director of job and 1800  
family services, shall formulate and prescribe by rule adopted 1801  
under Chapter 119. of the Revised Code minimum standards to be 1802  
applied to preschool programs operated by school district boards 1803  
of education, county MR/DD boards, or eligible nonpublic schools. 1804  
The rules shall include the following: 1805

(1) Standards ensuring that the preschool program is located 1806  
in a safe and convenient facility that accommodates the enrollment 1807  
of the program, is of the quality to support the growth and 1808  
development of the children according to the program objectives, 1809  
and meets the requirements of section 3301.55 of the Revised Code; 1810

(2) Standards ensuring that supervision, discipline, and 1811  
programs will be administered according to established objectives 1812  
and procedures; 1813

(3) Standards ensuring that preschool staff members and 1814  
nonteaching employees are recruited, employed, assigned, 1815  
evaluated, and provided inservice education without discrimination 1816  
on the basis of age, color, national origin, race, or sex; and 1817  
that preschool staff members and nonteaching employees are 1818  
assigned responsibilities in accordance with written position 1819  
descriptions commensurate with their training and experience; 1820

(4) A requirement that boards of education intending to 1821  
establish a preschool program on or after March 17, 1989, 1822

demonstrate a need for a preschool program that is not being met 1823  
by any existing program providing child ~~day-care~~ care, prior to 1824  
establishing the program; 1825

(5) Requirements that children participating in preschool 1826  
programs have been immunized to the extent considered appropriate 1827  
by the state board to prevent the spread of communicable disease; 1828

(6) Requirements that the parents of preschool children 1829  
complete the emergency medical authorization form specified in 1830  
section 3313.712 of the Revised Code. 1831

(B) The state board of education in consultation with the 1832  
director of job and family services shall ensure that the rules 1833  
adopted by the state board under sections 3301.52 to 3301.58 of 1834  
the Revised Code are consistent with and meet or exceed the 1835  
requirements of Chapter 5104. of the Revised Code with regard to 1836  
child day-care centers. The state board and the director of job 1837  
and family services shall review all such rules at least once 1838  
every five years. 1839

(C) On or before January 1, 1992, the state board of 1840  
education, in consultation with the director of job and family 1841  
services, shall adopt rules for school child programs that are 1842  
consistent with and meet or exceed the requirements of the rules 1843  
adopted for school child day-care centers under Chapter 5104. of 1844  
the Revised Code. 1845

**Sec. 3301.56.** (A) The director of each preschool program 1846  
shall be responsible for the following: 1847

(1) Ensuring that the health and safety of the children are 1848  
safeguarded by an organized program of school health services 1849  
designed to identify child health problems and to coordinate 1850  
school and community health resources for children, as evidenced 1851  
by but not limited to: 1852



(a) Requiring immunization and compliance with emergency 1853  
medical authorization requirements in accordance with rules 1854  
adopted by the state board of education under section 3301.53 of 1855  
the Revised Code; 1856

(b) Providing procedures for emergency situations, including 1857  
fire drills, rapid dismissals, and tornado drills in accordance 1858  
with section 3737.73 of the Revised Code, and keeping records of 1859  
such drills or dismissals; 1860

(c) Posting emergency procedures in preschool rooms and 1861  
making them available to school personnel, children, and parents; 1862

(d) Posting emergency numbers by each telephone; 1863

(e) Supervising grounds, play areas, and other facilities 1864  
when scheduled for use by children; 1865

(f) Providing first-aid facilities and materials. 1866

(2) Maintaining cumulative records for each child; 1867

(3) Supervising each child's admission, placement, and 1868  
withdrawal according to established procedures; 1869

(4) Preparing at least once annually for each group of 1870  
children in the program a roster of names and telephone numbers of 1871  
parents, guardians, and custodians of children in the group and, 1872  
on request, furnishing the roster for each group to the parents, 1873  
guardians, and custodians of children in that group. The director 1874  
may prepare a similar roster of all children in the program and, 1875  
on request, make it available to the parents, guardians, and 1876  
custodians, of children in the program. The director shall not 1877  
include in either roster the name or telephone number of any 1878  
parent, guardian, or custodian who requests that his the parent's, 1879  
guardian's, or custodian's name or number not be included, and 1880  
shall not furnish any roster to any person other than a parent, 1881  
guardian, or custodian of a child in the program. 1882

(5) Ensuring that clerical and custodial services are provided for the program; 1883  
1884

(6) Supervising the instructional program and the daily operation of the program; 1885  
1886

(7) Supervising and evaluating preschool staff members according to a planned sequence of observations and evaluation conferences, and supervising nonteaching employees. 1887  
1888  
1889

(B)(1) In each program the maximum number of children per preschool staff member and the maximum group size by age category of children shall be as follows: 1890  
1891  
1892

	Maximum		
Age Group	Group Size	Staff Member/Child Ratio	
Birth to less than 12 months	12	1:5, or 2:12 if two preschool staff members are in the room	1893 1894 1895 1896 1897 1898 1899
12 months to less than 18 months	12	1:6	1900
18 months to less than 30 months	14	1:7	1901
30 months to less than 3 years	16	1:8	1902
3-year-olds	24	1:12	1903
4- and 5-year-olds not in school	28	1:14	1904

(2) When age groups are combined, the maximum number of children per preschool 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 child ~~day-care~~ care 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)(1) of this section shall apply. 1905  
1906  
1907  
1908  
1909  
1910  
1911  
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1913

(3) In a room where children are napping, if all the children are at least eighteen months of age, the maximum number of children per preschool staff member shall, for a period not to exceed one and one-half hours in any twenty-four hour day, be twice the maximum number of children per preschool staff member established under division (B)(1) of this section if all the following criteria are met:

(a) At least one preschool staff member is present in the room;

(b) Sufficient preschool staff members are present on the preschool program premises to comply with division (B)(1) of this section;

(c) Naptime preparations have been completed and the children are resting or napping.

(C) In each building in which a preschool program is operated there shall be on the premises, and readily available at all times, at least one employee who has completed a course in first aid and in the prevention, recognition, and management of communicable diseases which is approved by the state department of health, and an employee who has completed a course in child abuse recognition and prevention.

(D) Any parent, guardian, or custodian of a child enrolled in a preschool program shall be permitted unlimited access to the school during its hours of operation to contact ~~his~~ the parent's, guardian's, or custodian's child, evaluate the care provided by the program, or evaluate the premises, or for other purposes approved by the director. Upon entering the premises, the parent, guardian, or custodian shall report to the school office.

**Sec. 3301.59.** (A) No school child program may receive any state or federal funds specifically allocated for school child

programs unless the school child program is licensed by the 1944  
department of education pursuant to sections 3301.52 to 3301.59 of 1945  
the Revised Code or by the department of job and family services 1946  
pursuant to Chapter 5104. of the Revised Code. 1947

(B) If an eligible nonpublic school is operating, managing, 1948  
conducting, or maintaining a preschool program or school child 1949  
program on July 22, 1991, and if the eligible nonpublic school 1950  
previously obtained a license for the program from the department 1951  
of job and family services pursuant to Chapter 5104. of the 1952  
Revised Code, the eligible nonpublic school shall do one of the 1953  
following: 1954

(1) On or before the expiration date of the license, apply 1955  
pursuant to Chapter 5104. of the Revised Code to the department of 1956  
job and family services for a renewal of the license; 1957

(2) On or before the expiration date of the license, apply 1958  
pursuant to sections 3301.52 to 3301.59 of the Revised Code to the 1959  
department of education for a license for the program; 1960

(3) If the program is a preschool program, cease to operate, 1961  
manage, conduct, or maintain the program; 1962

(4) If the program is a school child program, not accept any 1963  
state or federal funds specifically allocated for school child 1964  
programs and not accept any state or federal funds for publicly 1965  
funded child ~~day-care~~ care pursuant to Chapter 5104. of the 1966  
Revised Code. 1967

(C) If an eligible nonpublic school is operating, managing, 1968  
conducting, or maintaining a preschool program or school child 1969  
program on July 22, 1991, and if the eligible nonpublic school 1970  
previously has not obtained a license for the program from the 1971  
department of job and family services pursuant to Chapter 5104. of 1972  
the Revised Code, the eligible nonpublic school shall do one of 1973  
the following: 1974

(1) On July 22, 1991, apply pursuant to Chapter 5104. of the Revised Code to the department of job and family services for a license for the program;

(2) On July 22, 1991, apply pursuant to sections 3301.52 to 3301.59 of the Revised Code to the department of education for a license for the program;

(3) If the program is a preschool program, cease to operate, manage, conduct, or maintain the program;

(4) If the program is a school child program, not accept any state or federal funds specifically allocated for school child programs and not accept any state or federal funds for publicly funded child ~~day-care~~ care pursuant to Chapter 5104. of the Revised Code.

(D)(1) If an eligible nonpublic school that operates, manages, conducts, or maintains a preschool program or a school child program elects pursuant to division (B)(1) of this section to renew a license for the program that was issued by the department of job and family services or elects pursuant to division (C)(1) of this section to apply to the department of job and family services for a license for the program, that preschool program or school child program is subject to Chapter 5104. of the Revised Code and to licensure under that chapter until the eligible nonpublic school ceases to operate, manage, conduct, or maintain the program.

(2) If an eligible nonpublic school that operates, manages, conducts, or maintains a preschool program or a school child program elects pursuant to division (B)(2) or (C)(2) of this section to apply to the department of education for a license for the program, that preschool program or school child program is subject to sections 3301.52 to 3301.59 of the Revised Code and to licensure under those sections until the eligible nonpublic school

ceases to operate, manage, conduct, or maintain the program. 2006

(E) Not later than July 22, 1992, the departments of job and 2007  
family services and education shall each prepare a list of the 2008  
preschool programs and school child programs that are licensed by 2009  
the respective departments. 2010

**Sec. 3313.646.** (A) The board of education of a school 2011  
district, except a cooperative education district established 2012  
pursuant to section 3311.521 of the Revised Code, may establish 2013  
and operate a preschool program except that no such program shall 2014  
be established after March 17, 1989, unless both of the following 2015  
apply at the time the program is established: 2016

(1) The board has demonstrated a need for the program. 2017

(2) Unless it is a cooperative education district established 2018  
pursuant to divisions (A) to (C) of section 3311.52 of the Revised 2019  
Code, the school district is eligible for moneys distributed by 2020  
the department of education pursuant to section 3317.029 of the 2021  
Revised Code. A board may use school funds in support of preschool 2022  
programs. The board shall maintain, operate, and admit children to 2023  
any such program pursuant to rules adopted by such board and the 2024  
rules of the state board of education adopted under sections 2025  
3301.52 to 3301.57 of the Revised Code. 2026

A board of education may establish fees or tuition, which may 2027  
be graduated in proportion to family income, for participation in 2028  
a preschool program. In cases where payment of fees or tuition 2029  
would create a hardship for the child's parent or guardian, the 2030  
board may waive any such fees or tuition. 2031

(B) No board of education that is not receiving funds under 2032  
the "Head Start Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, on 2033  
March 17, 1989, shall compete for funds under the "Head Start Act" 2034  
with any grantee receiving funds under that act. 2035

(C) A board of education may contract with any of the 2036  
following preschool providers to provide preschool programs, other 2037  
than programs for units described by divisions (B) and (C) of 2038  
section 3317.05 of the Revised Code, for children of the school 2039  
district: 2040

(1) Any organization receiving funds under the "Head Start 2041  
Act"; 2042

(2) Any nonsectarian eligible nonpublic school as defined in 2043  
division (H) of section 3301.52 of the Revised Code; 2044

(3) Any child ~~day-care~~ care provider licensed under Chapter 2045  
5104. of the Revised Code. 2046

Boards may contract to provide preschool programs only with 2047  
such organizations whose staff meet the requirements of rules 2048  
adopted under section 3301.53 of the Revised Code or those of the 2049  
child development associate credential established by the national 2050  
association for the education of young children. 2051

(D) A contract entered into under division (C) of this 2052  
section may provide for the board of education to lease school 2053  
facilities to the preschool provider or to furnish transportation, 2054  
utilities, or staff for the preschool program. 2055

(E) The treasurer of any board of education operating a 2056  
preschool program pursuant to this section shall keep an account 2057  
of all funds used to operate the program in the same manner as he 2058  
would any other funds of the district pursuant to this chapter. 2059

**Sec. 3318.01.** As used in sections 3318.01 to 3318.20 of the 2060  
Revised Code: 2061

(A) "Ohio school facilities commission" means the commission 2062  
created pursuant to section 3318.30 of the Revised Code. 2063

(B) "Classroom facilities" means rooms in which pupils 2064

regularly assemble in public school buildings to receive 2065  
instruction and education and such facilities and building 2066  
improvements for the operation and use of such rooms as may be 2067  
needed in order to provide a complete educational program, and may 2068  
include space within which a child ~~day-care~~ care facility or a 2069  
community resource center is housed. "Classroom facilities" 2070  
includes any space necessary for the operation of a vocational 2071  
education program for secondary students in any school district 2072  
that operates such a program. 2073

(C) "Project" means a project to construct or acquire 2074  
classroom facilities, or to reconstruct or make additions to 2075  
existing classroom facilities, to be used for housing the 2076  
applicable school district and its functions. 2077

(D) "School district" means a local, exempted village, or 2078  
city school district as such districts are defined in Chapter 2079  
3311. of the Revised Code, acting as an agency of state 2080  
government, performing essential governmental functions of state 2081  
government pursuant to sections 3318.01 and 3318.20 of the Revised 2082  
Code. 2083

For purposes of assistance provided under sections 3318.40 to 2084  
3318.45 of the Revised Code, the term "school district" as used in 2085  
this section and in divisions (A), (C), and (D) of section 3318.03 2086  
and in sections 3318.031, 3318.042, 3318.07, 3318.08, 3318.083, 2087  
3318.084, 3318.085, 3318.086, 3318.10, 3318.11, 3318.12, 3318.13, 2088  
3318.14, 3318.15, 3318.16, 3318.19, and 3318.20 of the Revised 2089  
Code means a joint vocational school district established pursuant 2090  
to section 3311.18 of the Revised Code. 2091

(E) "School district board" means the board of education of a 2092  
school district. 2093

(F) "Net bonded indebtedness" means the difference between 2094  
the sum of the par value of all outstanding and unpaid bonds and 2095



notes which a school district board is obligated to pay, any 2096  
amounts the school district is obligated to pay under 2097  
lease-purchase agreements entered into under section 3313.375 of 2098  
the Revised Code, and the par value of bonds authorized by the 2099  
electors but not yet issued, the proceeds of which can lawfully be 2100  
used for the project, and the amount held in the sinking fund and 2101  
other indebtedness retirement funds for their redemption. Notes 2102  
issued for school buses in accordance with section 3327.08 of the 2103  
Revised Code, notes issued in anticipation of the collection of 2104  
current revenues, and bonds issued to pay final judgments shall 2105  
not be considered in calculating the net bonded indebtedness. 2106

"Net bonded indebtedness" does not include indebtedness 2107  
arising from the acquisition of land to provide a site for 2108  
classroom facilities constructed, acquired, or added to pursuant 2109  
to sections 3318.01 to 3318.20 of the Revised Code. 2110

(G) "Board of elections" means the board of elections of the 2111  
county containing the most populous portion of the school 2112  
district. 2113

(H) "County auditor" means the auditor of the county in which 2114  
the greatest value of taxable property of such school district is 2115  
located. 2116

(I) "Tax duplicates" means the general tax lists and 2117  
duplicates prescribed by sections 319.28 and 319.29 of the Revised 2118  
Code. 2119

(J) "Required level of indebtedness" means: 2120

(1) In the case of districts in the first percentile, five 2121  
per cent of the district's valuation for the year preceding the 2122  
year in which the controlling board approved the project under 2123  
section 3318.04 of the Revised Code. 2124

(2) In the case of districts ranked in a subsequent 2125

percentile, five per cent of the district's valuation for the year 2126  
preceding the year in which the controlling board approved the 2127  
project under section 3318.04 of the Revised Code, plus [two 2128  
one-hundredths of one per cent multiplied by (the percentile in 2129  
which the district ranks for the fiscal year preceding the fiscal 2130  
year in which the controlling board approved the district's 2131  
project minus one)]. 2132

(K) "Required percentage of the basic project costs" means 2133  
one per cent of the basic project costs times the percentile in 2134  
which the district ranks for the fiscal year preceding the fiscal 2135  
year in which the controlling board approved the district's 2136  
project. 2137

(L) "Basic project cost" means a cost amount determined in 2138  
accordance with rules adopted under section 111.15 of the Revised 2139  
Code by the Ohio school facilities commission. The basic project 2140  
cost calculation shall take into consideration the square footage 2141  
and cost per square foot necessary for the grade levels to be 2142  
housed in the classroom facilities, the variation across the state 2143  
in construction and related costs, the cost of the installation of 2144  
site utilities and site preparation, the cost of demolition of all 2145  
or part of any existing classroom facilities that are abandoned 2146  
under the project, the cost of insuring the project until it is 2147  
completed, any contingency reserve amount prescribed by the 2148  
commission under section 3318.086 of the Revised Code, and the 2149  
professional planning, administration, and design fees that a 2150  
district may have to pay to undertake a classroom facilities 2151  
project. 2152

For a joint vocational school district that receives 2153  
assistance under sections 3318.40 to 3318.45 of the Revised Code, 2154  
the basic project cost calculation for a project under those 2155  
sections shall also take into account the types of laboratory 2156  
spaces and program square footages needed for the vocational 2157

education programs for high school students offered by the school 2158  
district. 2159

(M)(1) Except for a joint vocational school district that 2160  
receives assistance under sections 3318.40 to 3318.45 of the 2161  
Revised Code, a "school district's portion of the basic project 2162  
cost" means the amount determined under section 3318.032 of the 2163  
Revised Code. 2164

(2) For a joint vocational school district that receives 2165  
assistance under sections 3318.40 to 3318.45 of the Revised Code, 2166  
a "school district's portion of the basic project cost" means the 2167  
amount determined under division (C) of section 3318.42 of the 2168  
Revised Code. 2169

(N) "Child ~~day-care~~ care facility" means space within a 2170  
classroom facility in which the needs of infants, toddlers, 2171  
preschool children, and school children are provided for by 2172  
persons other than the parent or guardian of such children for any 2173  
part of the day, including persons not employed by the school 2174  
district operating such classroom facility. 2175

(O) "Community resource center" means space within a 2176  
classroom facility in which comprehensive services that support 2177  
the needs of families and children are provided by community-based 2178  
social service providers. 2179

(P) "Valuation" means the total value of all property in the 2180  
district as listed and assessed for taxation on the tax 2181  
duplicates. 2182

(Q) "Percentile" means the percentile in which the district 2183  
is ranked pursuant to division (D) of section 3318.011 of the 2184  
Revised Code. 2185

(R) "Installation of site utilities" means the installation 2186  
of a site domestic water system, site fire protection system, site 2187

gas distribution system, site sanitary system, site storm drainage system, and site telephone and data system. 2188  
2189

(S) "Site preparation" means the earthwork necessary for preparation of the building foundation system, the paved pedestrian and vehicular circulation system, playgrounds on the project site, and lawn and planting on the project site. 2190  
2191  
2192  
2193

**Sec. 3701.21.** (A) As used in this section: 2194

(1) "Amblyopia" means reduced vision in an eye that has not received adequate use during early childhood. 2195  
2196

(2) "501(c) organization" means an organization exempt from federal income taxation pursuant to 26 U.S.C.A. 501(a) and (c). 2197  
2198

(B) There is hereby created in the state treasury the save our sight fund. The fund shall consist of voluntary contributions deposited as provided in section 4503.104 of the Revised Code. All investment earnings from the fund shall be credited to the fund. 2199  
2200  
2201  
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(C) The director of health shall use the money in the save our sight fund as follows: 2203  
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(1) To provide support to 501(c) organizations that offer vision services in all counties of the state and have demonstrated experience in the delivery of vision services to do one or more of the following: 2205  
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2207  
2208

(a) Implement a voluntary children's vision screening training and certification program for volunteers, child ~~day-care~~ care providers, nurses, teachers, health care professionals practicing in primary care settings, and others serving children; 2209  
2210  
2211  
2212

(b) Provide materials for the program implemented under division (C)(1)(a) of this section; 2213  
2214

(c) Develop and implement a registry and targeted voluntary case management system to determine whether children with 2215  
2216

amblyopia are receiving professional eye care and to provide their	2217
parents with information and support regarding their child's	2218
vision care;	2219
(d) Establish a matching grant program for the purchase and	2220
distribution of protective eyewear to children;	2221
(e) Provide vision health and safety programs and materials	2222
for classrooms.	2223
(2) For the purpose of section 4503.104 of the Revised Code,	2224
to develop and distribute informational materials on the	2225
importance of eye care and safety to the registrar of motor	2226
vehicles and each deputy registrar;	2227
(3) To pay costs incurred by the director in administering	2228
the fund;	2229
(4) To reimburse the bureau of motor vehicles for the	2230
administrative costs incurred in performing its duties under	2231
section 4503.104 of the Revised Code.	2232
(D) A 501(c) organization seeking funding from the save our	2233
sight fund for any of the projects specified in division (C) of	2234
this section shall submit a request for the funding to the	2235
director in accordance with rules adopted under division (E) of	2236
this section. The director shall determine the appropriateness of	2237
and approve or disapprove projects for funding and approve or	2238
disapprove the disbursement of money from the save our sight fund.	2239
(E) The public health council shall adopt rules in accordance	2240
with Chapter 119. of the Revised Code to implement this section.	2241
The rules shall include the parameters of the projects specified	2242
in division (C)(1) of this section that may be funded with money	2243
in the save our sight fund and procedures for 501(c) organizations	2244
to request funding from the fund.	2245
<b>Sec. 3737.22.</b> (A) The fire marshal shall do all of the	2246

following:	2247
(1) Adopt the state fire code under sections 3737.82 to 3737.86 of the Revised Code;	2248 2249
(2) Enforce the state fire code;	2250
(3) Appoint assistant fire marshals who are authorized to enforce the state fire code;	2251 2252
(4) Conduct investigations into the cause, origin, and circumstances of fires and explosions, and assist in the prosecution of persons believed to be guilty of arson or a similar crime;	2253 2254 2255 2256
(5) Compile statistics concerning loss due to fire and explosion as the fire marshal considers necessary, and consider the compatibility of the fire marshal's system of compilation with the systems of other state and federal agencies and fire marshals of other states;	2257 2258 2259 2260 2261
(6) Engage in research on the cause and prevention of losses due to fire and explosion;	2262 2263
(7) Engage in public education and informational activities which will inform the public of fire safety information;	2264 2265
(8) Operate a fire training academy and forensic laboratory;	2266
(9) Conduct other fire safety and fire fighting training activities for the public and groups as will further the cause of fire safety;	2267 2268 2269
(10) Conduct licensing examinations, and issue permits, licenses, and certificates, as authorized by the Revised Code;	2270 2271
(11) Conduct tests of fire protection systems and devices, and fire fighting equipment to determine compliance with the state fire code, unless a building is insured against the hazard of fire, in which case such tests may be performed by the company insuring the building;	2272 2273 2274 2275 2276

(12) Establish and collect fees for conducting licensing examinations and for issuing permits, licenses, and certificates;	2277 2278
(13) Make available for the prosecuting attorney and an assistant prosecuting attorney from each county of this state, in accordance with section 3737.331 of the Revised Code, a seminar program, attendance at which is optional, that is designed to provide current information, data, training, and techniques relative to the prosecution of arson cases;	2279 2280 2281 2282 2283 2284
(14) Administer and enforce Chapter 3743. of the Revised Code;	2285 2286
(15) Develop a uniform standard for the reporting of information required to be filed under division (E)(4) of section 2921.22 of the Revised Code, and accept the reports of the information when they are filed.	2287 2288 2289 2290
(B) The fire marshal shall appoint a chief deputy fire marshal, and shall employ professional and clerical assistants as the fire marshal considers necessary. The chief deputy shall be a competent former or current member of a fire agency and possess five years of recent, progressively more responsible experience in fire inspection, fire code enforcement, and fire code management. The chief deputy, with the approval of the director of commerce, shall temporarily assume the duties of the fire marshal when the fire marshal is absent or temporarily unable to carry out the duties of the office. When there is a vacancy in the office of fire marshal, the chief deputy, with the approval of the director of commerce, shall temporarily assume the duties of the fire marshal until a new fire marshal is appointed under section 3737.21 of the Revised Code.	2291 2292 2293 2294 2295 2296 2297 2298 2299 2300 2301 2302 2303 2304
All employees, other than the fire marshal; the chief deputy fire marshal; the superintendent of the Ohio fire academy; the grants administrator; the fiscal officer; the executive secretary	2305 2306 2307

to the fire marshal; legal counsel; the pyrotechnics 2308  
administrator, the chief of the forensic laboratory; the person 2309  
appointed by the fire marshal to serve as administrator over 2310  
functions concerning testing, license examinations, and the 2311  
issuance of permits and certificates; and the chiefs of the 2312  
bureaus of fire prevention, of fire and explosion investigation, 2313  
of code enforcement, and of underground storage tanks shall be in 2314  
the classified civil service. The fire marshal shall authorize the 2315  
chief deputy and other employees under the fire marshal's 2316  
supervision to exercise powers granted to the fire marshal by law 2317  
as may be necessary to carry out the duties of the fire marshal's 2318  
office. 2319

(C) The fire marshal shall create, in and as a part of the 2320  
office of fire marshal, a fire and explosion investigation bureau 2321  
consisting of a chief of the bureau and additional assistant fire 2322  
marshals as the fire marshal determines necessary for the 2323  
efficient administration of the bureau. The chief shall be 2324  
experienced in the investigation of the cause, origin, and 2325  
circumstances of fires, and in administration, including the 2326  
supervision of subordinates. The chief, among other duties 2327  
delegated to the chief by the fire marshal, shall be responsible, 2328  
under the direction of the fire marshal, for the investigation of 2329  
the cause, origin, and circumstances of fires and explosions in 2330  
the state, and for assistance in the prosecution of persons 2331  
believed to be guilty of arson or a similar crime. 2332

(D)(1) The fire marshal shall create, as part of the office 2333  
of fire marshal, a bureau of code enforcement consisting of a 2334  
chief of the bureau and additional assistant fire marshals as the 2335  
fire marshal determines necessary for the efficient administration 2336  
of the bureau. The chief shall be qualified, by education or 2337  
experience, in fire inspection, fire code development, fire code 2338  
enforcement, or any other similar field determined by the fire 2339



marshal, and in administration, including the supervision of 2340  
subordinates. The chief is responsible, under the direction of the 2341  
fire marshal, for fire inspection, fire code development, fire 2342  
code enforcement, and any other duties delegated to the chief by 2343  
the fire marshal. 2344

(2) The fire marshal, the chief deputy fire marshal, the 2345  
chief of the bureau of code enforcement, or any assistant fire 2346  
marshal under the direction of the fire marshal, the chief deputy 2347  
fire marshal, or the chief of the bureau of code enforcement may 2348  
cause to be conducted the inspection of all buildings, structures, 2349  
and other places, the condition of which may be dangerous from a 2350  
fire safety standpoint to life or property, or to property 2351  
adjacent to the buildings, structures, or other places. 2352

(E) The fire marshal shall create, as a part of the office of 2353  
fire marshal, a bureau of fire prevention consisting of a chief of 2354  
the bureau and additional assistant fire marshals as the fire 2355  
marshal determines necessary for the efficient administration of 2356  
the bureau. The chief shall be qualified, by education or 2357  
experience, to promote programs for rural and urban fire 2358  
prevention and protection. The chief, among other duties delegated 2359  
to the chief by the fire marshal, is responsible, under the 2360  
direction of the fire marshal, for the promotion of rural and 2361  
urban fire prevention and protection through public information 2362  
and education programs. 2363

(F) The fire marshal shall cooperate with the director of job 2364  
and family services when the director adopts rules under section 2365  
5104.052 of the Revised Code regarding fire prevention and fire 2366  
safety in certified type B family day-care homes, as defined in 2367  
section 5104.01 of the Revised Code, recommend procedures for 2368  
inspecting type B homes to determine whether they are in 2369  
compliance with those rules, and provide training and technical 2370  
assistance to the director and county directors of job and family 2371

services on the procedures for determining compliance with those 2372  
rules. 2373

(G) The fire marshal, upon request of a provider of child 2374  
~~day-care~~ care in a type B home that is not certified by the county 2375  
director of job and family services, as a precondition of approval 2376  
by the state board of education under section 3313.813 of the 2377  
Revised Code for receipt of United States department of 2378  
agriculture child and adult care food program funds established 2379  
under the "National School Lunch Act," 60 Stat. 230 (1946), 42 2380  
U.S.C. 1751, as amended, shall inspect the type B home to 2381  
determine compliance with rules adopted under section 5104.052 of 2382  
the Revised Code regarding fire prevention and fire safety in 2383  
certified type B homes. In municipal corporations and in townships 2384  
where there is a certified fire safety inspector, the inspections 2385  
shall be made by that inspector under the supervision of the fire 2386  
marshal, according to rules adopted under section 5104.052 of the 2387  
Revised Code. In townships outside municipal corporations where 2388  
there is no certified fire safety inspector, inspections shall be 2389  
made by the fire marshal. 2390

**Sec. 3742.01.** As used in this chapter: 2391

(A) "Board of health" means the board of health of a city or 2392  
general health district or the authority having the duties of a 2393  
board of health under section 3709.05 of the Revised Code. 2394

(B) "Child ~~day-care~~ care facility" means each area of any of 2395  
the following in which child ~~day-care~~ care, as defined in section 2396  
5104.01 of the Revised Code, is provided to children under six 2397  
years of age: 2398

(1) A child day-care center, type A family day-care home, or 2399  
type B family day-care home as defined in section 5104.01 of the 2400  
Revised Code; 2401

(2) A type C family day-care home authorized to provide child 2402  
~~day-care~~ care by Sub. H.B. 62 of the 121st general assembly, as 2403  
amended by Am. Sub. S.B. 160 of the 121st general assembly and 2404  
Sub. H.B. 407 of the 123rd general assembly; 2405

(3) A preschool program or school child program as defined in 2406  
section 3301.52 of the Revised Code. 2407

(C) "Clearance examination" means an examination to determine 2408  
whether the lead hazards in a residential unit, child ~~day-care~~ 2409  
care facility, or school have been sufficiently controlled. A 2410  
clearance examination includes a visual assessment, collection, 2411  
and analysis of environmental samples. 2412

(D) "Clearance technician" means a person, other than a 2413  
licensed lead inspector or licensed lead risk assessor, who 2414  
performs a clearance examination. 2415

(E) "Clinical laboratory" means a facility for the 2416  
biological, microbiological, serological, chemical, 2417  
immunohematological, hematological, biophysical, cytological, 2418  
pathological, or other examination of substances derived from the 2419  
human body for the purpose of providing information for the 2420  
diagnosis, prevention, or treatment of any disease, or in the 2421  
assessment or impairment of the health of human beings. "Clinical 2422  
laboratory" does not include a facility that only collects or 2423  
prepares specimens, or serves as a mailing service, and does not 2424  
perform testing. 2425

(F) "Encapsulation" means the coating and sealing of surfaces 2426  
with durable surface coating specifically formulated to be 2427  
elastic, able to withstand sharp and blunt impacts, long-lasting, 2428  
and resilient, while also resistant to cracking, peeling, algae, 2429  
fungus, and ultraviolet light, so as to prevent any part of 2430  
lead-containing paint from becoming part of house dust or 2431  
otherwise accessible to children. 2432

(G) "Enclosure" means the resurfacing or covering of surfaces with durable materials such as wallboard or paneling, and the sealing or caulking of edges and joints, so as to prevent or control chalking, flaking, peeling, scaling, or loose lead-containing substances from becoming part of house dust or otherwise accessible to children.

