

As Reported by the House Health Committee

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Sub. H. B. No. 11

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A B I L L

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

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

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

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

(A) "Child day-care," "child day-care center," "in-home 15

aide," "type A family day-care home," and "type B family day-care home" have the same meanings as in section 5104.01 of the Revised Code.

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

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

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

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

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(2) An in-home aide;

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

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

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

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provider as a child day-care provider for the child; 45

(3) A public official responsible for issuing the provider a license or certificate to provide child day-care; 46
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(4) A public official investigating or inquiring about the provision of child day-care by the provider; 48
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(5) A peace officer. 50

(B) For the purposes of this section, "any factor or condition that relates to the provision of child day-care" includes, but is not limited to, the following: 51
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(1) The person or persons who will provide child day-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; 54
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(2) The qualifications to provide child day-care of the child day-care provider, of a person employed by the provider, or of a person who provides child day-care as a volunteer; 58
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(3) The number of children to whom child day-care is provided at one time or the number of children receiving child day-care in the child day-care facility at one time; 61
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(4) The conditions or safety features of the day-care facility; 64
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(5) The area of the child day-care facility in which child day-care is provided. 66
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(C) Whoever violates division (A) of this section is guilty of misrepresentation by a child day-care provider, a misdemeanor of the first degree. 68
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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 71
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described in division (A)(1) or (2) of this section has occurred, 74
shall accept a child into that home without first disclosing to 75
the parent, guardian, custodian, or other person responsible for 76
the care of that child any of the following that has occurred: 77

(1) A child died while under the care of the home or while 78
receiving child day-care from the owner, provider, or 79
administrator or died as a result of injuries suffered while under 80
the care of the home or while receiving child day-care from the 81
owner, provider, or administrator. 82

(2) Within the preceding ten years, a child suffered injuries 83
while under the care of the home or while receiving child day-care 84
from the owner, provider, or administrator, and those injuries led 85
to the child being hospitalized for more than twenty-four hours. 86

(B)(1) Subject to division (C) of this section, no owner, 87
provider, or administrator of a type A family day-care home or 88
type B family day-care home shall fail to provide notice in 89
accordance with division (B)(3) of this section to the persons and 90
entities specified in division (B)(2) of this section, of any of 91
the following that occurs: 92

(a) A child who is under the care of the home or is receiving 93
child day-care from the owner, provider, or administrator dies 94
while under the care of the home or while receiving child day-care 95
from the owner, provider, or administrator or dies as a result of 96
injuries suffered while under the care of the home or while 97
receiving child day-care from the owner, provider, or 98
administrator. 99

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

receiving child day-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 day-care at the home or from the owner, provider, or
administrator, to the parent, guardian, custodian, or other person
responsible for the care of the child;

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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 day-care was given, a municipal or county
peace officer in the county in which the child resides or in which
the home is located or the child day-care was given, and the child
fatality review board appointed under section 307.621 of the
Revised Code that serves the county in which the home is located
or the child day-care was given.

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(3) An owner, provider, or administrator of a home shall
provide the notices required by divisions (B)(1) and (2) of this
section not later than forty-eight hours after the child dies or,
regarding a child who is hospitalized for more than twenty-four
hours as a result of injuries suffered while under the care of the
home, not later than forty-eight hours after the child suffers the
injuries. If a child is hospitalized for more than twenty-four
hours as a result of injuries suffered while under the care of the
home, and the child subsequently dies as a result of those
injuries, the owner, provider, or administrator shall provide
separate notices under divisions (B)(1) and (2) of this section
regarding both the injuries and the death. All notices provided

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under divisions (B)(1) and (2) of this section shall state that
the death or injury occurred.

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

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

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

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

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.

