

# As Introduced

**127th General Assembly  
Regular Session  
2007-2008**

**H. B. No. 342**

**Representative Peterson**

**Cosponsors: Representatives Williams, B., Koziura, Fende, Stebelton,  
Wagoner**

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## **A B I L L**

To amend sections 109.57, 109.572, 349.01, 921.06, 1  
2151.011, 2151.421, 2907.08, 2919.223, 2919.224, 2  
2919.225, 2919.226, 2923.124, 2923.126, 2923.1212, 3  
2950.11, 2950.13, 3109.051, 3301.52, 3301.53, 4  
3301.58, 3321.01, 3325.07, 3701.80, 3714.03, 5  
3717.42, 3737.22, 3737.83, 3737.841, 3742.01, 6  
3781.06, 3781.10, 3797.06, 4511.01, 4511.81, 7  
4513.182, 5101.29, 5103.03, 5104.01, 5104.011, 8  
5104.014, 5104.015, 5104.02, 5104.021, 5104.03, 9  
5104.04, 5104.05, 5104.051, 5104.052, 5104.053, 10  
5104.054, 5104.06, 5104.07, 5104.08, 5104.11, 11  
5104.13, 5104.21, 5104.22, 5104.30, 5104.301, 12  
5104.31, 5104.32, 5104.34, 5104.35, 5104.36, 13  
5104.38, 5104.99, 5107.16, 5107.60, 5153.175, 14  
5747.35, and 5747.98; to amend, for the purpose of 15  
adopting new section numbers as indicated in 16  
parentheses, sections 5104.014 (5104.012), 17  
5104.015 (5104.14), 5104.02 (5104.021), 5104.021 18  
(5104.023), 5104.052 (5104.018), 5104.20 19  
(5104.24), 5104.21 (5104.22), and 5104.22 20  
(5104.23); to enact new sections 5104.013, 21  
5104.014, 5104.015, 5104.02, 5104.09, 5104.20, and 22

5104.21 and sections 5104.016, 5104.017, 5104.019, 23  
5104.0110, 5104.0111, 5104.0112, 5104.0113, 24  
5104.0114, 5104.0115, 5104.0116, 5104.0117, 25  
5104.022, 5104.024, 5104.025, 5104.031, 5104.041, 26  
5104.082, 5104.091, 5104.092, 5104.093, 5104.094, 27  
5104.095, 5104.096, 5104.097, 5104.098, 5104.099, 28  
5104.0910, 5104.0911, 5104.0912, 5104.0913, 29  
5104.111, 5104.15, 5104.151, 5104.16, 5104.161, 30  
5104.17, 5104.171, 5104.172, 5104.18, and 5104.19; 31  
and to repeal sections 5104.012, 5104.013, and 32  
5104.09 of the Revised Code to revise the law 33  
governing child care. 34

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

**Section 1.** That sections 109.57, 109.572, 349.01, 921.06, 35  
2151.011, 2151.421, 2907.08, 2919.223, 2919.224, 2919.225, 36  
2919.226, 2923.124, 2923.126, 2923.1212, 2950.11, 2950.13, 37  
3109.051, 3301.52, 3301.53, 3301.58, 3321.01, 3325.07, 3701.80, 38  
3714.03, 3717.42, 3737.22, 3737.83, 3737.841, 3742.01, 3781.06, 39  
3781.10, 3797.06, 4511.01, 4511.81, 4513.182, 5101.29, 5103.03, 40  
5104.01, 5104.011, 5104.014, 5104.015, 5104.02, 5104.021, 5104.03, 41  
5104.04, 5104.05, 5104.051, 5104.052, 5104.053, 5104.054, 5104.06, 42  
5104.07, 5104.08, 5104.11, 5104.13, 5104.21, 5104.22, 5104.30, 43  
5104.301, 5104.31, 5104.32, 5104.34, 5104.35, 5104.36, 5104.38, 44  
5104.99, 5107.16, 5107.60, 5153.175, 5747.35, and 5747.98 be 45  
amended; sections 5104.014 (5104.012), 5104.015 (5104.14), 5104.02 46  
(5104.021), 5104.021 (5104.023), 5104.052 (5104.018), 5104.20 47  
(5104.24), 5104.21 (5104.22), and 5104.22 (5104.23) be amended for 48  
the purpose of adopting new section numbers as indicated in 49  
parentheses; and new sections 5104.013, 5104.014, 5104.015, 50  
5104.02, 5104.09, 5104.20, and 5104.21 and sections 5104.016, 51  
5104.017, 5104.019, 5104.0110, 5104.0111, 5104.0112, 5104.0113, 52

5104.0114, 5104.0115, 5104.0116, 5104.0117, 5104.022, 5104.024, 53  
5104.025, 5104.031, 5104.041, 5104.082, 5104.091, 5104.092, 54  
5104.093, 5104.094, 5104.095, 5104.096, 5104.097, 5104.098, 55  
5104.099, 5104.0910, 5104.0911, 5104.0912, 5104.0913, 5104.111, 56  
5104.15, 5104.151, 5104.16, 5104.161, 5104.17, 5104.171, 5104.172, 57  
5104.18, and 5104.19 of the Revised Code be enacted to read as 58  
follows: 59

**Sec. 109.57.** (A)(1) The superintendent of the bureau of 60  
criminal identification and investigation shall procure from 61  
wherever procurable and file for record photographs, pictures, 62  
descriptions, fingerprints, measurements, and other information 63  
that may be pertinent of all persons who have been convicted of 64  
committing within this state a felony, any crime constituting a 65  
misdemeanor on the first offense and a felony on subsequent 66  
offenses, ~~or~~ any misdemeanor described in division (A)(1)(a) or 67  
(A)(10)(a) of section 109.572 of the Revised Code, or any 68  
misdemeanor included in the definition of "disqualifying offense" 69  
in section 5104.01 of the Revised Code of all children under 70  
eighteen years of age who have been adjudicated delinquent 71  
children for committing within this state an act that would be a 72  
felony or an offense of violence if committed by an adult or who 73  
have been convicted of or pleaded guilty to committing within this 74  
state a felony or an offense of violence, and of all well-known 75  
and habitual criminals. The person in charge of any county, 76  
multicounty, municipal, municipal-county, or multicounty-municipal 77  
jail or workhouse, community-based correctional facility, halfway 78  
house, alternative residential facility, or state correctional 79  
institution and the person in charge of any state institution 80  
having custody of a person suspected of having committed a felony, 81  
any crime constituting a misdemeanor on the first offense and a 82  
felony on subsequent offenses, ~~or~~ any misdemeanor described in 83

division (A)(1)(a) or (A)(10)(a) of section 109.572 of the Revised Code, or any misdemeanor included in the definition of "disqualifying offense" in section 5104.01 of the Revised Code or having custody of a child under eighteen years of age with respect to whom there is probable cause to believe that the child may have committed an act that would be a felony or an offense of violence if committed by an adult shall furnish such material to the superintendent of the bureau. Fingerprints, photographs, or other descriptive information of a child who is under eighteen years of age, has not been arrested or otherwise taken into custody for committing an act that would be a felony or an offense of violence if committed by an adult, has not been adjudicated a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, has not been convicted of or pleaded guilty to committing a felony or an offense of violence, and is not a child with respect to whom there is probable cause to believe that the child may have committed an act that would be a felony or an offense of violence if committed by an adult shall not be procured by the superintendent or furnished by any person in charge of any county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution, except as authorized in section 2151.313 of the Revised Code.

(2) Every clerk of a court of record in this state, other than the supreme court or a court of appeals, shall send to the superintendent of the bureau a weekly report containing a summary of each case involving a felony, involving any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, involving a misdemeanor described in division (A)(1)(a) or (A)(10)(a) of section 109.572 of the Revised Code, involving a misdemeanor included in the definition of "disqualifying offense" in section 5104.01 of the Revised Code, or involving an

adjudication in a case in which a child under eighteen years of age was alleged to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult. The clerk of the court of common pleas shall include in the report and summary the clerk sends under this division all information described in divisions (A)(2)(a) to (f) of this section regarding a case before the court of appeals that is served by that clerk. The summary shall be written on the standard forms furnished by the superintendent pursuant to division (B) of this section and shall include the following information:

(a) The incident tracking number contained on the standard forms furnished by the superintendent pursuant to division (B) of this section;

(b) The style and number of the case;

(c) The date of arrest;

(d) The date that the person was convicted of or pleaded guilty to the offense, adjudicated a delinquent child for committing the act that would be a felony or an offense of violence if committed by an adult, found not guilty of the offense, or found not to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, the date of an entry dismissing the charge, an entry declaring a mistrial of the offense in which the person is discharged, an entry finding that the person or child is not competent to stand trial, or an entry of a nolle prosequi, or the date of any other determination that constitutes final resolution of the case;

(e) A statement of the original charge with the section of the Revised Code that was alleged to be violated;

(f) If the person or child was convicted, pleaded guilty, or was adjudicated a delinquent child, the sentence or terms of

probation imposed or any other disposition of the offender or the 148  
delinquent child. 149

If the offense involved the disarming of a law enforcement 150  
officer or an attempt to disarm a law enforcement officer, the 151  
clerk shall clearly state that fact in the summary, and the 152  
superintendent shall ensure that a clear statement of that fact is 153  
placed in the bureau's records. 154

(3) The superintendent shall cooperate with and assist 155  
sheriffs, chiefs of police, and other law enforcement officers in 156  
the establishment of a complete system of criminal identification 157  
and in obtaining fingerprints and other means of identification of 158  
all persons arrested on a charge of a felony, any crime 159  
constituting a misdemeanor on the first offense and a felony on 160  
subsequent offenses, ~~or~~ a misdemeanor described in division 161  
(A)(1)(a) or (A)(10)(a) of section 109.572 of the Revised Code, or 162  
a misdemeanor included in the definition of "disqualifying 163  
offense" in section 5104.01 of the Revised Code and of all 164  
children under eighteen years of age arrested or otherwise taken 165  
into custody for committing an act that would be a felony or an 166  
offense of violence if committed by an adult. The superintendent 167  
also shall file for record the fingerprint impressions of all 168  
persons confined in a county, multicounty, municipal, 169  
municipal-county, or multicounty-municipal jail or workhouse, 170  
community-based correctional facility, halfway house, alternative 171  
residential facility, or state correctional institution for the 172  
violation of state laws and of all children under eighteen years 173  
of age who are confined in a county, multicounty, municipal, 174  
municipal-county, or multicounty-municipal jail or workhouse, 175  
community-based correctional facility, halfway house, alternative 176  
residential facility, or state correctional institution or in any 177  
facility for delinquent children for committing an act that would 178  
be a felony or an offense of violence if committed by an adult, 179

and any other information that the superintendent may receive from 180  
law enforcement officials of the state and its political 181  
subdivisions. 182

(4) The superintendent shall carry out Chapter 2950. of the 183  
Revised Code with respect to the registration of persons who are 184  
convicted of or plead guilty to either a sexually oriented offense 185  
that is not a registration-exempt sexually oriented offense or a 186  
child-victim oriented offense and with respect to all other duties 187  
imposed on the bureau under that chapter. 188

(5) The bureau shall perform centralized recordkeeping 189  
functions for criminal history records and services in this state 190  
for purposes of the national crime prevention and privacy compact 191  
set forth in section 109.571 of the Revised Code and is the 192  
criminal history record repository as defined in that section for 193  
purposes of that compact. The superintendent or the 194  
superintendent's designee is the compact officer for purposes of 195  
that compact and shall carry out the responsibilities of the 196  
compact officer specified in that compact. 197

(B) The superintendent shall prepare and furnish to every 198  
county, multicounty, municipal, municipal-county, or 199  
multicounty-municipal jail or workhouse, community-based 200  
correctional facility, halfway house, alternative residential 201  
facility, or state correctional institution and to every clerk of 202  
a court in this state specified in division (A)(2) of this section 203  
standard forms for reporting the information required under 204  
division (A) of this section. The standard forms that the 205  
superintendent prepares pursuant to this division may be in a 206  
tangible format, in an electronic format, or in both tangible 207  
formats and electronic formats. 208

(C) The superintendent may operate a center for electronic, 209  
automated, or other data processing for the storage and retrieval 210  
of information, data, and statistics pertaining to criminals and 211

to children under eighteen years of age who are adjudicated 212  
delinquent children for committing an act that would be a felony 213  
or an offense of violence if committed by an adult, criminal 214  
activity, crime prevention, law enforcement, and criminal justice, 215  
and may establish and operate a statewide communications network 216  
to gather and disseminate information, data, and statistics for 217  
the use of law enforcement agencies. The superintendent may 218  
gather, store, retrieve, and disseminate information, data, and 219  
statistics that pertain to children who are under eighteen years 220  
of age and that are gathered pursuant to sections 109.57 to 109.61 221  
of the Revised Code together with information, data, and 222  
statistics that pertain to adults and that are gathered pursuant 223  
to those sections. In addition to any other authorized use of 224  
information, data, and statistics of that nature, the 225  
superintendent or the superintendent's designee may provide and 226  
exchange the information, data, and statistics pursuant to the 227  
national crime prevention and privacy compact as described in 228  
division (A)(5) of this section. 229

(D) The information and materials furnished to the 230  
superintendent pursuant to division (A) of this section and 231  
information and materials furnished to any board or person under 232  
division (F) or (G) of this section are not public records under 233  
section 149.43 of the Revised Code. 234

(E) The attorney general shall adopt rules, in accordance 235  
with Chapter 119. of the Revised Code, setting forth the procedure 236  
by which a person may receive or release information gathered by 237  
the superintendent pursuant to division (A) of this section. A 238  
reasonable fee may be charged for this service. If a temporary 239  
employment service submits a request for a determination of 240  
whether a person the service plans to refer to an employment 241  
position has been convicted of or pleaded guilty to an offense 242  
listed in division (A)(1), (3), (4), (5), or (6) of section 243



109.572 of the Revised Code, the request shall be treated as a 244  
single request and only one fee shall be charged. 245

(F)(1) As used in division (F)(2) of this section, "head 246  
start agency" means an entity in this state that has been approved 247  
to be an agency for purposes of subchapter II of the "Community 248  
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 249  
as amended. 250

(2)(a) In addition to or in conjunction with any request that 251  
is required to be made under section 109.572, 2151.86, 3301.32, 252  
3301.541, 3319.39, 3701.881, ~~5104.012~~ 5104.093, ~~5104.013~~ 5104.094, 253  
5104.095, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 254  
Code, the board of education of any school district; the director 255  
of mental retardation and developmental disabilities; any county 256  
board of mental retardation and developmental disabilities; any 257  
entity under contract with a county board of mental retardation 258  
and developmental disabilities; the chief administrator of any 259  
chartered nonpublic school; the chief administrator of any home 260  
health agency; the chief administrator of or person operating any 261  
~~child day care~~ child-care center, type A family ~~day care~~ 262  
child-care home, or type B family ~~day care~~ child-care home 263  
licensed or certified under Chapter 5104. of the Revised Code; ~~the~~ 264  
~~administrator of any type C family day care home certified~~ 265  
~~pursuant to Section 1 of Sub. H.B. 62 of the 121st general~~ 266  
~~assembly or Section 5 of Am. Sub. S.B. 160 of the 121st general~~ 267  
~~assembly;~~ the chief administrator of any head start agency; or the 268  
executive director of a public children services agency may 269  
request that the superintendent of the bureau investigate and 270  
determine, with respect to any individual who has applied for 271  
employment in any position after October 2, 1989, or any 272  
individual wishing to apply for employment with a board of 273  
education may request, with regard to the individual, whether the 274  
bureau has any information gathered under division (A) of this 275

section that pertains to that individual. On receipt of the 276  
request, the superintendent shall determine whether that 277  
information exists and, upon request of the person, board, or 278  
entity requesting information, also shall request from the federal 279  
bureau of investigation any criminal records it has pertaining to 280  
that individual. The superintendent or the superintendent's 281  
designee also may request criminal history records from other 282  
states or the federal government pursuant to the national crime 283  
prevention and privacy compact set forth in section 109.571 of the 284  
Revised Code. Within thirty days of the date that the 285  
superintendent receives a request, the superintendent shall send 286  
to the board, entity, or person a report of any information that 287  
the superintendent determines exists, including information 288  
contained in records that have been sealed under section 2953.32 289  
of the Revised Code, and, within thirty days of its receipt, shall 290  
send the board, entity, or person a report of any information 291  
received from the federal bureau of investigation, other than 292  
information the dissemination of which is prohibited by federal 293  
law. 294

(b) When a board of education is required to receive 295  
information under this section as a prerequisite to employment of 296  
an individual pursuant to section 3319.39 of the Revised Code, it 297  
may accept a certified copy of records that were issued by the 298  
bureau of criminal identification and investigation and that are 299  
presented by an individual applying for employment with the 300  
district in lieu of requesting that information itself. In such a 301  
case, the board shall accept the certified copy issued by the 302  
bureau in order to make a photocopy of it for that individual's 303  
employment application documents and shall return the certified 304  
copy to the individual. In a case of that nature, a district only 305  
shall accept a certified copy of records of that nature within one 306  
year after the date of their issuance by the bureau. 307

(3) The state board of education may request, with respect to 308  
any individual who has applied for employment after October 2, 309  
1989, in any position with the state board or the department of 310  
education, any information that a school district board of 311  
education is authorized to request under division (F)(2) of this 312  
section, and the superintendent of the bureau shall proceed as if 313  
the request has been received from a school district board of 314  
education under division (F)(2) of this section. 315