(H) "Environmental lead analytical laboratory" means a facility that analyzes air, dust, soil, water, paint, film, or other substances, other than substances derived from the human body, for the presence and concentration of lead.

(I) "HEPA" means the designation given to a product, device, or system that has been equipped with a high-efficiency particulate air filter, which is a filter capable of removing particles of 0.3 microns or larger from air at 99.97 per cent or greater efficiency.

(J) "Interim controls" means a set of measures designed to reduce temporarily human exposure or likely human exposure to lead hazards. Interim controls include specialized cleaning, repairs, painting, temporary containment, ongoing lead hazard maintenance activities, and the establishment and operation of management and resident education programs.

(K)(1) "Lead abatement" means a measure or set of measures designed for the single purpose of permanently eliminating lead hazards. "Lead abatement" includes all of the following:

- (a) Removal of lead-based paint and lead-contaminated dust;
- (b) Permanent enclosure or encapsulation of lead-based paint;
- (c) Replacement of surfaces or fixtures painted with lead-based paint;
- (d) Removal or permanent covering of lead-contaminated soil;
- (e) Preparation, cleanup, and disposal activities associated

with lead abatement.	2463
(2) "Lead abatement" does not include any of the following:	2464
(a) Preventive treatments performed pursuant to section 3742.41 of the Revised Code;	2465 2466
(b) Implementation of interim controls;	2467
(c) Activities performed by a property owner on a residential unit to which both of the following apply:	2468 2469
(i) It is a freestanding single-family home used as the property owner's private residence.	2470 2471
(ii) No child under six years of age who has lead poisoning resides in the unit.	2472 2473
(L) "Lead abatement contractor" means any individual who engages in or intends to engage in lead abatement and employs or supervises one or more lead abatement workers, including on-site supervision of lead abatement projects, or prepares specifications, plans, or documents for a lead abatement project.	2474 2475 2476 2477 2478
(M) "Lead abatement project" means one or more lead abatement activities that are conducted by a lead abatement contractor and are reasonably related to each other.	2479 2480 2481
(N) "Lead abatement project designer" means a person who is responsible for designing lead abatement projects and preparing a pre-abatement plan for all designed projects.	2482 2483 2484
(O) "Lead abatement worker" means an individual who is responsible in a nonsupervisory capacity for the performance of lead abatement.	2485 2486 2487
(P) "Lead-based paint" means any paint or other similar surface-coating substance containing lead at or in excess of the level that is hazardous to human health as established by rule of the public health council under section 3742.50 of the Revised	2488 2489 2490 2491

Code.	2492
(Q) "Lead-contaminated dust" means dust that contains an area	2493
or mass concentration of lead at or in excess of the level that is	2494
hazardous to human health as established by rule of the public	2495
health council under section 3742.50 of the Revised Code.	2496
(R) "Lead-contaminated soil" means soil that contains lead at	2497
or in excess of the level that is hazardous to human health as	2498
established by rule of the public health council under section	2499
3742.50 of the Revised Code.	2500
(S) "Lead hazard" means material that is likely to cause lead	2501
exposure and endanger an individual's health as determined by the	2502
public health council in rules adopted under section 3742.50 of	2503
the Revised Code. "Lead hazard" includes lead-based paint,	2504
lead-contaminated dust, lead-contaminated soil, and	2505
lead-contaminated water pipes.	2506
(T) "Lead inspection" means a surface-by-surface	2507
investigation to determine the presence of lead-based paint. The	2508
inspection shall use a sampling or testing technique approved by	2509
the public health council in rules adopted by the council under	2510
section 3742.03 of the Revised Code. A licensed lead inspector or	2511
laboratory approved under section 3742.09 of the Revised Code	2512
shall certify in writing the precise results of the inspection.	2513
(U) "Lead inspector" means any individual who conducts a lead	2514
inspection, provides professional advice regarding a lead	2515
inspection, or prepares a report explaining the results of a lead	2516
inspection.	2517
(V) "Lead poisoning" means the level of lead in human blood	2518
that is hazardous to human health, as specified in rules adopted	2519
under section 3742.50 of the Revised Code.	2520
(W) "Lead risk assessment" means an on-site investigation to	2521

determine and report the existence, nature, severity, and location 2522  
of lead hazards in a residential unit, child ~~day-care~~ care 2523  
facility, or school, including information gathering from the 2524  
unit, facility, or school's current owner's knowledge regarding 2525  
the age and painting history of the unit, facility, or school and 2526  
occupancy by children under six years of age, visual inspection, 2527  
limited wipe sampling or other environmental sampling techniques, 2528  
and any other activity as may be appropriate. 2529

(X) "Lead risk assessor" means a person who is responsible 2530  
for developing a written inspection, risk assessment, and analysis 2531  
plan; conducting inspections for lead hazards in a residential 2532  
unit, child ~~day-care~~ care facility, or school; interpreting 2533  
results of inspections and risk assessments; identifying hazard 2534  
control strategies to reduce or eliminate lead exposures; and 2535  
completing a risk assessment report. 2536

(Y) "Lead-safe renovation" means the supervision or 2537  
performance of services for the general improvement of all or part 2538  
of an existing structure, including a residential unit, child 2539  
~~day-care~~ care facility, or school, when the services are 2540  
supervised or performed by a lead-safe renovator. 2541

(Z) "Lead-safe renovator" means a person who has successfully 2542  
completed a training program in lead-safe renovation approved 2543  
under section 3742.47 of the Revised Code. 2544

(AA) "Manager" means a person, who may be the same person as 2545  
the owner, responsible for the daily operation of a residential 2546  
unit, child ~~day-care~~ care facility, or school. 2547

(BB) "Permanent" means an expected design life of at least 2548  
twenty years. 2549

(CC) "Replacement" means an activity that entails removing 2550  
components such as windows, doors, and trim that have lead hazards 2551  
on their surfaces and installing components free of lead hazards. 2552

(DD) "Residential unit" means a dwelling or any part of a building being used as an individual's private residence. 2553  
2554

(EE) "School" means a public or nonpublic school in which children under six years of age receive education. 2555  
2556

**Sec. 3742.02.** (A) No person shall do any of the following: 2557

(1) Violate any provision of this chapter or the rules adopted pursuant to it; 2558  
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(2) Apply or cause to be applied any lead-based paint on or inside a residential unit, child ~~day-care~~ care facility, or school, unless the public health council has determined by rule under section 3742.50 of the Revised Code that no suitable substitute exists; 2560  
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2562  
2563  
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(3) Interfere with an investigation conducted by the director of health or a board of health in accordance with section 3742.35 of the Revised Code. 2565  
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(B) No person shall knowingly authorize or employ an individual to perform lead abatement on a residential unit, child ~~day-care~~ care facility, or school unless the individual who will perform the lead abatement holds a valid license issued under section 3742.05 of the Revised Code. 2568  
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(C) No person shall do any of the following when a residential unit, child ~~day-care~~ care facility, or school is involved: 2573  
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2575

(1) Perform a lead inspection without a valid lead inspector license issued under section 3742.05 of the Revised Code; 2576  
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(2) Perform a lead risk assessment or provide professional advice regarding lead abatement without a valid lead risk assessor license issued under section 3742.05 of the Revised Code; 2578  
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(3) Act as a lead abatement contractor without a valid lead 2581



abatement contractor's license issued under section 3742.05 of the Revised Code;	2582 2583
(4) Act as a lead abatement project designer without a valid lead abatement project designer license issued under section 3742.05 of the Revised Code;	2584 2585 2586
(5) Perform lead abatement without a valid lead abatement worker license issued under section 3742.05 of the Revised Code;	2587 2588
(6) Effective one year after <del>the effective date of this amendment</del> <u>April 7, 2003</u> , perform a clearance examination without a valid clearance technician license issued under section 3742.05 of the Revised Code, unless the person holds a valid lead inspector license or valid lead risk assessor license issued under that section;	2589 2590 2591 2592 2593 2594
(7) Perform lead training for the licensing purposes of this chapter without a valid approval from the director of health under section 3742.08 of the Revised Code;	2595 2596 2597
(8) Perform interim controls without complying with 24 C.F.R. Part 35.	2598 2599
<b>Sec. 3742.06.</b> All of the following apply to a residential unit, child <del>day-care</del> <u>care</u> facility, or school:	2600 2601
(A) No lead abatement contractor shall provide lead testing services or professional advice regarding lead abatement unless that service or advice is provided by a lead inspector or lead risk assessor who is licensed under section 3742.05 of the Revised Code and is employed by the lead abatement contractor.	2602 2603 2604 2605 2606
(B) No person shall provide advice on the need for lead abatement and then participate in a lead abatement project resulting from that advice unless either of the following applies:	2607 2608 2609
(1) The person is employed as a member of the staff of the	2610

owner or manager of the property on which the lead abatement is to be performed; 2611  
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(2) A written contract for lead abatement is entered into that states both of the following: 2613  
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(a) The person was involved in the lead testing, or in the provision of professional advice, that led to the lead abatement contract; 2615  
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(b) The party contracting for lead abatement services should obtain a second opinion to verify any lead test results and assure that the proposed lead abatement or project design is appropriate. 2618  
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(C) No lead inspector, lead abatement contractor, lead risk assessor, lead abatement project designer, or clearance technician shall use the services of an environmental lead analytical laboratory that has not been approved by the director of health under section 3742.09 of the Revised Code. 2621  
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(D) No lead abatement worker shall perform lead abatement without the on-site supervision of a licensed lead abatement contractor. 2626  
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(E) No person shall have lead-safe renovation performed in lieu of having lead abatement performed on a property at which a lead-poisoned child under six years of age has been identified. 2629  
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**Sec. 3742.07.** (A) Prior to engaging in any lead abatement project on a residential unit, child ~~day-care~~ care facility, or school, the lead abatement contractor primarily responsible for the project shall do all of the following: 2632  
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(1) Prepare a written respiratory protection plan that meets requirements established by rule adopted under section 3742.03 of the Revised Code and make the plan available to the department of health and all lead abatement workers at the project site; 2636  
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(2) Ensure that each lead abatement worker who is or will be 2640  
involved in a lead abatement project has been examined by a 2641  
licensed physician within the preceding calendar year and has been 2642  
declared by the physician to be physically capable of working 2643  
while wearing a respirator; 2644

(3) Ensure that each employee or agent who will come in 2645  
contact with lead hazards or will be responsible for a lead 2646  
abatement project receives a license and appropriate training as 2647  
required by this chapter before engaging in a lead abatement 2648  
project; 2649

(4) At least ten days prior to the commencement of a project, 2650  
notify the department of health, on a form prescribed by the 2651  
director of health, of the date a lead abatement project will 2652  
commence. 2653

(B) During each lead abatement project, the lead abatement 2654  
contractor primarily responsible for the project shall ensure that 2655  
all persons involved in the project follow the worker protection 2656  
standards established under 29 C.F.R. 1926.62 by the United States 2657  
occupational safety and health administration. 2658

**Sec. 3742.071.** All of the following apply in the performance 2659  
of activities by persons licensed under this chapter: 2660

(A) A lead risk assessor shall certify in writing the precise 2661  
results of a lead risk assessment and options for reducing 2662  
identified lead hazards. 2663

(B) A clearance technician may perform a clearance 2664  
examination when the examination is in connection with activities 2665  
other than a lead abatement project. A clearance examination 2666  
performed in connection with a lead abatement project shall be 2667  
performed only by a lead inspector or lead risk assessor. 2668

(C) The director of health may issue an immediate cease work 2669

order to a person licensed under this chapter if the director 2670  
determines that the license holder is violating the terms or 2671  
conditions of the license in a manner that endangers or materially 2672  
impairs the health or well-being of an occupant of a residential 2673  
unit, child ~~day-care~~ care facility, or school or a person employed 2674  
to perform lead abatement. 2675

**Sec. 3742.35.** When the director of health or a board of 2676  
health authorized to enforce sections 3742.35 to 3742.40 of the 2677  
Revised Code becomes aware that an individual under six years of 2678  
age has lead poisoning, the director or board shall conduct an 2679  
investigation to determine the source of the lead poisoning. The 2680  
director or board may conduct such an investigation when the 2681  
director or board becomes aware that an individual six years of 2682  
age or older has lead poisoning. The director or board shall 2683  
conduct the investigation in accordance with rules adopted under 2684  
section 3742.50 of the Revised Code. 2685

In conducting the investigation, the director or board may 2686  
request permission to enter the residential unit, child ~~day-care~~ 2687  
care facility, or school that the director or board reasonably 2688  
suspects to be the source of the lead poisoning. If the property 2689  
is occupied, the director or board shall ask the occupant for 2690  
permission. If the property is not occupied, the director or board 2691  
shall ask the property owner or manager for permission. If the 2692  
occupant, owner, or manager fails or refuses to permit entry, the 2693  
director or board may petition and obtain an order to enter the 2694  
property from a court of competent jurisdiction in the county in 2695  
which the property is located. 2696

As part of the investigation, the director or board may 2697  
review the records and reports, if any, maintained by a lead 2698  
inspector, lead abatement contractor, lead risk assessor, lead 2699  
abatement project designer, lead abatement worker, or clearance 2700

technician.

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**Sec. 3742.36.** When the director of health or an authorized board of health determines pursuant to an investigation conducted under section 3742.35 of the Revised Code that a residential unit, child ~~day-care~~ care facility, or school is a possible source of the child's lead poisoning, the director or board shall conduct a risk assessment of that property in accordance with rules adopted under section 3742.50 of the Revised Code.

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**Sec. 3742.37.** (A) If the results of a risk assessment conducted under section 3742.36 of the Revised Code indicate that one or more lead hazards identified in a residential unit, child ~~day-care~~ care facility, or school are contributing to a child's lead poisoning, the director of health or authorized board of health immediately shall issue an order to have each lead hazard in the property controlled. The areas of the unit, facility, or school that may be subject to the lead hazard control order include the following:

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(1) The interior and exterior surfaces and all common areas of the unit, facility, or school;

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(2) Every attached or unattached structure located within the same lot line as the unit, facility, or school, including garages, play equipment, and fences;

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(3) The lot or land that the unit, facility, or school occupies.

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(B) A lead hazard control order issued under this section shall be in writing and in the form the director shall prescribe. The director or board shall specify in the order each lead hazard to be controlled and the date by which the unit, facility, or school must pass a clearance examination demonstrating that each lead hazard has been sufficiently controlled. The director or

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board may include in the order a requirement that occupants of the  
unit, facility, or school whose health may be threatened vacate  
the unit, facility, or school until the unit, facility, or school  
passes the clearance examination.

The director or board shall have the order delivered to the  
owner and manager of the unit, facility, or school. If the order  
applies to a building in which there is more than one residential  
unit, the director or board shall have a copy of the order  
delivered to the occupants of each unit or require that the owner  
or manager of the building deliver a copy of the order to the  
occupants of each unit. If the order applies to a child ~~day-care~~  
care facility or school, the director or board shall have a copy  
of the order delivered to the parent, guardian, or custodian of  
each child under six years of age who receives child ~~day-care~~ care  
or education at the facility or school or require the owner or  
manager of the facility or school to have a copy of the order so  
delivered.

**Sec. 3742.38.** The owner and manager of a residential unit,  
child ~~day-care~~ care facility, or school that is subject to a lead  
hazard control order issued under section 3742.37 of the Revised  
Code shall cooperate with the director of health or board of  
health that issued the order in controlling each lead hazard  
specified in the order. The owner or manager shall choose a method  
of controlling each lead hazard that enables the residential unit,  
child ~~day-care~~ care facility, or school to pass a clearance  
examination. The method chosen may be the owner or manager's  
personal preference, a proposal made by a person under contract  
with the owner or manager, or a recommendation that the director  
or board may provide. The owner or manager shall inform the  
director or board of the method that the owner or manager chooses  
to control each lead hazard.

**Sec. 3742.39.** A residential unit, child ~~day-care~~ care 2762  
facility, or school remains subject to a lead hazard control order 2763  
issued under section 3742.37 of the Revised Code until the unit, 2764  
facility, or school passes a clearance examination. After the 2765  
unit, facility, or school passes the clearance examination, the 2766  
director of health or board of health that issued the order shall 2767  
provide the owner and manager of the unit, facility, or school 2768  
with information on methods of maintaining control of each lead 2769  
hazard specified in the order. In the case of a residential unit 2770  
in which an individual who is not the owner or manager resides, 2771  
the director or board also shall provide the information to the 2772  
individual residing in the unit. 2773

**Sec. 3742.40.** If the owner and manager of a residential unit, 2774  
child ~~day-care~~ care facility, or school fails or refuses for any 2775  
reason to comply with a lead hazard control order issued under 2776  
section 3742.37 of the Revised Code, the director of health or 2777  
board of health that issued the order shall issue an order 2778  
prohibiting the owner and manager from permitting the unit, 2779  
facility, or school to be used as a residential unit, child 2780  
~~day-care~~ care facility, or school until the unit, facility, or 2781  
school passes a clearance examination. On receipt of the order, 2782  
the owner or manager shall take appropriate measures to notify 2783  
each occupant, in the case of a residential unit, and the parent, 2784  
guardian, or custodian of each child attending the facility or 2785  
school, in the case of a child ~~day-care~~ care facility or school, 2786  
to vacate the unit, facility, or school until the unit, facility, 2787  
or school passes a clearance examination. The director or board 2788  
shall post a sign at the unit, facility, or school that warns the 2789  
public that the unit, facility, or school has a lead hazard. The 2790  
sign shall include a declaration that the unit, facility, or 2791  
school is unsafe for human occupation, especially for children 2792

under six years of age and pregnant women. The director or board 2793  
shall ensure that the sign remains posted at the unit, facility, 2794  
or school and that the unit, facility, or school is not used as a 2795  
residential unit, child ~~day-care~~ care facility, or school until 2796  
the unit, facility, or school passes a clearance examination. 2797

**Sec. 3742.41.** (A) A property constructed before January 1, 2798  
1950, that is used as a residential unit, child ~~day-care~~ care 2799  
facility, or school shall be legally presumed not to contain a 2800  
lead hazard and not to be the source of the lead poisoning of an 2801  
individual who resides in the unit or receives child ~~day-care~~ care 2802  
or education at the facility or school if the owner or manager of 2803  
the unit, facility, or school successfully completes both of the 2804  
following preventive treatments: 2805

(1) Follows the essential maintenance practices specified in 2806  
section 3742.42 of the Revised Code for the control of lead 2807  
hazards; 2808

(2) Covers all rough, pitted, or porous horizontal surfaces 2809  
of the inhabited or occupied areas within the unit, facility, or 2810  
school with a smooth, cleanable covering or coating, such as metal 2811  
coil stock, plastic, polyurethane, carpet, or linoleum. 2812

(B) The owner or manager of a residential unit, child 2813  
~~day-care~~ care facility, or school has successfully completed the 2814  
preventive treatments specified in division (A) of this section if 2815  
the unit, facility, or school passes a clearance examination in 2816  
accordance with standards for passage established by rules adopted 2817  
under section 3742.49 of the Revised Code. 2818

(C) The legal presumption established under this section is 2819  
rebuttable in a court of law only on a showing of clear and 2820  
convincing evidence to the contrary. 2821



Sec. 3742.42. (A) In completing the essential maintenance	2822
practices portion of the preventive treatments specified in	2823
section 3742.41 of the Revised Code, the owner or manager of a	2824
residential unit, child <del>day-care</del> <u>care</u> facility, or school shall do	2825
all of the following:	2826
(1) Use only safe work practices, which include compliance	2827
with section 3742.44 of the Revised Code, to prevent the spread of	2828
lead-contaminated dust;	2829
(2) Perform visual examinations for deteriorated paint,	2830
underlying damage, and other conditions that may cause exposure to	2831
lead;	2832
(3) Promptly and safely repair deteriorated paint or other	2833
building components that may cause exposure to lead and eliminate	2834
the cause of the deterioration;	2835
(4) Ask tenants in a residential unit, and parents,	2836
guardians, and custodians of children in a child <del>day-care</del> <u>care</u>	2837
facility or school, to report concerns about potential lead	2838
hazards by providing written notices to the tenants or parents,	2839
guardians, and custodians or by posting notices in conspicuous	2840
locations;	2841
(5) Perform specialized cleaning in accordance with section	2842
3742.45 of the Revised Code to control lead-contaminated dust;	2843
(6) Cover any bare soil on the property, except soil proven	2844
not to be lead-contaminated;	2845
(7) Maintain a record of essential maintenance practices for	2846
at least three years that documents all essential maintenance	2847
practices;	2848
(8) Successfully complete a training program in essential	2849
maintenance practices that has been approved under section 3742.47	2850
of the Revised Code.	2851

(B) The areas of a residential unit, child ~~day-care~~ care facility, or school that are subject to division (A) of this section include all of the following:

(1) The interior surfaces and all common areas of the unit, facility, or school;

(2) Every attached or unattached structure located within the same lot line as the unit, facility, or school that the owner or manager considers to be associated with the operation of the unit, facility, or school, including garages, play equipment, and fences;

(3) The lot or land that the unit, facility, or school occupies.