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

"CHILD DAY-CARE DISCLOSURE FORM

Please Note: This form contains information that is accurate only at the time the form is given to you. The information provided in this form is likely to change over time. It is the duty of the person responsible for the care of the child to monitor the status of child day-care services to ensure that those services remain satisfactory. If a question on this form is left unanswered, the child day-care provider makes no assertion regarding the question. Choosing appropriate child day-care for a child is a serious responsibility, and the person responsible for the care of the child is encouraged to make all appropriate inquiries. Also, in acknowledging receipt of this form, the person responsible for the care of the child acknowledges that in selecting the child day-care provider the person is not relying on any representations other than those provided in this form unless

<u>the child day-care provider has acknowledged the other</u>	198
<u>representations in writing.</u>	199
<u>1. What are the names and qualifications to provide child</u>	200
<u>day-care of: (a) the child day-care provider, (b) the employee who</u>	201
<u>will provide child day-care to the applicant child, (c) the</u>	202
<u>volunteer who will provide child day-care to the applicant child,</u>	203
<u>and (d) any other employees or volunteers of the child day care</u>	204
<u>provider? (attach additional sheets if necessary):</u>	205
.....	206
.....	207
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<u>2. What is the maximum number of children to whom you provide</u>	209
<u>child day-care at one time? (If children are divided into groups</u>	210
<u>or classes, please describe the maximum number of children in each</u>	211
<u>group or class and indicate the group or class in which the</u>	212
<u>applicant child will be placed.):</u>	213
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<u>3. Where in the home will you provide child day-care to the</u>	217
<u>applicant child?:</u>	218
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<u>4. Has a child died while in the care of, or receiving child</u>	222
<u>day-care from, the child day-care provider? (Yes/No)</u>	223
<u>Description/explanation (attach additional sheets if</u>	224
<u>necessary)</u>	225
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<u>5. Has a child died as a result of injuries suffered while</u>	229
<u>under the care of, or receiving child day-care from, the child</u>	230
<u>day-care provider? (Yes/No)</u>	231
<u>Description/explanation (attach additional sheets if</u>	232
<u>necessary)</u>	233
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<u>6. Within the preceding ten years, has a child suffered</u>	237
<u>injuries while under the care of, or receiving child day-care</u>	238
<u>from, the child day-care provider that led to the child being</u>	239
<u>hospitalized for more than 24 hours? (Yes/No)</u>	240
<u>Description/explanation (attach additional sheets if</u>	241
<u>necessary)</u>	242
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<u>Signature of person</u>	247
<u>completing form</u>	
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<u>Name of person completing</u>	249
<u>form</u>	
<u>(Typed or printed)</u>	250
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<u>Title of person completing</u>	252
<u>form</u>	
<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

further acknowledge that I am not relying on any other 257
representations in selecting the child day-care provider unless 258
the child day-care provider has acknowledged the other 259
representations in writing. 260

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

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

An owner, provider, or administrator of a type A family 272
day-care home or a type B family day-care home who accurately 273
answers the questions on a disclosure form that is substantially 274
similar to the form described in division (B) of this section, 275
provides a copy of the completed form to the parent, guardian, 276
custodian, or other person who is responsible for the care of a 277
child and to whom disclosure is to be made under division (A) of 278
section 2919.225 of the Revised Code, and obtains the person's 279
signature on the acknowledgement in the form complies with the 280
requirements of that division. If the owner, provider, or 281
administrator uses the disclosure form, leaving a portion of the 282
disclosure form blank does not constitute a misrepresentation for 283
the purposes of section 2919.224 of the Revised Code but may 284
constitute a violation of section 2919.225 of the Revised Code. 285
The owner, provider, or administrator of a type A family day-care 286
home or type B family day-care home who completes the disclosure 287
form and provides a copy of the form to any person described in 288

section 2919.224 or 2919.225 of the Revised Code may retain a copy 289
of the completed form. 290

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

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

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

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

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

(b) A child died as a result of injuries suffered while under 315
the care of the center or while receiving child day-care from the 316
owner, provider, or administrator of the center. 317

(3) Each child day-care center licensee shall keep on file at 318

the center a copy of the information provided under this division 319
for at least three years after providing the information. 320