(4) When the superintendent of the bureau receives a request 316  
for information under section 3319.291 of the Revised Code, the 317  
superintendent shall proceed as if the request has been received 318  
from a school district board of education under division (F)(2) of 319  
this section. 320

(5) When a recipient of a classroom reading improvement grant 321  
paid under section 3301.86 of the Revised Code requests, with 322  
respect to any individual who applies to participate in providing 323  
any program or service funded in whole or in part by the grant, 324  
the information that a school district board of education is 325  
authorized to request under division (F)(2)(a) of this section, 326  
the superintendent of the bureau shall proceed as if the request 327  
has been received from a school district board of education under 328  
division (F)(2)(a) of this section. 329

(G) In addition to or in conjunction with any request that is 330  
required to be made under section 3701.881, 3712.09, 3721.121, or 331  
3722.151 of the Revised Code with respect to an individual who has 332  
applied for employment in a position that involves providing 333  
direct care to an older adult, the chief administrator of a home 334  
health agency, hospice care program, home licensed under Chapter 335  
3721. of the Revised Code, adult day-care program operated 336  
pursuant to rules adopted under section 3721.04 of the Revised 337  
Code, or adult care facility may request that the superintendent 338  
of the bureau investigate and determine, with respect to any 339

individual who has applied after January 27, 1997, for employment 340  
in a position that does not involve providing direct care to an 341  
older adult, whether the bureau has any information gathered under 342  
division (A) of this section that pertains to that individual. 343

In addition to or in conjunction with any request that is 344  
required to be made under section 173.27 of the Revised Code with 345  
respect to an individual who has applied for employment in a 346  
position that involves providing ombudsperson services to 347  
residents of long-term care facilities or recipients of 348  
community-based long-term care services, the state long-term care 349  
ombudsperson, ombudsperson's designee, or director of health may 350  
request that the superintendent investigate and determine, with 351  
respect to any individual who has applied for employment in a 352  
position that does not involve providing such ombudsperson 353  
services, whether the bureau has any information gathered under 354  
division (A) of this section that pertains to that applicant. 355

In addition to or in conjunction with any request that is 356  
required to be made under section 173.394 of the Revised Code with 357  
respect to an individual who has applied for employment in a 358  
position that involves providing direct care to an individual, the 359  
chief administrator of a community-based long-term care agency may 360  
request that the superintendent investigate and determine, with 361  
respect to any individual who has applied for employment in a 362  
position that does not involve providing direct care, whether the 363  
bureau has any information gathered under division (A) of this 364  
section that pertains to that applicant. 365

On receipt of a request under this division, the 366  
superintendent shall determine whether that information exists 367  
and, on request of the individual requesting information, shall 368  
also request from the federal bureau of investigation any criminal 369  
records it has pertaining to the applicant. The superintendent or 370  
the superintendent's designee also may request criminal history 371

records from other states or the federal government pursuant to 372  
the national crime prevention and privacy compact set forth in 373  
section 109.571 of the Revised Code. Within thirty days of the 374  
date a request is received, the superintendent shall send to the 375  
requester a report of any information determined to exist, 376  
including information contained in records that have been sealed 377  
under section 2953.32 of the Revised Code, and, within thirty days 378  
of its receipt, shall send the requester a report of any 379  
information received from the federal bureau of investigation, 380  
other than information the dissemination of which is prohibited by 381  
federal law. 382

(H) Information obtained by a government entity or person 383  
under this section is confidential and shall not be released or 384  
disseminated. 385

(I) The superintendent may charge a reasonable fee for 386  
providing information or criminal records under division (F)(2) or 387  
(G) of this section. 388

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 389  
section 121.08, 3301.32, 3301.541, or 3319.39, ~~5104.012, or~~ 390  
~~5104.013~~ of the Revised Code, a completed form prescribed pursuant 391  
to division (C)(1) of this section, and a set of fingerprint 392  
impressions obtained in the manner described in division (C)(2) of 393  
this section, the superintendent of the bureau of criminal 394  
identification and investigation shall conduct a criminal records 395  
check in the manner described in division (B) of this section to 396  
determine whether any information exists that indicates that the 397  
person who is the subject of the request previously has been 398  
convicted of or pleaded guilty to any of the following: 399

(a) A violation of section 2903.01, 2903.02, 2903.03, 400  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 401  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 402

2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 403  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 404  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 405  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 406  
2925.06, or 3716.11 of the Revised Code, felonious sexual 407  
penetration in violation of former section 2907.12 of the Revised 408  
Code, a violation of section 2905.04 of the Revised Code as it 409  
existed prior to July 1, 1996, a violation of section 2919.23 of 410  
the Revised Code that would have been a violation of section 411  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 412  
had the violation been committed prior to that date, or a 413  
violation of section 2925.11 of the Revised Code that is not a 414  
minor drug possession offense; 415

(b) A violation of an existing or former law of this state, 416  
any other state, or the United States that is substantially 417  
equivalent to any of the offenses listed in division (A)(1)(a) of 418  
this section. 419

(2) On receipt of a request pursuant to section 5123.081 of 420  
the Revised Code with respect to an applicant for employment in 421  
any position with the department of mental retardation and 422  
developmental disabilities, pursuant to section 5126.28 of the 423  
Revised Code with respect to an applicant for employment in any 424  
position with a county board of mental retardation and 425  
developmental disabilities, or pursuant to section 5126.281 of the 426  
Revised Code with respect to an applicant for employment in a 427  
direct services position with an entity contracting with a county 428  
board for employment, a completed form prescribed pursuant to 429  
division (C)(1) of this section, and a set of fingerprint 430  
impressions obtained in the manner described in division (C)(2) of 431  
this section, the superintendent of the bureau of criminal 432  
identification and investigation shall conduct a criminal records 433  
check. The superintendent shall conduct the criminal records check 434

in the manner described in division (B) of this section to 435  
determine whether any information exists that indicates that the 436  
person who is the subject of the request has been convicted of or 437  
pleaded guilty to any of the following: 438

(a) A violation of section 2903.01, 2903.02, 2903.03, 439  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 440  
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 441  
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 442  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 443  
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 444  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 445  
2925.03, or 3716.11 of the Revised Code; 446

(b) An existing or former municipal ordinance or law of this 447  
state, any other state, or the United States that is substantially 448  
equivalent to any of the offenses listed in division (A)(2)(a) of 449  
this section. 450

(3) On receipt of a request pursuant to section 173.27, 451  
173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a 452  
completed form prescribed pursuant to division (C)(1) of this 453  
section, and a set of fingerprint impressions obtained in the 454  
manner described in division (C)(2) of this section, the 455  
superintendent of the bureau of criminal identification and 456  
investigation shall conduct a criminal records check with respect 457  
to any person who has applied for employment in a position for 458  
which a criminal records check is required by those sections. The 459  
superintendent shall conduct the criminal records check in the 460  
manner described in division (B) of this section to determine 461  
whether any information exists that indicates that the person who 462  
is the subject of the request previously has been convicted of or 463  
pleaded guilty to any of the following: 464

(a) A violation of section 2903.01, 2903.02, 2903.03, 465  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 466

2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 467  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 468  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 469  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 470  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 471  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 472  
2925.22, 2925.23, or 3716.11 of the Revised Code; 473

(b) An existing or former law of this state, any other state, 474  
or the United States that is substantially equivalent to any of 475  
the offenses listed in division (A)(3)(a) of this section. 476

(4) On receipt of a request pursuant to section 3701.881 of 477  
the Revised Code with respect to an applicant for employment with 478  
a home health agency as a person responsible for the care, 479  
custody, or control of a child, a completed form prescribed 480  
pursuant to division (C)(1) of this section, and a set of 481  
fingerprint impressions obtained in the manner described in 482  
division (C)(2) of this section, the superintendent of the bureau 483  
of criminal identification and investigation shall conduct a 484  
criminal records check. The superintendent shall conduct the 485  
criminal records check in the manner described in division (B) of 486  
this section to determine whether any information exists that 487  
indicates that the person who is the subject of the request 488  
previously has been convicted of or pleaded guilty to any of the 489  
following: 490

(a) A violation of section 2903.01, 2903.02, 2903.03, 491  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 492  
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 493  
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 494  
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 495  
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 496  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 497  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 498



violation of section 2925.11 of the Revised Code that is not a 499  
minor drug possession offense; 500

(b) An existing or former law of this state, any other state, 501  
or the United States that is substantially equivalent to any of 502  
the offenses listed in division (A)(4)(a) of this section. 503

(5) On receipt of a request pursuant to section 5111.95 or 504  
5111.96 of the Revised Code with respect to an applicant for 505  
employment with a waiver agency participating in a department of 506  
job and family services administered home and community-based 507  
waiver program or an independent provider participating in a 508  
department administered home and community-based waiver program in 509  
a position that involves providing home and community-based waiver 510  
services to consumers with disabilities, a completed form 511  
prescribed pursuant to division (C)(1) of this section, and a set 512  
of fingerprint impressions obtained in the manner described in 513  
division (C)(2) of this section, the superintendent of the bureau 514  
of criminal identification and investigation shall conduct a 515  
criminal records check. The superintendent shall conduct the 516  
criminal records check in the manner described in division (B) of 517  
this section to determine whether any information exists that 518  
indicates that the person who is the subject of the request 519  
previously has been convicted of or pleaded guilty to any of the 520  
following: 521

(a) A violation of section 2903.01, 2903.02, 2903.03, 522  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 523  
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 524  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 525  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 526  
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 527  
2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 528  
2913.43, 2913.47, 2913.51, 2919.12, 2919.24, 2919.25, 2921.36, 529  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 530

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; 563

(b) An existing or former law of this state, any other state, 564  
or the United States that is substantially equivalent to any of 565  
the offenses listed in division (A)(6)(a) of this section. 566

(7) When conducting a criminal records check upon a request 567  
pursuant to section 3319.39 of the Revised Code for an applicant 568  
who is a teacher, in addition to the determination made under 569  
division (A)(1) of this section, the superintendent shall 570  
determine whether any information exists that indicates that the 571  
person who is the subject of the request previously has been 572  
convicted of or pleaded guilty to any offense specified in section 573  
3319.31 of the Revised Code. 574

(8) On a request pursuant to section 2151.86 of the Revised 575  
Code, a completed form prescribed pursuant to division (C)(1) of 576  
this section, and a set of fingerprint impressions obtained in the 577  
manner described in division (C)(2) of this section, the 578  
superintendent of the bureau of criminal identification and 579  
investigation shall conduct a criminal records check in the manner 580  
described in division (B) of this section to determine whether any 581  
information exists that indicates that the person who is the 582  
subject of the request previously has been convicted of or pleaded 583  
guilty to any of the following: 584

(a) A violation of section 2903.01, 2903.02, 2903.03, 585  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 586  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 587  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 588  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 589  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 590  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 591  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a 592  
violation of section 2905.04 of the Revised Code as it existed 593  
prior to July 1, 1996, a violation of section 2919.23 of the 594

Revised Code that would have been a violation of section 2905.04 595  
of the Revised Code as it existed prior to July 1, 1996, had the 596  
violation been committed prior to that date, a violation of 597  
section 2925.11 of the Revised Code that is not a minor drug 598  
possession offense, or felonious sexual penetration in violation 599  
of former section 2907.12 of the Revised Code; 600

(b) A violation of an existing or former law of this state, 601  
any other state, or the United States that is substantially 602  
equivalent to any of the offenses listed in division (A)(8)(a) of 603  
this section. 604

(9) ~~When conducting a criminal records check on~~ On receipt of 605  
a request pursuant to section ~~5104.013~~ 5104.093, 5104.094, or 606  
5104.095 of the Revised Code ~~for a person who is an owner,~~ 607  
~~licensee, or administrator of a child day care center or type A~~ 608  
~~family day care home, an authorized provider of a certified type B~~ 609  
~~family day care home, or an adult residing in a type A or~~ 610  
~~certified type B home, or when conducting a criminal records check~~ 611  
~~or a request pursuant to section 5104.012 of the Revised Code for~~ 612  
~~a person who is an applicant for employment in a center, type A~~ 613  
~~home, or certified type B home, the superintendent, in addition to~~ 614  
~~the determination made under division (A)(1) of this section, a~~ 615  
completed form prescribed pursuant to division (C)(1) of this 616  
section, and a set of fingerprint impressions obtained in the 617  
manner described in division (C)(2) of this section, the 618  
superintendent of the bureau of criminal identification and 619  
investigation shall conduct a criminal records check in the manner 620  
described in division (B) of this section to determine whether any 621  
information exists that indicates that the person who is the 622  
subject of the request has been convicted of or pleaded guilty to 623  
~~any of the following:~~ 624

~~(a) A violation of section 2913.02, 2913.03, 2913.04,~~ 625  
~~2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32,~~ 626

~~2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 627  
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2921.11, 628  
2921.13, or 2923.01 of the Revised Code, a violation of section 629  
2923.02 or 2923.03 of the Revised Code that relates to a crime 630  
specified in this division or division (A)(1)(a) of this section, 631  
or a second violation of section 4511.19 of the Revised Code 632  
within five years of the date of application for licensure or 633  
certification. 634~~

~~(b) A violation of an existing or former law of this state, 635  
any other state, or the United States that is substantially 636  
equivalent to any of the offenses or violations described in 637  
division (A)(9)(a) of this a disqualifying offense as defined in 638  
section 5104.01 of the Revised Code. 639~~

(10) Upon receipt of a request pursuant to section 5153.111 640  
of the Revised Code, a completed form prescribed pursuant to 641  
division (C)(1) of this section, and a set of fingerprint 642  
impressions obtained in the manner described in division (C)(2) of 643  
this section, the superintendent of the bureau of criminal 644  
identification and investigation shall conduct a criminal records 645  
check in the manner described in division (B) of this section to 646  
determine whether any information exists that indicates that the 647  
person who is the subject of the request previously has been 648  
convicted of or pleaded guilty to any of the following: 649

(a) A violation of section 2903.01, 2903.02, 2903.03, 650  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 651  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 652  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 653  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 654  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 655  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 656  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 657  
felonious sexual penetration in violation of former section 658

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, or a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense;

(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)(10)(a) of this section.

(11) On receipt of a request for a criminal records check from an individual pursuant to section 4749.03 or 4749.06 of the Revised Code, accompanied by a completed copy of the form prescribed in division (C)(1) of this section and a set of fingerprint impressions obtained in a 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 indicating that the person who is the subject of the request has been convicted of or pleaded guilty to a felony in this state or in any other state. If the individual indicates that a firearm will be carried in the course of business, the superintendent shall require information from the federal bureau of investigation as described in division (B)(2) of this section. The superintendent shall report the findings of the criminal records check and any information the federal bureau of investigation provides to the director of public safety.

(12) On receipt of a request pursuant to section 1322.03, 1322.031, or 4763.05 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 691  
division (C)(2) of this section, the superintendent of the bureau 692  
of criminal identification and investigation shall conduct a 693  
criminal records check with respect to any person who has applied 694  
for a license, permit, or certification from the department of 695  
commerce or a division in the department. The superintendent shall 696  
conduct the criminal records check in the manner described in 697  
division (B) of this section to determine whether any information 698  
exists that indicates that the person who is the subject of the 699  
request previously has been convicted of or pleaded guilty to any 700  
of the following: a violation of section 2913.02, 2913.11, 701  
2913.31, 2913.51, or 2925.03 of the Revised Code; any other 702  
criminal offense involving theft, receiving stolen property, 703  
embezzlement, forgery, fraud, passing bad checks, money 704  
laundering, or drug trafficking, or any criminal offense involving 705  
money or securities, as set forth in Chapters 2909., 2911., 2913., 706  
2915., 2921., 2923., and 2925. of the Revised Code; or any 707  
existing or former law of this state, any other state, or the 708  
United States that is substantially equivalent to those offenses. 709

(13) Not later than thirty days after the date the 710  
superintendent receives the request, completed form, and 711  
fingerprint impressions, the superintendent shall send the person, 712  
board, or entity that made the request any information, other than 713  
information the dissemination of which is prohibited by federal 714  
law, the superintendent determines exists with respect to the 715  
person who is the subject of the request that indicates that the 716  
person previously has been convicted of or pleaded guilty to any 717  
offense listed or described in division (A)(1), (2), (3), (4), 718  
(5), (6), (7), (8), (9), (10), (11), or (12) of this section, as 719  
appropriate. The superintendent shall send the person, board, or 720  
entity that made the request a copy of the list of offenses 721  
specified in division (A)(1), (2), (3), (4), (5), (6), (7), (8), 722  
(9), (10), (11), or (12) of this section, as appropriate. If the 723

request was made under section 3701.881 of the Revised Code with 724  
regard to an applicant who may be both responsible for the care, 725  
custody, or control of a child and involved in providing direct 726  
care to an older adult, the superintendent shall provide a list of 727  
the offenses specified in divisions (A)(4) and (6) of this 728  
section. 729

(B) The superintendent shall conduct any criminal records 730  
check requested under section 121.08, 173.27, 173.394, 1322.03, 731  
1322.031, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 732  
3721.121, 3722.151, 4749.03, 4749.06, 4763.05, ~~5104.012, 5104.013,~~ 733  
5104.093, 5104.094, 5104.095, 5111.95, 5111.96, 5123.081, 5126.28, 734  
5126.281, or 5153.111 of the Revised Code as follows: 735

(1) The superintendent shall review or cause to be reviewed 736  
any relevant information gathered and compiled by the bureau under 737  
division (A) of section 109.57 of the Revised Code that relates to 738  
the person who is the subject of the request, including any 739  
relevant information contained in records that have been sealed 740  
under section 2953.32 of the Revised Code; 741