**Sec. 3742.43.** A person who implements the essential maintenance practices portion of the preventive treatments specified in section 3742.41 of the Revised Code shall do all of the following in the area of the residential unit, child ~~day-care~~ care facility, or school in which the essential maintenance practices are being performed:

(A) Allow only persons performing the essential maintenance practices access to the area;

(B) Cover the area with six mil polyethylene plastic or its equivalent;

(C) Protect workers in a manner consistent with the requirements a lead abatement contractor must meet pursuant to division (B) of section 3742.07 of the Revised Code;

(D) Protect occupants' belongings by covering or removing them from the area;

(E) Wet down all painted surfaces before disturbing the surfaces;

(F) Wet down debris before sweeping or vacuuming.	2881
<b>Sec. 3742.45.</b> (A) Specialized cleaning methods used to	2882
control lead-contaminated dust when implementing the essential	2883
maintenance practices portion of the preventive treatments	2884
specified in section 3742.41 of the Revised Code may include any	2885
of the following:	2886
(1) Cleaning potentially lead-contaminated surfaces with a	2887
detergent;	2888
(2) Vacuuming potentially lead-contaminated surfaces with a	2889
HEPA vacuum;	2890
(3) Covering potentially lead-contaminated soil.	2891
(B) A person who uses or provides for others to use the	2892
specialized cleaning methods specified in division (A) of this	2893
section shall ensure that the cleaning is performed as follows:	2894
(1) The common areas of a building with more than one	2895
residential unit must undergo specialized cleaning at least	2896
annually, including hallways, stairways, laundry rooms,	2897
recreational rooms, playgrounds, boundary fences, and other	2898
portions of the building and its surroundings that are generally	2899
accessible to all residents.	2900
(2) The interior of a residential unit that is vacated by its	2901
occupants must undergo specialized cleaning before it may be	2902
reoccupied.	2903
(3) A child <del>day-care</del> <u>care</u> facility or school must undergo	2904
specialized cleaning at least annually at a time when children are	2905
not present at the facility or school.	2906
(4) In a residential unit, child <del>day-care</del> <u>care</u> facility, or	2907
school, on completion of any maintenance or repair work that	2908
disturbs surfaces suspected or known to be painted with lead-based	2909

paint, the maintenance or repair work area must undergo	2910
specialized cleaning if the area of the disturbed surfaces	2911
suspected or known to be painted with lead-based paint totals more	2912
than one of the following:	2913
(a) Twenty square feet or two square meters on exterior	2914
surfaces;	2915
(b) Two square feet or two-tenths of one square meter in any	2916
one interior room or space;	2917
(c) Ten per cent of the total surface area on an interior or	2918
exterior component with a small surface area, such as window	2919
sills, baseboards, and trim.	2920
<b>Sec. 3742.48.</b> Any person who supervises or performs services	2921
for the general improvement of all or part of an existing	2922
structure, including a residential unit, child <del>day-care</del> <u>care</u>	2923
facility, or school, may undertake a training program in lead-safe	2924
renovation approved under section 3742.47 of the Revised Code.	2925
After successfully completing the program, the person may	2926
represent to the public that the services are being supervised or	2927
performed by a lead-safe renovator. Regardless of whether a	2928
training program in lead-safe renovation has been completed, the	2929
person is not subject to licensure under this chapter solely for	2930
supervising or performing services for the general improvement of	2931
all or part of an existing structure.	2932
<b>Sec. 5101.16.</b> (A) As used in this section and sections	2933
5101.161 and 5101.162 of the Revised Code:	2934
(1) "Disability financial assistance" means the financial	2935
assistance program established under Chapter 5115. of the Revised	2936
Code.	2937
(2) "Disability medical assistance" means the medical	2938
assistance program established under Chapter 5115. of the Revised	2939

Code.	2940
(3) "Food stamps" means the program administered by the department of job and family services pursuant to section 5101.54 of the Revised Code.	2941 2942 2943
(4) "Medicaid" means the medical assistance program established by Chapter 5111. of the Revised Code, excluding transportation services provided under that chapter.	2944 2945 2946
(5) "Ohio works first" means the program established by Chapter 5107. of the Revised Code.	2947 2948
(6) "Prevention, retention, and contingency" means the program established by Chapter 5108. of the Revised Code.	2949 2950
(7) "Public assistance expenditures" means expenditures for all of the following:	2951 2952
(a) Ohio works first;	2953
(b) County administration of Ohio works first;	2954
(c) Prevention, retention, and contingency;	2955
(d) County administration of prevention, retention, and contingency;	2956 2957
(e) Disability financial assistance;	2958
(f) Disability medical assistance;	2959
(g) County administration of disability financial assistance;	2960
(h) County administration of disability medical assistance;	2961
(i) County administration of food stamps;	2962
(j) County administration of medicaid.	2963
(8) "Title IV-A program" has the same meaning as in section 5101.80 of the Revised Code.	2964 2965
(B) Each board of county commissioners shall pay the county	2966

share of public assistance expenditures in accordance with section 2967  
5101.161 of the Revised Code. Except as provided in division (C) 2968  
of this section, a county's share of public assistance 2969  
expenditures is the sum of all of the following for state fiscal 2970  
year 1998 and each state fiscal year thereafter: 2971

(1) The amount that is twenty-five per cent of the county's 2972  
total expenditures for disability financial assistance and 2973  
disability medical assistance and county administration of those 2974  
programs during the state fiscal year ending in the previous 2975  
calendar year that the department of job and family services 2976  
determines are allowable. 2977

(2) The amount that is ten per cent, or other percentage 2978  
determined under division (D) of this section, of the county's 2979  
total expenditures for county administration of food stamps and 2980  
medicaid during the state fiscal year ending in the previous 2981  
calendar year that the department determines are allowable, less 2982  
the amount of federal reimbursement credited to the county under 2983  
division (E) of this section for the state fiscal year ending in 2984  
the previous calendar year; 2985

(3) A percentage of the actual amount of the county share of 2986  
program and administrative expenditures during federal fiscal year 2987  
1994 for assistance and services, other than child ~~day-care~~ care, 2988  
provided under Titles IV-A and IV-F of the "Social Security Act," 2989  
49 Stat. 620 (1935), 42 U.S.C. 301, as those titles existed prior 2990  
to the enactment of the "Personal Responsibility and Work 2991  
Opportunity Reconciliation Act of 1996," 110 Stat. 2105. The 2992  
department of job and family services shall determine the actual 2993  
amount of the county share from expenditure reports submitted to 2994  
the United States department of health and human services. The 2995  
percentage shall be the percentage established in rules adopted 2996  
under division (F) of this section. 2997

(C)(1) If a county's share of public assistance expenditures 2998  
determined under division (B) of this section for a state fiscal 2999  
year exceeds one hundred ten per cent of the county's share for 3000  
those expenditures for the immediately preceding state fiscal 3001  
year, the department of job and family services shall reduce the 3002  
county's share for expenditures under divisions (B)(1) and (2) of 3003  
this section so that the total of the county's share for 3004  
expenditures under division (B) of this section equals one hundred 3005  
ten per cent of the county's share of those expenditures for the 3006  
immediately preceding state fiscal year. 3007

(2) A county's share of public assistance expenditures 3008  
determined under division (B) of this section may be increased 3009  
pursuant to a sanction under section 5101.24 of the Revised Code. 3010

(D)(1) If the per capita tax duplicate of a county is less 3011  
than the per capita tax duplicate of the state as a whole and 3012  
division (D)(2) of this section does not apply to the county, the 3013  
percentage to be used for the purpose of division (B)(2) of this 3014  
section is the product of ten multiplied by a fraction of which 3015  
the numerator is the per capita tax duplicate of the county and 3016  
the denominator is the per capita tax duplicate of the state as a 3017  
whole. The department of job and family services shall compute the 3018  
per capita tax duplicate for the state and for each county by 3019  
dividing the tax duplicate for the most recent available year by 3020  
the current estimate of population prepared by the department of 3021  
development. 3022

(2) If the percentage of families in a county with an annual 3023  
income of less than three thousand dollars is greater than the 3024  
percentage of such families in the state and division (D)(1) of 3025  
this section does not apply to the county, the percentage to be 3026  
used for the purpose of division (B)(2) of this section is the 3027  
product of ten multiplied by a fraction of which the numerator is 3028  
the percentage of families in the state with an annual income of 3029

less than three thousand dollars a year and the denominator is the  
percentage of such families in the county. The department of job  
and family services shall compute the percentage of families with  
an annual income of less than three thousand dollars for the state  
and for each county by multiplying the most recent estimate of  
such families published by the department of development, by a  
fraction, the numerator of which is the estimate of average annual  
personal income published by the bureau of economic analysis of  
the United States department of commerce for the year on which the  
census estimate is based and the denominator of which is the most  
recent such estimate published by the bureau.

(3) If the per capita tax duplicate of a county is less than  
the per capita tax duplicate of the state as a whole and the  
percentage of families in the county with an annual income of less  
than three thousand dollars is greater than the percentage of such  
families in the state, the percentage to be used for the purpose  
of division (B)(2) of this section shall be determined as follows:

(a) Multiply ten by the fraction determined under division  
(D)(1) of this section;

(b) Multiply the product determined under division (D)(3)(a)  
of this section by the fraction determined under division (D)(2)  
of this section.

(4) The department of job and family services shall  
determine, for each county, the percentage to be used for the  
purpose of division (B)(2) of this section not later than the  
first day of July of the year preceding the state fiscal year for  
which the percentage is used.

(E) The department of job and family services shall credit to  
a county the amount of federal reimbursement the department  
receives from the United States departments of agriculture and  
health and human services for the county's expenditures for



administration of food stamps and medicaid that the department  
determines are allowable administrative expenditures. 3061  
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(F)(1) The director of job and family services shall adopt 3063  
rules in accordance with section 111.15 of the Revised Code to 3064  
establish all of the following: 3065

(a) The method the department is to use to change a county's 3066  
share of public assistance expenditures determined under division 3067  
(B) of this section as provided in division (C) of this section; 3068

(b) The allocation methodology and formula the department 3069  
will use to determine the amount of funds to credit to a county 3070  
under this section; 3071

(c) The method the department will use to change the payment 3072  
of the county share of public assistance expenditures from a 3073  
calendar-year basis to a state fiscal year basis; 3074

(d) The percentage to be used for the purpose of division 3075  
(B)(3) of this section, which shall meet both of the following 3076  
requirements: 3077

(i) The percentage shall not be less than seventy-five per 3078  
cent nor more than eighty-two per cent; 3079

(ii) The percentage shall not exceed the percentage that the 3080  
state's qualified state expenditures is of the state's historic 3081  
state expenditures as those terms are defined in 42 U.S.C. 3082  
609(a)(7). 3083

(e) Other procedures and requirements necessary to implement 3084  
this section. 3085

(2) The director of job and family services may amend the 3086  
rule adopted under division (F)(1)(d) of this section to modify 3087  
the percentage on determination that the amount the general 3088  
assembly appropriates for Title IV-A programs makes the 3089  
modification necessary. The rule shall be adopted and amended as 3090

if an internal management rule and in consultation with the 3091  
director of budget and management. 3092

**Sec. 5101.47.** (A) The director of job and family services may 3093  
accept applications, determine eligibility, and perform related 3094  
administrative activities for one or more of the following: 3095

(1) The medicaid program established by Chapter 5111. of the 3096  
Revised Code; 3097  
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(2) The children's health insurance program parts I and II 3099  
provided for under sections 5101.50 and 5101.51 of the Revised 3100  
Code; 3101

(3) Publicly funded child ~~day-care~~ care provided under 3102  
Chapter 5104. of the Revised Code; 3103

(4) Other programs the director determines are supportive of 3104  
children or families with at least one employed member. 3105

(B) If the director elects to accept applications, determine 3106  
eligibility, and perform related administrative activities for a 3107  
program specified in or pursuant to division (A) of this section, 3108  
both of the following apply: 3109

(1) An individual seeking services under the program may 3110  
apply for the program to the director or to the entity that state 3111  
law governing the program authorizes to accept applications for 3112  
the program. 3113

(2) The director is subject to federal and state law that 3114  
require, permit, or prohibit an action regarding accepting 3115  
applications, determining eligibility, and performing related 3116  
administrative activities for the program. 3117

(C) The director may adopt rules as necessary to implement 3118  
this section. 3119

**Sec. 5101.851.** The department of job and family services may 3120  
establish a statewide program of kinship care navigators to assist 3121  
kinship caregivers who are seeking information regarding, or 3122  
assistance obtaining, services and benefits available at the state 3123  
and local level that address the needs of those caregivers 3124  
residing in each county. The program shall provide to kinship 3125  
caregivers information and referral services and assistance 3126  
obtaining support services including the following: 3127

(A) Publicly funded child ~~day-care~~ care; 3128

(B) Respite care; 3129

(C) Training related to caring for special needs children; 3130

(D) A toll-free telephone number that may be called to obtain 3131  
basic information about the rights of, and services available to, 3132  
kinship caregivers; 3133

(E) Legal services. 3134

**Sec. 5101.97.** (A)(1) Not later than the last day of each July 3135  
and January, the department of job and family services shall 3136  
complete a report on the characteristics of the individuals who 3137  
participate in or receive services through the programs operated 3138  
by the department and the outcomes of the individuals' 3139  
participation in or receipt of services through the programs. The 3140  
reports shall be for the six-month periods ending on the last days 3141  
of June and December and shall include information on the 3142  
following: 3143

(a) Work activities, developmental activities, and 3144  
alternative work activities established under sections 5107.40 to 3145  
5107.69 of the Revised Code; 3146

(b) Programs of publicly funded child ~~day-care~~ care, as 3147  
defined in section 5104.01 of the Revised Code; 3148

(c) Child support enforcement programs;	3149
(d) Births to recipients of the medical assistance program established under Chapter 5111. of the Revised Code.	3150 3151
(2) The department shall submit the reports required under division (A)(1) of this section to the speaker and minority leader of the house of representatives, the president and minority leader of the senate, the legislative budget officer, the director of budget and management, and each board of county commissioners. The department shall provide copies of the reports to any person or government entity on request.	3152 3153 3154 3155 3156 3157 3158
In designing the format for the reports, the department shall consult with individuals, organizations, and government entities interested in the programs operated by the department, so that the reports are designed to enable the general assembly and the public to evaluate the effectiveness of the programs and identify any needs that the programs are not meeting.	3159 3160 3161 3162 3163 3164
(B) Whenever the federal government requires that the department submit a report on a program that is operated by the department or is otherwise under the department's jurisdiction, the department shall prepare and submit the report in accordance with the federal requirements applicable to that report. To the extent possible, the department may coordinate the preparation and submission of a particular report with any other report, plan, or other document required to be submitted to the federal government, as well as with any report required to be submitted to the general assembly. The reports required by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) may be submitted as an annual summary.	3165 3166 3167 3168 3169 3170 3171 3172 3173 3174 3175 3176
<b>Sec. 5104.01.</b> As used in this chapter:	3177
(A) "Administrator" means the person responsible for the	3178

daily operation of a center or type A home. The administrator and 3179  
the owner may be the same person. 3180

(B) "Approved child day camp" means a child day camp approved 3181  
pursuant to section 5104.22 of the Revised Code. 3182

(C) "Authorized provider" means a person authorized by a 3183  
county director of job and family services to operate a certified 3184  
type B family day-care home. 3185

(D) "Border state child ~~day-care~~ care provider" means a child 3186  
~~day-care~~ care provider that is located in a state bordering Ohio 3187  
and that is licensed, certified, or otherwise approved by that 3188  
state to provide child ~~day-care~~ care. 3189

(E) "Caretaker parent" means the father or mother of a child 3190  
whose presence in the home is needed as the caretaker of the 3191  
child, a person who has legal custody of a child and whose 3192  
presence in the home is needed as the caretaker of the child, a 3193  
guardian of a child whose presence in the home is needed as the 3194  
caretaker of the child, and any other person who stands in loco 3195  
parentis with respect to the child and whose presence in the home 3196  
is needed as the caretaker of the child. 3197

(F) "Certified type B family day-care home" and "certified 3198  
type B home" mean a type B family day-care home that is certified 3199  
by the director of the county department of job and family 3200  
services pursuant to section 5104.11 of the Revised Code to 3201  
receive public funds for providing child ~~day-care~~ care pursuant to 3202  
this chapter and any rules adopted under it. 3203

(G) "Chartered nonpublic school" means a school that meets 3204  
standards for nonpublic schools prescribed by the state board of 3205  
education for nonpublic schools pursuant to section 3301.07 of the 3206  
Revised Code. 3207

(H) "Child" includes an infant, toddler, preschool child, or 3208

school child. 3209

(I) "Child care block grant act" means the "Child Care and 3210  
Development Block Grant Act of 1990," established in section 5082 3211  
of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 3212  
1388-236 (1990), 42 U.S.C. 9858, as amended. 3213

(J) "Child day camp" means a program in which only school 3214  
children attend or participate, that operates for no more than 3215  
seven hours per day, that operates only during one or more public 3216  
school district's regular vacation periods or for no more than 3217  
fifteen weeks during the summer, and that operates outdoor 3218  
activities for each child who attends or participates in the 3219  
program for a minimum of fifty per cent of each day that children 3220  
attend or participate in the program, except for any day when 3221  
hazardous weather conditions prevent the program from operating 3222  
outdoor activities for a minimum of fifty per cent of that day. 3223  
For purposes of this division, the maximum seven hours of 3224  
operation time does not include transportation time from a child's 3225  
home to a child day camp and from a child day camp to a child's 3226  
home. 3227

(K) "Child ~~day-care~~ care" means administering to the needs of 3228  
infants, toddlers, preschool children, and school children outside 3229  
of school hours by persons other than their parents or guardians, 3230  
custodians, or relatives by blood, marriage, or adoption for any 3231  
part of the twenty-four-hour day in a place or residence other 3232  
than a child's own home. 3233

(L) "Child day-care center" and "center" mean any place in 3234  
which child ~~day-care~~ care or publicly funded child ~~day-care~~ care 3235  
is provided for thirteen or more children at one time or any place 3236  
that is not the permanent residence of the licensee or 3237  
administrator in which child ~~day-care~~ care or publicly funded 3238  
child ~~day-care~~ care is provided for seven to twelve children at 3239

one time. In counting children for the purposes of this division, 3240  
any children under six years of age who are related to a licensee, 3241  
administrator, or employee and who are on the premises of the 3242  
center shall be counted. "Child day-care center" and "center" do 3243  
not include any of the following: 3244

(1) A place located in and operated by a hospital, as defined 3245  
in section 3727.01 of the Revised Code, in which the needs of 3246  
children are administered to, if all the children whose needs are 3247  
being administered to are monitored under the on-site supervision 3248  
of a physician licensed under Chapter 4731. of the Revised Code or 3249  
a registered nurse licensed under Chapter 4723. of the Revised 3250  
Code, and the services are provided only for children who, in the 3251  
opinion of the child's parent, guardian, or custodian, are 3252  
exhibiting symptoms of a communicable disease or other illness or 3253  
are injured; 3254

(2) A child day camp; 3255

(3) A place that provides child ~~day-care~~ care, but not 3256  
publicly funded child ~~day-care~~ care, if all of the following 3257  
apply: 3258

(a) An organized religious body provides the child ~~day-care~~ 3259  
care; 3260

(b) A parent, custodian, or guardian of at least one child 3261  
receiving child ~~day-care~~ care is on the premises and readily 3262  
accessible at all times; 3263

(c) The child ~~day-care~~ care is not provided for more than 3264  
thirty days a year; 3265

(d) The child ~~day-care~~ care is provided only for preschool 3266  
and school children. 3267

(M) "Child ~~day-care~~ care resource and referral service 3268  
organization" means a community-based nonprofit organization that 3269

provides child <del>day-care</del> <u>care</u> resource and referral services but	3270
not child <del>day-care</del> <u>care</u> .	3271
(N) "Child <del>day-care</del> <u>care</u> resource and referral services"	3272
means all of the following services:	3273
(1) Maintenance of a uniform data base of all child <del>day-care</del>	3274
<u>care</u> providers in the community that are in compliance with this	3275
chapter, including current occupancy and vacancy data;	3276
(2) Provision of individualized consumer education to	3277
families seeking child <del>day-care</del> <u>care</u> ;	3278
(3) Provision of timely referrals of available child <del>day-care</del>	3279
<u>care</u> providers to families seeking child <del>day-care</del> <u>care</u> ;	3280
(4) Recruitment of child <del>day-care</del> <u>care</u> providers;	3281
(5) Assistance in the development, conduct, and dissemination	3282
of training for child <del>day-care</del> <u>care</u> providers and provision of	3283
technical assistance to current and potential child <del>day-care</del> <u>care</u>	3284
providers, employers, and the community;	3285
(6) Collection and analysis of data on the supply of and	3286
demand for child <del>day-care</del> <u>care</u> in the community;	3287
(7) Technical assistance concerning locally, state, and	3288
federally funded child <del>day-care</del> <u>care</u> and early childhood education	3289
programs;	3290
(8) Stimulation of employer involvement in making child	3291
<del>day-care</del> <u>care</u> more affordable, more available, safer, and of	3292
higher quality for their employees and for the community;	3293
(9) Provision of written educational materials to caretaker	3294
parents and informational resources to child <del>day-care</del> <u>care</u>	3295
providers;	3296
(10) Coordination of services among child <del>day-care</del> <u>care</u>	3297
resource and referral service organizations to assist in	3298
developing and maintaining a statewide system of child <del>day-care</del>	3299



care resource and referral services if required by the department 3300  
of job and family services; 3301

(11) Cooperation with the county department of job and family 3302  
services in encouraging the establishment of parent cooperative 3303  
child ~~day-care~~ care centers and parent cooperative type A family 3304  
day-care homes. 3305

(O) "Child-care staff member" means an employee of a child 3306  
day-care center or type A family day-care home who is primarily 3307  
responsible for the care and supervision of children. The 3308  
administrator may be a part-time child-care staff member when not 3309  
involved in other duties. 3310

(P) "Drop-in child day-care center," "drop-in center," 3311  
"drop-in type A family day-care home," and "drop-in type A home" 3312  
mean a center or type A home that provides child ~~day-care~~ care or 3313  
publicly funded child ~~day-care~~ care for children on a temporary, 3314  
irregular basis. 3315

(Q) "Employee" means a person who either: 3316

(1) Receives compensation for duties performed in a child 3317  
day-care center or type A family day-care home; 3318

(2) Is assigned specific working hours or duties in a child 3319  
day-care center or type A family day-care home. 3320

(R) "Employer" means a person, firm, institution, 3321  
organization, or agency that operates a child day-care center or 3322  
type A family day-care home subject to licensure under this 3323  
chapter. 3324

(S) "Federal poverty line" means the official poverty 3325  
guideline as revised annually in accordance with section 673(2) of 3326  
the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 3327  
U.S.C. 9902, as amended, for a family size equal to the size of 3328  
the family of the person whose income is being determined. 3329

(T) "Head start program" means a comprehensive child development program that receives funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as amended, or under sections 3301.31 to 3301.37 of the Revised Code.

(U) "Income" means gross income, as defined in section 5107.10 of the Revised Code, less any amounts required by federal statutes or regulations to be disregarded.

(V) "Indicator checklist" means an inspection tool, used in conjunction with an instrument-based program monitoring information system, that contains selected licensing requirements that are statistically reliable indicators or predictors of a child day-care center or type A family day-care home's compliance with licensing requirements.

(W) "Infant" means a child who is less than eighteen months of age.

(X) "In-home aide" means a person certified by a county director of job and family services pursuant to section 5104.12 of the Revised Code to provide publicly funded child ~~day-care~~ care to a child in a child's own home pursuant to this chapter and any rules adopted under it.

(Y) "Instrument-based program monitoring information system" means a method to assess compliance with licensing requirements for child day-care centers and type A family day-care homes in which each licensing requirement is assigned a weight indicative of the relative importance of the requirement to the health, growth, and safety of the children that is used to develop an indicator checklist.

(Z) "License capacity" means the maximum number in each age category of children who may be cared for in a child day-care center or type A family day-care home at one time as determined by the director of job and family services considering building

occupancy limits established by the department of commerce, number 3361  
of available child-care staff members, amount of available indoor 3362  
floor space and outdoor play space, and amount of available play 3363  
equipment, materials, and supplies. 3364

(AA) "Licensed preschool program" or "licensed school child 3365  
program" means a preschool program or school child program, as 3366  
defined in section 3301.52 of the Revised Code, that is licensed 3367  
by the department of education pursuant to sections 3301.52 to 3368  
3301.59 of the Revised Code. 3369

(BB) "Licensee" means the owner of a child day-care center or 3370  
type A family day-care home that is licensed pursuant to this 3371  
chapter and who is responsible for ensuring its compliance with 3372  
this chapter and rules adopted pursuant to this chapter. 3373

(CC) "Operate a child day camp" means to operate, establish, 3374  
manage, conduct, or maintain a child day camp. 3375

(DD) "Owner" includes a person, as defined in section 1.59 of 3376  
the Revised Code, or government entity. 3377

(EE) "Parent cooperative child day-care center," "parent 3378  
cooperative center," "parent cooperative type A family day-care 3379  
home," and "parent cooperative type A home" mean a corporation or 3380  
association organized for providing educational services to the 3381  
children of members of the corporation or association, without 3382  
gain to the corporation or association as an entity, in which the 3383  
services of the corporation or association are provided only to 3384  
children of the members of the corporation or association, 3385  
ownership and control of the corporation or association rests 3386  
solely with the members of the corporation or association, and at 3387  
least one parent-member of the corporation or association is on 3388  
the premises of the center or type A home during its hours of 3389  
operation. 3390

(FF) "Part-time child day-care center," "part-time center," 3391

"part-time type A family day-care home," and "part-time type A home" mean a center or type A home that provides child ~~day-care~~ care or publicly funded child ~~day-care~~ care for no more than four hours a day for any child.

(GG) "Place of worship" means a building where activities of an organized religious group are conducted and includes the grounds and any other buildings on the grounds used for such activities.

(HH) "Preschool child" means a child who is three years old or older but is not a school child.

(II) "Protective ~~day-care~~ child care" means publicly funded child ~~day-care~~ care for the direct care and protection of a child to whom either of the following applies:

(1) A case plan prepared and maintained for the child pursuant to section 2151.412 of the Revised Code indicates a need for protective ~~day-care~~ care and the child resides with a parent, stepparent, guardian, or another person who stands in loco parentis as defined in rules adopted under section 5104.38 of the Revised Code;

(2) The child and the child's caretaker either temporarily reside in a facility providing emergency shelter for homeless families or are determined by the county department of job and family services to be homeless, and are otherwise ineligible for publicly funded child ~~day-care~~ care.

(JJ) "Publicly funded child ~~day-care~~ care" means administering to the needs of infants, toddlers, preschool children, and school children under age thirteen during any part of the twenty-four-hour day by persons other than their caretaker parents for remuneration wholly or in part with federal or state funds, including funds available under the child care block grant act, Title IV-A, and Title XX, distributed by the department of

job and family services. 3423

(KK) "Religious activities" means any of the following: 3424  
worship or other religious services; religious instruction; Sunday 3425  
school classes or other religious classes conducted during or 3426  
prior to worship or other religious services; youth or adult 3427  
fellowship activities; choir or other musical group practices or 3428  
programs; meals; festivals; or meetings conducted by an organized 3429  
religious group. 3430

(LL) "School child" means a child who is enrolled in or is 3431  
eligible to be enrolled in a grade of kindergarten or above but is 3432  
less than fifteen years old. 3433

(MM) "School child day-care center," "school child center," 3434  
"school child type A family day-care home," and "school child type 3435  
A family home" mean a center or type A home that provides child 3436  
~~day-care~~ care for school children only and that does either or 3437  
both of the following: 3438

(1) Operates only during that part of the day that 3439  
immediately precedes or follows the public school day of the 3440  
school district in which the center or type A home is located; 3441

(2) Operates only when the public schools in the school 3442  
district in which the center or type A home is located are not 3443  
open for instruction with pupils in attendance. 3444

(NN) "State median income" means the state median income 3445  
calculated by the department of development pursuant to division 3446  
(A)(1)(g) of section 5709.61 of the Revised Code. 3447

(OO) "Title IV-A" means Title IV-A of the "Social Security 3448  
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 3449

(PP) "Title XX" means Title XX of the "Social Security Act," 3450  
88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 3451

(QQ) "Toddler" means a child who is at least eighteen months 3452

of age but less than three years of age. 3453

(RR) "Type A family day-care home" and "type A home" mean a 3454  
permanent residence of the administrator in which child ~~day-care~~ 3455  
care or publicly funded child ~~day-care~~ care is provided for seven 3456  
to twelve children at one time or a permanent residence of the 3457  
administrator in which child ~~day-care~~ care is provided for four to 3458  
twelve children at one time if four or more children at one time 3459  
are under two years of age. In counting children for the purposes 3460  
of this division, any children under six years of age who are 3461  
related to a licensee, administrator, or employee and who are on 3462  
the premises of the type A home shall be counted. "Type A family 3463  
day-care home" does not include a residence in which the needs of 3464  
children are administered to, if all of the children whose needs 3465  
are being administered to are siblings of the same immediate 3466  
family and the residence is the home of the siblings. "Type A 3467  
family day-care home" and "type A home" do not include any child 3468  
day camp. 3469

(SS) "Type B family day-care home" and "type B home" mean a 3470  
permanent residence of the provider in which child ~~day-care~~ care 3471  
is provided for one to six children at one time and in which no 3472  
more than three children are under two years of age at one time. 3473  
In counting children for the purposes of this division, any 3474  
children under six years of age who are related to the provider 3475  
and who are on the premises of the type B home shall be counted. 3476  
"Type B family day-care home" does not include a residence in 3477  
which the needs of children are administered to, if all of the 3478  
children whose needs are being administered to are siblings of the 3479  
same immediate family and the residence is the home of the 3480  
siblings. "Type B family day-care home" and "type B home" do not 3481  
include any child day camp. 3482

**Sec. 5104.011.** (A) The director of job and family services 3483

shall adopt rules pursuant to Chapter 119. of the Revised Code 3484  
governing the operation of child day-care centers, including, but 3485  
not limited to, parent cooperative centers, part-time centers, 3486  
drop-in centers, and school child centers, which rules shall 3487  
reflect the various forms of child ~~day-care~~ care and the needs of 3488  
children receiving child ~~day-care~~ care or publicly funded child 3489  
~~day-care~~ care and shall include specific rules for school child 3490  
~~day-care~~ care centers that are developed in consultation with the 3491  
department of education. The rules shall not require an existing 3492  
school facility that is in compliance with applicable building 3493  
codes to undergo an additional building code inspection or to have 3494  
structural modifications. The rules shall include the following: 3495

(1) Submission of a site plan and descriptive plan of 3496  
operation to demonstrate how the center proposes to meet the 3497  
requirements of this chapter and rules adopted pursuant to this 3498  
chapter for the initial license application; 3499

(2) Standards for ensuring that the physical surroundings of 3500  
the center are safe and sanitary including, but not limited to, 3501  
the physical environment, the physical plant, and the equipment of 3502  
the center; 3503

(3) Standards for the supervision, care, and discipline of 3504  
children receiving child ~~day-care~~ care or publicly funded child 3505  
~~day-care~~ care in the center; 3506

(4) Standards for a program of activities, and for play 3507  
equipment, materials, and supplies, to enhance the development of 3508  
each child; however, any educational curricula, philosophies, and 3509  
methodologies that are developmentally appropriate and that 3510  
enhance the social, emotional, intellectual, and physical 3511  
development of each child shall be permissible. As used in this 3512  
division, "program" does not include instruction in religious or 3513  
moral doctrines, beliefs, or values that is conducted at child 3514

day-care centers owned and operated by churches and does include	3515
methods of disciplining children at child day-care centers.	3516
(5) Admissions policies and procedures, health care policies	3517
and procedures, including, but not limited to, procedures for the	3518
isolation of children with communicable diseases, first aid and	3519
emergency procedures, procedures for discipline and supervision of	3520
children, standards for the provision of nutritious meals and	3521
snacks, and procedures for screening children and employees,	3522
including, but not limited to, any necessary physical examinations	3523
and immunizations;	3524
(6) Methods for encouraging parental participation in the	3525
center and methods for ensuring that the rights of children,	3526
parents, and employees are protected and that responsibilities of	3527
parents and employees are met;	3528
(7) Procedures for ensuring the safety and adequate	3529
supervision of children traveling off the premises of the center	3530
while under the care of a center employee;	3531
(8) Procedures for record keeping, organization, and	3532
administration;	3533
(9) Procedures for issuing, renewing, denying, and revoking a	3534
license that are not otherwise provided for in Chapter 119. of the	3535
Revised Code;	3536
(10) Inspection procedures;	3537
(11) Procedures and standards for setting initial and renewal	3538
license application fees;	3539
(12) Procedures for receiving, recording, and responding to	3540
complaints about centers;	3541
(13) Procedures for enforcing section 5104.04 of the Revised	3542
Code;	3543
(14) A standard requiring the inclusion, on and after July 1,	3544