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

(2) A child day-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 day-care from the center; 337

(b) The public children services agency of the county in 338
which the center is located or the child day-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 day-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 day-care was given. 345

(3) A child day-care center licensee shall provide the notice 346
required by division (B)(1) of this section not later than 347
forty-eight hours after the child dies. The notice shall state 348

that the death occurred. 349

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

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

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

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

(3) Standards for the supervision, care, and discipline of 375
children receiving child day-care or publicly funded child 376
day-care in the center; 377

(4) Standards for a program of activities, and for play 378

equipment, materials, and supplies, to enhance the development of 379
each child; however, any educational curricula, philosophies, and 380
methodologies that are developmentally appropriate and that 381
enhance the social, emotional, intellectual, and physical 382
development of each child shall be permissible. As used in this 383
division, "program" does not include instruction in religious or 384
moral doctrines, beliefs, or values that is conducted at child 385
day-care centers owned and operated by churches and does include 386
methods of disciplining children at child day-care centers. 387

(5) Admissions policies and procedures, health care policies 388
and procedures, including, but not limited to, procedures for the 389
isolation of children with communicable diseases, first aid and 390
emergency procedures, procedures for discipline and supervision of 391
children, standards for the provision of nutritious meals and 392
snacks, and procedures for screening children and employees, 393
including, but not limited to, any necessary physical examinations 394
and immunizations; 395

(6) Methods for encouraging parental participation in the 396
center and methods for ensuring that the rights of children, 397
parents, and employees are protected and that responsibilities of 398
parents and employees are met; 399

(7) Procedures for ensuring the safety and adequate 400
supervision of children traveling off the premises of the center 401
while under the care of a center employee; 402

(8) Procedures for record keeping, organization, and 403
administration; 404

(9) Procedures for issuing, renewing, denying, and revoking a 405
license that are not otherwise provided for in Chapter 119. of the 406
Revised Code; 407

(10) Inspection procedures; 408

(11) Procedures and standards for setting initial and renewal 409

license application fees;	410
(12) Procedures for receiving, recording, and responding to complaints about centers;	411 412
(13) Procedures for enforcing section 5104.04 of the Revised Code;	413 414
(14) A standard requiring the inclusion, on and after July 1, 1987, of a current department of job and family services toll-free telephone number on each center provisional license or license which any person may use to report a suspected violation by the center of this chapter or rules adopted pursuant to this chapter;	415 416 417 418 419
(15) Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention. Training requirements for child day-care centers adopted under this division shall be consistent with divisions (B)(6) and (C)(1) of this section.	420 421 422 423 424 425
(16) Procedures to be used by licensees for checking the references of potential employees of centers and procedures to be used by the director for checking the references of applicants for licenses to operate centers;	426 427 428 429
(17) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child day-care or publicly funded child day-care in the center;	430 431 432 433
(18) <u>A procedure for reporting injuries of children that occur at the center;</u>	434 435
(19) Any other procedures and standards necessary to carry out this chapter.	436 437
(B)(1) The child day-care center shall have, for each child for whom the center is licensed, at least thirty-five square feet	438 439

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

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

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

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

(a) The center provides an indoor recreation area that has 468
not less than sixty square feet per child using the space at any 469
one time, that has a minimum of one thousand four hundred forty 470
square feet of space, and that is separate from the indoor space 471

required under division (B)(1) of this section. 472

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

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

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

(3) The child day-care center shall have at least two 491
responsible adults available on the premises at all times when 492
seven or more children are in the center. The center shall 493
organize the children in the center in small groups, shall provide 494
child-care staff to give continuity of care and supervision to the 495
children on a day-by-day basis, and shall ensure that no child is 496
left alone or unsupervised. Except as otherwise provided in 497
division (E) of this section, the maximum number of children per 498
child-care staff member and maximum group size, by age category of 499
children, are as follows: 500