(2) If the request received by the superintendent asks for 742  
information from the federal bureau of investigation, the 743  
superintendent shall request from the federal bureau of 744  
investigation any information it has with respect to the person 745  
who is the subject of the request and shall review or cause to be 746  
reviewed any information the superintendent receives from that 747  
bureau. 748

(3) The superintendent or the superintendent's designee may 749  
request criminal history records from other states or the federal 750  
government pursuant to the national crime prevention and privacy 751  
compact set forth in section 109.571 of the Revised Code. 752

(C)(1) The superintendent shall prescribe a form to obtain 753  
the information necessary to conduct a criminal records check from 754



any person for whom a criminal records check is required by 755  
section 121.08, 173.27, 173.394, 1322.03, 1322.031, 2151.86, 756  
3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 757  
4749.03, 4749.06, 4763.05, ~~5104.012, 5104.013~~, 5104.093, 5104.094, 758  
5104.095, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 759  
5153.111 of the Revised Code. The form that the superintendent 760  
prescribes pursuant to this division may be in a tangible format, 761  
in an electronic format, or in both tangible and electronic 762  
formats. 763

(2) The superintendent shall prescribe standard impression 764  
sheets to obtain the fingerprint impressions of any person for 765  
whom a criminal records check is required by section 121.08, 766  
173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 767  
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 768  
4763.05, ~~5104.012, 5104.013~~, 5104.093, 5104.094, 5104.095, 769  
5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 5153.111 of the 770  
Revised Code. Any person for whom a records check is required by 771  
any of those sections shall obtain the fingerprint impressions at 772  
a county sheriff's office, municipal police department, or any 773  
other entity with the ability to make fingerprint impressions on 774  
the standard impression sheets prescribed by the superintendent. 775  
The office, department, or entity may charge the person a 776  
reasonable fee for making the impressions. The standard impression 777  
sheets the superintendent prescribes pursuant to this division may 778  
be in a tangible format, in an electronic format, or in both 779  
tangible and electronic formats. 780

(3) Subject to division (D) of this section, the 781  
superintendent shall prescribe and charge a reasonable fee for 782  
providing a criminal records check requested under section 121.08, 783  
173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 784  
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 785  
4763.05, ~~5104.012, 5104.013~~, 5104.093, 5104.094, 5104.095, 786

5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 5153.111 of the 787  
Revised Code. The person making a criminal records request under 788  
section 121.08, 173.27, 173.394, 1322.03, 1322.031, 2151.86, 789  
3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 790  
4749.03, 4749.06, 4763.05, ~~5104.012, 5104.013~~, 5104.093, 5104.094, 791  
5104.095, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 792  
5153.111 of the Revised Code shall pay the fee prescribed pursuant 793  
to this division. A person making a request under section 3701.881 794  
of the Revised Code for a criminal records check for an applicant 795  
who may be both responsible for the care, custody, or control of a 796  
child and involved in providing direct care to an older adult 797  
shall pay one fee for the request. 798

(4) The superintendent of the bureau of criminal 799  
identification and investigation may prescribe methods of 800  
forwarding fingerprint impressions and information necessary to 801  
conduct a criminal records check, which methods shall include, but 802  
not be limited to, an electronic method. 803

(D) A determination whether any information exists that 804  
indicates that a person previously has been convicted of or 805  
pleaded guilty to any offense listed or described in division 806  
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 807  
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 808  
(A)(9)~~(a) or (b)~~, (A)(10)(a) or (b), or (A)(12) of this section 809  
that is made by the superintendent with respect to information 810  
considered in a criminal records check in accordance with this 811  
section is valid for the person who is the subject of the criminal 812  
records check for a period of one year from the date upon which 813  
the superintendent makes the determination. During the period in 814  
which the determination in regard to a person is valid, if another 815  
request under this section is made for a criminal records check 816  
for that person, the superintendent shall provide the information 817  
that is the basis for the superintendent's initial determination 818

at a lower fee than the fee prescribed for the initial criminal 819  
records check. 820

(E) As used in this section: 821

(1) "Criminal records check" means any criminal records check 822  
conducted by the superintendent of the bureau of criminal 823  
identification and investigation in accordance with division (B) 824  
of this section. 825

(2) "Home and community-based waiver services" and "waiver 826  
agency" have the same meanings as in section 5111.95 of the 827  
Revised Code. 828

(3) "Independent provider" has the same meaning as in section 829  
5111.96 of the Revised Code. 830

(4) "Minor drug possession offense" has the same meaning as 831  
in section 2925.01 of the Revised Code. 832

(5) "Older adult" means a person age sixty or older. 833

**Sec. 349.01.** As used in this chapter: 834

(A) "New community" means a community or an addition to an 835  
existing community planned pursuant to this chapter so that it 836  
includes facilities for the conduct of industrial, commercial, 837  
residential, cultural, educational, and recreational activities, 838  
and designed in accordance with planning concepts for the 839  
placement of utility, open space, and other supportive facilities. 840

(B) "New community development program" means a program for 841  
the development of a new community characterized by well-balanced 842  
and diversified land use patterns and which includes land 843  
acquisition and land development, the acquisition, construction, 844  
operation, and maintenance of community facilities, and the 845  
provision of services authorized in this chapter. 846

(C) "New community district" means the area of land described 847

by the developer in the petition as set forth in division (A) of 848  
section 349.03 of the Revised Code for development as a new 849  
community and any lands added to the district by amendment of the 850  
resolution establishing the community authority. 851

(D) "New community authority" means a body corporate and 852  
politic in this state, established pursuant to section 349.03 of 853  
the Revised Code and governed by a board of trustees as provided 854  
in section 349.04 of the Revised Code. 855

(E) "Developer" means any person, organized for carrying out 856  
a new community development program who owns or controls, through 857  
leases of at least seventy-five years' duration, options, or 858  
contracts to purchase, the land within a new community district, 859  
or any municipal corporation, county, or port authority that owns 860  
the land within a new community district, or has the ability to 861  
acquire such land, either by voluntary acquisition or condemnation 862  
in order to eliminate slum, blighted, and deteriorated or 863  
deteriorating areas and to prevent the recurrence thereof. 864

(F) "Organizational board of commissioners" means, if the new 865  
community district is located in only one county, the board of 866  
county commissioners of such county; if located in more than one 867  
county, a board consisting of the members of the board of county 868  
commissioners of each of the counties in which the district is 869  
located, provided that action of such board shall require a 870  
majority vote of the members of each separate board of county 871  
commissioners; or, if more than half of the new community district 872  
is located within the boundaries of the most populous municipal 873  
corporation of a county, the legislative authority of the 874  
municipal corporation. 875

(G) "Land acquisition" means the acquisition of real property 876  
and interests in real property as part of a new community 877  
development program. 878

(H) "Land development" means the process of clearing and 879  
grading land, making, installing, or constructing water 880  
distribution systems, sewers, sewage collection systems, steam, 881  
gas, and electric lines, roads, streets, curbs, gutters, 882  
sidewalks, storm drainage facilities, and other installations or 883  
work, whether within or without the new community district, and 884  
the construction of community facilities. 885

(I) "Community facilities" means all real property, 886  
buildings, structures, or other facilities, including related 887  
fixtures, equipment, and furnishings, to be owned, operated, 888  
financed, constructed, and maintained under this chapter, 889  
including public, community, village, neighborhood, or town 890  
buildings, centers and plazas, auditoriums, ~~day-care~~ child-care 891  
centers, recreation halls, educational facilities, hospital 892  
facilities as defined in section 140.01 of the Revised Code, 893  
recreational facilities, natural resource facilities, including 894  
parks and other open space land, lakes and streams, cultural 895  
facilities, community streets, pathway and bikeway systems, 896  
pedestrian underpasses and overpasses, lighting facilities, design 897  
amenities, or other community facilities, and buildings needed in 898  
connection with water supply or sewage disposal installations or 899  
steam, gas, or electric lines or installation. 900

(J) "Cost" as applied to a new community development program 901  
means all costs related to land acquisition and land development, 902  
the acquisition, construction, maintenance, and operation of 903  
community facilities and offices of the community authority, and 904  
of providing furnishings and equipment therefor, financing charges 905  
including interest prior to and during construction and for the 906  
duration of the new community development program, planning 907  
expenses, engineering expenses, administrative expenses including 908  
working capital, and all other expenses necessary and incident to 909  
the carrying forward of the new community development program. 910

(K) "Income source" means any and all sources of income to 911  
the community authority, including community development charges 912  
of which the new community authority is the beneficiary as 913  
provided in section 349.07 of the Revised Code, rentals, user fees 914  
and other charges received by the new community authority, any 915  
gift or grant received, any moneys received from any funds 916  
invested by or on behalf of the new community authority, and 917  
proceeds from the sale or lease of land and community facilities. 918

(L) "Community development charge" means a dollar amount 919  
which shall be determined on the basis of the assessed valuation 920  
of real property or interests in real property in a new community 921  
district sold, leased, or otherwise conveyed by the developer or 922  
the new community authority, the income of the residents of such 923  
property subject to such charge under section 349.07 of the 924  
Revised Code, if such property is devoted to residential uses or 925  
to the profits of any business, a uniform fee on each parcel of 926  
such real property originally sold, leased, or otherwise conveyed 927  
by the developer or new community authority, or any combination of 928  
the foregoing bases. 929

(M) "Proximate city" means any city that, as of the date of 930  
filing of the petition under section 349.03 of the Revised Code, 931  
is the most populous city of the county in which the proposed new 932  
community district is located, is the most populous city of an 933  
adjoining county if any portion of such city is within five miles 934  
of any part of the boundaries of such district, or exercises 935  
extraterritorial subdivision authority under section 711.09 of the 936  
Revised Code with respect to any part of such district. 937

**Sec. 921.06.** (A)(1) No individual shall do any of the 938  
following without having a commercial applicator license issued by 939  
the director of agriculture: 940

(a) Apply pesticides for a pesticide business without direct 941

supervision;	942
(b) Apply pesticides as part of the individual's duties while acting as an employee of the United States government, a state, county, township, or municipal corporation, or a park district, port authority, or sanitary district created under Chapter 1545., 4582., or 6115. of the Revised Code, respectively;	943 944 945 946 947
(c) Apply restricted use pesticides. Division (A)(1)(c) of this section does not apply to a private applicator or an immediate family member or a subordinate employee of a private applicator who is acting under the direct supervision of that private applicator.	948 949 950 951 952
(d) If the individual is the owner of a business other than a pesticide business or an employee of such an owner, apply pesticides at any of the following publicly accessible sites that are located on the property:	953 954 955 956
(i) Food service operations that are licensed under Chapter 3717. of the Revised Code;	957 958
(ii) Retail food establishments that are licensed under Chapter 3717. of the Revised Code;	959 960
(iii) Golf courses;	961
(iv) Rental properties of more than four apartment units at one location;	962 963
(v) Hospitals or medical facilities as defined in section 3701.01 of the Revised Code;	964 965
(vi) <del>Child day-care</del> <u>Child-care</u> centers or school <del>child day-care</del> <u>child-care</u> centers as defined in section 5104.01 of the Revised Code;	966 967 968
(vii) Facilities owned or operated by a school district established under Chapter 3311. of the Revised Code, including an education service center, a community school established under	969 970 971

Chapter 3314. of the Revised Code, or a chartered or nonchartered	972
nonpublic school that meets minimum standards established by the	973
state board of education;	974
(viii) Colleges as defined in section 3365.01 of the Revised	975
Code;	976
(ix) Food processing establishments as defined in section	977
3715.021 of the Revised Code;	978
(x) Any other site designated by rule.	979
(e) Conduct authorized diagnostic inspections.	980
(2) Divisions (A)(1)(a) to (d) of this section do not apply	981
to an individual who is acting as a trained serviceperson under	982
the direct supervision of a commercial applicator.	983
(3) Licenses shall be issued for a period of time established	984
by rule and shall be renewed in accordance with deadlines	985
established by rule. The fee for each such license shall be	986
established by rule. If a license is not issued or renewed, the	987
application fee shall be retained by the state as payment for the	988
reasonable expense of processing the application. The director	989
shall by rule classify by pesticide-use category licenses to be	990
issued under this section. A single license may include more than	991
one pesticide-use category. No individual shall be required to pay	992
an additional license fee if the individual is licensed for more	993
than one category.	994
The fee for each license or renewal does not apply to an	995
applicant who is an employee of the department of agriculture	996
whose job duties require licensure as a commercial applicator as a	997
condition of employment.	998
(B) Application for a commercial applicator license shall be	999
made on a form prescribed by the director. Each application for a	1000
license shall state the pesticide-use category or categories of	1001



license for which the applicant is applying and other information 1002  
that the director determines essential to the administration of 1003  
this chapter. 1004

(C) If the director finds that the applicant is competent to 1005  
apply pesticides and conduct diagnostic inspections and that the 1006  
applicant has passed both the general examination and each 1007  
applicable pesticide-use category examination as required under 1008  
division (A) of section 921.12 of the Revised Code, the director 1009  
shall issue a commercial applicator license limited to the 1010  
pesticide-use category or categories for which the applicant is 1011  
found to be competent. If the director rejects an application, the 1012  
director may explain why the application was rejected, describe 1013  
the additional requirements necessary for the applicant to obtain 1014  
a license, and return the application. The applicant may resubmit 1015  
the application without payment of any additional fee. 1016

(D)(1) A person who is a commercial applicator shall be 1017  
deemed to hold a private applicator's license for purposes of 1018  
applying pesticides on agricultural commodities that are produced 1019  
by the commercial applicator. 1020

(2) A commercial applicator shall apply pesticides only in 1021  
the pesticide-use category or categories in which the applicator 1022  
is licensed under this chapter. 1023

**Sec. 2151.011.** (A) As used in the Revised Code: 1024

(1) "Juvenile court" means whichever of the following is 1025  
applicable that has jurisdiction under this chapter and Chapter 1026  
2152. of the Revised Code: 1027

(a) The division of the court of common pleas specified in 1028  
section 2101.022 or 2301.03 of the Revised Code as having 1029  
jurisdiction under this chapter and Chapter 2152. of the Revised 1030  
Code or as being the juvenile division or the juvenile division 1031

combined with one or more other divisions; 1032

(b) The juvenile court of Cuyahoga county or Hamilton county 1033  
that is separately and independently created by section 2151.08 or 1034  
Chapter 2153. of the Revised Code and that has jurisdiction under 1035  
this chapter and Chapter 2152. of the Revised Code; 1036

(c) If division (A)(1)(a) or (b) of this section does not 1037  
apply, the probate division of the court of common pleas. 1038

(2) "Juvenile judge" means a judge of a court having 1039  
jurisdiction under this chapter. 1040

(3) "Private child placing agency" means any association, as 1041  
defined in section 5103.02 of the Revised Code, that is certified 1042  
under section 5103.03 of the Revised Code to accept temporary, 1043  
permanent, or legal custody of children and place the children for 1044  
either foster care or adoption. 1045

(4) "Private noncustodial agency" means any person, 1046  
organization, association, or society certified by the department 1047  
of job and family services that does not accept temporary or 1048  
permanent legal custody of children, that is privately operated in 1049  
this state, and that does one or more of the following: 1050

(a) Receives and cares for children for two or more 1051  
consecutive weeks; 1052

(b) Participates in the placement of children in certified 1053  
foster homes; 1054

(c) Provides adoption services in conjunction with a public 1055  
children services agency or private child placing agency. 1056

(B) As used in this chapter: 1057

(1) "Adequate parental care" means the provision by a child's 1058  
parent or parents, guardian, or custodian of adequate food, 1059  
clothing, and shelter to ensure the child's health and physical 1060  
safety and the provision by a child's parent or parents of 1061

specialized services warranted by the child's physical or mental 1062  
needs. 1063

(2) "Adult" means an individual who is eighteen years of age 1064  
or older. 1065

(3) "Agreement for temporary custody" means a voluntary 1066  
agreement authorized by section 5103.15 of the Revised Code that 1067  
transfers the temporary custody of a child to a public children 1068  
services agency or a private child placing agency. 1069

(4) "Certified foster home" means a foster home, as defined 1070  
in section 5103.02 of the Revised Code, certified under section 1071  
5103.03 of the Revised Code. 1072

(5) "Child" means a person who is under eighteen years of 1073  
age, except that the juvenile court has jurisdiction over any 1074  
person who is adjudicated an unruly child prior to attaining 1075  
eighteen years of age until the person attains twenty-one years of 1076  
age, and, for purposes of that jurisdiction related to that 1077  
adjudication, a person who is so adjudicated an unruly child shall 1078  
be deemed a "child" until the person attains twenty-one years of 1079  
age. 1080

(6) "Child day camp," "child care," "~~child day care~~ 1081  
child-care center," "part-time ~~child day care~~ child-care center," 1082  
"type A family ~~day care~~ child-care home," "licensed type B family 1083  
child-care home," "certified type B family ~~day care~~ child-care 1084  
home," "type B home," "administrator of a ~~child day care~~ 1085  
child-care center," "administrator of a type A family ~~day care~~ 1086  
child-care home," "in-home aide," and "~~authorized certified~~ 1087  
provider" have the same meanings as in section 5104.01 of the 1088  
Revised Code. 1089

(7) "Child care provider" means an individual who is a 1090  
child-care staff member or administrator of a ~~child day care~~ 1091  
child-care center, a type A family ~~day care~~ child-care home, or a 1092

type B family ~~day-care~~ child-care home, or an in-home aide or an 1093  
individual who is licensed, is regulated, is approved, operates 1094  
under the direction of, or otherwise is certified by the 1095  
department of job and family services, department of mental 1096  
retardation and developmental disabilities, or the early childhood 1097  
programs of the department of education. 1098