1987, of a current department of job and family services toll-free 3545  
telephone number on each center provisional license or license 3546  
which any person may use to report a suspected violation by the 3547  
center of this chapter or rules adopted pursuant to this chapter; 3548

(15) Requirements for the training of administrators and 3549  
child-care staff members in first aid, in prevention, recognition, 3550  
and management of communicable diseases, and in child abuse 3551  
recognition and prevention. Training requirements for child 3552  
day-care centers adopted under this division shall be consistent 3553  
with divisions (B)(6) and (C)(1) of this section. 3554

(16) Procedures to be used by licensees for checking the 3555  
references of potential employees of centers and procedures to be 3556  
used by the director for checking the references of applicants for 3557  
licenses to operate centers; 3558

(17) Standards providing for the special needs of children 3559  
who are handicapped or who require treatment for health conditions 3560  
while the child is receiving child ~~day-care~~ care or publicly 3561  
funded child ~~day-care~~ care in the center; 3562

(18) A procedure for reporting of injuries of children that 3563  
occur at the center; 3564

(19) Any other procedures and standards necessary to carry 3565  
out this chapter. 3566

(B)(1) The child day-care center shall have, for each child 3567  
for whom the center is licensed, at least thirty-five square feet 3568  
of usable indoor floor space wall-to-wall regularly available for 3569  
the child ~~day-care~~ care operation exclusive of any parts of the 3570  
structure in which the care of children is prohibited by law or by 3571  
rules adopted by the board of building standards. The minimum of 3572  
thirty-five square feet of usable indoor floor space shall not 3573  
include hallways, kitchens, storage areas, or any other areas that 3574  
are not available for the care of children, as determined by the 3575

director, in meeting the space requirement of this division, and 3576  
bathrooms shall be counted in determining square footage only if 3577  
they are used exclusively by children enrolled in the center, 3578  
except that the exclusion of hallways, kitchens, storage areas, 3579  
bathrooms not used exclusively by children enrolled in the center, 3580  
and any other areas not available for the care of children from 3581  
the minimum of thirty-five square feet of usable indoor floor 3582  
space shall not apply to: 3583

(a) Centers licensed prior to or on September 1, 1986, that 3584  
continue under licensure after that date; 3585

(b) Centers licensed prior to or on September 1, 1986, that 3586  
are issued a new license after that date solely due to a change of 3587  
ownership of the center. 3588

(2) The child day-care center shall have on the site a safe 3589  
outdoor play space which is enclosed by a fence or otherwise 3590  
protected from traffic or other hazards. The play space shall 3591  
contain not less than sixty square feet per child using such space 3592  
at any one time, and shall provide an opportunity for supervised 3593  
outdoor play each day in suitable weather. The director may exempt 3594  
a center from the requirement of this division, if an outdoor play 3595  
space is not available and if all of the following are met: 3596

(a) The center provides an indoor recreation area that has 3597  
not less than sixty square feet per child using the space at any 3598  
one time, that has a minimum of one thousand four hundred forty 3599  
square feet of space, and that is separate from the indoor space 3600  
required under division (B)(1) of this section. 3601

(b) The director has determined that there is regularly 3602  
available and scheduled for use a conveniently accessible and safe 3603  
park, playground, or similar outdoor play area for play or 3604  
recreation. 3605

(c) The children are closely supervised during play and while 3606

traveling to and from the area. 3607

The director also shall exempt from the requirement of this 3608  
division a child day-care center that was licensed prior to 3609  
September 1, 1986, if the center received approval from the 3610  
director prior to September 1, 1986, to use a park, playground, or 3611  
similar area, not connected with the center, for play or 3612  
recreation in lieu of the outdoor space requirements of this 3613  
section and if the children are closely supervised both during 3614  
play and while traveling to and from the area and except if the 3615  
director determines upon investigation and inspection pursuant to 3616  
section 5104.04 of the Revised Code and rules adopted pursuant to 3617  
that section that the park, playground, or similar area, as well 3618  
as access to and from the area, is unsafe for the children. 3619

(3) The child day-care center shall have at least two 3620  
responsible adults available on the premises at all times when 3621  
seven or more children are in the center. The center shall 3622  
organize the children in the center in small groups, shall provide 3623  
child-care staff to give continuity of care and supervision to the 3624  
children on a day-by-day basis, and shall ensure that no child is 3625  
left alone or unsupervised. Except as otherwise provided in 3626  
division (E) of this section, the maximum number of children per 3627  
child-care staff member and maximum group size, by age category of 3628  
children, are as follows: 3629

	Maximum Number of		
	Children Per	Maximum	
Age Category	Child-Care	Group	
of Children	Staff Member	Size	
(a) Infants:			3634
(i) Less than twelve			3635
months old	5:1, or		3636
	12:2 if two		3637
	child-care		3638

	staff members		3639
	are in the room	12	3640
(ii) At least twelve			3641
months old, but			3642
less than eighteen			3643
months old	6:1	12	3644
(b) Toddlers:			3645
(i) At least eighteen			3646
months old, but			3647
less than thirty			3648
months old	7:1	14	3649
(ii) At least thirty months			3650
old, but less than			3651
three years old	8:1	16	3652
(c) Preschool			3653
children:			3654
(i) Three years old	12:1	24	3655
(ii) Four years old and			3656
five years old who			3657
are not school			3658
children	14:1	28	3659
(d) School children:			3660
(i) A child who is			3661
enrolled in or is			3662
eligible to be			3663
enrolled in a grade			3664
of kindergarten			3665
or above, but			3666
is less than			3667
eleven years old	18:1	36	3668
(ii) Eleven through fourteen			3669
years old	20:1	40	3670
Except as otherwise provided in division (E) of this section,			3671

the maximum number of children per child-care staff member and 3672  
maximum group size requirements of the younger age group shall 3673  
apply when age groups are combined. 3674

(4)(a) The child day-care center administrator shall show the 3675  
director both of the following: 3676

(i) Evidence of at least high school graduation or 3677  
certification of high school equivalency by the state board of 3678  
education or the appropriate agency of another state; 3679

(ii) Evidence of having completed at least two years of 3680  
training in an accredited college, university, or technical 3681  
college, including courses in child development or early childhood 3682  
education, or at least two years of experience in supervising and 3683  
giving daily care to children attending an organized group 3684  
program. 3685

(b) In addition to the requirements of division (B)(4)(a) of 3686  
this section, any administrator employed or designated on or after 3687  
September 1, 1986, shall show evidence of, and any administrator 3688  
employed or designated prior to September 1, 1986, shall show 3689  
evidence within six years after such date of, at least one of the 3690  
following: 3691

(i) Two years of experience working as a child-care staff 3692  
member in a center and at least four courses in child development 3693  
or early childhood education from an accredited college, 3694  
university, or technical college, except that a person who has two 3695  
years of experience working as a child-care staff member in a 3696  
particular center and who has been promoted to or designated as 3697  
administrator of that center shall have one year from the time the 3698  
person was promoted to or designated as administrator to complete 3699  
the required four courses; 3700

(ii) Two years of training, including at least four courses 3701  
in child development or early childhood education from an 3702

accredited college, university, or technical college; 3703

(iii) A child development associate credential issued by the 3704  
national child development associate credentialing commission; 3705

(iv) An associate or higher degree in child development or 3706  
early childhood education from an accredited college, technical 3707  
college, or university, or a license designated for teaching in an 3708  
associate teaching position in a preschool setting issued by the 3709  
state board of education. 3710

(5) All child-care staff members of a child day-care center 3711  
shall be at least eighteen years of age, and shall furnish the 3712  
director evidence of at least high school graduation or 3713  
certification of high school equivalency by the state board of 3714  
education or the appropriate agency of another state or evidence 3715  
of completion of a training program approved by the department of 3716  
job and family services or state board of education, except as 3717  
follows: 3718

(a) A child-care staff member may be less than eighteen years 3719  
of age if the staff member is either of the following: 3720

(i) A graduate of a two-year vocational child-care training 3721  
program approved by the state board of education; 3722

(ii) A student enrolled in the second year of a vocational 3723  
child-care training program approved by the state board of 3724  
education which leads to high school graduation, provided that the 3725  
student performs the student's duties in the child day-care center 3726  
under the continuous supervision of an experienced child-care 3727  
staff member, receives periodic supervision from the vocational 3728  
child-care training program teacher-coordinator in the student's 3729  
high school, and meets all other requirements of this chapter and 3730  
rules adopted pursuant to this chapter. 3731

(b) A child-care staff member shall be exempt from the 3732

educational requirements of this division if the staff member: 3733

(i) Prior to January 1, 1972, was employed or designated by a 3734  
child day-care center and has been continuously employed since 3735  
either by the same child day-care center employer or at the same 3736  
child day-care center; or 3737

(ii) Is a student enrolled in the second year of a vocational 3738  
child-care training program approved by the state board of 3739  
education which leads to high school graduation, provided that the 3740  
student performs the student's duties in the child day-care center 3741  
under the continuous supervision of an experienced child-care 3742  
staff member, receives periodic supervision from the vocational 3743  
child-care training program teacher-coordinator in the student's 3744  
high school, and meets all other requirements of this chapter and 3745  
rules adopted pursuant to this chapter. 3746

(6) Every child ~~day-care~~ care staff member of a child 3747  
day-care center annually shall complete fifteen hours of inservice 3748  
training in child development or early childhood education, child 3749  
abuse recognition and prevention, first aid, and in prevention, 3750  
recognition, and management of communicable diseases, until a 3751  
total of forty-five hours of training has been completed, unless 3752  
the staff member furnishes one of the following to the director: 3753

(a) Evidence of an associate or higher degree in child 3754  
development or early childhood education from an accredited 3755  
college, university, or technical college; 3756

(b) A license designated for teaching in an associate 3757  
teaching position in a preschool setting issued by the state board 3758  
of education; 3759

(c) Evidence of a child development associate credential; 3760

(d) Evidence of a preprimary credential from the American 3761  
Montessori society or the association Montessori international. 3762

For the purposes of division (B)(6) of this section, "hour" means 3763  
sixty minutes. 3764

(7) The administrator of each child day-care center shall 3765  
prepare at least once annually and for each group of children at 3766  
the center a roster of names and telephone numbers of parents, 3767  
custodians, or guardians of each group of children attending the 3768  
center and upon request shall furnish the roster for each group to 3769  
the parents, custodians, or guardians of the children in that 3770  
group. The administrator may prepare a roster of names and 3771  
telephone numbers of all parents, custodians, or guardians of 3772  
children attending the center and upon request shall furnish the 3773  
roster to the parents, custodians, or guardians of the children 3774  
who attend the center. The administrator shall not include in any 3775  
roster the name or telephone number of any parent, custodian, or 3776  
guardian who requests the administrator not to include the 3777  
parent's, custodian's, or guardian's name or number and shall not 3778  
furnish any roster to any person other than a parent, custodian, 3779  
or guardian of a child who attends the center. 3780

(C)(1) Each child day-care center shall have on the center 3781  
premises and readily available at all times at least one 3782  
child-care staff member who has completed a course in first aid 3783  
and in prevention, recognition, and management of communicable 3784  
diseases which is approved by the state department of health and a 3785  
staff member who has completed a course in child abuse recognition 3786  
and prevention training which is approved by the department of job 3787  
and family services. 3788

(2) The administrator of each child day-care center shall 3789  
maintain enrollment, health, and attendance records for all 3790  
children attending the center and health and employment records 3791  
for all center employees. The records shall be confidential, 3792  
except as otherwise provided in division (B)(7) of this section 3793  
and except that they shall be disclosed by the administrator to 3794



the director upon request for the purpose of administering and 3795  
enforcing this chapter and rules adopted pursuant to this chapter. 3796  
Neither the center nor the licensee, administrator, or employees 3797  
of the center shall be civilly or criminally liable in damages or 3798  
otherwise for records disclosed to the director by the 3799  
administrator pursuant to this division. It shall be a defense to 3800  
any civil or criminal charge based upon records disclosed by the 3801  
administrator to the director that the records were disclosed 3802  
pursuant to this division. 3803

(3)(a) Any parent who is the residential parent and legal 3804  
custodian of a child enrolled in a child day-care center and any 3805  
custodian or guardian of such a child shall be permitted unlimited 3806  
access to the center during its hours of operation for the 3807  
purposes of contacting their children, evaluating the care 3808  
provided by the center, evaluating the premises of the center, or 3809  
for other purposes approved by the director. A parent of a child 3810  
enrolled in a child day-care center who is not the child's 3811  
residential parent shall be permitted unlimited access to the 3812  
center during its hours of operation for those purposes under the 3813  
same terms and conditions under which the residential parent of 3814  
that child is permitted access to the center for those purposes. 3815  
However, the access of the parent who is not the residential 3816  
parent is subject to any agreement between the parents and, to the 3817  
extent described in division (C)(3)(b) of this section, is subject 3818  
to any terms and conditions limiting the right of access of the 3819  
parent who is not the residential parent, as described in division 3820  
(I) of section 3109.051 of the Revised Code, that are contained in 3821  
a parenting time order or decree issued under that section, 3822  
section 3109.12 of the Revised Code, or any other provision of the 3823  
Revised Code. 3824

(b) If a parent who is the residential parent of a child has 3825  
presented the administrator or the administrator's designee with a 3826

copy of a parenting time order that limits the terms and 3827  
conditions under which the parent who is not the residential 3828  
parent is to have access to the center, as described in division 3829  
(I) of section 3109.051 of the Revised Code, the parent who is not 3830  
the residential parent shall be provided access to the center only 3831  
to the extent authorized in the order. If the residential parent 3832  
has presented such an order, the parent who is not the residential 3833  
parent shall be permitted access to the center only in accordance 3834  
with the most recent order that has been presented to the 3835  
administrator or the administrator's designee by the residential 3836  
parent or the parent who is not the residential parent. 3837

(c) Upon entering the premises pursuant to division (C)(3)(a) 3838  
or (b) of this section, the parent who is the residential parent 3839  
and legal custodian, the parent who is not the residential parent, 3840  
or the custodian or guardian shall notify the administrator or the 3841  
administrator's designee of the parent's, custodian's, or 3842  
guardian's presence. 3843

(D) The director of job and family services, in addition to 3844  
the rules adopted under division (A) of this section, shall adopt 3845  
rules establishing minimum requirements for child day-care 3846  
centers. The rules shall include, but not be limited to, the 3847  
requirements set forth in divisions (B) and (C) of this section. 3848  
Except as provided in section 5104.07 of the Revised Code, the 3849  
rules shall not change the square footage requirements of division 3850  
(B)(1) or (2) of this section; the maximum number of children per 3851  
child-care staff member and maximum group size requirements of 3852  
division (B)(3) of this section; the educational and experience 3853  
requirements of division (B)(4) of this section; the age, 3854  
educational, and experience requirements of division (B)(5) of 3855  
this section; the number of inservice training hours required 3856  
under division (B)(6) of this section; or the requirement for at 3857  
least annual preparation of a roster for each group of children of 3858

names and telephone numbers of parents, custodians, or guardians 3859  
of each group of children attending the center that must be 3860  
furnished upon request to any parent, custodian, or guardian of 3861  
any child in that group required under division (B)(7) of this 3862  
section; however, the rules shall provide procedures for 3863  
determining compliance with those requirements. 3864

(E)(1) When age groups are combined, the maximum number of 3865  
children per child-care staff member shall be determined by the 3866  
age of the youngest child in the group, except that when no more 3867  
than one child thirty months of age or older receives services in 3868  
a group in which all the other children are in the next older age 3869  
group, the maximum number of children per child-care staff member 3870  
and maximum group size requirements of the older age group 3871  
established under division (B)(3) of this section shall apply. 3872

(2) The maximum number of toddlers or preschool children per 3873  
child-care staff member in a room where children are napping shall 3874  
be twice the maximum number of children per child-care staff 3875  
member established under division (B)(3) of this section if all 3876  
the following criteria are met: 3877

(a) At least one child-care staff member is present in the 3878  
room. 3879

(b) Sufficient child-care staff members are on the child 3880  
day-care center premises to meet the maximum number of children 3881  
per child-care staff member requirements established under 3882  
division (B)(3) of this section. 3883

(c) Naptime preparations are complete and all napping 3884  
children are resting or sleeping on cots. 3885

(d) The maximum number established under division (E)(2) of 3886  
this section is in effect for no more than one and one-half hours 3887  
during a twenty-four-hour day. 3888

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

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

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

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

(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;

(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	3920
and immunizations;	3921
(6) Methods for encouraging parental participation in the	3922
type A home and methods for ensuring that the rights of children,	3923
parents, and employees are protected and that the responsibilities	3924
of parents and employees are met;	3925
(7) Procedures for ensuring the safety and adequate	3926
supervision of children traveling off the premises of the type A	3927
home while under the care of a type A home employee;	3928
(8) Procedures for record keeping, organization, and	3929
administration;	3930
(9) Procedures for issuing, renewing, denying, and revoking a	3931
license that are not otherwise provided for in Chapter 119. of the	3932
Revised Code;	3933
(10) Inspection procedures;	3934
(11) Procedures and standards for setting initial and renewal	3935
license application fees;	3936
(12) Procedures for receiving, recording, and responding to	3937
complaints about type A homes;	3938
(13) Procedures for enforcing section 5104.04 of the Revised	3939
Code;	3940
(14) A standard requiring the inclusion, on or after July 1,	3941
1987, of a current department of job and family services toll-free	3942
telephone number on each type A home provisional license or	3943
license which any person may use to report a suspected violation	3944
by the type A home of this chapter or rules adopted pursuant this	3945
chapter;	3946
(15) Requirements for the training of administrators and	3947
child-care staff members in first aid, in prevention, recognition,	3948
and management of communicable diseases, and in child abuse	3949

recognition and prevention;	3950
(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;	3951 3952 3953 3954
(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 <del>day-care</del> <u>care</u> or publicly funded child <del>day-care</del> <u>care</u> in the type A home;	3955 3956 3957 3958
(18) Standards for the maximum number of children per child-care staff member;	3959 3960
(19) Requirements for the amount of usable indoor floor space for each child;	3961 3962
(20) Requirements for safe outdoor play space;	3963
(21) Qualifications and training requirements for administrators and for child-care staff members;	3964 3965
(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;	3966 3967 3968
(23) Standards for the preparation and distribution of a roster of parents, custodians, and guardians;	3969 3970
(24) Any other procedures and standards necessary to carry out this chapter.	3971 3972
(G) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code governing the certification of type B family day-care homes.	3973 3974 3975
(1) The rules shall include procedures, standards, and other necessary provisions for granting limited certification to type B family day-care homes that are operated by the following adult	3976 3977 3978

providers: 3979

(a) Persons who provide child ~~day-care~~ care for eligible 3980  
children who are great-grandchildren, grandchildren, nieces, 3981  
nephews, or siblings of the provider or for eligible children 3982  
whose caretaker parent is a grandchild, child, niece, nephew, or 3983  
sibling of the provider; 3984

(b) Persons who provide child ~~day-care~~ care for eligible 3985  
children all of whom are the children of the same caretaker 3986  
parent. 3987

The rules shall require, and shall include procedures for the 3988  
director to ensure, that type B family day-care homes that receive 3989  
a limited certification provide child ~~day-care~~ care to children in 3990  
a safe and sanitary manner. With regard to providers who apply for 3991  
limited certification, a provider shall be granted a provisional 3992  
limited certification on signing a declaration under oath 3993  
attesting that the provider meets the standards for limited 3994  
certification. Such provisional limited certifications shall 3995  
remain in effect for no more than sixty calendar days and shall 3996  
entitle the provider to offer publicly funded child ~~day-care~~ care 3997  
during the provisional period. Except as otherwise provided in 3998  
division (G)(1) of this section, section 5104.013 or 5104.09 of 3999  
the Revised Code, or division (A)(2) of section 5104.11 of the 4000  
Revised Code, prior to the expiration of the provisional limited 4001  
certificate, a county department of job and family services shall 4002  
inspect the home and shall grant limited certification to the 4003  
provider if the provider meets the requirements of this division. 4004  
Limited certificates remain valid for two years unless earlier 4005  
revoked. Except as otherwise provided in division (G)(1) of this 4006  
section, providers operating under limited certification shall be 4007  
inspected annually. 4008

If a provider is a person described in division (G)(1)(a) of 4009

this section or a person described in division (G)(1)(b) of this section who is a friend of the caretaker parent, the provider and the caretaker parent may verify in writing to the county department of job and family services that minimum health and safety requirements are being met in the home. ~~If~~ Except as otherwise provided in section 5104.013 or 5104.09 or in division (A)(2) of section 5104.11 of the Revised Code, if such verification is provided, the county shall waive any inspection ~~and any criminal records check~~ required by this chapter and grant limited certification to the provider.

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

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

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

(c) 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;

(d) Admission policies and procedures, health care, first aid and emergency procedures, procedures for the care of sick children, procedures for discipline and supervision of children, nutritional standards, and procedures for screening children and



authorized providers, including, but not limited to, any necessary	4041
physical examinations and immunizations;	4042
(e) Methods of encouraging parental participation and	4043
ensuring that the rights of children, parents, and authorized	4044
providers are protected and the responsibilities of parents and	4045
authorized providers are met;	4046
(f) Standards for the safe transport of children when under	4047
the care of authorized providers;	4048
(g) Procedures for issuing, renewing, denying, refusing to	4049
renew, or revoking certificates;	4050
(h) Procedures for the inspection of type B family day-care	4051
homes that require, at a minimum, that each type B family day-care	4052
home be inspected prior to certification to ensure that the home	4053
is safe and sanitary;	4054
(i) Procedures for record keeping and evaluation;	4055
(j) Procedures for receiving, recording, and responding to	4056
complaints;	4057
(k) Standards providing for the special needs of children who	4058
are handicapped or who receive treatment for health conditions	4059
while the child is receiving child <del>day-care</del> <u>care</u> or publicly	4060
funded child <del>day-care</del> <u>care</u> in the type B home;	4061
(l) Requirements for the amount of usable indoor floor space	4062
for each child;	4063
(m) Requirements for safe outdoor play space;	4064
(n) Qualification and training requirements for authorized	4065
providers;	4066
(o) Procedures for granting a parent who is the residential	4067
parent and legal custodian, or a custodian or guardian access to	4068
the type B home during its hours of operation;	4069

(p) Any other procedures and standards necessary to carry out this chapter. 4070  
4071

(H) The director shall adopt rules pursuant to Chapter 119. 4072  
of the Revised Code governing the certification of in-home aides. 4073  
The rules shall include procedures, standards, and other necessary 4074  
provisions for granting limited certification to in-home aides who 4075  
provide child ~~day-care~~ care for eligible children who are 4076  
great-grandchildren, grandchildren, nieces, nephews, or siblings 4077  
of the in-home aide or for eligible children whose caretaker 4078  
parent is a grandchild, child, niece, nephew, or sibling of the 4079  
in-home aide. The rules shall require, and shall include 4080  
procedures for the director to ensure, that in-home aides that 4081  
receive a limited certification provide child ~~day-care~~ care to 4082  
children in a safe and sanitary manner. The rules shall provide 4083  
for safeguarding the health, safety, and welfare of children 4084  
receiving publicly funded child ~~day-care~~ care in their own home 4085  
and shall include the following: 4086

(1) Standards for ensuring that the child's home and the 4087  
physical surroundings of the child's home are safe and sanitary, 4088  
including, but not limited to, physical environment, physical 4089  
plant, and equipment; 4090

(2) Standards for the supervision, care, and discipline of 4091  
children receiving publicly funded child ~~day-care~~ care in their 4092  
own home; 4093

(3) Standards for a program of activities, and for play 4094  
equipment, materials, and supplies to enhance the development of 4095  
each child; however, any educational curricula, philosophies, and 4096  
methodologies that are developmentally appropriate and that 4097  
enhance the social, emotional, intellectual, and physical 4098  
development of each child shall be permissible; 4099

(4) Health care, first aid, and emergency procedures, 4100

procedures for the care of sick children, procedures for  
discipline and supervision of children, nutritional standards, and  
procedures for screening children and in-home aides, including,  
but not limited to, any necessary physical examinations and  
immunizations;

(5) Methods of encouraging parental participation and  
ensuring that the rights of children, parents, and in-home aides  
are protected and the responsibilities of parents and in-home  
aides are met;

(6) Standards for the safe transport of children when under  
the care of in-home aides;

(7) Procedures for issuing, renewing, denying, refusing to  
renew, or revoking certificates;

(8) Procedures for inspection of homes of children receiving  
publicly funded child ~~day-care~~ care in their own homes;

(9) Procedures for record keeping and evaluation;

(10) Procedures for receiving, recording, and responding to  
complaints;

(11) Qualifications and training requirements for in-home  
aides;

(12) Standards providing for the special needs of children  
who are handicapped or who receive treatment for health conditions  
while the child is receiving publicly funded child ~~day-care~~ care  
in the child's own home;

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

(I) To the extent that any rules adopted for the purposes of  
this section require a health care professional to perform a  
physical examination, the rules shall include as a health care  
professional a physician assistant, a clinical nurse specialist, a

certified nurse practitioner, or a certified nurse-midwife. 4131

(J)(1) The director of job and family services shall do all 4132  
of the following: 4133

(a) Send to each licensee notice of proposed rules governing 4134  
the licensure of child day-care centers and type A homes; 4135

(b) Give public notice of hearings regarding the rules to 4136  
each licensee at least thirty days prior to the date of the public 4137  
hearing, in accordance with section 119.03 of the Revised Code; 4138

(c) ~~Prior to~~ At least thirty days before the effective date 4139  
of a rule, provide, in either paper or electronic form, a copy of 4140  
the adopted rule to each licensee. 4141

(2) The director shall do all of the following: 4142

(a) Send to each county director of job and family services a 4143  
notice of proposed rules governing the certification of type B 4144  
family homes and in-home aides that includes an internet web site 4145  
address where the proposed rules can be viewed; 4146

(b) Give public notice of hearings regarding the proposed 4147  
rules not less than thirty days in advance; 4148

(c) Provide to each county director of job and family 4149  
services an electronic copy of each adopted rule at least 4150  
forty-five days prior to the rule's effective date. 4151

(3) The county director of job and family services shall send 4152  
copies of proposed rules to each authorized provider and in-home 4153  
aide and shall give public notice of hearings regarding the rules 4154  
to each authorized provider and in-home aide at least thirty days 4155  
prior to the date of the public hearing, in accordance with 4156  
section 119.03 of the Revised Code. ~~Prior to~~ At least thirty days 4157  
before the effective date of a rule, the county director of job 4158  
and family services shall provide, in either paper or electronic 4159  
form, copies of the adopted rule to each authorized provider and 4160

in-home aide. 4161

(4) Additional copies of proposed and adopted rules shall be 4162  
made available by the director of job and family services to the 4163  
public on request at no charge. 4164

(5) The director of job and family services shall recommend 4165  
standards for imposing sanctions on persons and entities that are 4166  
licensed or certified under this chapter and that violate any 4167  
provision of this chapter. The standards shall be based on the 4168  
scope and severity of the violations. The director shall provide 4169  
copies of the recommendations to the governor, the speaker and 4170  
minority leader of the house of representatives, and the president 4171  
and minority leader of the senate and, on request, shall make 4172  
copies available to the public. 4173

(6) The director of job and family services shall adopt rules 4174  
pursuant to Chapter 119. of the Revised Code that establish 4175  
standards for the training of individuals whom any county 4176  
department of job and family services employs, with whom any 4177  
county department of job and family services contracts, or with 4178  
whom the director of job and family services contracts, to inspect 4179  
or investigate type B family day-care homes pursuant to section 4180  
5104.11 of the Revised Code. The department shall provide training 4181  
in accordance with those standards for individuals in the 4182  
categories described in this division. 4183

(K) The director of job and family services shall review all 4184  
rules adopted pursuant to this chapter at least once every seven 4185  
years. 4186

(L) Notwithstanding any provision of the Revised Code, the 4187  
director of job and family services shall not regulate in any way 4188  
under this chapter or rules adopted pursuant to this chapter, 4189  
instruction in religious or moral doctrines, beliefs, or values. 4190