Maximum Number	501
of	
Children Per	Maximum 502

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Evidence of a child development associate credential;

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

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

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

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

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

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

parent is subject to any agreement between the parents and, to the 688
extent described in division (C)(3)(b) of this section, is subject 689
to any terms and conditions limiting the right of access of the 690
parent who is not the residential parent, as described in division 691
(I) of section 3109.051 of the Revised Code, that are contained in 692
a parenting time order or decree issued under that section, 693
section 3109.12 of the Revised Code, or any other provision of the 694
Revised Code. 695

(b) If a parent who is the residential parent of a child has 696
presented the administrator or the administrator's designee with a 697
copy of a parenting time order that limits the terms and 698
conditions under which the parent who is not the residential 699
parent is to have access to the center, as described in division 700
(I) of section 3109.051 of the Revised Code, the parent who is not 701
the residential parent shall be provided access to the center only 702
to the extent authorized in the order. If the residential parent 703
has presented such an order, the parent who is not the residential 704
parent shall be permitted access to the center only in accordance 705
with the most recent order that has been presented to the 706
administrator or the administrator's designee by the residential 707
parent or the parent who is not the residential parent. 708

(c) Upon entering the premises pursuant to division (C)(3)(a) 709
or (b) of this section, the parent who is the residential parent 710
and legal custodian, the parent who is not the residential parent, 711
or the custodian or guardian shall notify the administrator or the 712
administrator's designee of the parent's, custodian's, or 713
guardian's presence. 714

(D) The director of job and family services, in addition to 715
the rules adopted under division (A) of this section, shall adopt 716
rules establishing minimum requirements for child day-care 717
centers. The rules shall include, but not be limited to, the 718
requirements set forth in divisions (B) and (C) of this section. 719

Except as provided in section 5104.07 of the Revised Code, the 720
rules shall not change the square footage requirements of division 721
(B)(1) or (2) of this section; the maximum number of children per 722
child-care staff member and maximum group size requirements of 723
division (B)(3) of this section; the educational and experience 724
requirements of division (B)(4) of this section; the age, 725
educational, and experience requirements of division (B)(5) of 726
this section; the number of inservice training hours required 727
under division (B)(6) of this section; or the requirement for at 728
least annual preparation of a roster for each group of children of 729
names and telephone numbers of parents, custodians, or guardians 730
of each group of children attending the center that must be 731
furnished upon request to any parent, custodian, or guardian of 732
any child in that group required under division (B)(7) of this 733
section; however, the rules shall provide procedures for 734
determining compliance with those requirements. 735

(E)(1) When age groups are combined, the maximum number of 736
children per child-care staff member shall be determined by the 737
age of the youngest child in the group, except that when no more 738
than one child thirty months of age or older receives services in 739
a group in which all the other children are in the next older age 740
group, the maximum number of children per child-care staff member 741
and maximum group size requirements of the older age group 742
established under division (B)(3) of this section shall apply. 743

(2) The maximum number of toddlers or preschool children per 744
child-care staff member in a room where children are napping shall 745
be twice the maximum number of children per child-care staff 746
member established under division (B)(3) of this section if all 747
the following criteria are met: 748

(a) At least one child-care staff member is present in the 749
room. 750

(b) Sufficient child-care staff members are on the child 751

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

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

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

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

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

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

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

(4) Standards for a program of activities, and for play 779
equipment, materials, and supplies, to enhance the development of 780
each child; however, any educational curricula, philosophies, and 781
methodologies that are developmentally appropriate and that 782