(8) "Chronic truant" has the same meaning as in section 1099  
2152.02 of the Revised Code. 1100

(9) "Commit" means to vest custody as ordered by the court. 1101

(10) "Counseling" includes both of the following: 1102

(a) General counseling services performed by a public 1103  
children services agency or shelter for victims of domestic 1104  
violence to assist a child, a child's parents, and a child's 1105  
siblings in alleviating identified problems that may cause or have 1106  
caused the child to be an abused, neglected, or dependent child. 1107

(b) Psychiatric or psychological therapeutic counseling 1108  
services provided to correct or alleviate any mental or emotional 1109  
illness or disorder and performed by a licensed psychiatrist, 1110  
licensed psychologist, or a person licensed under Chapter 4757. of 1111  
the Revised Code to engage in social work or professional 1112  
counseling. 1113

(11) "Custodian" means a person who has legal custody of a 1114  
child or a public children services agency or private child 1115  
placing agency that has permanent, temporary, or legal custody of 1116  
a child. 1117

(12) "Delinquent child" has the same meaning as in section 1118  
2152.02 of the Revised Code. 1119

(13) "Detention" means the temporary care of children pending 1120  
court adjudication or disposition, or execution of a court order, 1121  
in a public or private facility designed to physically restrict 1122

the movement and activities of children. 1123

(14) "Developmental disability" has the same meaning as in 1124  
section 5123.01 of the Revised Code. 1125

(15) "Foster caregiver" has the same meaning as in section 1126  
5103.02 of the Revised Code. 1127

(16) "Guardian" means a person, association, or corporation 1128  
that is granted authority by a probate court pursuant to Chapter 1129  
2111. of the Revised Code to exercise parental rights over a child 1130  
to the extent provided in the court's order and subject to the 1131  
residual parental rights of the child's parents. 1132

(17) "Habitual truant" means any child of compulsory school 1133  
age who is absent without legitimate excuse for absence from the 1134  
public school the child is supposed to attend for five or more 1135  
consecutive school days, seven or more school days in one school 1136  
month, or twelve or more school days in a school year. 1137

(18) "Juvenile traffic offender" has the same meaning as in 1138  
section 2152.02 of the Revised Code. 1139

(19) "Legal custody" means a legal status that vests in the 1140  
custodian the right to have physical care and control of the child 1141  
and to determine where and with whom the child shall live, and the 1142  
right and duty to protect, train, and discipline the child and to 1143  
provide the child with food, shelter, education, and medical care, 1144  
all subject to any residual parental rights, privileges, and 1145  
responsibilities. An individual granted legal custody shall 1146  
exercise the rights and responsibilities personally unless 1147  
otherwise authorized by any section of the Revised Code or by the 1148  
court. 1149

(20) A "legitimate excuse for absence from the public school 1150  
the child is supposed to attend" includes, but is not limited to, 1151  
any of the following: 1152

(a) The fact that the child in question has enrolled in and is attending another public or nonpublic school in this or another state; 1153  
1154  
1155

(b) The fact that the child in question is excused from attendance at school for any of the reasons specified in section 3321.04 of the Revised Code; 1156  
1157  
1158

(c) The fact that the child in question has received an age and schooling certificate in accordance with section 3331.01 of the Revised Code. 1159  
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1161

(21) "Mental illness" and "mentally ill person subject to hospitalization by court order" have the same meanings as in section 5122.01 of the Revised Code. 1162  
1163  
1164

(22) "Mental injury" means any behavioral, cognitive, emotional, or mental disorder in a child caused by an act or omission that is described in section 2919.22 of the Revised Code and is committed by the parent or other person responsible for the child's care. 1165  
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(23) "Mentally retarded person" has the same meaning as in section 5123.01 of the Revised Code. 1170  
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(24) "Nonsecure care, supervision, or training" means care, supervision, or training of a child in a facility that does not confine or prevent movement of the child within the facility or from the facility. 1172  
1173  
1174  
1175

(25) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code. 1176  
1177

(26) "Organization" means any institution, public, semipublic, or private, and any private association, society, or agency located or operating in the state, incorporated or unincorporated, having among its functions the furnishing of protective services or care for children, or the placement of 1178  
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children in certified foster homes or elsewhere.	1183
(27) "Out-of-home care" means detention facilities, shelter facilities, certified children's crisis care facilities, certified foster homes, placement in a prospective adoptive home prior to the issuance of a final decree of adoption, organizations, certified organizations, <del>child day care</del> <u>child-care</u> centers, type A family <del>day care</del> <u>child-care</u> homes, child care provided by type B family <del>day care</del> <u>child-care</u> home providers and by in-home aides, group home providers, group homes, institutions, state institutions, residential facilities, residential care facilities, residential camps, day camps, public schools, chartered nonpublic schools, educational service centers, hospitals, and medical clinics that are responsible for the care, physical custody, or control of children.	1184 1185 1186 1187 1188 1189 1190 1191 1192 1193 1194 1195 1196
(28) "Out-of-home care child abuse" means any of the following when committed by a person responsible for the care of a child in out-of-home care:	1197 1198 1199
(a) Engaging in sexual activity with a child in the person's care;	1200 1201
(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;	1202 1203 1204
(c) Use of restraint procedures on a child that cause injury or pain;	1205 1206
(d) Administration of prescription drugs or psychotropic medication to the child without the written approval and ongoing supervision of a licensed physician;	1207 1208 1209
(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	1210 1211 1212 1213

at variance with the history given of the injury or death. 1214

(29) "Out-of-home care child neglect" means any of the 1215  
following when committed by a person responsible for the care of a 1216  
child in out-of-home care: 1217

(a) Failure to provide reasonable supervision according to 1218  
the standards of care appropriate to the age, mental and physical 1219  
condition, or other special needs of the child; 1220

(b) Failure to provide reasonable supervision according to 1221  
the standards of care appropriate to the age, mental and physical 1222  
condition, or other special needs of the child, that results in 1223  
sexual or physical abuse of the child by any person; 1224

(c) Failure to develop a process for all of the following: 1225

(i) Administration of prescription drugs or psychotropic 1226  
drugs for the child; 1227

(ii) Assuring that the instructions of the licensed physician 1228  
who prescribed a drug for the child are followed; 1229

(iii) Reporting to the licensed physician who prescribed the 1230  
drug all unfavorable or dangerous side effects from the use of the 1231  
drug. 1232

(d) Failure to provide proper or necessary subsistence, 1233  
education, medical care, or other individualized care necessary 1234  
for the health or well-being of the child; 1235

(e) Confinement of the child to a locked room without 1236  
monitoring by staff; 1237

(f) Failure to provide ongoing security for all prescription 1238  
and nonprescription medication; 1239

(g) Isolation of a child for a period of time when there is 1240  
substantial risk that the isolation, if continued, will impair or 1241  
retard the mental health or physical well-being of the child. 1242



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

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

(32) "Person" means an individual, association, corporation, or partnership and the state or any of its political subdivisions, departments, or agencies.

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

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

(b) Any administrator, employee, or agent of any of the following: a public or private detention facility; shelter facility; certified children's crisis care facility; organization; certified organization; ~~child day-care~~ child-care center; type A family ~~day-care~~ child-care home; licensed type B family child-care home; certified type B family ~~day-care~~ child-care home; group home; institution; state institution; residential facility; residential care facility; residential camp; day camp; school district; community school; chartered nonpublic school; educational service center; hospital; or medical clinic;

(c) Any person who supervises or coaches children as part of an extracurricular activity sponsored by a school district, public school, or chartered nonpublic school;

(d) Any other person who performs a similar function with

respect to, or has a similar relationship to, children.	1274
(34) "Physically impaired" means having one or more of the	1275
following conditions that substantially limit one or more of an	1276
individual's major life activities, including self-care, receptive	1277
and expressive language, learning, mobility, and self-direction:	1278
(a) A substantial impairment of vision, speech, or hearing;	1279
(b) A congenital orthopedic impairment;	1280
(c) An orthopedic impairment caused by disease, rheumatic	1281
fever or any other similar chronic or acute health problem, or	1282
amputation or another similar cause.	1283
(35) "Placement for adoption" means the arrangement by a	1284
public children services agency or a private child placing agency	1285
with a person for the care and adoption by that person of a child	1286
of whom the agency has permanent custody.	1287
(36) "Placement in foster care" means the arrangement by a	1288
public children services agency or a private child placing agency	1289
for the out-of-home care of a child of whom the agency has	1290
temporary custody or permanent custody.	1291
(37) "Planned permanent living arrangement" means an order of	1292
a juvenile court pursuant to which both of the following apply:	1293
(a) The court gives legal custody of a child to a public	1294
children services agency or a private child placing agency without	1295
the termination of parental rights.	1296
(b) The order permits the agency to make an appropriate	1297
placement of the child and to enter into a written agreement with	1298
a foster care provider or with another person or agency with whom	1299
the child is placed.	1300
(38) "Practice of social work" and "practice of professional	1301
counseling" have the same meanings as in section 4757.01 of the	1302
Revised Code.	1303

(39) "Sanction, service, or condition" means a sanction, 1304  
service, or condition created by court order following an 1305  
adjudication that a child is an unruly child that is described in 1306  
division (A)(4) of section 2152.19 of the Revised Code. 1307

(40) "Protective supervision" means an order of disposition 1308  
pursuant to which the court permits an abused, neglected, 1309  
dependent, or unruly child to remain in the custody of the child's 1310  
parents, guardian, or custodian and stay in the child's home, 1311  
subject to any conditions and limitations upon the child, the 1312  
child's parents, guardian, or custodian, or any other person that 1313  
the court prescribes, including supervision as directed by the 1314  
court for the protection of the child. 1315

(41) "Psychiatrist" has the same meaning as in section 1316  
5122.01 of the Revised Code. 1317

(42) "Psychologist" has the same meaning as in section 1318  
4732.01 of the Revised Code. 1319

(43) "Residential camp" means a program in which the care, 1320  
physical custody, or control of children is accepted overnight for 1321  
recreational or recreational and educational purposes. 1322

(44) "Residential care facility" means an institution, 1323  
residence, or facility that is licensed by the department of 1324  
mental health under section 5119.22 of the Revised Code and that 1325  
provides care for a child. 1326

(45) "Residential facility" means a home or facility that is 1327  
licensed by the department of mental retardation and developmental 1328  
disabilities under section 5123.19 of the Revised Code and in 1329  
which a child with a developmental disability resides. 1330

(46) "Residual parental rights, privileges, and 1331  
responsibilities" means those rights, privileges, and 1332  
responsibilities remaining with the natural parent after the 1333  
transfer of legal custody of the child, including, but not 1334

necessarily limited to, the privilege of reasonable visitation, 1335  
consent to adoption, the privilege to determine the child's 1336  
religious affiliation, and the responsibility for support. 1337

(47) "School day" means the school day established by the 1338  
state board of education pursuant to section 3313.48 of the 1339  
Revised Code. 1340

(48) "School month" and "school year" have the same meanings 1341  
as in section 3313.62 of the Revised Code. 1342

(49) "Secure correctional facility" means a facility under 1343  
the direction of the department of youth services that is designed 1344  
to physically restrict the movement and activities of children and 1345  
used for the placement of children after adjudication and 1346  
disposition. 1347

(50) "Sexual activity" has the same meaning as in section 1348  
2907.01 of the Revised Code. 1349

(51) "Shelter" means the temporary care of children in 1350  
physically unrestricted facilities pending court adjudication or 1351  
disposition. 1352

(52) "Shelter for victims of domestic violence" has the same 1353  
meaning as in section 3113.33 of the Revised Code. 1354

(53) "Temporary custody" means legal custody of a child who 1355  
is removed from the child's home, which custody may be terminated 1356  
at any time at the discretion of the court or, if the legal 1357  
custody is granted in an agreement for temporary custody, by the 1358  
person who executed the agreement. 1359

(C) For the purposes of this chapter, a child shall be 1360  
presumed abandoned when the parents of the child have failed to 1361  
visit or maintain contact with the child for more than ninety 1362  
days, regardless of whether the parents resume contact with the 1363  
child after that period of ninety days. 1364

**Sec. 2151.421.** (A)(1)(a) No person described in division 1365  
(A)(1)(b) of this section who is acting in an official or 1366  
professional capacity and knows, or has reasonable cause to 1367  
suspect based on facts that would cause a reasonable person in a 1368  
similar position to suspect, that a child under eighteen years of 1369  
age or a mentally retarded, developmentally disabled, or 1370  
physically impaired child under twenty-one years of age has 1371  
suffered or faces a threat of suffering any physical or mental 1372  
wound, injury, disability, or condition of a nature that 1373  
reasonably indicates abuse or neglect of the child shall fail to 1374  
immediately report that knowledge or reasonable cause to suspect 1375  
to the entity or persons specified in this division. Except as 1376  
provided in section 5120.173 of the Revised Code, the person 1377  
making the report shall make it to the public children services 1378  
agency or a municipal or county peace officer in the county in 1379  
which the child resides or in which the abuse or neglect is 1380  
occurring or has occurred. In the circumstances described in 1381  
section 5120.173 of the Revised Code, the person making the report 1382  
shall make it to the entity specified in that section. 1383

(b) Division (A)(1)(a) of this section applies to any person 1384  
who is an attorney; physician, including a hospital intern or 1385  
resident; dentist; podiatrist; practitioner of a limited branch of 1386  
medicine as specified in section 4731.15 of the Revised Code; 1387  
registered nurse; licensed practical nurse; visiting nurse; other 1388  
health care professional; licensed psychologist; licensed school 1389  
psychologist; independent marriage and family therapist or 1390  
marriage and family therapist; speech pathologist or audiologist; 1391  
coroner; administrator or employee of a ~~child-day-care~~ child-care 1392  
center; administrator or employee of a residential camp or child 1393  
day camp; administrator or employee of a certified child care 1394  
agency or other public or private children services agency; school 1395  
teacher; school employee; school authority; person engaged in 1396

social work or the practice of professional counseling; agent of a county humane society; person, other than a cleric, rendering spiritual treatment through prayer in accordance with the tenets of a well-recognized religion; superintendent, board member, or employee of a county board of mental retardation; investigative agent contracted with by a county board of mental retardation; employee of the department of mental retardation and developmental disabilities; employee of a facility or home that provides respite care in accordance with section 5123.171 of the Revised Code; employee of a home health agency; employee of an entity that provides homemaker services; a person performing the duties of an assessor pursuant to Chapter 3107. or 5103. of the Revised Code; or third party employed by a public children services agency to assist in providing child or family related services.

(2) Except as provided in division (A)(3) of this section, an attorney or a physician is not required to make a report pursuant to division (A)(1) of this section concerning any communication the attorney or physician receives from a client or patient in an attorney-client or physician-patient relationship, if, in accordance with division (A) or (B) of section 2317.02 of the Revised Code, the attorney or physician could not testify with respect to that communication in a civil or criminal proceeding.

(3) The client or patient in an attorney-client or physician-patient relationship described in division (A)(2) of this section is deemed to have waived any testimonial privilege under division (A) or (B) of section 2317.02 of the Revised Code with respect to any communication the attorney or physician receives from the client or patient in that attorney-client or physician-patient relationship, and the attorney or physician shall make a report pursuant to division (A)(1) of this section with respect to that communication, if all of the following apply:

(a) The client or patient, at the time of the communication,

is either a child under eighteen years of age or a mentally 1429  
retarded, developmentally disabled, or physically impaired person 1430  
under twenty-one years of age. 1431

(b) The attorney or physician knows, or has reasonable cause 1432  
to suspect based on facts that would cause a reasonable person in 1433  
similar position to suspect, as a result of the communication or 1434  
any observations made during that communication, that the client 1435  
or patient has suffered or faces a threat of suffering any 1436  
physical or mental wound, injury, disability, or condition of a 1437  
nature that reasonably indicates abuse or neglect of the client or 1438  
patient. 1439

(c) The abuse or neglect does not arise out of the client's 1440  
or patient's attempt to have an abortion without the notification 1441  
of her parents, guardian, or custodian in accordance with section 1442  
2151.85 of the Revised Code. 1443

(4)(a) No cleric and no person, other than a volunteer, 1444  
designated by any church, religious society, or faith acting as a 1445  
leader, official, or delegate on behalf of the church, religious 1446  
society, or faith who is acting in an official or professional 1447  
capacity, who knows, or has reasonable cause to believe based on 1448  
facts that would cause a reasonable person in a similar position 1449  
to believe, that a child under eighteen years of age or a mentally 1450  
retarded, developmentally disabled, or physically impaired child 1451  
under twenty-one years of age has suffered or faces a threat of 1452  
suffering any physical or mental wound, injury, disability, or 1453  
condition of a nature that reasonably indicates abuse or neglect 1454  
of the child, and who knows, or has reasonable cause to believe 1455  
based on facts that would cause a reasonable person in a similar 1456  
position to believe, that another cleric or another person, other 1457  
than a volunteer, designated by a church, religious society, or 1458  
faith acting as a leader, official, or delegate on behalf of the 1459  
church, religious society, or faith caused, or poses the threat of 1460

causing, the wound, injury, disability, or condition that 1461  
reasonably indicates abuse or neglect shall fail to immediately 1462  
report that knowledge or reasonable cause to believe to the entity 1463  
or persons specified in this division. Except as provided in 1464  
section 5120.173 of the Revised Code, the person making the report 1465  
shall make it to the public children services agency or a 1466  
municipal or county peace officer in the county in which the child 1467  
resides or in which the abuse or neglect is occurring or has 1468  
occurred. In the circumstances described in section 5120.173 of 1469  
the Revised Code, the person making the report shall make it to 1470  
the entity specified in that section. 1471