Sec. 5104.013. (A)(1) The director of job and family 4191  
services, as part of the process of licensure of child day-care 4192  
centers and type A family day-care homes, shall request the 4193  
superintendent of the bureau of criminal identification and 4194  
investigation to conduct a criminal records check with respect to 4195  
the following persons: 4196

(a) Any owner, licensee, or administrator of a child day-care 4197  
center; 4198

(b) Any owner, licensee, or administrator of a type A family 4199  
day-care home and any person eighteen years of age or older who 4200  
resides in a type A family day-care home. 4201

(2) The director of a county department of job and family 4202  
services, as part of the process of certification of type B family 4203  
day-care homes, shall request the superintendent of the bureau of 4204  
criminal identification and investigation to conduct a criminal 4205  
records check with respect to any authorized provider of a 4206  
certified type B family day-care home and any person eighteen 4207  
years of age or older who resides in a certified type B family 4208  
day-care home. 4209

(3) If the owner, licensee, administrator, or person eighteen 4210  
years of age or older who is the subject of a criminal records 4211  
check pursuant to division (A)(1) of this section, or the 4212  
authorized provider or person eighteen years of age or older who 4213  
is the subject of a criminal records check pursuant to division 4214  
(A)(2) of this section, does not present proof that the owner, 4215  
licensee, administrator, authorized provider, or person has been a 4216  
resident of this state for the five-year period immediately prior 4217  
to the date upon which the criminal records check is requested or 4218  
does not provide evidence that within that five-year period the 4219  
superintendent of the bureau of criminal identification and 4220  
investigation has requested information about the owner, licensee, 4221

administrator, authorized provider, or person from the federal 4222  
bureau of investigation in a criminal records check, the director 4223  
shall request that the superintendent obtain information from the 4224  
federal bureau of investigation as a part of the criminal records 4225  
check for the applicant. If the owner, licensee, administrator, 4226  
authorized provider, or person presents proof that the owner, 4227  
licensee, administrator, authorized provider, or person has been a 4228  
resident of this state for that five-year period, the director may 4229  
request that the superintendent include information from the 4230  
federal bureau of investigation in the criminal records check. 4231

(B) The director of job and family services or the director 4232  
of a county department of job and family services shall provide to 4233  
each person for whom a criminal records check is required under 4234  
this section a copy of the form prescribed pursuant to division 4235  
(C)(1) of section 109.572 of the Revised Code and a standard 4236  
impression sheet to obtain fingerprint impressions prescribed 4237  
pursuant to division (C)(2) of that section, obtain the completed 4238  
form and impression sheet from that person, and forward the 4239  
completed form and impression sheet to the superintendent of the 4240  
bureau of criminal identification and investigation. 4241

(C) A person who receives pursuant to division (B) of this 4242  
section a copy of the form and standard impression sheet described 4243  
in that division and who is requested to complete the form and 4244  
provide a set of fingerprint impressions shall complete the form 4245  
or provide all the information necessary to complete the form and 4246  
shall provide the impression sheet with the impressions of the 4247  
person's fingerprints. If the person, upon request, fails to 4248  
provide the information necessary to complete the form or fails to 4249  
provide impressions of the person's fingerprints, the director may 4250  
consider the failure as a reason to deny licensure or 4251  
certification. 4252

(D)(1) Except as provided in rules adopted under division (G) 4253

of this section, the director of job and family services shall not 4254  
grant a license to a child day-care center or type A family 4255  
day-care home and a county director of job and family services 4256  
shall not certify a type B family day-care home if a person for 4257  
whom a criminal records check was required in connection with the 4258  
center or home previously has been convicted of or pleaded guilty 4259  
to any of the following: 4260

~~(1)~~(a) A violation of section 2903.01, 2903.02, 2903.03, 4261  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 4262  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 4263  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 4264  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 4265  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 4266  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 4267  
2925.06, or 3716.11 of the Revised Code, a violation of section 4268  
2905.04 as it existed prior to July 1, 1996, a violation of 4269  
section 2919.23 of the Revised Code that would have been a 4270  
violation of section 2905.04 of the Revised Code as it existed 4271  
prior to July 1, 1996, had the violation been committed prior to 4272  
that date, a violation of section 2925.11 of the Revised Code that 4273  
is not a minor drug possession offense, or felonious sexual 4274  
penetration in violation of former section 2907.12 of the Revised 4275  
Code; 4276

~~(2)~~(b) A violation of an existing or former law of this 4277  
state, any other state, or the United States that is substantially 4278  
equivalent to any of the offenses or violations described in 4279  
division (D)(1)(a) of this section. 4280

(2) In addition to the prohibition described in division 4281  
(D)(1) of this section, and except as provided in rules adopted 4282  
under division (G) of this section, the director shall not grant a 4283  
license to a child day-care center or type A family day-care home 4284  
and a county director shall not certify a type B family day-care 4285



home if an owner, licensee, or administrator of a child day-care center or type A family day-care home or an authorized provider of a certified type B family day-care home previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2921.11, 2921.13, or 2923.01 of the Revised Code, a violation of section 2923.02 or 2923.03 of the Revised Code that relates to a crime specified in this division or division (D)(1) of this section, or a second violation of section 4511.19 of the Revised Code within five years of the date of application for licensure or certification.

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in division (D)(2)(a) of this section.

(E) Each child day-care center, type A family day-care home, and type B family day-care home shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon a request made pursuant to division (A) of this section.

(F) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under division (A) of this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the person who is the

subject of the criminal records check or the person's 4317  
representative, the director of job and family services, the 4318  
director of a county department of job and family services, the 4319  
center, type A home, or type B home involved, and any court, 4320  
hearing officer, or other necessary individual involved in a case 4321  
dealing with a denial of licensure or certification related to the 4322  
criminal records check. 4323

(G) The director of job and family services shall adopt rules 4324  
pursuant to Chapter 119. of the Revised Code to implement this 4325  
section, including rules specifying exceptions to the prohibition 4326  
in division (D) of this section for persons who have been 4327  
convicted of an offense listed in that division but who meet 4328  
standards in regard to rehabilitation set by the department. 4329

(H) As used in this section: 4330

(1) "Criminal records check" has the same meaning as in 4331  
section 109.572 of the Revised Code. 4332

(2) "Minor drug possession offense" has the same meaning as 4333  
in section 2925.01 of the Revised Code. 4334

**Sec. 5104.015.** (A) Except as otherwise provided in division 4335  
(C) of this section, no child day-care center shall permit any 4336  
person to smoke in any indoor or outdoor space that is part of the 4337  
center. 4338

The administrator of a child day-care center shall post in a 4339  
conspicuous place at the main entrance of the center a notice 4340  
stating that smoking is prohibited in any indoor or outdoor space 4341  
that is part of the center, except under the conditions described 4342  
in division (C) of this section. 4343

(B) Except as otherwise provided in division (C) of this 4344  
section, no type A family day-care home or certified type B family 4345  
day-care home shall permit any person to smoke in any indoor or 4346

outdoor space that is part of the home during the hours the home  
is in operation. Smoking may be permitted during hours other than  
the hours of operation if the administrator or authorized provider  
of the home has provided to a parent, custodian, or guardian of  
each child receiving child ~~day-care~~ care at the home notice that  
smoking occurs or may occur at the home when it is not in  
operation.

The administrator of a type A family day-care home or  
authorized provider of a certified type B family day-care home  
shall post in a conspicuous place at the main entrance of the home  
a notice specifying the hours the home is in operation and stating  
that smoking is prohibited during those hours in any indoor or  
outdoor space that is part of the home, except under the  
conditions described in division (C) of this section.

(C) A child day-care center, type A family day-care home, or  
certified type B family home may allow persons to smoke at the  
center or home during its hours of operation if those persons  
cannot be seen smoking by the children being cared for and if they  
smoke in either of the following:

(1) An indoor area that is separately ventilated from the  
rest of the center or home;

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

(D) The director of job and family services, in consultation  
with the director of health, shall adopt rules in accordance with  
Chapter 119. of the Revised Code to implement the requirements of  
this section. These rules may prohibit smoking in a child day-care  
center, type A family day-care home, or certified type B family  
home if its design and structure do not allow persons to smoke  
under the conditions described in division (C) of this section or  
if repeated violations of division (A) or (B) of this section have

occurred there. 4378

**Sec. 5104.02.** (A) The director of job and family services is 4379  
responsible for the licensing of child day-care centers and type A 4380  
family day-care homes, and for the enforcement of this chapter and 4381  
of rules promulgated pursuant to this chapter. No person, firm, 4382  
organization, institution, or agency shall operate, establish, 4383  
manage, conduct, or maintain a child day-care center or type A 4384  
family day-care home without a license issued under section 4385  
5104.03 of the Revised Code. The current license shall be posted 4386  
in a conspicuous place in the center or type A home that is 4387  
accessible to parents, custodians, or guardians and employees of 4388  
the center or type A home at all times when the center or type A 4389  
home is in operation. 4390

(B) A person, firm, institution, organization, or agency 4391  
operating any of the following programs is exempt from the 4392  
requirements of this chapter: 4393

(1) A program of child ~~day-care~~ care that operates for two or 4394  
less consecutive weeks; 4395

(2) Child ~~day-care~~ care in places of worship during religious 4396  
activities during which children are cared for while at least one 4397  
parent, guardian, or custodian of each child is participating in 4398  
such activities and is readily available; 4399

(3) Religious activities which do not provide child ~~day-care~~ 4400  
care; 4401

(4) Supervised training, instruction, or activities of 4402  
children in specific areas, including, but not limited to: art; 4403  
drama; dance; music; gymnastics, swimming, or another athletic 4404  
skill or sport; computers; or an educational subject conducted on 4405  
an organized or periodic basis no more than one day a week and for 4406  
no more than six hours duration; 4407

(5) Programs in which the director determines that at least one parent, custodian, or guardian of each child is on the premises of the facility offering child ~~day-care~~ care and is readily accessible at all times, except that child ~~day-care~~ care provided on the premises at which a parent, custodian, or guardian is employed more than two and one-half hours a day shall be licensed in accordance with division (A) of this section;

(6)(a) Programs that provide child ~~day-care~~ care funded and regulated or operated and regulated by state departments other than the department of job and family services or the state board of education when the director of job and family services has determined that the rules governing the program are equivalent to or exceed the rules promulgated pursuant to this chapter.

Notwithstanding any exemption from regulation under this chapter, each state department shall submit to the director of job and family services a copy of the rules that govern programs that provide child ~~day-care~~ care and are regulated or operated and regulated by the department. Annually, each state department shall submit to the director a report for each such program it regulates or operates and regulates that includes the following information:

(i) The site location of the program;

(ii) The maximum number of infants, toddlers, preschool children, or school children served by the program at one time;

(iii) The number of adults providing child ~~day-care~~ care for the number of infants, toddlers, preschool children, or school children;

(iv) Any changes in the rules made subsequent to the time when the rules were initially submitted to the director.

The director shall maintain a record of the child ~~day-care~~ care information submitted by other state departments and shall

provide this information upon request to the general assembly or 4438  
the public. 4439

(b) Child ~~day-care~~ care programs conducted by boards of 4440  
education or by chartered nonpublic schools that are conducted in 4441  
school buildings and that provide child ~~day-care~~ care to school 4442  
children only shall be exempt from meeting or exceeding rules 4443  
promulgated pursuant to this chapter. 4444

(7) Any preschool program or school child program, except a 4445  
head start program, that is subject to licensure by the department 4446  
of education under sections 3301.52 to 3301.59 of the Revised 4447  
Code. 4448

(8) Any program providing child ~~day-care~~ care that meets all 4449  
of the following requirements and, on October 20, 1987, was being 4450  
operated by a nonpublic school that holds a charter issued by the 4451  
state board of education for kindergarten only: 4452

(a) The nonpublic school has given the notice to the state 4453  
board and the director of job and family services required by 4454  
Section 4 of Substitute House Bill No. 253 of the 117th general 4455  
assembly; 4456

(b) The nonpublic school continues to be chartered by the 4457  
state board for kindergarten, or receives and continues to hold a 4458  
charter from the state board for kindergarten through grade five; 4459

(c) The program is conducted in a school building; 4460

(d) The program is operated in accordance with rules 4461  
promulgated by the state board under sections 3301.52 to 3301.57 4462  
of the Revised Code. 4463

(9) A youth development program operated outside of school 4464  
hours by a community-based center to which all of the following 4465  
apply: 4466

(a) The children enrolled in the program are under nineteen 4467

years of age and enrolled in or eligible to be enrolled in a grade 4468  
of kindergarten or above. 4469

(b) The program provides informal child care and at least two 4470  
of the following supervised activities: educational, recreational, 4471  
culturally enriching, social, and personal development activities. 4472

(c) The state board of education has approved the program's 4473  
participation in the child and adult care food program as an 4474  
outside-school-hours care center pursuant to standards established 4475  
under section 3313.813 of the Revised Code. 4476

(d) The community-based center operating the program is 4477  
exempt from federal income taxation pursuant to 26 U.S.C. 501(a) 4478  
and (c)(3). 4479

**Sec. 5104.03.** (A) Any person, firm, organization, 4480  
institution, or agency desiring to establish a child day-care 4481  
center or type A family day-care home shall apply for a license to 4482  
the director of job and family services on such form as the 4483  
director prescribes. The director shall provide at no charge to 4484  
each applicant for licensure a copy of the ~~day-care~~ child care 4485  
license requirements in Chapter 5104. of the Revised Code and of 4486  
the rules adopted pursuant to Chapter 5104. of the Revised Code. 4487  
The director shall mail application forms for renewal of license 4488  
at least one hundred twenty days prior to the date of expiration 4489  
of the license, and the application for renewal shall be filed 4490  
with the director at least sixty days before the date of 4491  
expiration. Fees shall be set by the director pursuant to section 4492  
5104.011 of the Revised Code and shall be paid at the time of 4493  
application for or renewal of a license to operate a center or 4494  
type A home. Fees collected under this section shall be paid into 4495  
the state treasury to the credit of the general revenue fund. 4496

(B) Upon filing of the application for a license, the 4497

director shall investigate and inspect the center or type A home 4498  
to determine the license capacity for each age category of 4499  
children of the center or type A home and to determine whether the 4500  
center or type A home complies with Chapter 5104. of the Revised 4501  
Code and rules adopted pursuant to Chapter 5104. of the Revised 4502  
Code. When, after investigation and inspection, the director is 4503  
satisfied that Chapter 5104. of the Revised Code and rules adopted 4504  
pursuant to Chapter 5104. of the Revised Code are complied with, 4505  
subject to division (G) of this section, a provisional license 4506  
shall be issued as soon as practicable in such form and manner as 4507  
prescribed by the director. The provisional license shall be valid 4508  
for six months from the date of issuance unless revoked. 4509

(C) The director shall investigate and inspect the center or 4510  
type A home at least once during operation under the provisional 4511  
license. If after the investigation and inspection the director 4512  
determines that the requirements of Chapter 5104. of the Revised 4513  
Code and rules adopted pursuant to Chapter 5104. of the Revised 4514  
Code are met, subject to division (G) of this section, the 4515  
director shall issue a license to be effective for two years from 4516  
the date of issuance of the provisional license. 4517

(D) Upon the filing of an application for renewal of a 4518  
license by the center or type A home, the director shall 4519  
investigate and inspect the center or type A home. If the director 4520  
determines that the requirements of Chapter 5104. and rules 4521  
adopted pursuant to Chapter 5104. of the Revised Code are met, 4522  
subject to division (G) of this section, the director shall renew 4523  
the license to be effective for two years from the expiration date 4524  
of the previous license. 4525

(E) The license or provisional license shall state the name 4526  
of the licensee, the name of the administrator, the address of the 4527  
center or type A home, and the license capacity for each age 4528  
category of children. After July 1, 1987, the provisional license 4529



or license shall include thereon, in accordance with section 4530  
5104.011 of the Revised Code, the toll-free telephone number to be 4531  
used by persons suspecting that the center or type A home has 4532  
violated a provision of Chapter 5104., or rules adopted pursuant 4533  
to Chapter 5104. of the Revised Code. A license or provisional 4534  
license is valid only for the licensee, administrator, address, 4535  
and license capacity for each age category of children designated 4536  
on the license. The license capacity specified on the license or 4537  
provisional license is the maximum number of children in each age 4538  
category that may be cared for in the center or type A home at one 4539  
time. 4540

The center or type A home licensee shall notify the director 4541  
when the administrator of the center or home changes. The director 4542  
shall amend the current license or provisional license to reflect 4543  
a change in an administrator, if the administrator meets the 4544  
requirements of Chapter 5104. of the Revised Code and rules 4545  
adopted pursuant to Chapter 5104. of the Revised Code, or a change 4546  
in license capacity for any age category of children as determined 4547  
by the director of job and family services. 4548

(F) If the director revokes a license or refuses to renew a 4549  
license to a center or a type A home, the director shall not issue 4550  
a license to the owner of the center or type A home within two 4551  
years from the date of the revocation of a license or refusal to 4552  
renew a license. If during the application for licensure or 4553  
renewal of licensure process the director determines that the 4554  
license of the owner has been revoked or renewal of licensure has 4555  
been denied, the investigation of the center or type A home shall 4556  
cease, and shall not constitute denial of the application. All 4557  
actions of the director with respect to licensing centers or type 4558  
A homes, renewing a license, refusal to license or renew a 4559  
license, and revocation of a license shall be in accordance with 4560  
Chapter 119. of the Revised Code. Any applicant who is denied a 4561

license or any owner whose license is not renewed or is revoked 4562  
may appeal in accordance with section 119.12 of the Revised Code. 4563

(G) In no case shall the director issue a provisional license 4564  
or license, or renew a license, under this section for a type A 4565  
home or center if the director, based on documentation provided by 4566  
the appropriate county department of job and family services, 4567  
determines that the applicant previously had been certified as a 4568  
type B family day-care home, that the county department revoked 4569  
that certification, that the revocation was based on the 4570  
applicant's refusal or inability to comply with the criteria for 4571  
certification, and that the refusal or inability resulted in a 4572  
risk to the health or safety of children. 4573

**Sec. 5104.04.** (A) The department of job and family services 4574  
shall establish procedures to be followed in investigating, 4575  
inspecting, and licensing child day-care centers and type A family 4576  
day-care homes. 4577

(B)(1)(a) The department shall, at least twice during every 4578  
twelve-month period of operation of a center or type A home, 4579  
inspect the center or type A home. The department shall inspect a 4580  
part-time center or part-time type A home at least once during 4581  
every twelve-month period of operation. The department shall 4582  
provide a written inspection report to the licensee within a 4583  
reasonable time after each inspection. The licensee shall display 4584  
all written reports of inspections conducted during the current 4585  
licensing period in a conspicuous place in the center or type A 4586  
home. 4587

At least one inspection shall be unannounced and all 4588  
inspections may be unannounced. No person, firm, organization, 4589  
institution, or agency shall interfere with the inspection of a 4590  
center or type A home by any state or local official engaged in 4591  
performing duties required of the state or local official by 4592

Chapter 5104. of the Revised Code or rules adopted pursuant to 4593  
Chapter 5104. of the Revised Code, including inspecting the center 4594  
or type A home, reviewing records, or interviewing licensees, 4595  
employees, children, or parents. 4596

(b) Upon receipt of any complaint that a center or type A 4597  
home is out of compliance with the requirements of Chapter 5104. 4598  
of the Revised Code or rules adopted pursuant to Chapter 5104. of 4599  
the Revised Code, the department shall investigate ~~and may inspect~~ 4600  
a the center or ~~type A~~ home, and both of the following apply: 4601

(i) If the complaint alleges that a child suffered physical 4602  
harm while receiving child care at the center or home or that the 4603  
noncompliance alleged in the complaint involved, resulted in, or 4604  
poses a substantial risk of physical harm to a child receiving 4605  
child care at the center or home, the department shall inspect the 4606  
center or home. 4607

(ii) If division (B)(1)(b)(i) of this section does not apply 4608  
regarding the complaint, the department may inspect the center or 4609  
home. 4610

(c) Division (B)(1)(b) of this section does not limit, 4611  
restrict, or negate any duty of the department to inspect a center 4612  
or type A home that otherwise is imposed under this section, or 4613  
any authority of the department to inspect a center or type A home 4614  
that otherwise is granted under this section when the department 4615  
believes the inspection is necessary and it is permitted under the 4616  
grant. 4617

(2) If the department implements an instrument-based program 4618  
monitoring information system, it may use an indicator checklist 4619  
to comply with division (B)(1) of this section. 4620

(3) The department shall, at least once during every 4621  
twelve-month period of operation of a center or type A home, 4622  
collect information concerning the amounts charged by the center 4623

or home for providing child ~~day-care~~ care services for use in 4624  
establishing reimbursement ceilings and payment pursuant to 4625  
section 5104.30 of the Revised Code. 4626

(C) In the event a licensed center or type A home is 4627  
determined to be out of compliance with the requirements of 4628  
Chapter 5104. of the Revised Code or rules adopted pursuant to 4629  
Chapter 5104. of the Revised Code, the department shall notify the 4630  
licensee of the center or type A home in writing regarding the 4631  
nature of the violation, what must be done to correct the 4632  
violation, and by what date the correction must be made. If the 4633  
correction is not made by the date established by the department, 4634  
the department may commence action under Chapter 119. of the 4635  
Revised Code to revoke the license. 4636

(D) The department may deny or revoke a license, or refuse to 4637  
renew a license of a center or type A home, if the applicant 4638  
knowingly makes a false statement on the application, does not 4639  
comply with the requirements of Chapter 5104. or rules adopted 4640  
pursuant to Chapter 5104. of the Revised Code, or has pleaded 4641  
guilty to or been convicted of an offense described in section 4642  
5104.09 of the Revised Code. 4643

(E) If the department finds, after notice and hearing 4644  
pursuant to Chapter 119. of the Revised Code, that any person, 4645  
firm, organization, institution, or agency licensed under section 4646  
5104.03 of the Revised Code is in violation of any provision of 4647  
Chapter 5104. of the Revised Code or rules adopted pursuant to 4648  
Chapter 5104. of the Revised Code, the department may issue an 4649  
order of revocation to the center or type A home revoking the 4650  
license previously issued by the department. Upon the issuance of 4651  
any order of revocation, the person whose license is revoked may 4652  
appeal in accordance with section 119.12 of the Revised Code. 4653

(F) The surrender of a center or type A home license to the 4654

department or the withdrawal of an application for licensure by 4655  
the owner or administrator of the center or type A home shall not 4656  
prohibit the department from instituting any of the actions set 4657  
forth in this section. 4658

(G) Whenever the department receives a complaint, is advised, 4659  
or otherwise has any reason to believe that a center or type A 4660  
home is providing child ~~day-care~~ care without a license issued or 4661  
renewed pursuant to section 5104.03 and is not exempt from 4662  
licensing pursuant to section 5104.02 of the Revised Code, the 4663  
department shall investigate the center or type A home and may 4664  
inspect the areas children have access to or areas necessary for 4665  
the care of children in the center or type A home during suspected 4666  
hours of operation to determine whether the center or type A home 4667  
is subject to the requirements of Chapter 5104. or rules adopted 4668  
pursuant to Chapter 5104. of the Revised Code. 4669

(H) The department, upon determining that the center or type 4670  
A home is operating without a license, shall notify the attorney 4671  
general, the prosecuting attorney of the county in which the 4672  
center or type A home is located, or the city attorney, village 4673  
solicitor, or other chief legal officer of the municipal 4674  
corporation in which the center or type A home is located, that 4675  
the center or type A home is operating without a license. Upon 4676  
receipt of the notification, the attorney general, prosecuting 4677  
attorney, city attorney, village solicitor, or other chief legal 4678  
officer of a municipal corporation shall file a complaint in the 4679  
court of common pleas of the county in which the center or type A 4680  
home is located requesting that the court grant an order enjoining 4681  
the owner from operating the center or type A home in violation of 4682  
section 5104.02 of the Revised Code. The court shall grant such 4683  
injunctive relief upon a showing that the respondent named in the 4684  
complaint is operating a center or type A home and is doing so 4685  
without a license. 4686

(I) The department shall prepare an annual report on 4687  
inspections conducted under this section. The report shall include 4688  
the number of inspections conducted, the number and types of 4689  
violations found, and the steps taken to address the violations. 4690  
The department shall file the report with the governor, the 4691  
president and minority leader of the senate, and the speaker and 4692  
minority leader of the house of representatives on or before the 4693  
first day of January of each year, beginning in 1999. 4694

**Sec. 5104.053.** As a precondition of approval by the state 4695  
board of education pursuant to section 3313.813 of the Revised 4696  
Code for receipt of United States department of agriculture child 4697  
and adult care food program funds established under the "National 4698  
School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as 4699  
amended, the provider of child ~~day-care~~ care in a type B family 4700  
day-care home that is not certified by the county director of 4701  
human services shall request an inspection of the type B home by 4702  
the fire marshal, who shall inspect the type B home pursuant to 4703  
section 3737.22 of the Revised Code to determine that it is in 4704  
compliance with rules established pursuant to section 5104.052 of 4705  
the Revised Code for certified type B homes. 4706

**Sec. 5104.06.** (A) The director of job and family services 4707  
shall provide consultation, technical assistance, and training to 4708  
child day-care centers and type A family day-care homes to improve 4709  
programs and facilities providing child ~~day-care~~ care including, 4710  
but not limited to, assistance in meeting the requirements of 4711  
Chapter 5104. and rules adopted pursuant to Chapter 5104. of the 4712  
Revised Code and shall furnish information regarding child abuse 4713  
identification and reporting of child abuse. 4714

(B) The director of job and family services shall provide 4715  
consultation and technical assistance to county departments of job 4716

and family services to assist the departments with the 4717  
implementation of certification of type B family day-care home 4718  
providers and in-home aides. 4719

**Sec. 5104.07.** (A) The director of job and family services may 4720  
prescribe additional requirements for licensing child day-care 4721  
centers or type A family day-care homes that provide publicly 4722  
funded child ~~day-care~~ care pursuant to this chapter and any rules 4723  
adopted under it. The director shall develop standards as required 4724  
by federal laws and regulations for ~~day-care~~ child care programs 4725  
supported by federal funds. 4726

(B)(1) On or before February 28, 1992, the department of job 4727  
and family services shall develop a statewide plan for child 4728  
~~day-care~~ care resource and referral services. The plan shall be 4729  
based upon the experiences of other states with respect to child 4730  
~~day-care~~ care resource and referral services, the experiences of 4731  
communities in this state that have child ~~day-care~~ care resource 4732  
and referral service organizations, and the needs of communities 4733  
in this state that do not have child ~~day-care~~ care resource and 4734  
referral service organizations. The plan shall be designed to 4735  
ensure that child ~~day-care~~ care resource and referral services are 4736  
available in each county in the state to families who need child 4737  
~~day-care~~ care. The department shall consider the special needs of 4738  
migrant workers when it develops the plan and shall include in the 4739  
plan procedures designed to accommodate the needs of migrant 4740  
workers. 4741

(2) The director of job and family services shall adopt rules 4742  
for funding child ~~day-care~~ care resource and referral service 4743  
organizations. The rules shall include all of the following: 4744

(a) A description of the services that a child ~~day-care~~ care 4745  
resource and referral service organization is required to provide 4746  
to families who need child ~~day-care~~ care; 4747

(b) The qualifications for a child ~~day-care~~ care resource and 4748  
referral service organization; 4749

(c) A description of the procedures for providing federal and 4750  
state funding for county or multicounty child ~~day-care~~ care 4751  
resource and referral service organizations; 4752

(d) A timetable for providing child ~~day-care~~ care resource 4753  
and referral services to all communities in the state; 4754

(e) Uniform information gathering and reporting procedures 4755  
that are designed to be used in compatible computer systems; 4756

(f) Procedures for establishing statewide nonprofit technical 4757  
assistance services to coordinate uniform data collection and to 4758  
publish reports on child ~~day-care~~ care supply, demand, and cost 4759  
and to provide technical assistance to communities that do not 4760  
have child ~~day-care~~ care resource and referral service 4761  
organizations and to existing child ~~day-care~~ care resource and 4762  
referral service organizations; 4763

(g) Requirements governing contracts entered into under 4764  
division (C) of this section, which may include limits on the 4765  
percentage of funds distributed by the department that may be used 4766  
for the contracts. 4767