enhance the social, emotional, intellectual, and physical	783
development of each child shall be permissible;	784
(5) Admissions policies and procedures, health care policies	785
and procedures, including, but not limited to, procedures for the	786
isolation of children with communicable diseases, first aid and	787
emergency procedures, procedures for discipline and supervision of	788
children, standards for the provision of nutritious meals and	789
snacks, and procedures for screening children and employees,	790
including, but not limited to, any necessary physical examinations	791
and immunizations;	792
(6) Methods for encouraging parental participation in the	793
type A home and methods for ensuring that the rights of children,	794
parents, and employees are protected and that the responsibilities	795
of parents and employees are met;	796
(7) Procedures for ensuring the safety and adequate	797
supervision of children traveling off the premises of the type A	798
home while under the care of a type A home employee;	799
(8) Procedures for record keeping, organization, and	800
administration;	801
(9) Procedures for issuing, renewing, denying, and revoking a	802
license that are not otherwise provided for in Chapter 119. of the	803
Revised Code;	804
(10) Inspection procedures;	805
(11) Procedures and standards for setting initial and renewal	806
license application fees;	807
(12) Procedures for receiving, recording, and responding to	808
complaints about type A homes;	809
(13) Procedures for enforcing section 5104.04 of the Revised	810
Code;	811
(14) A standard requiring the inclusion, on or after July 1,	812

1987, of a current department of job and family services toll-free 813
telephone number on each type A home provisional license or 814
license which any person may use to report a suspected violation 815
by the type A home of this chapter or rules adopted pursuant this 816
chapter; 817

(15) Requirements for the training of administrators and 818
child-care staff members in first aid, in prevention, recognition, 819
and management of communicable diseases, and in child abuse 820
recognition and prevention; 821

(16) Procedures to be used by licensees for checking the 822
references of potential employees of type A homes and procedures 823
to be used by the director for checking the references of 824
applicants for licenses to operate type A homes; 825

(17) Standards providing for the special needs of children 826
who are handicapped or who require treatment for health conditions 827
while the child is receiving child day-care or publicly funded 828
child day-care in the type A home; 829

(18) Standards for the maximum number of children per 830
child-care staff member; 831

(19) Requirements for the amount of usable indoor floor space 832
for each child; 833

(20) Requirements for safe outdoor play space; 834

(21) Qualifications and training requirements for 835
administrators and for child-care staff members; 836

(22) Procedures for granting a parent who is the residential 837
parent and legal custodian, or a custodian or guardian access to 838
the type A home during its hours of operation; 839

(23) Standards for the preparation and distribution of a 840
roster of parents, custodians, and guardians; 841

(24) Any other procedures and standards necessary to carry 842

out this chapter. 843

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

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

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

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

The rules shall require, and shall include procedures for the 858
director to ensure, that type B family day-care homes that receive 859
a limited certification provide child day-care to children in a 860
safe and sanitary manner. With regard to providers who apply for 861
limited certification, a provider shall be granted a provisional 862
limited certification on signing a declaration under oath 863
attesting that the provider meets the standards for limited 864
certification. Such provisional limited certifications shall 865
remain in effect for no more than sixty calendar days and shall 866
entitle the provider to offer publicly funded child day-care 867
during the provisional period. Except as otherwise provided in 868
division (G)(1) of this section, prior to the expiration of the 869
provisional limited certificate, a county department of job and 870
family services shall inspect the home and shall grant limited 871
certification to the provider if the provider meets the 872
requirements of this division. Limited certificates remain valid 873

for two years unless earlier revoked. Except as otherwise provided 874
in division (G)(1) of this section, providers operating under 875
limited certification shall be inspected annually. 876

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

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

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

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

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

(d) Admission policies and procedures, health care, first aid 903
and emergency procedures, procedures for the care of sick 904

children, procedures for discipline and supervision of children, 905
nutritional standards, and procedures for screening children and 906
authorized providers, including, but not limited to, any necessary 907
physical examinations and immunizations; 908

(e) Methods of encouraging parental participation and 909
ensuring that the rights of children, parents, and authorized 910
providers are protected and the responsibilities of parents and 911
authorized providers are met; 912

(f) Standards for the safe transport of children when under 913
the care of authorized providers; 914

(g) Procedures for issuing, renewing, denying, refusing to 915
renew, or revoking certificates; 916