(b) Except as provided in division (A)(4)(c) of this section, 1472  
a cleric is not required to make a report pursuant to division 1473  
(A)(4)(a) of this section concerning any communication the cleric 1474  
receives from a penitent in a cleric-penitent relationship, if, in 1475  
accordance with division (C) of section 2317.02 of the Revised 1476  
Code, the cleric could not testify with respect to that 1477  
communication in a civil or criminal proceeding. 1478

(c) The penitent in a cleric-penitent relationship described 1479  
in division (A)(4)(b) of this section is deemed to have waived any 1480  
testimonial privilege under division (C) of section 2317.02 of the 1481  
Revised Code with respect to any communication the cleric receives 1482  
from the penitent in that cleric-penitent relationship, and the 1483  
cleric shall make a report pursuant to division (A)(4)(a) of this 1484  
section with respect to that communication, if all of the 1485  
following apply: 1486

(i) The penitent, at the time of the communication, is either 1487  
a child under eighteen years of age or a mentally retarded, 1488  
developmentally disabled, or physically impaired person under 1489  
twenty-one years of age. 1490

(ii) The cleric knows, or has reasonable cause to believe 1491  
based on facts that would cause a reasonable person in a similar 1492



position to believe, as a result of the communication or any 1493  
observations made during that communication, the penitent has 1494  
suffered or faces a threat of suffering any physical or mental 1495  
wound, injury, disability, or condition of a nature that 1496  
reasonably indicates abuse or neglect of the penitent. 1497

(iii) The abuse or neglect does not arise out of the 1498  
penitent's attempt to have an abortion performed upon a child 1499  
under eighteen years of age or upon a mentally retarded, 1500  
developmentally disabled, or physically impaired person under 1501  
twenty-one years of age without the notification of her parents, 1502  
guardian, or custodian in accordance with section 2151.85 of the 1503  
Revised Code. 1504

(d) Divisions (A)(4)(a) and (c) of this section do not apply 1505  
in a cleric-penitent relationship when the disclosure of any 1506  
communication the cleric receives from the penitent is in 1507  
violation of the sacred trust. 1508

(e) As used in divisions (A)(1) and (4) of this section, 1509  
"cleric" and "sacred trust" have the same meanings as in section 1510  
2317.02 of the Revised Code. 1511

(B) Anyone who knows, or has reasonable cause to suspect 1512  
based on facts that would cause a reasonable person in similar 1513  
circumstances to suspect, that a child under eighteen years of age 1514  
or a mentally retarded, developmentally disabled, or physically 1515  
impaired person under twenty-one years of age has suffered or 1516  
faces a threat of suffering any physical or mental wound, injury, 1517  
disability, or other condition of a nature that reasonably 1518  
indicates abuse or neglect of the child may report or cause 1519  
reports to be made of that knowledge or reasonable cause to 1520  
suspect to the entity or persons specified in this division. 1521  
Except as provided in section 5120.173 of the Revised Code, a 1522  
person making a report or causing a report to be made under this 1523  
division shall make it or cause it to be made to the public 1524

children services agency or to a municipal or county peace 1525  
officer. In the circumstances described in section 5120.173 of the 1526  
Revised Code, a person making a report or causing a report to be 1527  
made under this division shall make it or cause it to be made to 1528  
the entity specified in that section. 1529

(C) Any report made pursuant to division (A) or (B) of this 1530  
section shall be made forthwith either by telephone or in person 1531  
and shall be followed by a written report, if requested by the 1532  
receiving agency or officer. The written report shall contain: 1533

(1) The names and addresses of the child and the child's 1534  
parents or the person or persons having custody of the child, if 1535  
known; 1536

(2) The child's age and the nature and extent of the child's 1537  
injuries, abuse, or neglect that is known or reasonably suspected 1538  
or believed, as applicable, to have occurred or of the threat of 1539  
injury, abuse, or neglect that is known or reasonably suspected or 1540  
believed, as applicable, to exist, including any evidence of 1541  
previous injuries, abuse, or neglect; 1542

(3) Any other information that might be helpful in 1543  
establishing the cause of the injury, abuse, or neglect that is 1544  
known or reasonably suspected or believed, as applicable, to have 1545  
occurred or of the threat of injury, abuse, or neglect that is 1546  
known or reasonably suspected or believed, as applicable, to 1547  
exist. 1548

Any person, who is required by division (A) of this section 1549  
to report child abuse or child neglect that is known or reasonably 1550  
suspected or believed to have occurred, may take or cause to be 1551  
taken color photographs of areas of trauma visible on a child and, 1552  
if medically indicated, cause to be performed radiological 1553  
examinations of the child. 1554

(D) As used in this division, "children's advocacy center" 1555

and "sexual abuse of a child" have the same meanings as in section 1556  
2151.425 of the Revised Code. 1557

(1) When a municipal or county peace officer receives a 1558  
report concerning the possible abuse or neglect of a child or the 1559  
possible threat of abuse or neglect of a child, upon receipt of 1560  
the report, the municipal or county peace officer who receives the 1561  
report shall refer the report to the appropriate public children 1562  
services agency. 1563

(2) When a public children services agency receives a report 1564  
pursuant to this division or division (A) or (B) of this section, 1565  
upon receipt of the report, the public children services agency 1566  
shall do both of the following: 1567

(a) Comply with section 2151.422 of the Revised Code; 1568

(b) If the county served by the agency is also served by a 1569  
children's advocacy center and the report alleges sexual abuse of 1570  
a child or another type of abuse of a child that is specified in 1571  
the memorandum of understanding that creates the center as being 1572  
within the center's jurisdiction, comply regarding the report with 1573  
the protocol and procedures for referrals and investigations, with 1574  
the coordinating activities, and with the authority or 1575  
responsibility for performing or providing functions, activities, 1576  
and services stipulated in the interagency agreement entered into 1577  
under section 2151.428 of the Revised Code relative to that 1578  
center. 1579

(E) No township, municipal, or county peace officer shall 1580  
remove a child about whom a report is made pursuant to this 1581  
section from the child's parents, stepparents, or guardian or any 1582  
other persons having custody of the child without consultation 1583  
with the public children services agency, unless, in the judgment 1584  
of the officer, and, if the report was made by physician, the 1585  
physician, immediate removal is considered essential to protect 1586

the child from further abuse or neglect. The agency that must be 1587  
consulted shall be the agency conducting the investigation of the 1588  
report as determined pursuant to section 2151.422 of the Revised 1589  
Code. 1590

(F)(1) Except as provided in section 2151.422 of the Revised 1591  
Code or in an interagency agreement entered into under section 1592  
2151.428 of the Revised Code that applies to the particular 1593  
report, the public children services agency shall investigate, 1594  
within twenty-four hours, each report of child abuse or child 1595  
neglect that is known or reasonably suspected or believed to have 1596  
occurred and of a threat of child abuse or child neglect that is 1597  
known or reasonably suspected or believed to exist that is 1598  
referred to it under this section to determine the circumstances 1599  
surrounding the injuries, abuse, or neglect or the threat of 1600  
injury, abuse, or neglect, the cause of the injuries, abuse, 1601  
neglect, or threat, and the person or persons responsible. The 1602  
investigation shall be made in cooperation with the law 1603  
enforcement agency and in accordance with the memorandum of 1604  
understanding prepared under division (J) of this section. A 1605  
representative of the public children services agency shall, at 1606  
the time of initial contact with the person subject to the 1607  
investigation, inform the person of the specific complaints or 1608  
allegations made against the person. The information shall be 1609  
given in a manner that is consistent with division (H)(1) of this 1610  
section and protects the rights of the person making the report 1611  
under this section. 1612

A failure to make the investigation in accordance with the 1613  
memorandum is not grounds for, and shall not result in, the 1614  
dismissal of any charges or complaint arising from the report or 1615  
the suppression of any evidence obtained as a result of the report 1616  
and does not give, and shall not be construed as giving, any 1617  
rights or any grounds for appeal or post-conviction relief to any 1618

person. The public children services agency shall report each case 1619  
to the uniform statewide automated child welfare information 1620  
system that the department of job and family services shall 1621  
maintain in accordance with section 5101.13 of the Revised Code. 1622  
The public children services agency shall submit a report of its 1623  
investigation, in writing, to the law enforcement agency. 1624

(2) The public children services agency shall make any 1625  
recommendations to the county prosecuting attorney or city 1626  
director of law that it considers necessary to protect any 1627  
children that are brought to its attention. 1628

(G)(1)(a) Except as provided in division (H)(3) of this 1629  
section, anyone or any hospital, institution, school, health 1630  
department, or agency participating in the making of reports under 1631  
division (A) of this section, anyone or any hospital, institution, 1632  
school, health department, or agency participating in good faith 1633  
in the making of reports under division (B) of this section, and 1634  
anyone participating in good faith in a judicial proceeding 1635  
resulting from the reports, shall be immune from any civil or 1636  
criminal liability for injury, death, or loss to person or 1637  
property that otherwise might be incurred or imposed as a result 1638  
of the making of the reports or the participation in the judicial 1639  
proceeding. 1640

(b) Notwithstanding section 4731.22 of the Revised Code, the 1641  
physician-patient privilege shall not be a ground for excluding 1642  
evidence regarding a child's injuries, abuse, or neglect, or the 1643  
cause of the injuries, abuse, or neglect in any judicial 1644  
proceeding resulting from a report submitted pursuant to this 1645  
section. 1646

(2) In any civil or criminal action or proceeding in which it 1647  
is alleged and proved that participation in the making of a report 1648  
under this section was not in good faith or participation in a 1649  
judicial proceeding resulting from a report made under this 1650

section was not in good faith, the court shall award the 1651  
prevailing party reasonable attorney's fees and costs and, if a 1652  
civil action or proceeding is voluntarily dismissed, may award 1653  
reasonable attorney's fees and costs to the party against whom the 1654  
civil action or proceeding is brought. 1655

(H)(1) Except as provided in divisions (H)(4) and (M) of this 1656  
section, a report made under this section is confidential. The 1657  
information provided in a report made pursuant to this section and 1658  
the name of the person who made the report shall not be released 1659  
for use, and shall not be used, as evidence in any civil action or 1660  
proceeding brought against the person who made the report. In a 1661  
criminal proceeding, the report is admissible in evidence in 1662  
accordance with the Rules of Evidence and is subject to discovery 1663  
in accordance with the Rules of Criminal Procedure. 1664

(2) No person shall permit or encourage the unauthorized 1665  
dissemination of the contents of any report made under this 1666  
section. 1667

(3) A person who knowingly makes or causes another person to 1668  
make a false report under division (B) of this section that 1669  
alleges that any person has committed an act or omission that 1670  
resulted in a child being an abused child or a neglected child is 1671  
guilty of a violation of section 2921.14 of the Revised Code. 1672

(4) If a report is made pursuant to division (A) or (B) of 1673  
this section and the child who is the subject of the report dies 1674  
for any reason at any time after the report is made, but before 1675  
the child attains eighteen years of age, the public children 1676  
services agency or municipal or county peace officer to which the 1677  
report was made or referred, on the request of the child fatality 1678  
review board, shall submit a summary sheet of information 1679  
providing a summary of the report to the review board of the 1680  
county in which the deceased child resided at the time of death. 1681  
On the request of the review board, the agency or peace officer 1682

may, at its discretion, make the report available to the review 1683  
board. If the county served by the public children services agency 1684  
is also served by a children's advocacy center and the report of 1685  
alleged sexual abuse of a child or another type of abuse of a 1686  
child is specified in the memorandum of understanding that creates 1687  
the center as being within the center's jurisdiction, the agency 1688  
or center shall perform the duties and functions specified in this 1689  
division in accordance with the interagency agreement entered into 1690  
under section 2151.428 of the Revised Code relative to that 1691  
advocacy center. 1692

(5) A public children services agency shall advise a person 1693  
alleged to have inflicted abuse or neglect on a child who is the 1694  
subject of a report made pursuant to this section, including a 1695  
report alleging sexual abuse of a child or another type of abuse 1696  
of a child referred to a children's advocacy center pursuant to an 1697  
interagency agreement entered into under section 2151.428 of the 1698  
Revised Code, in writing of the disposition of the investigation. 1699  
The agency shall not provide to the person any information that 1700  
identifies the person who made the report, statements of 1701  
witnesses, or police or other investigative reports. 1702

(I) Any report that is required by this section, other than a 1703  
report that is made to the state highway patrol as described in 1704  
section 5120.173 of the Revised Code, shall result in protective 1705  
services and emergency supportive services being made available by 1706  
the public children services agency on behalf of the children 1707  
about whom the report is made, in an effort to prevent further 1708  
neglect or abuse, to enhance their welfare, and, whenever 1709  
possible, to preserve the family unit intact. The agency required 1710  
to provide the services shall be the agency conducting the 1711  
investigation of the report pursuant to section 2151.422 of the 1712  
Revised Code. 1713

(J)(1) Each public children services agency shall prepare a 1714

memorandum of understanding that is signed by all of the 1715  
following: 1716

(a) If there is only one juvenile judge in the county, the 1717  
juvenile judge of the county or the juvenile judge's 1718  
representative; 1719

(b) If there is more than one juvenile judge in the county, a 1720  
juvenile judge or the juvenile judges' representative selected by 1721  
the juvenile judges or, if they are unable to do so for any 1722  
reason, the juvenile judge who is senior in point of service or 1723  
the senior juvenile judge's representative; 1724

(c) The county peace officer; 1725

(d) All chief municipal peace officers within the county; 1726

(e) Other law enforcement officers handling child abuse and 1727  
neglect cases in the county; 1728

(f) The prosecuting attorney of the county; 1729

(g) If the public children services agency is not the county 1730  
department of job and family services, the county department of 1731  
job and family services; 1732

(h) The county humane society; 1733

(i) If the public children services agency participated in 1734  
the execution of a memorandum of understanding under section 1735  
2151.426 of the Revised Code establishing a children's advocacy 1736  
center, each participating member of the children's advocacy 1737  
center established by the memorandum. 1738

(2) A memorandum of understanding shall set forth the normal 1739  
operating procedure to be employed by all concerned officials in 1740  
the execution of their respective responsibilities under this 1741  
section and division (C) of section 2919.21, division (B)(1) of 1742  
section 2919.22, division (B) of section 2919.23, and section 1743  
2919.24 of the Revised Code and shall have as two of its primary 1744



goals the elimination of all unnecessary interviews of children 1745  
who are the subject of reports made pursuant to division (A) or 1746  
(B) of this section and, when feasible, providing for only one 1747  
interview of a child who is the subject of any report made 1748  
pursuant to division (A) or (B) of this section. A failure to 1749  
follow the procedure set forth in the memorandum by the concerned 1750  
officials is not grounds for, and shall not result in, the 1751  
dismissal of any charges or complaint arising from any reported 1752  
case of abuse or neglect or the suppression of any evidence 1753  
obtained as a result of any reported child abuse or child neglect 1754  
and does not give, and shall not be construed as giving, any 1755  
rights or any grounds for appeal or post-conviction relief to any 1756  
person. 1757

(3) A memorandum of understanding shall include all of the 1758  
following: 1759

(a) The roles and responsibilities for handling emergency and 1760  
nonemergency cases of abuse and neglect; 1761

(b) Standards and procedures to be used in handling and 1762  
coordinating investigations of reported cases of child abuse and 1763  
reported cases of child neglect, methods to be used in 1764  
interviewing the child who is the subject of the report and who 1765  
allegedly was abused or neglected, and standards and procedures 1766  
addressing the categories of persons who may interview the child 1767  
who is the subject of the report and who allegedly was abused or 1768  
neglected. 1769

(4) If a public children services agency participated in the 1770  
execution of a memorandum of understanding under section 2151.426 1771  
of the Revised Code establishing a children's advocacy center, the 1772  
agency shall incorporate the contents of that memorandum in the 1773  
memorandum prepared pursuant to this section. 1774

(K)(1) Except as provided in division (K)(4) of this section, 1775

a person who is required to make a report pursuant to division (A) 1776  
of this section may make a reasonable number of requests of the 1777  
public children services agency that receives or is referred the 1778  
report, or of the children's advocacy center that is referred the 1779  
report if the report is referred to a children's advocacy center 1780  
pursuant to an interagency agreement entered into under section 1781  
2151.428 of the Revised Code, to be provided with the following 1782  
information: 1783

(a) Whether the agency or center has initiated an 1784  
investigation of the report; 1785

(b) Whether the agency or center is continuing to investigate 1786  
the report; 1787

(c) Whether the agency or center is otherwise involved with 1788  
the child who is the subject of the report; 1789

(d) The general status of the health and safety of the child 1790  
who is the subject of the report; 1791

(e) Whether the report has resulted in the filing of a 1792  
complaint in juvenile court or of criminal charges in another 1793  
court. 1794

(2) A person may request the information specified in 1795  
division (K)(1) of this section only if, at the time the report is 1796  
made, the person's name, address, and telephone number are 1797  
provided to the person who receives the report. 1798

When a municipal or county peace officer or employee of a 1799  
public children services agency receives a report pursuant to 1800  
division (A) or (B) of this section the recipient of the report 1801  
shall inform the person of the right to request the information 1802  
described in division (K)(1) of this section. The recipient of the 1803  
report shall include in the initial child abuse or child neglect 1804  
report that the person making the report was so informed and, if 1805  
provided at the time of the making of the report, shall include 1806

the person's name, address, and telephone number in the report. 1807

Each request is subject to verification of the identity of 1808  
the person making the report. If that person's identity is 1809  
verified, the agency shall provide the person with the information 1810  
described in division (K)(1) of this section a reasonable number 1811  
of times, except that the agency shall not disclose any 1812  
confidential information regarding the child who is the subject of 1813  
the report other than the information described in those 1814  
divisions. 1815