(C) Child ~~day-care~~ care resource and referral service 4768  
organizations receiving funds distributed by the department may, 4769  
in accordance with rules adopted under division (B)(2) of this 4770  
section, enter into contracts with local governmental entities, 4771  
nonprofit organizations including nonprofit organizations that 4772  
provide child ~~day-care~~ care, and individuals under which the 4773  
entities, organizations, or individuals may provide child ~~day-care~~ 4774  
care resource and referral services in the community with those 4775  
funds, if the contracts are submitted to and approved by the 4776  
department prior to execution. 4777



Sec. 5104.08. (A) There is hereby created in the department 4778  
of job and family services a ~~day-care~~ child care advisory council 4779  
to advise and assist the department in the administration of this 4780  
chapter and in the development of child ~~day-care~~ care. The council 4781  
shall consist of ~~eighteen~~ twenty-two voting members appointed by 4782  
the director of job and family services with the approval of the 4783  
governor. The director of job and family services, the director of 4784  
mental retardation and developmental disabilities, the director of 4785  
mental health, the superintendent of public instruction, the 4786  
director of health, the director of commerce, and the state fire 4787  
marshal shall serve as nonvoting members of the council. 4788

Six members shall be representatives of child ~~day-care~~ care 4789  
centers subject to licensing, the members to represent a variety 4790  
of centers, including nonprofit and proprietary, from different 4791  
geographical areas of the state. At least three members shall be 4792  
parents, guardians, or custodians of children ~~in a head start~~ 4793  
~~program or~~ receiving child ~~day-care~~ care or publicly funded child 4794  
~~day-care~~ care in the child's own home, a center, a type A home, a 4795  
head start program, a certified type B home, or a type B home at 4796  
the time of appointment. Three members shall be representatives of 4797  
in-home aides, type A homes, certified type B homes, or type B 4798  
homes or head start programs. At least ~~two~~ six members shall 4799  
represent county departments of job and family services. The 4800  
remaining members shall be representatives of the teaching, child 4801  
development, and health professions, and other individuals 4802  
interested in the welfare of children. At least six members of the 4803  
council shall not be employees or licensees of a child day-care 4804  
center, head start program, or type A home, or providers operating 4805  
a certified type B home or type B home, or in-home aides. 4806

~~Six of the original appointments shall be for one year, six~~ 4807  
~~for two years, and six for three years, and subsequent~~ 4808

~~appointments~~ Appointments shall be for three-year terms. Vacancies 4809  
shall be filled for the unexpired terms. A member of the council 4810  
is subject to removal by the director of job and family services 4811  
for a willful and flagrant exercise of authority or power that is 4812  
not authorized by law, for a refusal or willful neglect to perform 4813  
any official duty as a member of the council imposed by law, or 4814  
for being guilty of misfeasance, malfeasance, nonfeasance, or 4815  
gross neglect of duty as a member of the council. 4816

There shall be two co-chairpersons of the council. One 4817  
co-chairperson shall be the director of job and family services or 4818  
the director's designee, and one co-chairperson shall be elected 4819  
by the members of the council. The council shall meet as often as 4820  
is necessary to perform its duties, provided that it shall meet at 4821  
least once in each quarter of each calendar year and at the call 4822  
of the co-chairpersons. The co-chairpersons or their designee 4823  
shall send to each member a written notice of the date, time, and 4824  
place of each meeting. 4825

Members of the council shall serve without compensation, but 4826  
shall be reimbursed for necessary expenses. 4827

(B) The child care advisory council shall advise the director 4828  
on matters affecting the licensing of centers and type A homes and 4829  
the certification of type B homes and in-home aides. The council 4830  
shall make an annual report concerning the licensing, 4831  
certification, and regulation program, the provision of publicly 4832  
funded child day care by border state child day care providers, 4833  
and the council's recommendations concerning the regulation 4834  
program and border state child day care providers. Copies to the 4835  
director of job and family services that addresses the 4836  
availability, affordability, accessibility, and quality of child 4837  
care and that summarizes the recommendations and plans of action 4838  
that the council has proposed to the director during the preceding 4839  
fiscal year. The director of job and family services shall provide 4840

copies of the report ~~shall be provided~~ to the ~~director~~, governor, 4841  
speaker and minority leader of the house of representatives, and 4842  
the president and minority leader of the senate and, on request, 4843  
~~made~~ shall make copies available to the public. 4844

~~Members of the council shall serve without compensation but~~ 4845  
~~shall be reimbursed for necessary expenses.~~ 4846

(C) The director of job and family services shall adopt rules 4847  
pursuant to Chapter 119. of the Revised Code to implement this 4848  
section. 4849

**Sec. 5104.081.** The department of job and family services 4850  
shall employ at least one senior-level, full-time employee who 4851  
shall manage and oversee all child ~~day-care~~ care functions under 4852  
the authority of the department. 4853

**Sec. 5104.09.** (A)(1) ~~No~~ Except as provided in rules adopted 4854  
pursuant to division (D) of this section: 4855

(a) No individual who has been convicted of or pleaded guilty 4856  
to a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 4857  
2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 2903.34, 4858  
2905.01, 2905.02, 2905.04, 2905.05, 2905.11, 2907.02, 2907.03, 4859  
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 4860  
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 4861  
2907.323, 2909.02, 2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 4862  
2911.11, 2911.12, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 4863  
2919.24, 2919.25, 2921.03, 2921.34, 2921.35, 2923.12, 2923.13, 4864  
2923.161, 2919.22, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 4865  
3716.11 of the Revised Code, a violation of section 2925.11 of the 4866  
Revised Code that is not a minor drug possession offense, as 4867  
defined in section 2925.01 of the Revised Code, felonious sexual 4868  
penetration in violation of former section 2907.12 of the Revised 4869  
Code, or a violation of an existing or former law or ordinance of 4870

any municipal corporation, this state, any other state, or the 4871  
United States that is substantially equivalent to any of those 4872  
violations shall be certified as an in-home aide or be employed in 4873  
any capacity in or own or operate a child day-care center, type A 4874  
family day-care home, type B family day-care home, or certified 4875  
type B family day-care home. 4876

(b) No individual who has been convicted of or pleaded guilty 4877  
to a violation of section 2913.02, 2913.03, 2913.04, 2913.041, 4878  
2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 4879  
2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 4880  
2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2921.11, 2921.13, or 4881  
2923.01 of the Revised Code, a violation of section 2923.02 or 4882  
2923.03 of the Revised Code that relates to a crime specified in 4883  
this division or division (A)(1)(a) of this section, a second 4884  
violation of section 4511.19 of the Revised Code within five years 4885  
of the date of operation of the child day-care center or family 4886  
day-care home, or two violations of section 4511.19 of the Revised 4887  
Code during operation of the center or home, or a violation of an 4888  
existing or former law of this state, any other state, or the 4889  
United States that is substantially equivalent to any of those 4890  
violations shall own or operate a child day-care center, type A 4891  
family day-care home, type B family day-care home, or certified 4892  
type B family day-care home. 4893

(2) Each employee of a child day-care center and type A home 4894  
and every person eighteen years of age or older residing in a type 4895  
A home shall sign a statement on forms prescribed by the director 4896  
of job and family services attesting to the fact that the employee 4897  
or resident person has not been convicted of or pleaded guilty to 4898  
any offense set forth in division (A)(1)(a) of this section and 4899  
that no child has been removed from the employee's or resident 4900  
person's home pursuant to section 2151.353 of the Revised Code. 4901  
Each licensee of a type A home shall sign a statement on a form 4902

prescribed by the director attesting to the fact that no person 4903  
who resides at the type A home and who is under the age of 4904  
eighteen has been adjudicated a delinquent child for committing a 4905  
violation of any section listed in division (A)(1)(a) of this 4906  
section. The statements shall be kept on file at the center or 4907  
type A home. 4908

(3) Each in-home aide, ~~each authorized provider~~, and every 4909  
person eighteen years of age or older residing in a certified type 4910  
B home shall sign a statement on forms prescribed by the director 4911  
of job and family services attesting that the aide, ~~provider~~, or 4912  
resident person has not been convicted of or pleaded guilty to any 4913  
offense set forth in division (A)(1)(a) of this section and that 4914  
no child has been removed from the aide's, ~~provider's~~, or resident 4915  
person's home pursuant to section 2151.353 of the Revised Code. 4916  
Each authorized provider shall sign a statement on forms 4917  
prescribed by the director attesting that the provider has not 4918  
been convicted of or pleaded guilty to any offense set forth in 4919  
division (A)(1)(a) or (b) of this section and that no child has 4920  
been removed from the provider's home pursuant to section 2151.353 4921  
of the Revised Code. Each authorized provider shall sign a 4922  
statement on a form prescribed by the director attesting to the 4923  
fact that no person who resides at the certified type B home and 4924  
who is under the age of eighteen has been adjudicated a delinquent 4925  
child for committing a violation of any section listed in division 4926  
(A)(1)(a) of this section. The statements shall be kept on file at 4927  
the county department of job and family services. 4928

(4) Each administrator and licensee of a center or type A 4929  
home shall sign a statement on a form prescribed by the director 4930  
of job and family services attesting that the administrator or 4931  
licensee has not been convicted of or pleaded guilty to any 4932  
offense set forth in division (A)(1)(a) or (b) of this section and 4933  
that no child has been removed from the administrator's or 4934

licensee's home pursuant to section 2151.353 of the Revised Code. 4935  
The statement shall be kept on file at the center or type A home. 4936

(B) No in-home aide, no administrator, licensee, authorized 4937  
provider, or employee of a center, type A home, or certified type 4938  
B home, and no person eighteen years of age or older residing in a 4939  
type A home or certified type B home shall withhold information 4940  
from, or falsify information on, any statement required pursuant 4941  
to division (A)(2), (3), or (4) of this section. 4942

(C) No administrator, licensee, or child-care staff member 4943  
shall discriminate in the enrollment of children in a child 4944  
day-care center upon the basis of race, color, religion, sex, or 4945  
national origin. 4946

(D) The director of job and family services shall adopt rules 4947  
pursuant to Chapter 119. of the Revised Code to implement this 4948  
section, including rules specifying exceptions to the prohibition 4949  
in division (A)(1) of this section for persons who have been 4950  
convicted of an offense listed in that division but meet 4951  
rehabilitation standards set by the department. 4952

**Sec. 5104.11.** (A)(1) ~~Except~~ Every person desiring to receive 4953  
certification for a type B family day-care home to provide 4954  
publicly funded child care shall apply for certification to the 4955  
county director of job and family services on such forms as the 4956  
director of job and family services prescribes. The county 4957  
director shall provide at no charge to each applicant a copy of 4958  
rules for certifying type B family day-care homes adopted pursuant 4959  
to this chapter. 4960

(2) Except as provided in division (G)(1) of section 5104.011 4961  
of the Revised Code, after receipt of an application for 4962  
certification from a type B family day-care home, the county 4963  
director of job and family services shall inspect the home. If it 4964  
complies with this chapter and any applicable rules adopted under 4965

this chapter, the county department shall certify the type B 4966  
family day-care home to provide publicly funded child ~~day-care~~ 4967  
care pursuant to this chapter and any rules adopted under it. The 4968  
director of job and family services or a county director of job 4969  
and family services may contract with a government entity or a 4970  
private nonprofit entity for that entity to inspect and certify 4971  
type B family day-care homes pursuant to this section. The county 4972  
department of job and family services, government entity, or 4973  
nonprofit entity shall conduct the inspection prior to the 4974  
issuance of a certificate for the type B home and, as part of that 4975  
inspection, ensure that the type B home is safe and sanitary. 4976

(2)(3) On receipt of an application for certification for a 4977  
type B family day-care home to provide publicly funded child care 4978  
or for renewal of such certification, the county department shall 4979  
request from the public children services agency information 4980  
concerning any abuse or neglect report made pursuant to section 4981  
2151.421 of the Revised Code of which the applicant is the 4982  
subject. The county department shall consider any information 4983  
provided by the agency pursuant to section 5153.175 of the Revised 4984  
Code. If the county department determines that the information, 4985  
when viewed within the totality of the circumstances, reasonably 4986  
leads to the conclusion that the applicant may endanger the 4987  
health, safety, or welfare of children, the county department 4988  
shall deny the application for certification or renewal of 4989  
certification, or revoke the certification of an authorized 4990  
provider. 4991

As used in division (A)(3) of this section, "public children 4992  
services agency" means either an entity separate from the county 4993  
department or the part of the county department that serves as the 4994  
county's public children services agency, as appropriate. 4995

(4) Except as provided in division (A)(3)(5) of this section, 4996  
an authorized provider of a type B family day-care home that 4997

receives a certificate pursuant to this section to provide 4998  
publicly funded child ~~day-care~~ care is an independent contractor 4999  
and is not an employee of the county department of job and family 5000  
services that issues the certificate. 5001

~~(3)~~(5) For purposes of Chapter 4141. of the Revised Code, 5002  
determinations concerning the employment of an authorized provider 5003  
of a type B family day-care home that receives a certificate 5004  
pursuant to this section shall be determined under Chapter 4141. 5005  
of the Revised Code. 5006

(B) ~~Every person desiring to receive certification for a type~~ 5007  
~~B family day-care home shall apply for certification to the county~~ 5008  
~~director of job and family services on such forms as the director~~ 5009  
~~of job and family services prescribes. The county director shall~~ 5010  
~~provide at no charge to each applicant a copy of rules for~~ 5011  
~~certifying type B family day-care homes adopted pursuant to this~~ 5012  
~~chapter.~~ 5013

~~(C)~~ If the county director of job and family services 5014  
determines that the type B family day-care home complies with this 5015  
chapter and any rules adopted under it, the county director shall 5016  
issue to the provider a certificate to provide publicly funded 5017  
child ~~day-care~~ care, which certificate is valid for twelve months, 5018  
unless revoked earlier. The county director may revoke the 5019  
certificate after determining that revocation is necessary. The 5020  
authorized provider shall post the certificate in a conspicuous 5021  
place in the certified type B home that is accessible to parents, 5022  
custodians, or guardians at all times. The certificate shall state 5023  
the name and address of the authorized provider, the maximum 5024  
number of children who may be cared for at any one time in the 5025  
certified type B home, the expiration date of the certification, 5026  
and the name and telephone number of the county director who 5027  
issued the certificate. 5028

~~(D)~~(C)(1) The county director shall inspect every certified 5029



type B family day-care home at least twice within each 5030  
twelve-month period of the operation of the certified type B home. 5031  
A minimum of one inspection shall be unannounced and all 5032  
inspections may be unannounced. Upon receipt of a complaint, the 5033  
county director shall investigate ~~and may inspect~~ the certified 5034  
type B home, and division (C)(2) of this section applies regarding 5035  
the complaint. The authorized provider shall permit the county 5036  
director to inspect any part of the certified type B home. The 5037  
county director shall prepare a written inspection report and 5038  
furnish one copy to the authorized provider within a reasonable 5039  
time after the inspection. 5040

(2) Upon receipt of a complaint as described in division 5041  
(C)(1) of this section, in addition to the investigation that is 5042  
required under that division, both of the following apply: 5043

(a) If the complaint alleges that a child suffered physical 5044  
harm while receiving child care at the certified type B family 5045  
day-care home or that the noncompliance with law or act alleged in 5046  
the complaint involved, resulted in, or poses a substantial risk 5047  
of physical harm to a child receiving child care at the home, the 5048  
county director shall inspect the home. 5049

(b) If division (C)(2)(a) of this section does not apply 5050  
regarding the complaint, the county director may inspect the 5051  
certified type B family day-care home. 5052

(3) Division (C)(2) of this section does not limit, restrict, 5053  
or negate any duty of the county director to inspect a certified 5054  
type B family day-care home that otherwise is imposed under this 5055  
section, or any authority of the county director to inspect a home 5056  
that otherwise is granted under this section when the county 5057  
director believes the inspection is necessary and it is permitted 5058  
under the grant. 5059

~~(E)~~(D) The county director of job and family services, in 5060

accordance with rules adopted pursuant to section 5104.052 of the Revised Code regarding fire safety and fire prevention, shall inspect each type B home that applies to be certified that is providing or is to provide publicly funded child ~~day-care~~ care.

~~(F)~~(E) All materials that are supplied by the department of job and family services to type A family day-care home providers, type B family day-care home providers, in-home aides, persons who desire to be type A family day-care home providers, type B family day-care home providers, or in-home aides, and caretaker parents shall be written at no higher than the sixth grade reading level. The department may employ a readability expert to verify its compliance with this division.

**Sec. 5104.12.** (A) The county director of job and family services may certify in-home aides to provide publicly funded child ~~day-care~~ care pursuant to this chapter and any rules adopted under it. Any in-home aide who receives a certificate pursuant to this section to provide publicly funded child ~~day-care~~ care is an independent contractor and is not an employee of the county department of job and family services that issues the certificate.

(B) Every person desiring to receive certification as an in-home aide shall apply for certification to the county director of job and family services on such forms as the director of job and family services prescribes. The county director shall provide at no charge to each applicant a copy of rules for certifying in-home aides adopted pursuant to this chapter.

(C) If the county director of job and family services determines that public funds are available and that the person complies with this chapter and any rules adopted under it, the county director shall certify the person as an in-home aide and issue the person a certificate to provide publicly funded child ~~day-care~~ care for twelve months. The county director may revoke

the certificate after determining that revocation is necessary. 5092  
The county director shall furnish a copy of the certificate to the 5093  
parent, custodian, or guardian. The certificate shall state the 5094  
name and address of the in-home aide, the expiration date of the 5095  
certification, and the name and telephone number of the county 5096  
director who issued the certificate. 5097

(D)(1) The county director of job and family services shall 5098  
inspect every home of a child who is receiving publicly funded 5099  
child ~~day-care~~ care in the child's own home while the in-home aide 5100  
is providing the services. Inspections may be unannounced. Upon 5101  
receipt of a complaint, the county director shall investigate the 5102  
in-home aide ~~and~~, shall investigate ~~and may inspect~~ the home of a 5103  
child who is receiving publicly funded child ~~day-care~~ care in the 5104  
child's own home, and division (D)(2) of this section applies 5105  
regarding the complaint. The caretaker parent shall permit the 5106  
county director to inspect any part of the child's home. The 5107  
county director shall prepare a written inspection report and 5108  
furnish one copy each to the in-home aide and the caretaker parent 5109  
within a reasonable time after the inspection. 5110

(2) Upon receipt of a complaint as described in division 5111  
(D)(1) of this section, in addition to the investigations that are 5112  
required under that division, both of the following apply: 5113

(a) If the complaint alleges that a child suffered physical 5114  
harm while receiving publicly funded child care in the child's own 5115  
home from an in-home aide or that the noncompliance with law or 5116  
act alleged in the complaint involved, resulted in, or poses a 5117  
substantial risk of physical harm to a child receiving publicly 5118  
funded child care in the child's own home from an in-home aide, 5119  
the county director shall inspect the home of the child. 5120

(b) If division (D)(2)(a) of this section does not apply 5121  
regarding the complaint, the county director may inspect the home 5122  
of the child. 5123

(3) Division (D)(2) of this section does not limit, restrict, 5124  
or negate any duty of the county director to inspect a home of a 5125  
child who is receiving publicly funded child care from an in-home 5126  
aide that otherwise is imposed under this section, or any 5127  
authority of the county director to inspect such a home that 5128  
otherwise is granted under this section when the county director 5129  
believes the inspection is necessary and it is permitted under the 5130  
grant. 5131

**Sec. 5104.30.** (A) The department of job and family services 5132  
is hereby designated as the state agency responsible for 5133  
administration and coordination of federal and state funding for 5134  
publicly funded child ~~day-care~~ care in this state. Publicly funded 5135  
child ~~day-care~~ care shall be provided to the following: 5136

(1) Recipients of transitional child ~~day-care~~ care as 5137  
provided under section 5104.34 of the Revised Code; 5138

(2) Participants in the Ohio works first program established 5139  
under Chapter 5107. of the Revised Code; 5140

(3) Individuals who would be participating in the Ohio works 5141  
first program if not for a sanction under section 5107.16 of the 5142  
Revised Code and who continue to participate in a work activity, 5143  
developmental activity, or alternative work activity pursuant to 5144  
an assignment under section 5107.42 of the Revised Code; 5145

(4) A family receiving publicly funded child ~~day-care~~ care on 5146  
October 1, 1997, until the family's income reaches one hundred 5147  
fifty per cent of the federal poverty line; 5148

(5) Subject to available funds, other individuals determined 5149  
eligible in accordance with rules adopted under section 5104.38 of 5150  
the Revised Code. 5151

The department shall apply to the United States department of 5152  
health and human services for authority to operate a coordinated 5153

program for publicly funded child ~~day-care~~ care, if the director  
of job and family services determines that the application is  
necessary. For purposes of this section, the department of job and  
family services may enter into agreements with other state  
agencies that are involved in regulation or funding of child  
~~day-care~~ care. The department shall consider the special needs of  
migrant workers when it administers and coordinates publicly  
funded child ~~day-care~~ care and shall develop appropriate  
procedures for accommodating the needs of migrant workers for  
publicly funded child ~~day-care~~ care.

(B) The department of job and family services shall  
distribute state and federal funds for publicly funded child  
~~day-care~~ care, including appropriations of state funds for  
publicly funded child ~~day-care~~ care and appropriations of federal  
funds available under the child care block grant act, Title IV-A,  
and Title XX. The department may use any state funds appropriated  
for publicly funded child ~~day-care~~ care as the state share  
required to match any federal funds appropriated for publicly  
funded child ~~day-care~~ care.

(C) In the use of federal funds available under the child  
care block grant act, all of the following apply:

(1) The department may use the federal funds to hire staff to  
prepare any rules required under this chapter and to administer  
and coordinate federal and state funding for publicly funded child  
~~day-care~~ care.

(2) Not more than five per cent of the aggregate amount of  
the federal funds received for a fiscal year may be expended for  
administrative costs.

(3) The department shall allocate and use at least four per  
cent of the federal funds for the following:

(a) Activities designed to provide comprehensive consumer

education to parents and the public; 5185

(b) Activities that increase parental choice; 5186

(c) Activities, including child ~~day-care~~ care resource and 5187  
referral services, designed to improve the quality, and increase 5188  
the supply, of child ~~day-care~~ care. 5189

(4) The department shall ensure that the federal funds will 5190  
be used only to supplement, and will not be used to supplant, 5191  
federal, state, and local funds available on the effective date of 5192  
the child care block grant act for publicly funded child ~~day-care~~ 5193  
care and related programs. A county department of job and family 5194  
services may purchase child ~~day-care~~ care from funds obtained 5195  
through any other means. 5196

(D) The department shall encourage the development of 5197  
suitable child ~~day-care~~ care throughout the state, especially in 5198  
areas with high concentrations of recipients of public assistance 5199  
and families with low incomes. The department shall encourage the 5200  
development of suitable child ~~day-care~~ care designed to 5201  
accommodate the special needs of migrant workers. On request, the 5202  
department, through its employees or contracts with state or 5203  
community child ~~day-care~~ care resource and referral service 5204  
organizations, shall provide consultation to groups and 5205  
individuals interested in developing child ~~day-care~~ care. The 5206  
department of job and family services may enter into interagency 5207  
agreements with the department of education, the board of regents, 5208  
the department of development, and other state agencies and 5209  
entities whenever the cooperative efforts of the other state 5210  
agencies and entities are necessary for the department of job and 5211  
family services to fulfill its duties and responsibilities under 5212  
this chapter. 5213

The department ~~may~~ shall develop and maintain a registry of 5214  
persons providing child ~~day-care~~ care. The director ~~may~~ shall 5215

adopt rules pursuant to Chapter 119. of the Revised Code 5216  
establishing procedures and requirements for the registry's 5217  
administration. 5218

(E)(1) The director shall adopt rules in accordance with 5219  
Chapter 119. of the Revised Code establishing both of the 5220  
following: 5221

(a) Reimbursement ceilings for providers of publicly funded 5222  
child ~~day-care~~ care; 5223

(b) A procedure for reimbursing and paying providers of 5224  
publicly funded child ~~day-care~~ care. 5225

(2) In establishing reimbursement ceilings under division 5226  
(E)(1)(a) of this section, the director shall do all of the 5227  
following: 5228

(a) Use the information obtained under division (B)(3) of 5229  
section 5104.04 of the Revised Code; 5230

(b) Establish an enhanced reimbursement ceiling for providers 5231  
who provide child ~~day-care~~ care for caretaker parents who work 5232  
nontraditional hours; 5233

(c) For a type B family day-care home provider that has 5234  
received limited certification pursuant to rules adopted under 5235  
division (G)(1) of section 5104.011 of the Revised Code, establish 5236  
a reimbursement ceiling that is the following: 5237

(i) If the provider is a person described in division 5238  
(G)(1)(a) of section 5104.011 of the Revised Code, seventy-five 5239  
per cent of the reimbursement ceiling that applies to a type B 5240  
family day-care home certified by the same county department of 5241  
job and family services pursuant to section 5104.11 of the Revised 5242  
Code; 5243

(ii) If the provider is a person described in division 5244  
(G)(1)(b) of section 5104.011 of the Revised Code, sixty per cent 5245

of the reimbursement ceiling that applies to a type B family 5246  
day-care home certified by the same county department pursuant to 5247  
section 5104.11 of the Revised Code. 5248

(3) In establishing reimbursement ceilings under division 5249  
(E)(1)(a) of this section, the director may establish different 5250  
reimbursement ceilings based on any of the following: 5251

(a) Geographic location of the provider; 5252

(b) Type of care provided; 5253

(c) Age of the child served; 5254

(d) Special needs of the child served; 5255

(e) Whether the expanded hours of service are provided; 5256

(f) Whether weekend service is provided; 5257

(g) Whether the provider has exceeded the minimum 5258  
requirements of state statutes and rules governing child ~~day-care~~ 5259  
care; 5260

(h) Any other factors the director considers appropriate. 5261

**Sec. 5104.301.** A county department of job and family services 5262  
may establish a program to encourage the organization of parent 5263  
cooperative child day-care centers and parent cooperative type A 5264  
family day-care homes for recipients of publicly funded child 5265  
~~day-care~~ care. A program established under this section may 5266  
include any of the following: 5267

(A) Recruitment of parents interested in organizing a parent 5268  
cooperative child day-care center or parent cooperative type A 5269  
family day-care home; 5270

(B) Provision of technical assistance in organizing a parent 5271  
cooperative child day-care center or parent cooperative type A 5272  
family day-care home; 5273



(C) Assistance in the developing, conducting, and 5274  
disseminating training for parents interested in organizing a 5275  
parent cooperative child day-care center or parent cooperative 5276  
type A family day-care home. 5277

A county department that implements a program under this 5278  
section shall receive from funds available under the child care 5279  
block grant act a five thousand dollar incentive payment for each 5280  
parent cooperative child day-care center or parent cooperative 5281  
type A family day-care home organized pursuant to this section. 5282

Parents of children enrolled in a parent cooperative child 5283  
day-care center or parent cooperative type A family day-care home 5284  
pursuant to this section shall be required to work in the center 5285  
or home a minimum of four hours per week. 5286

The director of job and family services shall adopt rules 5287  
governing the establishment and operation of programs under this 5288  
section. 5289

**Sec. 5104.31.** Publicly funded child ~~day-care~~ care may be 5290  
provided only by the following: 5291

(A) A child day-care center or type A family day-care home, 5292  
including a parent cooperative child day-care center or parent 5293  
cooperative type A family day-care home, licensed by the 5294  
department of job and family services pursuant to section 5104.03 5295  
of the Revised Code; 5296

(B) A type B family day-care home certified by the county 5297  
department of job and family services pursuant to section 5104.11 5298  
of the Revised Code; 5299

(C) A type B family day-care home that has received a limited 5300  
certification pursuant to rules adopted under division (G)(1) of 5301  
section 5104.011 of the Revised Code; 5302

(D) An in-home aide who has been certified by the county 5303

department of job and family services pursuant to section 5104.12 5304  
of the Revised Code; 5305

(E) A child day camp approved pursuant to section 5104.22 of 5306  
the Revised Code; 5307

(F) A licensed preschool program; 5308

(G) A licensed school child program; 5309

(H) A border state child ~~day-care~~ care provider, except that 5310  
a border state child ~~day-care~~ care provider may provide publicly 5311  
funded child ~~day-care~~ care only to an individual who resides in an 5312  
Ohio county that borders the state in which the provider is 5313  
located. 5314

**Sec. 5104.32.** (A) Except as provided in division (C) of this 5315  
section, all purchases of publicly funded child ~~day-care~~ care 5316  
shall be made under a contract entered into by a licensed child 5317  
day-care center, licensed type A family day-care home, certified 5318  
type B family day-care home, certified in-home aide, approved 5319  
child day camp, licensed preschool program, licensed school child 5320  
program, or border state child ~~day-care~~ care provider and the 5321  
county department of job and family services. A county department 5322  
of job and family services may enter into a contract with a 5323  
provider for publicly funded child ~~day-care~~ care for a specified 5324  
period of time or upon a continuous basis for an unspecified 5325  
period of time. All contracts for publicly funded child ~~day-care~~ 5326  
care shall be contingent upon the availability of state and 5327  
federal funds. The department of job and family services shall 5328  
prescribe a standard form to be used for all contracts for the 5329  
purchase of publicly funded child ~~day-care~~ care, regardless of the 5330  
source of public funds used to purchase the child ~~day-care~~ care. 5331  
To the extent permitted by federal law and notwithstanding any 5332  
other provision of the Revised Code that regulates state or county 5333

contracts or contracts involving the expenditure of state, county, 5334  
or federal funds, all contracts for publicly funded child ~~day-care~~ 5335  
care shall be entered into in accordance with the provisions of 5336  
this chapter and are exempt from any other provision of the 5337  
Revised Code that regulates state or county contracts or contracts 5338  
involving the expenditure of state, county, or federal funds. 5339

(B) Each contract for publicly funded child ~~day-care~~ care 5340  
shall specify at least the following: 5341

(1) That the provider of publicly funded child ~~day-care~~ care 5342  
agrees to be paid for rendering services at the lowest of the rate 5343  
customarily charged by the provider for children enrolled for 5344  
child ~~day-care~~ care, the reimbursement ceiling or rate of payment 5345  
established pursuant to section 5104.30 of the Revised Code, or a 5346  
rate the county department negotiates with the provider; 5347

(2) That, if a provider provides child ~~day-care~~ care to an 5348  
individual potentially eligible for publicly funded child ~~day-care~~ 5349  
care who is subsequently determined to be eligible, the county 5350  
department agrees to pay for all child ~~day-care~~ care provided 5351  
between the date the county department receives the individual's 5352  
completed application and the date the individual's eligibility is 5353  
determined; 5354

(3) Whether the county department of job and family services, 5355  
the provider, or a child ~~day-care~~ care resource and referral 5356  
service organization will make eligibility determinations, whether 5357  
the provider or a child ~~day-care~~ care resource and referral 5358  
service organization will be required to collect information to be 5359  
used by the county department to make eligibility determinations, 5360  
and the time period within which the provider or child ~~day-care~~ 5361  
care resource and referral service organization is required to 5362  
complete required eligibility determinations or to transmit to the 5363  
county department any information collected for the purpose of 5364  
making eligibility determinations; 5365

(4) That the provider, other than a border state child ~~day-care~~ care provider or except as provided in division (B) of section 3301.37 of the Revised Code, shall continue to be licensed, approved, or certified pursuant to this chapter and shall comply with all standards and other requirements in this chapter and in rules adopted pursuant to this chapter for maintaining the provider's license, approval, or certification;

(5) That, in the case of a border state child ~~day-care~~ care provider, the provider shall continue to be licensed, certified, or otherwise approved by the state in which the provider is located and shall comply with all standards and other requirements established by that state for maintaining the provider's license, certificate, or other approval;

(6) Whether the provider will be paid by the county department of job and family services or the state department of job and family services;

(7) That the contract is subject to the availability of state and federal funds.