(h) Procedures for the inspection of type B family day-care 917
homes that require, at a minimum, that each type B family day-care 918
home be inspected prior to certification to ensure that the home 919
is safe and sanitary; 920

(i) Procedures for record keeping and evaluation; 921

(j) Procedures for receiving, recording, and responding to 922
complaints; 923

(k) Standards providing for the special needs of children who 924
are handicapped or who receive treatment for health conditions 925
while the child is receiving child day-care or publicly funded 926
child day-care in the type B home; 927

(l) Requirements for the amount of usable indoor floor space 928
for each child; 929

(m) Requirements for safe outdoor play space; 930

(n) Qualification and training requirements for authorized 931
providers; 932

(o) Procedures for granting a parent who is the residential 933
parent and legal custodian, or a custodian or guardian access to 934

the type B home during its hours of operation; 935

(p) Any other procedures and standards necessary to carry out 936
this chapter. 937

(H) The director shall adopt rules pursuant to Chapter 119. 938
of the Revised Code governing the certification of in-home aides. 939
The rules shall include procedures, standards, and other necessary 940
provisions for granting limited certification to in-home aides who 941
provide child day-care for eligible children who are 942
great-grandchildren, grandchildren, nieces, nephews, or siblings 943
of the in-home aide or for eligible children whose caretaker 944
parent is a grandchild, child, niece, nephew, or sibling of the 945
in-home aide. The rules shall require, and shall include 946
procedures for the director to ensure, that in-home aides that 947
receive a limited certification provide child day-care to children 948
in a safe and sanitary manner. The rules shall provide for 949
safeguarding the health, safety, and welfare of children receiving 950
publicly funded child day-care in their own home and shall include 951
the following: 952

(1) Standards for ensuring that the child's home and the 953
physical surroundings of the child's home are safe and sanitary, 954
including, but not limited to, physical environment, physical 955
plant, and equipment; 956

(2) Standards for the supervision, care, and discipline of 957
children receiving publicly funded child day-care in their own 958
home; 959

(3) Standards for a program of activities, and for play 960
equipment, materials, and supplies to enhance the development of 961
each child; however, any educational curricula, philosophies, and 962
methodologies that are developmentally appropriate and that 963
enhance the social, emotional, intellectual, and physical 964
development of each child shall be permissible; 965

(4) Health care, first aid, and emergency procedures,	966
procedures for the care of sick children, procedures for	967
discipline and supervision of children, nutritional standards, and	968
procedures for screening children and in-home aides, including,	969
but not limited to, any necessary physical examinations and	970
immunizations;	971
(5) Methods of encouraging parental participation and	972
ensuring that the rights of children, parents, and in-home aides	973
are protected and the responsibilities of parents and in-home	974
aides are met;	975
(6) Standards for the safe transport of children when under	976
the care of in-home aides;	977
(7) Procedures for issuing, renewing, denying, refusing to	978
renew, or revoking certificates;	979
(8) Procedures for inspection of homes of children receiving	980
publicly funded child day-care in their own homes;	981
(9) Procedures for record keeping and evaluation;	982
(10) Procedures for receiving, recording, and responding to	983
complaints;	984
(11) Qualifications and training requirements for in-home	985
aides;	986
(12) Standards providing for the special needs of children	987
who are handicapped or who receive treatment for health conditions	988
while the child is receiving publicly funded child day-care in the	989
child's own home;	990
(13) Any other procedures and standards necessary to carry	991
out this chapter.	992
(I) To the extent that any rules adopted for the purposes of	993
this section require a health care professional to perform a	994
physical examination, the rules shall include as a health care	995

professional a physician assistant, a clinical nurse specialist, a 996
certified nurse practitioner, or a certified nurse-midwife. 997

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

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

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

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

(L) Notwithstanding any provision of the Revised Code, the 1023
director of job and family services shall not regulate in any way 1024
under this chapter or rules adopted pursuant to this chapter, 1025
instruction in religious or moral doctrines, beliefs, or values. 1026

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