(3) A request made pursuant to division (K)(1) of this 1816  
section is not a substitute for any report required to be made 1817  
pursuant to division (A) of this section. 1818

(4) If an agency other than the agency that received or was 1819  
referred the report is conducting the investigation of the report 1820  
pursuant to section 2151.422 of the Revised Code, the agency 1821  
conducting the investigation shall comply with the requirements of 1822  
division (K) of this section. 1823

(L) The director of job and family services shall adopt rules 1824  
in accordance with Chapter 119. of the Revised Code to implement 1825  
this section. The department of job and family services may enter 1826  
into a plan of cooperation with any other governmental entity to 1827  
aid in ensuring that children are protected from abuse and 1828  
neglect. The department shall make recommendations to the attorney 1829  
general that the department determines are necessary to protect 1830  
children from child abuse and child neglect. 1831

(M)(1) As used in this division: 1832

(a) "Out-of-home care" includes a nonchartered nonpublic 1833  
school if the alleged child abuse or child neglect, or alleged 1834  
threat of child abuse or child neglect, described in a report 1835  
received by a public children services agency allegedly occurred 1836  
in or involved the nonchartered nonpublic school and the alleged 1837

perpetrator named in the report holds a certificate, permit, or 1838  
license issued by the state board of education under section 1839  
3301.071 or Chapter 3319. of the Revised Code. 1840

(b) "Administrator, director, or other chief administrative 1841  
officer" means the superintendent of the school district if the 1842  
out-of-home care entity subject to a report made pursuant to this 1843  
section is a school operated by the district. 1844

(2) No later than the end of the day following the day on 1845  
which a public children services agency receives a report of 1846  
alleged child abuse or child neglect, or a report of an alleged 1847  
threat of child abuse or child neglect, that allegedly occurred in 1848  
or involved an out-of-home care entity, the agency shall provide 1849  
written notice of the allegations contained in and the person 1850  
named as the alleged perpetrator in the report to the 1851  
administrator, director, or other chief administrative officer of 1852  
the out-of-home care entity that is the subject of the report 1853  
unless the administrator, director, or other chief administrative 1854  
officer is named as an alleged perpetrator in the report. If the 1855  
administrator, director, or other chief administrative officer of 1856  
an out-of-home care entity is named as an alleged perpetrator in a 1857  
report of alleged child abuse or child neglect, or a report of an 1858  
alleged threat of child abuse or child neglect, that allegedly 1859  
occurred in or involved the out-of-home care entity, the agency 1860  
shall provide the written notice to the owner or governing board 1861  
of the out-of-home care entity that is the subject of the report. 1862  
The agency shall not provide witness statements or police or other 1863  
investigative reports. 1864

(3) No later than three days after the day on which a public 1865  
children services agency that conducted the investigation as 1866  
determined pursuant to section 2151.422 of the Revised Code makes 1867  
a disposition of an investigation involving a report of alleged 1868  
child abuse or child neglect, or a report of an alleged threat of 1869

child abuse or child neglect, that allegedly occurred in or 1870  
involved an out-of-home care entity, the agency shall send written 1871  
notice of the disposition of the investigation to the 1872  
administrator, director, or other chief administrative officer and 1873  
the owner or governing board of the out-of-home care entity. The 1874  
agency shall not provide witness statements or police or other 1875  
investigative reports. 1876

**Sec. 2907.08.** (A) No person, for the purpose of sexually 1877  
arousing or gratifying the person's self, shall commit trespass or 1878  
otherwise surreptitiously invade the privacy of another, to spy or 1879  
eavesdrop upon another. 1880

(B) No person, for the purpose of sexually arousing or 1881  
gratifying the person's self, shall commit trespass or otherwise 1882  
surreptitiously invade the privacy of another to videotape, film, 1883  
photograph, or otherwise record the other person in a state of 1884  
nudity. 1885

(C) No person, for the purpose of sexually arousing or 1886  
gratifying the person's self, shall commit trespass or otherwise 1887  
surreptitiously invade the privacy of another to videotape, film, 1888  
photograph, or otherwise record the other person in a state of 1889  
nudity if the other person is a minor. 1890

(D) No person, for the purpose of sexually arousing or 1891  
gratifying the person's self, shall commit trespass or otherwise 1892  
surreptitiously invade the privacy of another to videotape, film, 1893  
photograph, or otherwise record the other person in a state of 1894  
nudity if the other person is a minor and any of the following 1895  
applies: 1896

(1) The offender is the minor's natural or adoptive parent, 1897  
stepparent, guardian, or custodian, or person in loco parentis of 1898  
the minor. 1899

(2) The minor is in custody of law or is a patient in a hospital or other institution, and the offender has supervisory or disciplinary authority over the minor. 1900  
1901  
1902

(3) The offender is a teacher, administrator, coach, or other person in authority employed by or serving in a school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code, the minor is enrolled in or attends that school, and the offender is not enrolled in and does not attend that school. 1903  
1904  
1905  
1906  
1907  
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(4) The offender is a teacher, administrator, coach, or other person in authority employed by or serving in an institution of higher education, and the minor is enrolled in or attends that institution. 1909  
1910  
1911  
1912

(5) The offender is a caregiver, administrator, or other person in authority employed by or serving in a ~~child-day-care~~ child-care center, type A family ~~day-care~~ child-care home, or type B family ~~day-care~~ child-care home, and the minor is enrolled in or attends that center or home. 1913  
1914  
1915  
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(6) The offender is the minor's athletic or other type of coach, is the minor's instructor, is the leader of a scouting troop of which the minor is a member, provides babysitting care for the minor, or is a person with temporary or occasional disciplinary control over the minor. 1918  
1919  
1920  
1921  
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(E) No person shall secretly or surreptitiously videotape, film, photograph, or otherwise record another person under or through the clothing being worn by that other person for the purpose of viewing the body of, or the undergarments worn by, that other person. 1923  
1924  
1925  
1926  
1927

(F)(1) Whoever violates this section is guilty of voyeurism. 1928

(2) A violation of division (A) of this section is a misdemeanor of the third degree. 1929  
1930

(3) A violation of division (B) of this section is a  
misdemeanor of the second degree. 1931  
1932

(4) A violation of division (C) or (E) of this section is a  
misdemeanor of the first degree. 1933  
1934

(5) A violation of division (D) of this section is a felony  
of the fifth degree. 1935  
1936

(G) As used in this section: 1937

(1) "Institution of higher education" means a state  
institution of higher education as defined in section 3345.031 of  
the Revised Code, a private nonprofit college or university  
located in this state that possesses a certificate of  
authorization issued by the Ohio board of regents pursuant to  
Chapter 1713. of the Revised Code, or a school certified under  
Chapter 3332. of the Revised Code. 1938  
1939  
1940  
1941  
1942  
1943  
1944

(2) "~~Child day care~~ Child-care center," "type A family  
~~day care~~ child-care home," and "type B family ~~day care~~ child-care  
home" have the same meanings as in section 5104.01 of the Revised  
Code. 1945  
1946  
1947  
1948

(3) "Babysitting care" means care provided for a child while  
the parents, guardian, or legal custodian of the child is  
temporarily away. 1949  
1950  
1951

**Sec. 2919.223.** As used in sections 2919.223 to 2919.227 of  
the Revised Code: 1952  
1953

(A) "Child care," "~~child day care~~ child-care center,"  
"in-home aide," "type A family ~~day care~~ child-care home," and  
"type B family ~~day care~~ child-care home" have the same meanings as  
in section 5104.01 of the Revised Code. 1954  
1955  
1956  
1957

(B) "Child 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  
1958  
1959  
1960

Chapter 5104. of the Revised Code and rules adopted pursuant to 1961  
that chapter. 1962

(C) "Child care facility" means a ~~child day care~~ child-care 1963  
center, a type A family ~~day care~~ child-care home, or a type B 1964  
family ~~day care~~ child-care home. 1965

(D) "Child care provider" means any of the following: 1966

(1) An owner, provider, administrator, or employee of, or 1967  
volunteer at, a child care facility; 1968

(2) An in-home aide; 1969

(3) A person who represents that the person provides child 1970  
care. 1971

(E) "Peace officer" has the same meaning as in section 1972  
2935.01 of the Revised Code. 1973

**Sec. 2919.224.** (A) No child care provider shall knowingly 1974  
misrepresent any factor or condition that relates to the provision 1975  
of child care and that substantially affects the health or safety 1976  
of any child or children in that provider's facility or receiving 1977  
child care from that provider to any of the following: 1978

(1) A parent, guardian, custodian, or other person 1979  
responsible for the care of a child in the provider's facility or 1980  
receiving child care from the provider; 1981

(2) A parent, guardian, custodian, or other person 1982  
responsible for the care of a child who is considering the 1983  
provider as a child care provider for the child; 1984

(3) A public official responsible for issuing the provider a 1985  
license or certificate to provide child care; 1986

(4) A public official investigating or inquiring about the 1987  
provision of child care by the provider; 1988

(5) A peace officer. 1989



(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:

(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;

(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;

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

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

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

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

**Sec. 2919.225.** (A) Subject to division (C) of this section, no owner, provider, or administrator of a type A family ~~day-care~~ child-care home or type B family ~~day-care~~ child-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:

(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 2020  
home or while receiving child care from the owner, provider, or 2021  
administrator. 2022

(2) Within the preceding ten years, a child suffered injuries 2023  
while under the care of the home or while receiving child care 2024  
from the owner, provider, or administrator, and those injuries led 2025  
to the child being hospitalized for more than twenty-four hours. 2026

(B)(1) Subject to division (C) of this section, no owner, 2027  
provider, or administrator of a type A family ~~day-care~~ child-care 2028  
home or type B family ~~day-care~~ child-care home shall fail to 2029  
provide notice in accordance with division (B)(3) of this section 2030  
to the persons and entities specified in division (B)(2) of this 2031  
section, of any of the following that occurs: 2032

(a) A child who is under the care of the home or is receiving 2033  
child care from the owner, provider, or administrator dies while 2034  
under the care of the home or while receiving child care from the 2035  
owner, provider, or administrator or dies as a result of injuries 2036  
suffered while under the care of the home or while receiving child 2037  
~~day-care~~ care from the owner, provider, or administrator. 2038

(b) A child who is under the care of the home or is receiving 2039  
child care from the owner, provider, or administrator is 2040  
hospitalized for more than twenty-four hours as a result of 2041  
injuries suffered while under the care of the home or while 2042  
receiving child care from the owner, provider, or administrator. 2043

(2) An owner, provider, or administrator of a home shall 2044  
provide the notices required under division (B)(1) of this section 2045  
to each of the following: 2046

(a) For each child who, at the time of the injury or death 2047  
for which the notice is required, is receiving or is enrolled to 2048  
receive child care at the home or from the owner, provider, or 2049  
administrator, to the parent, guardian, custodian, or other person 2050

responsible for the care of the child; 2051

(b) If the notice is required as the result of the death of a 2052  
child as described in division (B)(1)(a) of this section, to the 2053  
public children services agency of the county in which the home is 2054  
located or the child care was given, a municipal or county peace 2055  
officer in the county in which the child resides or in which the 2056  
home is located or the child care was given, and the child 2057  
fatality review board appointed under section 307.621 of the 2058  
Revised Code that serves the county in which the home is located 2059  
or the child care was given. 2060

(3) An owner, provider, or administrator of a home shall 2061  
provide the notices required by divisions (B)(1) and (2) of this 2062  
section not later than forty-eight hours after the child dies or, 2063  
regarding a child who is hospitalized for more than twenty-four 2064  
hours as a result of injuries suffered while under the care of the 2065  
home, not later than forty-eight hours after the child suffers the 2066  
injuries. If a child is hospitalized for more than twenty-four 2067  
hours as a result of injuries suffered while under the care of the 2068  
home, and the child subsequently dies as a result of those 2069  
injuries, the owner, provider, or administrator shall provide 2070  
separate notices under divisions (B)(1) and (2) of this section 2071  
regarding both the injuries and the death. All notices provided 2072  
under divisions (B)(1) and (2) of this section shall state that 2073  
the death or injury occurred. 2074

(C) Division (A) of this section does not require more than 2075  
one person to make disclosures to the same parent, guardian, 2076  
custodian, or other person responsible for the care of a child 2077  
regarding any single injury or death for which disclosure is 2078  
required under that division. Division (B) of this section does 2079  
not require more than one person to give notices to the same 2080  
parent, guardian, custodian, other person responsible for the care 2081  
of the child, public children services agency, peace officer, or 2082

child fatality review board regarding any single injury or death 2083  
for which disclosure is required under division (B)(1) of this 2084  
section. 2085

(D) An owner, provider, or administrator of a type A family 2086  
~~day-care~~ child-care home or type B family ~~day-care~~ child-care home 2087  
is not subject to civil liability solely for making a disclosure 2088  
required by this section. 2089

(E) Whoever violates division (A) or (B) of this section is 2090  
guilty of failure of a type A or type B family ~~day-care~~ child-care 2091  
home to disclose the death or serious injury of a child, a 2092  
misdemeanor of the fourth degree. 2093

**Sec. 2919.226.** (A) If a child care provider accurately 2094  
answers the questions on a child care disclosure form that is in 2095  
substantially the form set forth in division (B) of this section, 2096  
presents the form to a person identified in division (A)(1) or (2) 2097  
of section 2919.224 of the Revised Code, and obtains the person's 2098  
signature on the acknowledgement in the form, to the extent that 2099  
the information set forth on the form is accurate, the provider 2100  
who presents the form is not subject to prosecution under division 2101  
(A) of section 2919.224 of the Revised Code regarding presentation 2102  
of that information to that person. 2103

An owner, provider, or administrator of a type A family 2104  
~~day-care~~ child-care home or a type B family ~~day-care~~ child-care 2105  
home may comply with division (A) of section 2919.225 of the 2106  
Revised Code by accurately answering the questions on a child care 2107  
disclosure form that is in substantially the form set forth in 2108  
division (B) of this section, providing a copy of the form to the 2109  
parent, guardian, custodian, or other person responsible for the 2110  
care of a child and to whom disclosure is to be made under 2111  
division (A) of section 2919.225 of the Revised Code, and 2112  
obtaining the person's signature on the acknowledgement in the 2113

form. 2114

The use of the form set forth in division (B) of this section 2115  
is discretionary and is not required to comply with any disclosure 2116  
requirement contained in section 2919.225 of the Revised Code or 2117  
for any purpose related to section 2919.224 of the Revised Code. 2118

(B) To be sufficient for the purposes described in division 2119  
(A) of this section, a child care disclosure form shall be in 2120  
substantially the following form: 2121

"CHILD CARE DISCLOSURE FORM 2122

Please Note: This form contains information that is accurate 2123  
only at the time the form is given to you. The information 2124  
provided in this form is likely to change over time. It is the 2125  
duty of the person responsible for the care of the child to 2126  
monitor the status of child care services to ensure that those 2127  
services remain satisfactory. If a question on this form is left 2128  
unanswered, the child care provider makes no assertion regarding 2129  
the question. Choosing appropriate child care for a child is a 2130  
serious responsibility, and the person responsible for the care of 2131  
the child is encouraged to make all appropriate inquiries. Also, 2132  
in acknowledging receipt of this form, the person responsible for 2133  
the care of the child acknowledges that in selecting the child 2134  
care provider the person is not relying on any representations 2135  
other than those provided in this form unless the child care 2136  
provider has acknowledged the other representations in writing. 2137

1. What are the names and qualifications to provide child 2138  
care of: (a) the child care provider, (b) the employee who will 2139  
provide child care to the applicant child, (c) the volunteer who 2140  
will provide child care to the applicant child, and (d) any other 2141  
employees or volunteers of the child care provider? (attach 2142  
additional sheets if necessary): 2143

..... 2144

.....	2145
.....	2146
2. What is the maximum number of children to whom you provide child care at one time? (If children are divided into groups or classes, please describe the maximum number of children in each group or class and indicate the group or class in which the applicant child will be placed.):	2147
.....	2148
.....	2149
.....	2150
.....	2151
.....	2152
.....	2153
.....	2154
3. Where in the home will you provide child care to the applicant child?:	2155
.....	2156
.....	2157
.....	2158
.....	2159
4. Has a child died while in the care of, or receiving child care from, the child care provider? (Yes/No)	2160
Description/explanation (attach additional sheets if necessary)	2161
.....	2162
.....	2163
.....	2164
.....	2165
.....	2166
5. Has a child died as a result of injuries suffered while under the care of, or receiving child care from, the <del>child day-care</del> <u>child-care</u> provider? (Yes/No)	2167
Description/explanation (attach additional sheets if necessary)	2168
.....	2169
.....	2170
.....	2171
.....	2172
.....	2173
.....	2174
6. Within the preceding ten years, has a child suffered	2175

injuries while under the care of, or receiving child care from, 2176  
the child care provider that led to the child being hospitalized 2177  
for more than 24 hours? (Yes/No) 2178

Description/explanation (attach additional sheets if 2179  
necessary) 2180

..... 2181  
..... 2182  
..... 2183  
..... 2184

Signature of person completing form            Date 2185  
..... 2186

Name of person completing form 2187  
(Typed or printed) 2188

..... 2189

Title of person completing form 2190  
(Typed or printed) 2191

Acknowledgement: 2192

I hereby acknowledge that I have been given a copy of the 2193  
preceding document and have read and understood its contents. I 2194  
further acknowledge that I am not relying on any other 2195  
representations in selecting the child care provider unless the 2196  
child care provider has acknowledged the other representations in 2197  
writing. 2198

..... 2199  
Person receiving the form            Date" 2200

(C) If a child care provider accurately answers the questions 2201  
on a disclosure form that is substantially similar to the form 2202  
described in division (B) of this section, presents the form to a 2203  
person identified in division (A)(1) or (2) of section 2919.224 of 2204  
the Revised Code, and obtains the person's signature on the 2205  
acknowledgement in the form, to the extent that the information 2206  
set forth on the form is accurate, the form is sufficient for the 2207

purposes described in division (A) of this section. 2208

An owner, provider, or administrator of a type A family 2209  
~~day-care~~ child-care home or a type B family ~~day-care~~ child-care 2210  
home who accurately answers the questions on a disclosure form 2211  
that is substantially similar to the form described in division 2212  
(B) of this section, provides a copy of the completed form to the 2213  
parent, guardian, custodian, or other person who is responsible 2214  
for the care of a child and to whom disclosure is to be made under 2215  
division (A) of section 2919.225 of the Revised Code, and obtains 2216  
the person's signature on the acknowledgement in the form complies 2217  
with the requirements of that division. If the owner, provider, or 2218  
administrator uses the disclosure form, leaving a portion of the 2219  
disclosure form blank does not constitute a misrepresentation for 2220  
the purposes of section 2919.224 of the Revised Code but may 2221  
constitute a violation of section 2919.225 of the Revised Code. 2222  
The owner, provider, or administrator of a type A family ~~day-care~~ 2223  
child-care home or type B family ~~day-care~~ child-care home who 2224  
completes the disclosure form and provides a copy of the form to 2225  
any person described in section 2919.224 or 2919.225 of the 2226  
Revised Code may retain a copy of the completed form. 2227

**Sec. 2923.124.** As used in sections 2923.124 to 2923.1213 of 2228  
the Revised Code: 2229

(A) "Application form" means the application form prescribed 2230  
pursuant to division (A)(1) of section 109.731 of the Revised Code 2231  
and includes a copy of that form. 2232

(B) "Competency certification" and "competency certificate" 2233  
mean a document of the type described in division (B)(3) of 2234  
section 2923.125 of the Revised Code. 2235

(C) "Detention facility" has the same meaning as in section 2236  
2921.01 of the Revised Code. 2237



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

(E) "License fee" or "license renewal fee" means the fee for  
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 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~~ Child-care center," "type A family  
day-care child-care home" and "type B family ~~day-care~~ child-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 care by Sub. H.B. 62 of the 121st  
general assembly, as amended by Am. Sub. S.B. 160 of the 121st  
general assembly and Sub. H.B. 407 of the 123rd general assembly.