(C) Unless specifically prohibited by federal law, the county department of job and family services shall give individuals eligible for publicly funded child ~~day-care~~ care the option of obtaining certificates for payment that the individual may use to purchase services from any provider qualified to provide publicly funded child ~~day-care~~ care under section 5104.31 of the Revised Code. Providers of publicly funded child ~~day-care~~ care may present these certificates for payment for reimbursement in accordance with rules that the director of job and family services shall adopt. Only providers may receive reimbursement for certificates for payment. The value of the certificate for payment shall be based on the lowest of the rate customarily charged by the provider, the reimbursement ceiling or rate of payment established

pursuant to section 5104.30 of the Revised Code, or a rate the 5397  
county department negotiates with the provider. The county 5398  
department may provide the certificates for payment to the 5399  
individuals or may contract with child ~~day-care~~ care providers or 5400  
child ~~day-care~~ care resource and referral service organizations 5401  
that make determinations of eligibility for publicly funded child 5402  
~~day-care~~ care pursuant to contracts entered into under section 5403  
5104.34 of the Revised Code for the providers or resource and 5404  
referral service organizations to provide the certificates for 5405  
payment to individuals whom they determine are eligible for 5406  
publicly funded child ~~day-care~~ care. 5407

For each six-month period a provider of publicly funded child 5408  
~~day-care~~ care provides publicly funded child day-care to the child 5409  
of an individual given certificates for payment, the individual 5410  
shall provide the provider certificates for days the provider 5411  
would have provided publicly funded child ~~day-care~~ care to the 5412  
child had the child been present. County departments shall specify 5413  
the maximum number of days providers will be provided certificates 5414  
of payment for days the provider would have provided publicly 5415  
funded child ~~day-care~~ care had the child been present. The maximum 5416  
number of days shall not exceed ten days in a six-month period 5417  
during which publicly funded child ~~day-care~~ care is provided to 5418  
the child regardless of the number of providers that provide 5419  
publicly funded child ~~day-care~~ care to the child during that 5420  
period. 5421

**Sec. 5104.33.** (A) The department of job and family services 5422  
shall prescribe an application form for use in making eligibility 5423  
determinations for publicly funded child ~~day-care~~ care. The form 5424  
shall be as brief and simple as practicable. 5425

(B) In administering the process of applying for publicly 5426  
funded child ~~day-care~~ care, the county department of job and 5427

family services shall implement policies designed to ensure that 5428  
the application process is as accessible to the public as 5429  
possible. These policies shall include making the application 5430  
forms available at appropriate locations selected by the county 5431  
department and making arrangements that enable applicants to 5432  
complete the application process at times outside their normal 5433  
working hours, and at locations, convenient for them. The 5434  
arrangements may include stationing certain of their employees at 5435  
various sites in the county for the purpose of assisting 5436  
applicants in completing the application process and of making 5437  
eligibility determinations at those locations. The arrangements 5438  
may also include providing training and technical assistance to 5439  
appropriate entities that qualify them to provide assistance in 5440  
completing the application process and, to the extent permitted by 5441  
federal law, to make eligibility determinations. 5442

Each county department of job and family services shall 5443  
submit to the department of job and family services for approval 5444  
its plan for ensuring that the application process is as 5445  
accessible to the public as possible and complies with this 5446  
division. The county department shall make any changes to its plan 5447  
that the department determines are necessary for compliance with 5448  
this division and with any state standards adopted for the 5449  
administration of this division. 5450

**Sec. 5104.34.** (A)(1) Each county department of job and family 5451  
services shall implement procedures for making determinations of 5452  
eligibility for publicly funded child ~~day-care~~ care. Under those 5453  
procedures, the eligibility determination for each applicant shall 5454  
be made no later than thirty calendar days from the date the 5455  
county department receives a completed application for publicly 5456  
funded child ~~day-care~~ care. Each applicant shall be notified 5457  
promptly of the results of the eligibility determination. An 5458  
applicant aggrieved by a decision or delay in making an 5459

eligibility determination may appeal the decision or delay to the 5460  
department of job and family services in accordance with section 5461  
5101.35 of the Revised Code. The due process rights of applicants 5462  
shall be protected. 5463

To the extent permitted by federal law, the county department 5464  
may make all determinations of eligibility for publicly funded 5465  
child ~~day-care~~ care, may contract with child ~~day-care~~ care 5466  
providers or child ~~day-care~~ care resource and referral service 5467  
organizations for the providers or resource and referral service 5468  
organizations to make all or any part of the determinations, and 5469  
may contract with child ~~day-care~~ care providers or child ~~day-care~~ 5470  
care resource and referral service organizations for the providers 5471  
or resource and referral service organizations to collect 5472  
specified information for use by the county department in making 5473  
determinations. If a county department contracts with a child 5474  
~~day-care~~ care provider or a child ~~day-care~~ care resource and 5475  
referral service organization for eligibility determinations or 5476  
for the collection of information, the contract shall require the 5477  
provider or resource and referral service organization to make 5478  
each eligibility determination no later than thirty calendar days 5479  
from the date the provider or resource and referral organization 5480  
receives a completed application that is the basis of the 5481  
determination and to collect and transmit all necessary 5482  
information to the county department within a period of time that 5483  
enables the county department to make each eligibility 5484  
determination no later than thirty days after the filing of the 5485  
application that is the basis of the determination. 5486

The county department may station employees of the department 5487  
in various locations throughout the county to collect information 5488  
relevant to applications for publicly funded child ~~day-care~~ care 5489  
and to make eligibility determinations. The county department, 5490  
child ~~day-care~~ care provider, and child ~~day-care~~ care resource and 5491

referral service organization shall make each determination of 5492  
eligibility for publicly funded child ~~day-care~~ care no later than 5493  
thirty days after the filing of the application that is the basis 5494  
of the determination, shall make each determination in accordance 5495  
with any relevant rules adopted pursuant to section 5104.38 of the 5496  
Revised Code, and shall notify promptly each applicant for 5497  
publicly funded child ~~day-care~~ care of the results of the 5498  
determination of the applicant's eligibility. 5499

The director of job and family services shall adopt rules in 5500  
accordance with Chapter 119. of the Revised Code for monitoring 5501  
the eligibility determination process. In accordance with those 5502  
rules, the state department shall monitor eligibility 5503  
determinations made by county departments of job and family 5504  
services and shall direct any entity that is not in compliance 5505  
with this division or any rule adopted under this division to 5506  
implement corrective action specified by the department. 5507

(2) All eligibility determinations for publicly funded child 5508  
~~day-care~~ care shall be made in accordance with rules adopted 5509  
pursuant to division (A) of section 5104.38 of the Revised Code 5510  
and, if a county department of job and family services specifies, 5511  
pursuant to rules adopted under division (B) of that section, a 5512  
maximum amount of income a family may have to be eligible for 5513  
publicly funded child ~~day-care~~ care, the income maximum specified 5514  
by the county department. Publicly funded child ~~day-care~~ care may 5515  
be provided only to eligible infants, toddlers, preschool 5516  
children, and school children under age thirteen. For an applicant 5517  
to be eligible for publicly funded child ~~day-care~~ care, the 5518  
caretaker parent must be employed or participating in a program of 5519  
education or training for an amount of time reasonably related to 5520  
the time that the parent's children are receiving publicly funded 5521  
child ~~day-care~~ care. This restriction does not apply to families 5522  
whose children are eligible for protective ~~day-care~~ child care. 5523



Subject to available funds, a county department of job and family services shall allow a family to receive publicly funded child ~~day-care~~ care unless the family's income exceeds the maximum income eligibility limit. Initial and continued eligibility for publicly funded child ~~day-care~~ care is subject to available funds unless the family is receiving child ~~day-care~~ care pursuant to division (A)(1), (2), (3), or (4) of section 5104.30 of the Revised Code. If the county department must limit eligibility due to lack of available funds, it shall give first priority for publicly funded child ~~day-care~~ care to an assistance group whose income is not more than the maximum income eligibility limit that received transitional child ~~day-care~~ care in the previous month but is no longer eligible because the twelve-month period has expired. Such an assistance group shall continue to receive priority for publicly funded child ~~day-care~~ care until its income exceeds the maximum income eligibility limit.

(3) An assistance group that ceases to participate in the Ohio works first program established under Chapter 5107. of the Revised Code is eligible for transitional child ~~day-care~~ care at any time during the immediately following twelve-month period that both of the following apply:

(a) The assistance group requires child ~~day-care~~ care due to employment;

(b) The assistance group's income is not more than one hundred fifty per cent of the federal poverty line.

An assistance group ineligible to participate in the Ohio works first program pursuant to section 5101.83 or section 5107.16 of the Revised Code is not eligible for transitional child ~~day-care~~ care.

(B) To the extent permitted by federal law, a county department of job and family services may require a caretaker

parent determined to be eligible for publicly funded child 5555  
~~day-care~~ care to pay a fee according to the schedule of fees 5556  
established in rules adopted under section 5104.38 of the Revised 5557  
Code. Each county department shall make protective ~~day-care~~ child 5558  
care services available to children without regard to the income 5559  
or assets of the caretaker parent of the child. 5560

(C) A caretaker parent receiving publicly funded child 5561  
~~day-care~~ care shall report to the entity that determined 5562  
eligibility any changes in status with respect to employment or 5563  
participation in a program of education or training not later than 5564  
ten calendar days after the change occurs. 5565

(D) If a county department of job and family services 5566  
determines that available resources are not sufficient to provide 5567  
publicly funded child ~~day-care~~ care to all eligible families who 5568  
request it, the county department may establish a waiting list. A 5569  
county department may establish separate waiting lists within the 5570  
waiting list based on income. When resources become available to 5571  
provide publicly funded child ~~day-care~~ care to families on the 5572  
waiting list, a county department that establishes a waiting list 5573  
shall assess the needs of the next family scheduled to receive 5574  
publicly funded child ~~day-care~~ care. If the assessment 5575  
demonstrates that the family continues to need and is eligible for 5576  
publicly funded child ~~day-care~~ care, the county department shall 5577  
offer it to the family. If the county department determines that 5578  
the family is no longer eligible or no longer needs publicly 5579  
funded child ~~day-care~~ care, the county department shall remove the 5580  
family from the waiting list. 5581

(E) As used in this section, "maximum income eligibility 5582  
limit" means the amount of income specified in rules adopted under 5583  
division (A) of section 5104.38 of the Revised Code or, if a 5584  
county department of job and family services specifies a higher 5585  
amount pursuant to rules adopted under division (B) of that 5586

section, the amount the county department specifies. 5587

**Sec. 5104.341.** (A) Except as provided in division (B) of this 5588  
section, both of the following apply: 5589

(1) An eligibility determination made under section 5104.34 5590  
of the Revised Code for publicly funded child ~~day-care~~ care is 5591  
valid for one year; 5592

(2) The county department of job and family services shall 5593  
redetermine the appropriate level of a fee charged under division 5594  
(B) of section 5104.34 of the Revised Code every six months during 5595  
the one-year period, unless a caretaker parent requests that the 5596  
fee be reduced due to changes in income, family size, or both and 5597  
the county department of job and family services approves the 5598  
reduction. 5599

(B) Division (A) of this section does not apply in either of 5600  
the following circumstances: 5601

(1) The publicly funded child ~~day-care~~ care is provided under 5602  
division (B)(4) of section 5104.35 of the Revised Code; 5603

(2) The recipient of the publicly funded child ~~day-care~~ care 5604  
ceases to be eligible for publicly funded child ~~day-care~~ care. 5605

**Sec. 5104.35.** (A) The county department of job and family 5606  
services shall do all of the following: 5607

(1) Accept any gift, grant, or other funds from either public 5608  
or private sources offered unconditionally or under conditions 5609  
which are, in the judgment of the department, proper and 5610  
consistent with this chapter and deposit the funds in the county 5611  
public assistance fund established by section 5101.161 of the 5612  
Revised Code; 5613

(2) Recruit individuals and groups interested in 5614  
certification as in-home aides or in developing and operating 5615

suitable licensed child day-care centers, type A family day-care  
homes, or certified type B family day-care homes, especially in  
areas with high concentrations of recipients of public assistance,  
and for that purpose provide consultation to interested  
individuals and groups on request;

(3) Inform clients of the availability of child ~~day-care~~ care  
services;

(4) Pay to a child day-care center, type A family day-care  
home, certified type B family day-care home, in-home aide,  
approved child day camp, licensed preschool program, licensed  
school child program, or border state child ~~day-care~~ care provider  
for child ~~day-care~~ care services, the amount provided for in  
division (B) of section 5104.32 of the Revised Code. If part of  
the cost of care of a child is paid by the child's parent or any  
other person, the amount paid shall be subtracted from the amount  
the county department pays.

(5) In accordance with rules adopted pursuant to section  
5104.39 of the Revised Code, provide monthly reports to the  
director of job and family services and the director of budget and  
management regarding expenditures for the purchase of publicly  
funded child ~~day-care~~ care.

(B) The county department of job and family services may do  
any of the following:

(1) To the extent permitted by federal law, use public child  
~~day-care~~ care funds to extend the hours of operation of the county  
department to accommodate the needs of working caretaker parents  
and enable those parents to apply for publicly funded child  
~~day-care~~ care;

(2) In accordance with rules adopted by the director of job  
and family services, request a waiver of the reimbursement ceiling  
established pursuant to section 5104.30 of the Revised Code for

the purpose of paying a higher rate for publicly funded child day-care care based upon the special needs of a child; 5647  
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(3) To the extent permitted by federal law, use state and federal funds to pay deposits and other advance payments that a provider of child day-care care customarily charges all children who receive child day-care care from that provider; 5649  
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(4) To the extent permitted by federal law, pay for up to thirty days of child day-care care for a child whose caretaker parent is seeking employment, taking part in employment orientation activities, or taking part in activities in anticipation of enrollment or attendance in an education or training program or activity, if the employment or education or training program or activity is expected to begin within the thirty-day period. 5653  
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**Sec. 5104.36.** The licensee or administrator of a child day-care center or type A family day-care home, the authorized provider of a certified type B family day-care home, an in-home aide providing child day-care care services, the director or administrator of an approved child day camp, and a border state child day-care care provider shall keep a record for each eligible child, to be made available to the county department of job and family services or the department of job and family services on request. The record shall include all of the following: 5661  
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(A) The name and date of birth of the child; 5670

(B) The name and address of the child's caretaker parent; 5671

(C) The name and address of the caretaker parent's place of employment or program of education or training; 5672  
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(D) The hours for which child day-care care services have been provided for the child; 5674  
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(E) Any other information required by the county department 5676

of job and family services or the state department of job and  
family services.

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**Sec. 5104.38.** In addition to any other rules adopted under  
this chapter, the director of job and family services shall adopt  
rules in accordance with Chapter 119. of the Revised Code  
governing financial and administrative requirements for publicly  
funded child ~~day-care~~ care and establishing all of the following:

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(A) Procedures and criteria to be used in making  
determinations of eligibility for publicly funded child ~~day-care~~  
care that give priority to children of families with lower incomes  
and procedures and criteria for eligibility for publicly funded  
protective ~~day-care~~ child care. The rules shall specify the  
maximum amount of income a family may have for initial and  
continued eligibility. The maximum amount shall not exceed two  
hundred per cent of the federal poverty line.

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(B) Procedures under which a county department of job and  
family services may, if the department, under division (A) of this  
section, specifies a maximum amount of income a family may have  
for eligibility for publicly funded child ~~day-care~~ care that is  
less than the maximum amount specified in that division, specify a  
maximum amount of income a family residing in the county the  
county department serves may have for initial and continued  
eligibility for publicly funded child ~~day-care~~ care that is higher  
than the amount specified by the department but does not exceed  
the maximum amount specified in division (A) of this section;

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(C) A schedule of fees requiring all eligible caretaker  
parents to pay a fee for publicly funded child ~~day-care~~ care  
according to income and family size, which shall be uniform for  
all types of publicly funded child ~~day-care~~ care, except as  
authorized by rule, and, to the extent permitted by federal law,  
shall permit the use of state and federal funds to pay the

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customary deposits and other advance payments that a provider 5708  
charges all children who receive child ~~day-care~~ care from that 5709  
provider. The schedule of fees may not provide for a caretaker 5710  
parent to pay a fee that exceeds ten per cent of the parent's 5711  
family income. 5712

(D) A formula based upon a percentage of the county's total 5713  
expenditures for publicly funded child ~~day-care~~ care for 5714  
determining the maximum amount of state and federal funds 5715  
appropriated for publicly funded child ~~day-care~~ care that a county 5716  
department may use for administrative purposes; 5717

(E) Procedures to be followed by the department and county 5718  
departments in recruiting individuals and groups to become 5719  
providers of child ~~day-care~~ care; 5720

(F) Procedures to be followed in establishing state or local 5721  
programs designed to assist individuals who are eligible for 5722  
publicly funded child ~~day-care~~ care in identifying the resources 5723  
available to them and to refer the individuals to appropriate 5724  
sources to obtain child ~~day-care~~ care; 5725

(G) Procedures to deal with fraud and abuse committed by 5726  
either recipients or providers of publicly funded child ~~day-care~~ 5727  
care; 5728

(H) Procedures for establishing a child ~~day-care~~ care grant 5729  
or loan program in accordance with the child care block grant act; 5730

(I) Standards and procedures for applicants to apply for 5731  
grants and loans, and for the department to make grants and loans; 5732

(J) A definition of "person who stands in loco parentis" for 5733  
the purposes of division (II)(1) of section 5104.01 of the Revised 5734  
Code; 5735

(K) Procedures for a county department of job and family 5736  
services to follow in making eligibility determinations and 5737

redeterminations for publicly funded child ~~day-care~~ care available 5738  
through telephone, computer, and other means at locations other 5739  
than the county department; 5740

(L) Any other rules necessary to carry out sections 5104.30 5741  
to 5104.39 of the Revised Code. 5742

**Sec. 5104.382.** In adopting rules under division (A) of 5743  
section 5104.38 of the Revised Code establishing criteria for 5744  
eligibility for publicly funded child ~~day-care~~ care, the director 5745  
of job and family services may prescribe the amount, duration, and 5746  
scope of benefits available as publicly funded child ~~day-care~~ 5747  
care. 5748

**Sec. 5104.39.** (A) The director of job and family services 5749  
shall adopt rules in accordance with Chapter 119. of the Revised 5750  
Code establishing a procedure for monitoring the expenditures of 5751  
county departments of job and family services to ensure that 5752  
expenditures do not exceed the available federal and state funds 5753  
for publicly funded child ~~day-care~~ care. The department, with the 5754  
assistance of the office of budget and management and the ~~day-care~~ 5755  
child care advisory council created pursuant to section 5104.08 of 5756  
the Revised Code, shall monitor the anticipated future 5757  
expenditures of county departments for publicly funded child 5758  
~~day-care~~ care and shall compare those anticipated future 5759  
expenditures to available federal and state funds for publicly 5760  
funded child ~~day-care~~ care. Whenever the department determines 5761  
that the anticipated future expenditures of the county departments 5762  
will exceed the available federal and state funds for publicly 5763  
funded child ~~day-care~~ care, it promptly shall notify the county 5764  
departments and, before the available state and federal funds are 5765  
used, the director shall issue and implement an administrative 5766  
order that shall specify both of the following: 5767



(1) Priorities for expending the remaining available federal and state funds for publicly funded child <del>day-care</del> <u>care</u> ;	5768 5769
(2) Instructions and procedures to be used by the county departments.	5770 5771
(B) The order may do any or all of the following:	5772
(1) Suspend enrollment of all new participants in any program of publicly funded child <del>day-care</del> <u>care</u> ;	5773 5774
(2) Limit enrollment of new participants to those with incomes at or below a specified percentage of the federal poverty line;	5775 5776 5777
(3) Disenroll existing participants with income above a specified percentage of the federal poverty line.	5778 5779
(C) Each county department shall comply with the order no later than thirty days after it is issued. If the department fails to notify the county departments and to implement the reallocation priorities specified in the order before the available federal and state funds for publicly funded child <del>day-care</del> <u>care</u> are used, the state department shall provide sufficient funds to the county departments for publicly funded child <del>day-care</del> <u>care</u> to enable each county department to pay for all publicly funded child <del>day-care</del> <u>care</u> that was provided by providers pursuant to contract prior to the date that the county department received notice under this section and the state department implemented in that county the priorities.	5780 5781 5782 5783 5784 5785 5786 5787 5788 5789 5790 5791
(D) If after issuing an order under this section to suspend or limit enrollment of new participants or disenroll existing participants the department determines that available state and federal funds for publicly funded child <del>day-care</del> <u>care</u> exceed the anticipated future expenditures of the county departments, the director may issue and implement another administrative order	5792 5793 5794 5795 5796 5797

increasing income eligibility levels to a specified percentage of 5798  
the federal poverty line. The order shall include instructions and 5799  
procedures to be used by the county departments. Each county 5800  
department shall comply with the order not later than thirty days 5801  
after it is issued. 5802

(E) The department of job and family services shall do all of 5803  
the following: 5804

(1) Conduct a quarterly evaluation of the program of publicly 5805  
funded child ~~day-care~~ care that is operated pursuant to sections 5806  
5104.30 to 5104.39 of the Revised Code; 5807

(2) Prepare reports based upon the evaluations that specify 5808  
for each county the number of participants and amount of 5809  
expenditures; 5810

(3) Provide copies of the reports to both houses of the 5811  
general assembly and, on request, to interested parties. 5812

**Sec. 5104.40.** A county department of job and family services 5813  
shall not be held responsible for implementing any rule adopted 5814  
under this chapter regarding publicly funded child ~~day-care~~ care 5815  
until the later of thirty days after the effective date of the 5816  
rule or thirty days after the county department receives notice of 5817  
the rule if such notification is required under this chapter. 5818

**Sec. 5104.41.** A child and the child's caretaker who either 5819  
temporarily reside in a facility providing emergency shelter for 5820  
homeless families or are determined by the county department of 5821  
job and family services to be homeless, and who are otherwise 5822  
ineligible for publicly funded child ~~day-care~~ care, are eligible 5823  
for protective ~~day-care~~ child care for the lesser of the 5824  
following: 5825

(A) Ninety days; 5826

(B) The period of time they reside in the shelter, if they 5827  
qualified for protective ~~day-care~~ child care because they reside 5828  
in the shelter, or the period of time in which the county 5829  
department determines they are homeless. 5830

**Sec. 5104.42.** The director of job and family services shall 5831  
adopt rules pursuant to section 111.15 of the Revised Code 5832  
establishing a payment procedure for publicly funded child 5833  
~~day-care~~ care. The rules may provide that the department of job 5834  
and family services will either reimburse county departments of 5835  
job and ~~family~~ family services for payments made to providers of 5836  
publicly funded child ~~day-care~~ care or make direct payments to 5837  
providers pursuant to an agreement entered into with a county 5838  
board of commissioners pursuant to section 5101.21 of the Revised 5839  
Code. 5840

Alternately, the director, by rule adopted in accordance with 5841  
section 111.15 of the Revised Code, may establish a methodology 5842  
for allocating among the county departments the state and federal 5843  
funds appropriated for all publicly funded child ~~day-care~~ care 5844  
services. If the department chooses to allocate funds for publicly 5845  
funded child ~~day-care~~ care, it may provide the funds to each 5846  
county department, up to the limit of the county's allocation, by 5847  
advancing the funds or reimbursing county ~~day-care~~ care 5848  
expenditures. The rules adopted under this section may prescribe 5849  
procedures for making the advances or reimbursements. The rules 5850  
may establish a method under which the department may determine 5851  
which county expenditures for ~~day-care~~ child care services are 5852  
allowable for use of and federal funds. 5853

The rules may establish procedures that a county department 5854  
shall follow when the county department determines that its 5855  
anticipated future expenditures for publicly funded child ~~day-care~~ 5856  
care services will exceed the amount of state and federal funds 5857

allocated by the state department. The procedures may include 5858  
suspending or limiting enrollment of new participants. 5859

**Sec. 5104.43.** Each county department of job and family 5860  
services shall deposit all funds received from any source for 5861  
child ~~day-care~~ care services into the public assistance fund 5862  
established under section 5101.161 of the Revised Code. All 5863  
expenditures by a county department for publicly funded child 5864  
~~day-care~~ care shall be made from the public assistance fund. 5865

**Sec. 5104.99.** (A) Whoever violates section 5104.02 of the 5866  
Revised Code shall be punished as follows: 5867

(1) For each offense, the offender shall be fined not less 5868  
than one hundred dollars nor more than five hundred dollars ~~for~~ 5869  
~~each offense~~ multiplied by the number of children receiving child 5870  
care at the child day-care center or type A family day-care home 5871  
that either exceeds the number of children to which a type B 5872  
family day-care home may provide child care or, if the offender is 5873  
a licensed type A family day-care home that is operating as a 5874  
child day-care center without being licensed as a center, exceeds 5875  
the license capacity of the type A home. 5876

(2) In addition to the fine specified in division (A)(1) of 5877  
this section, all of the following apply: 5878

(a) Except as provided in divisions (A)(2)(b), (c), and (d) 5879  
of this section, the court shall order the offender to reduce the 5880  
number of children to which it provides child care to a number 5881  
that does not exceed either the number of children to which a type 5882  
B family day-care home may provide child care or, if the offender 5883  
is a licensed type A family day-care home that is operating as a 5884  
child day-care center without being licensed as a center, the 5885  
license capacity of the type A home. 5886