~~(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.

~~(O)~~(N) "Commercial motor vehicle" has the same meaning as in  
division (A) of section 4506.25 of the Revised Code.

~~(P)~~(O) "Motor carrier enforcement unit" has the same meaning  
as in section 2923.16 of the Revised Code.

**Sec. 2923.126.** (A) A license to carry a concealed handgun  
that is issued under section 2923.125 of the Revised Code on or  
after ~~the effective date of this amendment~~ March 14, 2007, shall  
expire five years after the date of issuance, and a license that  
is so issued prior to ~~the effective date of this amendment~~ March  
14, 2007, shall expire four years after the date of issuance. A  
licensee who has been issued a license under that section shall be  
granted a grace period of thirty days after the licensee's license  
expires during which the licensee's license remains valid. Except  
as provided in divisions (B) and (C) of this section, a licensee  
who has been issued a license under section 2923.125 or 2923.1213  
of the Revised Code may carry a concealed handgun anywhere in this  
state if the licensee also carries a valid license and valid  
identification when the licensee is in actual possession of a  
concealed handgun. The licensee shall give notice of any change in  
the licensee's residence address to the sheriff who issued the

license within forty-five days after that change. 2299

If a licensee is the driver or an occupant of a motor vehicle 2300  
that is stopped as the result of a traffic stop or a stop for 2301  
another law enforcement purpose and if the licensee is 2302  
transporting or has a loaded handgun in the motor vehicle at that 2303  
time, the licensee shall promptly inform any law enforcement 2304  
officer who approaches the vehicle while stopped that the licensee 2305  
has been issued a license or temporary emergency license to carry 2306  
a concealed handgun and that the licensee currently possesses or 2307  
has a loaded handgun; the licensee shall not knowingly disregard 2308  
or fail to comply with lawful orders of a law enforcement officer 2309  
given while the motor vehicle is stopped, knowingly fail to remain 2310  
in the motor vehicle while stopped, or knowingly fail to keep the 2311  
licensee's hands in plain sight after any law enforcement officer 2312  
begins approaching the licensee while stopped and before the 2313  
officer leaves, unless directed otherwise by a law enforcement 2314  
officer; and the licensee shall not knowingly remove, attempt to 2315  
remove, grasp, or hold the loaded handgun or knowingly have 2316  
contact with the loaded handgun by touching it with the licensee's 2317  
hands or fingers, in any manner in violation of division (E) of 2318  
section 2923.16 of the Revised Code, after any law enforcement 2319  
officer begins approaching the licensee while stopped and before 2320  
the officer leaves. Additionally, if a licensee is the driver or 2321  
an occupant of a commercial motor vehicle that is stopped by an 2322  
employee of the motor carrier enforcement unit for the purposes 2323  
defined in section 5503.04 of the Revised Code and if the licensee 2324  
is transporting or has a loaded handgun in the commercial motor 2325  
vehicle at that time, the licensee shall promptly inform the 2326  
employee of the unit who approaches the vehicle while stopped that 2327  
the licensee has been issued a license or temporary emergency 2328  
license to carry a concealed handgun and that the licensee 2329  
currently possesses or has a loaded handgun. 2330

If a licensee is stopped for a law enforcement purpose and if 2331  
the licensee is carrying a concealed handgun at the time the 2332  
officer approaches, the licensee shall promptly inform any law 2333  
enforcement officer who approaches the licensee while stopped that 2334  
the licensee has been issued a license or temporary emergency 2335  
license to carry a concealed handgun and that the licensee 2336  
currently is carrying a concealed handgun; the licensee shall not 2337  
knowingly disregard or fail to comply with lawful orders of a law 2338  
enforcement officer given while the licensee is stopped or 2339  
knowingly fail to keep the licensee's hands in plain sight after 2340  
any law enforcement officer begins approaching the licensee while 2341  
stopped and before the officer leaves, unless directed otherwise 2342  
by a law enforcement officer; and the licensee shall not knowingly 2343  
remove, attempt to remove, grasp, or hold the loaded handgun or 2344  
knowingly have contact with the loaded handgun by touching it with 2345  
the licensee's hands or fingers, in any manner in violation of 2346  
division (B) of section 2923.12 of the Revised Code, after any law 2347  
enforcement officer begins approaching the licensee while stopped 2348  
and before the officer leaves. 2349

(B) A valid license issued under section 2923.125 or 2350  
2923.1213 of the Revised Code does not authorize the licensee to 2351  
carry a concealed handgun in any manner prohibited under division 2352  
(B) of section 2923.12 of the Revised Code or in any manner 2353  
prohibited under section 2923.16 of the Revised Code. A valid 2354  
license does not authorize the licensee to carry a concealed 2355  
handgun into any of the following places: 2356

(1) A police station, sheriff's office, or state highway 2357  
patrol station, premises controlled by the bureau of criminal 2358  
identification and investigation, a state correctional 2359  
institution, jail, workhouse, or other detention facility, an 2360  
airport passenger terminal, or an institution that is maintained, 2361  
operated, managed, and governed pursuant to division (A) of 2362

section 5119.02 of the Revised Code or division (A)(1) of section 2363  
5123.03 of the Revised Code; 2364

(2) A school safety zone, in violation of section 2923.122 of 2365  
the Revised Code; 2366

(3) A courthouse or another building or structure in which a 2367  
courtroom is located, in violation of section 2923.123 of the 2368  
Revised Code; 2369

(4) Any room or open air arena in which liquor is being 2370  
dispensed in premises for which a D permit has been issued under 2371  
Chapter 4303. of the Revised Code, in violation of section 2372  
2923.121 of the Revised Code; 2373

(5) Any premises owned or leased by any public or private 2374  
college, university, or other institution of higher education, 2375  
unless the handgun is in a locked motor vehicle or the licensee is 2376  
in the immediate process of placing the handgun in a locked motor 2377  
vehicle; 2378

(6) Any church, synagogue, mosque, or other place of worship, 2379  
unless the church, synagogue, mosque, or other place of worship 2380  
posts or permits otherwise; 2381

(7) A ~~child day care~~ child-care center, a type A family 2382  
~~day care~~ child-care home, or a type B family ~~day care~~ child-care 2383  
home, ~~or a type C family day care home,~~ except that this division 2384  
does not prohibit a licensee who resides in a type A family 2385  
~~day care~~ child-care home, ~~or a type B family day care~~ child-care 2386  
home, ~~or a type C family day care home~~ from carrying a concealed 2387  
handgun at any time in any part of the home that is not dedicated 2388  
or used for ~~day care~~ child-care purposes, or from carrying a 2389  
concealed handgun in a part of the home that is dedicated or used 2390  
for ~~day care~~ child-care purposes at any time during which no 2391  
children, other than children of that licensee, are in the home; 2392

(8) An aircraft that is in, or intended for operation in, 2393

foreign air transportation, interstate air transportation, 2394  
intrastate air transportation, or the transportation of mail by 2395  
aircraft; 2396

(9) Any building that is owned by this state or any political 2397  
subdivision of this state, and all portions of any building that 2398  
is not owned by any governmental entity listed in this division 2399  
but that is leased by such a governmental entity listed in this 2400  
division; 2401

(10) A place in which federal law prohibits the carrying of 2402  
handguns. 2403

(C)(1) Nothing in this section shall negate or restrict a 2404  
rule, policy, or practice of a private employer that is not a 2405  
private college, university, or other institution of higher 2406  
education concerning or prohibiting the presence of firearms on 2407  
the private employer's premises or property, including motor 2408  
vehicles owned by the private employer. Nothing in this section 2409  
shall require a private employer of that nature to adopt a rule, 2410  
policy, or practice concerning or prohibiting the presence of 2411  
firearms on the private employer's premises or property, including 2412  
motor vehicles owned by the private employer. 2413

(2)(a) A private employer shall be immune from liability in a 2414  
civil action for any injury, death, or loss to person or property 2415  
that allegedly was caused by or related to a licensee bringing a 2416  
handgun onto the premises or property of the private employer, 2417  
including motor vehicles owned by the private employer, unless the 2418  
private employer acted with malicious purpose. A private employer 2419  
is immune from liability in a civil action for any injury, death, 2420  
or loss to person or property that allegedly was caused by or 2421  
related to the private employer's decision to permit a licensee to 2422  
bring, or prohibit a licensee from bringing, a handgun onto the 2423  
premises or property of the private employer. As used in this 2424  
division, "private employer" includes a private college, 2425

university, or other institution of higher education. 2426

(b) A political subdivision shall be immune from liability in 2427  
a civil action, to the extent and in the manner provided in 2428  
Chapter 2744. of the Revised Code, for any injury, death, or loss 2429  
to person or property that allegedly was caused by or related to a 2430  
licensee bringing a handgun onto any premises or property owned, 2431  
leased, or otherwise under the control of the political 2432  
subdivision. As used in this division, "political subdivision" has 2433  
the same meaning as in section 2744.01 of the Revised Code. 2434

(3) The owner or person in control of private land or 2435  
premises, and a private person or entity leasing land or premises 2436  
owned by the state, the United States, or a political subdivision 2437  
of the state or the United States, may post a sign in a 2438  
conspicuous location on that land or on those premises prohibiting 2439  
persons from carrying firearms or concealed firearms on or onto 2440  
that land or those premises. A person who knowingly violates a 2441  
posted prohibition of that nature is guilty of criminal trespass 2442  
in violation of division (A)(4) of section 2911.21 of the Revised 2443  
Code and is guilty of a misdemeanor of the fourth degree. 2444

(D) A person who holds a license to carry a concealed handgun 2445  
that was issued pursuant to the law of another state that is 2446  
recognized by the attorney general pursuant to a reciprocity 2447  
agreement entered into pursuant to section 109.69 of the Revised 2448  
Code has the same right to carry a concealed handgun in this state 2449  
as a person who was issued a license to carry a concealed handgun 2450  
under section 2923.125 of the Revised Code and is subject to the 2451  
same restrictions that apply to a person who carries a license 2452  
issued under that section. 2453

(E) A peace officer has the same right to carry a concealed 2454  
handgun in this state as a person who was issued a license to 2455  
carry a concealed handgun under section 2923.125 of the Revised 2456  
Code. For purposes of reciprocity with other states, a peace 2457

officer shall be considered to be a licensee in this state. 2458

(F)(1) A qualified retired peace officer who possesses a 2459  
retired peace officer identification card issued pursuant to 2460  
division (F)(2) of this section and a valid firearms 2461  
requalification certification issued pursuant to division (F)(3) 2462  
of this section has the same right to carry a concealed handgun in 2463  
this state as a person who was issued a license to carry a 2464  
concealed handgun under section 2923.125 of the Revised Code and 2465  
is subject to the same restrictions that apply to a person who 2466  
carries a license issued under that section. For purposes of 2467  
reciprocity with other states, a qualified retired peace officer 2468  
who possesses a retired peace officer identification card issued 2469  
pursuant to division (F)(2) of this section and a valid firearms 2470  
requalification certification issued pursuant to division (F)(3) 2471  
of this section shall be considered to be a licensee in this 2472  
state. 2473

(2)(a) Each public agency of this state or of a political 2474  
subdivision of this state that is served by one or more peace 2475  
officers shall issue a retired peace officer identification card 2476  
to any person who retired from service as a peace officer with 2477  
that agency, if the issuance is in accordance with the agency's 2478  
policies and procedures and if the person, with respect to the 2479  
person's service with that agency, satisfies all of the following: 2480

(i) The person retired in good standing from service as a 2481  
peace officer with the public agency, and the retirement was not 2482  
for reasons of mental instability. 2483

(ii) Before retiring from service as a peace officer with 2484  
that agency, the person was authorized to engage in or supervise 2485  
the prevention, detection, investigation, or prosecution of, or 2486  
the incarceration of any person for, any violation of law and the 2487  
person had statutory powers of arrest. 2488



(iii) At the time of the person's retirement as a peace officer with that agency, the person was trained and qualified to carry firearms in the performance of the peace officer's duties.

(iv) Before retiring from service as a peace officer with that agency, the person was regularly employed as a peace officer for an aggregate of fifteen years or more, or, in the alternative, the person retired from service as a peace officer with that agency, after completing any applicable probationary period of that service, due to a service-connected disability, as determined by the agency.

(v) The person has a nonforfeitable right to benefits under the retirement plan of that agency.

(b) A retired peace officer identification card issued to a person under division (F)(2)(a) of this section shall identify the person by name, contain a photograph of the person, identify the public agency of this state or of the political subdivision of this state from which the person retired as a peace officer and that is issuing the identification card, and specify that the person retired in good standing from service as a peace officer with the issuing public agency and satisfies the criteria set forth in divisions (F)(2)(a)(i) to (v) of this section. In addition to the required content specified in this division, a retired peace officer identification card issued to a person under division (F)(2)(a) of this section may include the firearms requalification certification described in division (F)(3) of this section, and if the identification card includes that certification, the identification card shall serve as the firearms requalification certification for the retired peace officer. If the issuing public agency issues credentials to active law enforcement officers who serve the agency, the agency may comply with division (F)(2)(a) of this section by issuing the same credentials to persons who retired from service as a peace officer

with the agency and who satisfy the criteria set forth in 2521  
divisions (F)(2)(a)(i) to (v) of this section, provided that the 2522  
credentials so issued to retired peace officers are stamped with 2523  
the word "RETIRED." 2524

(c) A public agency of this state or of a political 2525  
subdivision of this state may charge persons who retired from 2526  
service as a peace officer with the agency a reasonable fee for 2527  
issuing to the person a retired peace officer identification card 2528  
pursuant to division (F)(2)(a) of this section. 2529

(3) If a person retired from service as a peace officer with 2530  
a public agency of this state or of a political subdivision of 2531  
this state and the person satisfies the criteria set forth in 2532  
divisions (F)(2)(a)(i) to (v) of this section, the public agency 2533  
may provide the retired peace officer with the opportunity to 2534  
attend a firearms requalification program that is approved for 2535  
purposes of firearms requalification required under section 2536  
109.801 of the Revised Code. The retired peace officer may be 2537  
required to pay the cost of the course. 2538

If a retired peace officer who satisfies the criteria set 2539  
forth in divisions (F)(2)(a)(i) to (v) of this section attends a 2540  
firearms requalification program that is approved for purposes of 2541  
firearms requalification required under section 109.801 of the 2542  
Revised Code, the retired peace officer's successful completion of 2543  
the firearms requalification program requalifies the retired peace 2544  
officer for purposes of division (F) of this section for one year 2545  
from the date on which the program was successfully completed, and 2546  
the requalification is valid during that one-year period. If a 2547  
retired peace officer who satisfies the criteria set forth in 2548  
divisions (F)(2)(a)(i) to (v) of this section satisfactorily 2549  
completes such a firearms requalification program, the retired 2550  
peace officer shall be issued a firearms requalification 2551  
certification that identifies the retired peace officer by name, 2552

identifies the entity that taught the program, specifies that the  
retired peace officer successfully completed the program,  
specifies the date on which the course was successfully completed,  
and specifies that the requalification is valid for one year from  
that date of successful completion. The firearms requalification  
certification for a retired peace officer may be included in the  
retired peace officer identification card issued to the retired  
peace officer under division (F)(2) of this section.