(b) If the offender previously has been convicted of or 5887

pleaded guilty to one violation of section 5104.02 of the Revised Code, the court shall order the offender to cease the provision of child care to any person until it obtains a child day-care center license or a type A family day-care home license, as appropriate, under section 5104.03 of the Revised Code. 5888  
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(c) If the offender previously has been convicted of or pleaded guilty to two violations of section 5104.02 of the Revised Code, the offender is guilty of a misdemeanor of the first degree, and the court shall order the offender to cease the provision of child care to any person until it obtains a child day-care center license or a type A family day-care home license, as appropriate, under section 5104.03 of the Revised Code. The court shall impose the fine specified in division (A)(1) of this section and may impose an additional fine provided that the total amount of the fines so imposed does not exceed the maximum fine authorized for a misdemeanor of the first degree under section 2929.28 of the Revised Code. 5893  
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(d) If the offender previously has been convicted of or pleaded guilty to three or more violations of section 5104.02 of the Revised Code, the offender is guilty of a felony of the fifth degree, and the court shall order the offender to cease the provision of child care to any person until it obtains a child day-care center license or a type A family day-care home license, as appropriate, under section 5104.03 of the Revised Code. The court shall impose the fine specified in division (A)(1) of this section and may impose an additional fine provided that the total amount of the fines so imposed does not exceed the maximum fine authorized for a felony of the fifth degree under section 2929.18 of the Revised Code. 5905  
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(B) Whoever violates division (B) of section 5104.09 of the Revised Code is guilty of a misdemeanor of the first degree. If the offender is a licensee of a center or type A home, the 5917  
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conviction shall constitute grounds for denial, revocation, or 5920  
refusal to renew an application for licensure pursuant to section 5921  
5104.04 of the Revised Code. If the offender is a person eighteen 5922  
years of age or older residing in a center or type A home or is an 5923  
employee of a center or a type A home and if the licensee had 5924  
knowledge of, and acquiesced in, the commission of the offense, 5925  
the conviction shall constitute grounds for denial, revocation, or 5926  
refusal to renew an application for licensure pursuant to section 5927  
5104.04 of the Revised Code. 5928

(C) Whoever violates division (C) of section 5104.09 of the 5929  
Revised Code is guilty of a misdemeanor of the third degree. 5930

**Sec. 5107.16.** (A) If a member of an assistance group fails or 5931  
refuses, without good cause, to comply in full with a provision of 5932  
a self-sufficiency contract entered into under section 5107.14 of 5933  
the Revised Code, a county department of job and family services 5934  
shall sanction the assistance group as follows: 5935

(1) For a first failure or refusal, the county department 5936  
shall deny or terminate the assistance group's eligibility to 5937  
participate in Ohio works first for one payment month or until the 5938  
failure or refusal ceases, whichever is longer; 5939

(2) For a second failure or refusal, the county department 5940  
shall deny or terminate the assistance group's eligibility to 5941  
participate in Ohio works first for three payment months or until 5942  
the failure or refusal ceases, whichever is longer; 5943

(3) For a third or subsequent failure or refusal, the county 5944  
department shall deny or terminate the assistance group's 5945  
eligibility to participate in Ohio works first for six payment 5946  
months or until the failure or refusal ceases, whichever is 5947  
longer. 5948

(B) Each county department of job and family services shall 5949

establish standards for the determination of good cause for 5950  
failure or refusal to comply in full with a provision of a 5951  
self-sufficiency contract. 5952

(1) In the case of a failure or refusal to participate in a 5953  
work activity, developmental activity, or alternative work 5954  
activity under sections 5107.40 to 5107.69 of the Revised Code, 5955  
good cause shall include, except as provided in division (B)(2) of 5956  
this section, the following: 5957

(a) Failure of the county department to place the member in 5958  
an activity; 5959

(b) Failure of the county department to provide for the 5960  
assistance group to receive support services the county department 5961  
determines under section 5107.66 of the Revised Code to be 5962  
necessary. In determining whether good cause exists, a county 5963  
department shall determine that day care is a necessary support 5964  
service if a single custodial parent caring for a minor child 5965  
under age six proves a demonstrated inability, as determined by 5966  
the county department, to obtain needed child care for one or more 5967  
of the following reasons: 5968

(i) Unavailability of appropriate child care within a 5969  
reasonable distance from the parent's home or work site; 5970

(ii) Unavailability or unsuitability of informal child care 5971  
by a relative or under other arrangements; 5972

(iii) Unavailability of appropriate and affordable formal 5973  
child care arrangements. 5974

(2) Good cause does not exist if the member of the assistance 5975  
group is placed in a work activity established under section 5976  
5107.58 of the Revised Code and exhausts the support services 5977  
available for that activity. 5978

(C) When a state hearing under division (B) of section 5979

5101.35 of the Revised Code or an administrative appeal under 5980  
division (C) of that section is held regarding a sanction under 5981  
this section, the hearing officer, director of job and family 5982  
services, or director's designee shall base the decision in the 5983  
hearing or appeal on the county department's standards of good 5984  
cause for failure or refusal to comply in full with a provision of 5985  
a self-sufficiency contract, if the county department provides the 5986  
hearing officer, director, or director's designee a copy of the 5987  
county department's good cause standards. 5988

(D) After sanctioning an assistance group under division (A) 5989  
of this section, a county department of job and family services 5990  
shall continue to work with the assistance group to provide the 5991  
member of the assistance group who caused the sanction an 5992  
opportunity to demonstrate to the county department a willingness 5993  
to cease the failure or refusal to comply with the 5994  
self-sufficiency contract. 5995

(E) An adult eligible for medical assistance pursuant to 5996  
division (A)(1)(a) of section 5111.01 of the Revised Code who is 5997  
sanctioned under division (A)(3) of this section for a failure or 5998  
refusal, without good cause, to comply in full with a provision of 5999  
a self-sufficiency contract related to work responsibilities under 6000  
sections 5107.40 to 5107.69 of the Revised Code loses eligibility 6001  
for medical assistance unless the adult is otherwise eligible for 6002  
medical assistance pursuant to another division of section 5111.01 6003  
of the Revised Code. 6004

(F) An assistance group that would be participating in Ohio 6005  
works first if not for a sanction under this section shall 6006  
continue to be eligible for all of the following: 6007

(1) Publicly funded child ~~day-care~~ care in accordance with 6008  
division (A)(3) of section 5104.30 of the Revised Code; 6009

(2) Support services in accordance with section 5107.66 of 6010



the Revised Code; 6011

(3) To the extent permitted by the "Fair Labor Standards Act 6012  
of 1938," 52 Stat. 1060, 29 U.S.C.A. 201, as amended, to 6013  
participate in work activities, developmental activities, and 6014  
alternative work activities in accordance with sections 5107.40 to 6015  
5107.69 of the Revised Code. 6016

**Sec. 5107.26.** (A) As used in this section: 6017

(1) "Transitional child ~~day-care~~ care" means publicly funded 6018  
child ~~day-care~~ care provided under division (A)(3) of section 6019  
5104.34 of the Revised Code. 6020

(2) "Transitional medicaid" means the medical assistance 6021  
provided under section 5111.023 of the Revised Code. 6022

(B) Except as provided in division (C) of this section, each 6023  
member of an assistance group participating in Ohio works first is 6024  
ineligible to participate in the program for six payment months if 6025  
a county department of job and family services determines that a 6026  
member of the assistance group terminated the member's employment 6027  
and each person who, on the day prior to the day a recipient 6028  
begins to receive transitional child ~~day-care~~ care or transitional 6029  
medicaid, was a member of the recipient's assistance group is 6030  
ineligible to participate in Ohio works first for six payment 6031  
months if a county department determines that the recipient 6032  
terminated the recipient's employment. 6033

(C) No assistance group member shall lose or be denied 6034  
eligibility to participate in Ohio works first pursuant to 6035  
division (B) of this section if the termination of employment was 6036  
because an assistance group member or recipient of transitional 6037  
child ~~day-care~~ care or transitional medicaid secured comparable or 6038  
better employment or the county department of job and family 6039  
services certifies that the member or recipient terminated the 6040

employment with just cause.	6041
Just cause includes the following:	6042
(1) Discrimination by an employer based on age, race, sex, color, handicap, religious beliefs, or national origin;	6043 6044
(2) Work demands or conditions that render continued employment unreasonable, such as working without being paid on schedule;	6045 6046 6047
(3) Employment that has become unsuitable due to any of the following:	6048 6049
(a) The wage is less than the federal minimum wage;	6050
(b) The work is at a site subject to a strike or lockout, unless the strike has been enjoined under section 208 of the "Labor-Management Relations Act," 61 Stat. 155 (1947), 29 U.S.C.A. 178, as amended, an injunction has been issued under section 10 of the "Railway Labor Act," 44 Stat. 586 (1926), 45 U.S.C.A. 160, as amended, or an injunction has been issued under section 4117.16 of the Revised Code;	6051 6052 6053 6054 6055 6056 6057
(c) The documented degree of risk to the member or recipient's health and safety is unreasonable;	6058 6059
(d) The member or recipient is physically or mentally unfit to perform the employment, as documented by medical evidence or by reliable information from other sources.	6060 6061 6062
(4) Documented illness of the member or recipient or of another assistance group member of the member or recipient requiring the presence of the member or recipient;	6063 6064 6065
(5) A documented household emergency;	6066
(6) Lack of adequate child care for children of the member or recipient who are under six years of age.	6067 6068
<b>Sec. 5107.30.</b> (A) As used in this section:	6069

(1) "LEAP program" means the learning, earning, and parenting program. 6070  
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(2) "Teen" means a participant of Ohio works first who is 6072  
under age eighteen or is age eighteen and in school and is a 6073  
natural or adoptive parent or is pregnant. 6074

(3) "School" means an educational program that is designed to 6075  
lead to the attainment of a high school diploma or the equivalent 6076  
of a high school diploma. 6077

(B) The director of job and family services may adopt rules 6078  
under section 5107.05 of the Revised Code, to the extent that such 6079  
rules are consistent with federal law, to do all of the following: 6080

(1) Define "good cause" and "the equivalent of a high school 6081  
diploma" for the purposes of this section; 6082

(2) Conduct a program titled the "LEAP program" and establish 6083  
requirements governing the program. The purpose of the LEAP 6084  
program is to encourage teens to complete school. 6085

(3) Require every teen who is subject to LEAP program 6086  
requirements to attend school in accordance with the requirements 6087  
governing the program unless the teen shows good cause for not 6088  
attending school. The department shall provide, in addition to the 6089  
cash assistance payment provided under Ohio works first, an 6090  
incentive payment, in an amount determined by the department, to 6091  
every teen who is participating in the LEAP program and attends 6092  
school in accordance with the requirements governing the program. 6093  
The department shall reduce the cash assistance payment, in an 6094  
amount determined by the department, under Ohio works first to 6095  
every teen participating in the LEAP program who fails or refuses, 6096  
without good cause, to meet the requirements governing the 6097  
program. 6098

(4) Require every teen who is subject to LEAP program 6099

requirements to enter into a written agreement with the county  
department of job and family services that provides all of the  
following:

(a) The teen, to be eligible to receive the incentive payment  
under division (B)(3) of this section, must meet the requirements  
of the LEAP program.

(b) The county department will provide the incentive payment  
to the teen if the teen meets the requirements of the LEAP  
program.

(c) The county department will reduce the cash assistance  
payment under Ohio works first if the teen fails or refuses  
without good cause to attend school in accordance with the  
requirements governing the LEAP program.

(C) A minor head of household who is participating in the  
LEAP program shall be considered to be participating in a work  
activity for the purpose of sections 5107.40 to 5107.69 of the  
Revised Code. However, the minor head of household is not subject  
to the requirements or sanctions of those sections.

(D) Subject to the availability of funds, county departments  
of job and family services shall provide for LEAP participants to  
receive support services the county department determines to be  
necessary for LEAP participation. Support services may include  
publicly funded child ~~day care~~ care under Chapter 5104. of the  
Revised Code, transportation, and other services.

**Sec. 5107.58.** In accordance with a federal waiver granted by  
the United States secretary of health and human services pursuant  
to a request made under former section 5101.09 of the Revised  
Code, county departments of job and family services may establish  
and administer as a work activity for minor heads of households  
and adults participating in Ohio works first an education program

under which the participant is enrolled full-time in 6130  
post-secondary education leading to vocation at a state 6131  
institution of higher education, as defined in section 3345.031 of 6132  
the Revised Code; a private nonprofit college or university that 6133  
possesses a certificate of authorization issued by the Ohio board 6134  
of regents pursuant to Chapter 1713. of the Revised Code, or is 6135  
exempted by division (E) of section 1713.02 of the Revised Code 6136  
from the requirement of a certificate; a school that holds a 6137  
certificate of registration and program authorization issued by 6138  
the state board of career colleges and schools under Chapter 3332. 6139  
of the Revised Code; a private institution exempt from regulation 6140  
under Chapter 3332. of the Revised Code as prescribed in section 6141  
3333.046 of the Revised Code; or a school that has entered into a 6142  
contract with the county department of job and family services. 6143  
The participant shall make reasonable efforts, as determined by 6144  
the county department, to obtain a loan, scholarship, grant, or 6145  
other assistance to pay for the tuition, including a federal Pell 6146  
grant under 20 U.S.C.A. 1070a and an Ohio instructional grant 6147  
under section 3333.12 of the Revised Code. If the participant has 6148  
made reasonable efforts but is unable to obtain sufficient 6149  
assistance to pay the tuition the program may pay the tuition. On 6150  
or after October 1, 1998, the county department may enter into a 6151  
loan agreement with the participant to pay the tuition. The total 6152  
period for which tuition is paid and loans made shall not exceed 6153  
two years. If the participant, pursuant to division (B)(3) of 6154  
section 5107.43 of the Revised Code, volunteers to participate in 6155  
the education program for more hours each week than the 6156  
participant is assigned to the program, the program may pay or the 6157  
county department may loan the cost of the tuition for the 6158  
additional voluntary hours as well as the cost of the tuition for 6159  
the assigned number of hours. The participant may receive, for not 6160  
more than three years, support services, including publicly funded 6161  
child ~~day-care~~ care under Chapter 5104. of the Revised Code and 6162

transportation, that the participant needs to participate in the 6163  
program. To receive support services in the third year, the 6164  
participant must be, as determined by the educational institution 6165  
in which the participant is enrolled, in good standing with the 6166  
institution. 6167

A county department that provides loans under this section 6168  
shall establish procedures governing loan application for and 6169  
approval and administration of loans granted pursuant to this 6170  
section. 6171

**Sec. 5107.66.** Subject to the availability of funds and except 6172  
as limited by section 5107.58 of the Revised Code, county 6173  
departments of job and family services shall provide for 6174  
participants of Ohio works first placed in a work activity, 6175  
developmental activity, or alternative work activity to receive 6176  
support services the county department determines to be necessary. 6177  
County departments may provide for applicants of Ohio works first 6178  
placed in the work activity established under section 5107.50 of 6179  
the Revised Code to receive support services the county department 6180  
determines to be necessary. Support services may include publicly 6181  
funded child ~~day-care~~ care under Chapter 5104. of the Revised 6182  
Code, transportation, and other services. 6183

**Sec. 5153.175.** (A) Notwithstanding sections 2151.421 and 6184  
5153.17 and any other section of the Revised Code pertaining to 6185  
confidentiality, a public children services agency shall promptly 6186  
provide to the department of job and family services or to a 6187  
county department of job and family services any information the 6188  
public children services agency determines to be relevant for the 6189  
purpose of evaluating the fitness of a person who has applied for 6190  
licensure or renewal of licensure as a type A family day-care home 6191  
or certification or renewal of certification as a type B family 6192  
day-care home, including, but not limited to, both of the 6193

following: 6194

(1) A summary report of the chronology of abuse and neglect reports made pursuant to section 2151.421 of the Revised Code of which the person is the subject and the final disposition of the investigation of the reports or, if the investigations have not been completed, the status of the investigations; 6195  
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(2) Any underlying documentation concerning those reports. 6200

(B) The agency shall not include in the information provided to the department or county department under division (A) of this section the name of the person or entity that made the report or participated in the making of the report of child abuse or neglect. 6201  
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**Sec. 5733.38.** This section applies only to tax years 1999, 2000, 2001, 2002, and 2003. 6206  
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A nonrefundable credit is allowed against the tax imposed by sections 5733.06, 5733.065, and 5733.066 of the Revised Code equal to fifty per cent of the amount incurred by a taxpayer during the taxable year immediately preceding the tax year to reimburse employees of the taxpayer for child ~~day-care~~ care expenses. The amount of the credit for a tax year shall not exceed seven hundred fifty dollars per child. 6208  
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The taxpayer shall count toward the credit only reimbursements it pays to or for the benefit of employees for amounts paid by those employees for child ~~day-care~~ care provided to dependents of the employees at child day-care centers licensed under section 5104.03 of the Revised Code. The taxpayer shall not count toward the credit any amount it paid directly or indirectly in connection with a plan or program described in section 125 of the Internal Revenue Code or under section 5733.36 of the Revised Code. The taxpayer shall claim the credit in the order required 6215  
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under section 5733.98 of the Revised Code. 6224

**Sec. 5733.98.** (A) To provide a uniform procedure for 6225  
calculating the amount of tax imposed by section 5733.06 of the 6226  
Revised Code that is due under this chapter, a taxpayer shall 6227  
claim any credits to which it is entitled in the following order, 6228  
except as otherwise provided in section 5733.058 of the Revised 6229  
Code: 6230

(1) The credit for taxes paid by a qualifying pass-through 6231  
entity allowed under section 5733.0611 of the Revised Code; 6232

(2) The credit allowed for financial institutions under 6233  
section 5733.45 of the Revised Code; 6234

(3) The credit for qualifying affiliated groups under section 6235  
5733.068 of the Revised Code; 6236

(4) The subsidiary corporation credit under section 5733.067 6237  
of the Revised Code; 6238

(5) The savings and loan assessment credit under section 6239  
5733.063 of the Revised Code; 6240

(6) The credit for recycling and litter prevention donations 6241  
under section 5733.064 of the Revised Code; 6242

(7) The credit for employers that enter into agreements with 6243  
child day-care centers under section 5733.36 of the Revised Code; 6244

(8) The credit for employers that reimburse employee child 6245  
~~day-care~~ care expenses under section 5733.38 of the Revised Code; 6246

(9) The credit for maintaining railroad active grade crossing 6247  
warning devices under section 5733.43 of the Revised Code; 6248

(10) The credit for purchases of lights and reflectors under 6249  
section 5733.44 of the Revised Code; 6250

(11) The job retention credit under division (B) of section 6251  
5733.0610 of the Revised Code; 6252



(12) The credit for losses on loans made under the Ohio	6253
venture capital program under sections 150.01 to 150.10 of the	6254
Revised Code if the taxpayer elected a nonrefundable credit under	6255
section 150.07 of the Revised Code;	6256
(13) The credit for purchases of new manufacturing machinery	6257
and equipment under section 5733.31 or section 5733.311 of the	6258
Revised Code;	6259
(14) The second credit for purchases of new manufacturing	6260
machinery and equipment under section 5733.33 of the Revised Code;	6261
(15) The job training credit under section 5733.42 of the	6262
Revised Code;	6263
(16) The credit for qualified research expenses under section	6264
5733.351 of the Revised Code;	6265
(17) The enterprise zone credit under section 5709.66 of the	6266
Revised Code;	6267
(18) The credit for the eligible costs associated with a	6268
voluntary action under section 5733.34 of the Revised Code;	6269
(19) The credit for employers that establish on-site child	6270
day-care <u>centers</u> under section 5733.37 of the Revised Code;	6271
(20) The ethanol plant investment credit under section	6272
5733.46 of the Revised Code;	6273
(21) The credit for purchases of qualifying grape production	6274
property under section 5733.32 of the Revised Code;	6275
(22) The export sales credit under section 5733.069 of the	6276
Revised Code;	6277
(23) The credit for research and development and technology	6278
transfer investors under section 5733.35 of the Revised Code;	6279
(24) The enterprise zone credits under section 5709.65 of the	6280
Revised Code;	6281

(25) The credit for using Ohio coal under section 5733.39 of the Revised Code;	6282 6283
(26) The research and development credit under section 5733.352 of the Revised Code;	6284 6285
<u>(27)</u> The credit for small telephone companies under section 5733.57 of the Revised Code;	6286 6287
<del>(27)</del> <u>(28)</u> The credit for eligible nonrecurring 9-1-1 charges under section 5733.55 of the Revised Code;	6288 6289
<del>(28)</del> <u>(29)</u> The credit for providing programs to aid the communicatively impaired under section 5733.56 of the Revised Code;	6290 6291 6292
<del>(29)</del> <u>(30)</u> The refundable jobs creation credit under division (A) of section 5733.0610 of the Revised Code;	6293 6294
<del>(28)</del> <del>(30)</del> <u>(31)</u> The refundable credit for tax withheld under division (B)(2) of section 5747.062 of the Revised Code;	6295 6296
<del>(29)</del> <del>(31)</del> <u>(32)</u> The credit for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code if the taxpayer elected a refundable credit under section 150.07 of the Revised Code.	6297 6298 6299 6300
(B) For any credit except the credits enumerated in divisions (A) <del>(29)</del> , (30), <del>and (29)</del> (31), <u>and (32)</u> of this section, the amount of the credit for a tax year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit.	6301 6302 6303 6304 6305 6306 6307
<b>Sec. 5747.36.</b> This section applies only for taxable years beginning after December 31, 1996, but beginning prior to January 1, 2003.	6308 6309 6310

(A) As used in this section, "pass-through entity" has the same meaning as in division (O) of section 5733.04 of the Revised Code and includes a sole proprietorship.

(B) A nonrefundable credit is allowed against the tax imposed by section 5747.02 of the Revised Code equal to fifty per cent of the amount incurred by a pass-through entity during a taxable year to reimburse employees of the pass-through entity for child ~~day-care~~ care expenses. The amount of the credit for a taxable year shall not exceed seven hundred fifty dollars per child.

The pass-through entity shall count toward the credit only reimbursements it pays to or for the benefit of employees for amounts paid by those employees for child ~~day-care~~ care provided to dependents of the employees at child day-care centers licensed under section 5104.03 of the Revised Code. The pass-through entity shall not count toward the credit any amount it paid directly or indirectly in connection with a plan or program described in section 125 of the Internal Revenue Code or under section 5747.34 of the Revised Code.

The amount of a taxpayer's credit is the taxpayer's proportionate share of the credit distributed by the pass-through entity. The taxpayer shall claim the credit in the order required under section 5747.98 of the Revised Code.

**Sec. 5747.98.** (A) To provide a uniform procedure for calculating the amount of tax due under section 5747.02 of the Revised Code, a taxpayer shall claim any credits to which the taxpayer is entitled in the following order:

(1) The retirement income credit under division (B) of section 5747.055 of the Revised Code;

(2) The senior citizen credit under division (C) of section 5747.05 of the Revised Code;

(3) The lump sum distribution credit under division (D) of section 5747.05 of the Revised Code;	6341 6342
(4) The dependent care credit under section 5747.054 of the Revised Code;	6343 6344
(5) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;	6345 6346
(6) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;	6347 6348
(7) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;	6349 6350
(8) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	6351 6352
(9) The campaign contribution credit under section 5747.29 of the Revised Code;	6353 6354
(10) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	6355 6356
(11) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	6357 6358
(12) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	6359 6360
(13) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	6361 6362
(14) The credit for employers that enter into agreements with child day-care centers under section 5747.34 of the Revised Code;	6363 6364
(15) The credit for employers that reimburse employee child <del>day-care</del> <u>care</u> expenses under section 5747.36 of the Revised Code;	6365 6366
(16) The credit for adoption of a minor child under section 5747.37 of the Revised Code;	6367 6368

(17) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;	6369 6370
(18) The job retention credit under division (B) of section 5747.058 of the Revised Code;	6371 6372
(19) The credit for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code if the taxpayer elected a nonrefundable credit under section 150.07 of the Revised Code;	6373 6374 6375 6376
(20) The credit for purchases of new manufacturing machinery and equipment under section 5747.26 or section 5747.261 of the Revised Code;	6377 6378 6379
(21) The second credit for purchases of new manufacturing machinery and equipment and the credit for using Ohio coal under section 5747.31 of the Revised Code;	6380 6381 6382
(22) The job training credit under section 5747.39 of the Revised Code;	6383 6384
(23) The enterprise zone credit under section 5709.66 of the Revised Code;	6385 6386
(24) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;	6387 6388
(25) The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;	6389 6390
(26) The ethanol plant investment credit under section 5747.75 of the Revised Code;	6391 6392
(27) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	6393 6394
(28) The export sales credit under section 5747.057 of the Revised Code;	6395 6396
(29) The credit for research and development and technology	6397

transfer investors under section 5747.33 of the Revised Code;	6398
(30) The enterprise zone credits under section 5709.65 of the Revised Code;	6399 6400
(31) The research and development credit under section 5747.331 of the Revised Code;	6401 6402
(32) The refundable jobs creation credit under division (A) of section 5747.058 of the Revised Code;	6403 6404
(33) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	6405 6406
(34) The refundable credits for taxes paid by a qualifying pass-through entity granted under division (J) of section 5747.08 of the Revised Code;	6407 6408 6409
(35) The refundable credit for tax withheld under division (B)(1) of section 5747.062 of the Revised Code;	6410 6411
(36) The credit for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code if the taxpayer elected a refundable credit under section 150.07 of the Revised Code.	6412 6413 6414 6415
(B) For any credit, except the credits enumerated in divisions (A)(32) to (36) of this section and the credit granted under division (I) of section 5747.08 of the Revised Code, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year.	6416 6417 6418 6419 6420 6421 6422 6423 6424 6425
<b>Section 2.</b> That existing sections 109.572, 307.86, 329.06,	6426

2151.011, 2923.124, 3109.051, 3109.18, 3301.52, 3301.521, 3301.53, 6427  
3301.56, 3301.59, 3313.646, 3318.01, 3701.21, 3737.22, 3742.01, 6428  
3742.02, 3742.06, 3742.07, 3742.071, 3742.35, 3742.36, 3742.37, 6429  
3742.38, 3742.39, 3742.40, 3742.41, 3742.42, 3742.43, 3742.45, 6430  
3742.48, 5101.16, 5101.47, 5101.851, 5101.97, 5104.01, 5104.011, 6431  
5104.013, 5104.015, 5104.02, 5104.03, 5104.04, 5104.053, 5104.06, 6432  
5104.07, 5104.08, 5104.081, 5104.09, 5104.11, 5104.12, 5104.30, 6433  
5104.301, 5104.31, 5104.32, 5104.33, 5104.34, 5104.341, 5104.35, 6434  
5104.36, 5104.38, 5104.382, 5104.39, 5104.40, 5104.41, 5104.42, 6435  
5104.43, 5104.99, 5107.16, 5107.26, 5107.30, 5107.58, 5107.66, 6436  
5733.38, 5733.98, 5747.36, and 5747.98 and sections 2151.861 and 6437  
5104.381 of the Revised Code are hereby repealed. 6438

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**Section 3.** The amendment of section 5104.01 of the Revised 6441  
Code by this act is not intended to supersede the earlier 6442  
amendment, with delayed effective date, of division (T) of that 6443  
section by Section 195 of Am. Sub. H.B. 95 of the 125th General 6444  
Assembly. 6445

**Section 4.** Section 109.572 of the Revised Code is presented 6446  
in this act as a composite of the section as amended by Am. Sub. 6447  
H.B. 117, Am. Sub. H.B. 306, Am. Sub. S.B. 53 and Am. S.B. 178 of 6448  
the 125th General Assembly. Section 5104.04 of the Revised Code is 6449  
presented in this act as a composite of the section as amended by 6450  
both Am. Sub. H.B. 40 and Am. Sub. H.B. 95 of the 125th General 6451  
Assembly. Section 5733.98 of the Revised Code is presented in this 6452  
act as a composite of the section as amended by both Am. Sub. H.B. 6453  
1 and Am. Sub. H.B. 95 of the 125th General Assembly. The General 6454  
Assembly, applying the principle stated in division (B) of section 6455  
1.52 of the Revised Code that amendments are to be harmonized if 6456  
reasonably capable of simultaneous operation, finds that the 6457

composites are the resulting versions of the sections in effect	6458
prior to the effective date of the sections as presented in this	6459
act.	6460