A retired peace officer who attends a firearms  
requalification program that is approved for purposes of firearms  
requalification required under section 109.801 of the Revised Code  
may be required to pay the cost of the program.

(4) As used in division (F) of this section:

(a) "Qualified retired peace officer" means a person who  
satisfies all of the following:

(i) The person satisfies the criteria set forth in divisions  
(F)(2)(a)(i) to (v) of this section.

(ii) The person is not under the influence of alcohol or  
another intoxicating or hallucinatory drug or substance.

(iii) The person is not prohibited by federal law from  
receiving firearms.

(b) "Retired peace officer identification card" means an  
identification card that is issued pursuant to division (F)(2) of  
this section to a person who is a retired peace officer.

**Sec. 2923.1212.** (A) The following persons, boards, and  
entities, or designees, shall post in the following locations a  
sign that contains a statement in substantially the following  
form: "Unless otherwise authorized by law, pursuant to the Ohio  
Revised Code, no person shall knowingly possess, have under the  
person's control, convey, or attempt to convey a deadly weapon or

dangerous ordnance onto these premises.": 2583

(1) The director of public safety or the person or board 2584  
charged with the erection, maintenance, or repair of police 2585  
stations, municipal jails, and the municipal courthouse and 2586  
courtrooms in a conspicuous location at all police stations, 2587  
municipal jails, and municipal courthouses and courtrooms; 2588

(2) The sheriff or sheriff's designee who has charge of the 2589  
sheriff's office in a conspicuous location in that office; 2590

(3) The superintendent of the state highway patrol or the 2591  
superintendent's designee in a conspicuous location at all state 2592  
highway patrol stations; 2593

(4) Each sheriff, chief of police, or person in charge of 2594  
every county, multicounty, municipal, municipal-county, or 2595  
multicounty-municipal jail or workhouse, community-based 2596  
correctional facility, halfway house, alternative residential 2597  
facility, or other local or state correctional institution or 2598  
detention facility within the state, or that person's designee, in 2599  
a conspicuous location at that facility under that person's 2600  
charge; 2601

(5) The board of trustees of a regional airport authority, 2602  
chief administrative officer of an airport facility, or other 2603  
person in charge of an airport facility in a conspicuous location 2604  
at each airport facility under that person's control; 2605

(6) The officer or officer's designee who has charge of a 2606  
courthouse or the building or structure in which a courtroom is 2607  
located in a conspicuous location in that building or structure; 2608

(7) The superintendent of the bureau of criminal 2609  
identification and investigation or the superintendent's designee 2610  
in a conspicuous location in all premises controlled by that 2611  
bureau; 2612

(8) The owner, administrator, or operator of a ~~child day-care~~ 2613  
~~child-care~~ center, a type A family ~~day-care~~ child-care home, ~~or a~~ 2614  
type B family ~~day-care~~ child-care home, ~~or a type C family~~ 2615  
~~day-care home;~~ 2616

(9) The officer of this state or of the political subdivision 2617  
of this state, or the officer's designee, who has charge of a 2618  
building that is owned by this state or the political subdivision 2619  
of this state, or who has charge of the portion of a building that 2620  
is not owned by any governmental entity listed in this division 2621  
but that is leased by a governmental entity listed in this 2622  
division. 2623

(B) The following boards, bodies, and persons, or designees, 2624  
shall post in the following locations a sign that contains a 2625  
statement in substantially the following form: "Unless otherwise 2626  
authorized by law, pursuant to Ohio Revised Code section 2923.122, 2627  
no person shall knowingly possess, have under the person's 2628  
control, convey, or attempt to convey a deadly weapon or dangerous 2629  
ordnance into a school safety zone.": 2630

(1) A board of education of a city, local, exempted village, 2631  
or joint vocational school district or that board's designee in a 2632  
conspicuous location in each building and on each parcel of real 2633  
property owned or controlled by the board; 2634

(2) A governing body of a school for which the state board of 2635  
education prescribes minimum standards under section 3301.07 of 2636  
the Revised Code or that body's designee in a conspicuous location 2637  
in each building and on each parcel of real property owned or 2638  
controlled by the school; 2639

(3) The principal or chief administrative officer of a 2640  
nonpublic school in a conspicuous location on property owned or 2641  
controlled by that nonpublic school. 2642

**Sec. 2950.11.** (A) As used in this section, "specified 2643  
geographical notification area" means the geographic area or areas 2644  
within which the attorney general, by rule adopted under section 2645  
2950.13 of the Revised Code, requires the notice described in 2646  
division (B) of this section to be given to the persons identified 2647  
in divisions (A)(2) to (8) of this section. If a person is 2648  
convicted of or pleads guilty to, or has been convicted of or 2649  
pleaded guilty to, either a sexually oriented offense that is not 2650  
a registration-exempt sexually oriented offense or a child-victim 2651  
oriented offense, or a person is adjudicated a delinquent child 2652  
for committing either a sexually oriented offense that is not a 2653  
registration-exempt sexually oriented offense or a child-victim 2654  
oriented offense and is classified a juvenile offender registrant 2655  
or is an out-of-state juvenile offender registrant based on that 2656  
adjudication, and if the offender or delinquent child is in any 2657  
category specified in division (F)(1)(a), (b), or (c) of this 2658  
section, the sheriff with whom the offender or delinquent child 2659  
has most recently registered under section 2950.04, 2950.041, or 2660  
2950.05 of the Revised Code and the sheriff to whom the offender 2661  
or delinquent child most recently sent a notice of intent to 2662  
reside under section 2950.04 or 2950.041 of the Revised Code, 2663  
within the period of time specified in division (C) of this 2664  
section, shall provide a written notice containing the information 2665  
set forth in division (B) of this section to all of the persons 2666  
described in divisions (A)(1) to (9) of this section. If the 2667  
sheriff has sent a notice to the persons described in those 2668  
divisions as a result of receiving a notice of intent to reside 2669  
and if the offender or delinquent child registers a residence 2670  
address that is the same residence address described in the notice 2671  
of intent to reside, the sheriff is not required to send an 2672  
additional notice when the offender or delinquent child registers. 2673  
The sheriff shall provide the notice to all of the following 2674

persons: 2675

(1)(a) Any occupant of each residential unit that is located 2676  
within one thousand feet of the offender's or delinquent child's 2677  
residential premises, that is located within the county served by 2678  
the sheriff, and that is not located in a multi-unit building. 2679  
Division (D)(3) of this section applies regarding notices required 2680  
under this division. 2681

(b) If the offender or delinquent child resides in a 2682  
multi-unit building, any occupant of each residential unit that is 2683  
located in that multi-unit building and that shares a common 2684  
hallway with the offender or delinquent child. For purposes of 2685  
this division, an occupant's unit shares a common hallway with the 2686  
offender or delinquent child if the entrance door into the 2687  
occupant's unit is located on the same floor and opens into the 2688  
same hallway as the entrance door to the unit the offender or 2689  
delinquent child occupies. Division (D)(3) of this section applies 2690  
regarding notices required under this division. 2691

(c) The building manager, or the person the building owner or 2692  
condominium unit owners association authorizes to exercise 2693  
management and control, of each multi-unit building that is 2694  
located within one thousand feet of the offender's or delinquent 2695  
child's residential premises, including a multi-unit building in 2696  
which the offender or delinquent child resides, and that is 2697  
located within the county served by the sheriff. In addition to 2698  
notifying the building manager or the person authorized to 2699  
exercise management and control in the multi-unit building under 2700  
this division, the sheriff shall post a copy of the notice 2701  
prominently in each common entryway in the building and any other 2702  
location in the building the sheriff determines appropriate. The 2703  
manager or person exercising management and control of the 2704  
building shall permit the sheriff to post copies of the notice 2705

under this division as the sheriff determines appropriate. In lieu 2706  
of posting copies of the notice as described in this division, a 2707  
sheriff may provide notice to all occupants of the multi-unit 2708  
building by mail or personal contact; if the sheriff so notifies 2709  
all the occupants, the sheriff is not required to post copies of 2710  
the notice in the common entryways to the building. Division 2711  
(D)(3) of this section applies regarding notices required under 2712  
this division. 2713

(d) All additional persons who are within any category of 2714  
neighbors of the offender or delinquent child that the attorney 2715  
general by rule adopted under section 2950.13 of the Revised Code 2716  
requires to be provided the notice and who reside within the 2717  
county served by the sheriff; 2718

(2) The executive director of the public children services 2719  
agency that has jurisdiction within the specified geographical 2720  
notification area and that is located within the county served by 2721  
the sheriff; 2722

(3)(a) The superintendent of each board of education of a 2723  
school district that has schools within the specified geographical 2724  
notification area and that is located within the county served by 2725  
the sheriff; 2726

(b) The principal of the school within the specified 2727  
geographical notification area and within the county served by the 2728  
sheriff that the delinquent child attends; 2729

(c) If the delinquent child attends a school outside of the 2730  
specified geographical notification area or outside of the school 2731  
district where the delinquent child resides, the superintendent of 2732  
the board of education of a school district that governs the 2733  
school that the delinquent child attends and the principal of the 2734  
school that the delinquent child attends. 2735

(4)(a) The appointing or hiring officer of each chartered 2736



nonpublic school located within the specified geographical 2737  
notification area and within the county served by the sheriff or 2738  
of each other school located within the specified geographical 2739  
notification area and within the county served by the sheriff and 2740  
that is not operated by a board of education described in division 2741  
(A)(3) of this section; 2742

(b) Regardless of the location of the school, the appointing 2743  
or hiring officer of a chartered nonpublic school that the 2744  
delinquent child attends. 2745

(5) The director, head teacher, elementary principal, or site 2746  
administrator of each preschool program governed by Chapter 3301. 2747  
of the Revised Code that is located within the specified 2748  
geographical notification area and within the county served by the 2749  
sheriff; 2750

(6) The administrator of each ~~child day-care~~ child-care 2751  
center or type A family ~~day-care~~ child-care home that is located 2752  
within the specified geographical notification area and within the 2753  
county served by the sheriff, and the provider of each licensed 2754  
type B family child-care home or certified type B family ~~day-care~~ 2755  
child-care home that is located within the specified geographical 2756  
notification area and within the county served by the sheriff. As 2757  
used in this division, "~~child day-care~~ child-care center," "type A 2758  
family ~~day-care~~ child-care home," "licensed type B family 2759  
child-care home," and "certified type B family ~~day-care~~ child-care 2760  
home" have the same meanings as in section 5104.01 of the Revised 2761  
Code. 2762

(7) The president or other chief administrative officer of 2763  
each institution of higher education, as defined in section 2764  
2907.03 of the Revised Code, that is located within the specified 2765  
geographical notification area and within the county served by the 2766  
sheriff, and the chief law enforcement officer of the state 2767  
university law enforcement agency or campus police department 2768

established under section 3345.04 or 1713.50 of the Revised Code, 2769  
if any, that serves that institution; 2770

(8) The sheriff of each county that includes any portion of 2771  
the specified geographical notification area; 2772

(9) If the offender or delinquent child resides within the 2773  
county served by the sheriff, the chief of police, marshal, or 2774  
other chief law enforcement officer of the municipal corporation 2775  
in which the offender or delinquent child resides or, if the 2776  
offender or delinquent child resides in an unincorporated area, 2777  
the constable or chief of the police department or police district 2778  
police force of the township in which the offender or delinquent 2779  
child resides. 2780

(B) The notice required under division (A) of this section 2781  
shall include all of the following information regarding the 2782  
subject offender or delinquent child: 2783

(1) The offender's or delinquent child's name; 2784

(2) The address or addresses of the offender's residence, 2785  
school, institution of higher education, or place of employment, 2786  
as applicable, or the delinquent child's residence address or 2787  
addresses; 2788

(3) The sexually oriented offense or child-victim oriented 2789  
offense of which the offender was convicted, to which the offender 2790  
pleaded guilty, or for which the child was adjudicated a 2791  
delinquent child; 2792

(4) All of the following statements that are applicable: 2793

(a) A statement that the offender has been adjudicated a 2794  
sexual predator, a statement that the offender has been convicted 2795  
of or pleaded guilty to an aggravated sexually oriented offense, a 2796  
statement that the delinquent child has been adjudicated a sexual 2797  
predator and that, as of the date of the notice, the court has not 2798

entered a determination that the delinquent child no longer is a sexual predator, or a statement that the sentencing or reviewing judge has determined that the offender or delinquent child is a habitual sex offender and that, as of the date of the notice, the determination regarding a delinquent child has not been removed pursuant to section 2152.84 or 2152.85 of the Revised Code;

(b) A statement that the offender has been adjudicated a child-victim predator, a statement that the delinquent child has been adjudicated a child-victim predator and that, as of the date of the notice, the court has not entered a determination that the delinquent child no longer is a child-victim predator, or a statement that the sentencing or reviewing judge has determined that the offender or delinquent child is a habitual child-victim offender and that, as of the date of the notice, the determination regarding a delinquent child has not been removed pursuant to section 2152.84 or 2152.85 of the Revised Code;

(5) The offender's or delinquent child's photograph.

(C) If a sheriff with whom an offender or delinquent child registers under section 2950.04, 2950.041, or 2950.05 of the Revised Code or to whom the offender or delinquent child most recently sent a notice of intent to reside under section 2950.04 or 2950.041 of the Revised Code is required by division (A) of this section to provide notices regarding an offender or delinquent child and if, pursuant to that requirement, the sheriff provides a notice to a sheriff of one or more other counties in accordance with division (A)(8) of this section, the sheriff of each of the other counties who is provided notice under division (A)(8) of this section shall provide the notices described in divisions (A)(1) to (7) and (A)(9) of this section to each person or entity identified within those divisions that is located within the specified geographical notification area and within the county served by the sheriff in question.

(D)(1) A sheriff required by division (A) or (C) of this section to provide notices regarding an offender or delinquent child shall provide the notice to the neighbors that are described in division (A)(1) of this section and the notices to law enforcement personnel that are described in divisions (A)(8) and (9) of this section as soon as practicable, but no later than five days after the offender sends the notice of intent to reside to the sheriff and again no later than five days after the offender or delinquent child registers with the sheriff or, if the sheriff is required by division (C) of this section to provide the notices, no later than five days after the sheriff is provided the notice described in division (A)(8) of this section.

A sheriff required by division (A) or (C) of this section to provide notices regarding an offender or delinquent child shall provide the notices to all other specified persons that are described in divisions (A)(2) to (7) of this section as soon as practicable, but not later than seven days after the offender or delinquent child registers with the sheriff or, if the sheriff is required by division (C) of this section to provide the notices, no later than five days after the sheriff is provided the notice described in division (A)(8) of this section.

(2) If an offender or delinquent child in relation to whom division (A) of this section applies verifies the offender's or delinquent child's current residence, school, institution of higher education, or place of employment address, as applicable, with a sheriff pursuant to section 2950.06 of the Revised Code, the sheriff may provide a written notice containing the information set forth in division (B) of this section to the persons identified in divisions (A)(1) to (9) of this section. If a sheriff provides a notice pursuant to this division to the sheriff of one or more other counties in accordance with division (A)(8) of this section, the sheriff of each of the other counties

who is provided the notice under division (A)(8) of this section 2863  
may provide, but is not required to provide, a written notice 2864  
containing the information set forth in division (B) of this 2865  
section to the persons identified in divisions (A)(1) to (7) and 2866  
(A)(9) of this section. 2867

(3) A sheriff may provide notice under division (A)(1)(a) or 2868  
(b) of this section, and may provide notice under division 2869  
(A)(1)(c) of this section to a building manager or person 2870  
authorized to exercise management and control of a building, by 2871  
mail, by personal contact, or by leaving the notice at or under 2872  
the entry door to a residential unit. For purposes of divisions 2873  
(A)(1)(a) and (b) of this section, and the portion of division 2874  
(A)(1)(c) of this section relating to the provision of notice to 2875  
occupants of a multi-unit building by mail or personal contact, 2876  
the provision of one written notice per unit is deemed as 2877  
providing notice to all occupants of that unit. 2878

(E) All information that a sheriff possesses regarding a 2879  
sexual predator, a habitual sex offender, a child-victim predator, 2880  
or a habitual child-victim offender that is described in division 2881  
(B) of this section and that must be provided in a notice required 2882  
under division (A) or (C) of this section or that may be provided 2883  
in a notice authorized under division (D)(2) of this section is a 2884  
public record that is open to inspection under section 149.43 of 2885  
the Revised Code. 2886

The sheriff shall not cause to be publicly disseminated by 2887  
means of the internet any of the information described in this 2888  
division that is provided by a sexual predator, habitual sex 2889  
offender, child-victim predator, or habitual child-victim offender 2890  
who is a juvenile offender registrant, except when the act that is 2891  
the basis of the child's classification as a juvenile offender 2892  
registrant is a violation of, or an attempt to commit a violation 2893  
of, section 2903.01, 2903.02, or 2905.01 of the Revised Code that 2894

was committed with a purpose to gratify the sexual needs or 2895  
desires of the child, a violation of section 2907.02 of the 2896  
Revised Code, or an attempt to commit a violation of that section. 2897

(F)(1) The duties to provide the notices described in 2898  
divisions (A) and (C) of this section apply regarding any offender 2899  
or delinquent child who is in any of the following categories, if 2900  
the other criteria set forth in division (A) or (C) of this 2901  
section, whichever is applicable, are satisfied: 2902

(a) The offender or delinquent child has been adjudicated a 2903  
sexual predator relative to the sexually oriented offense for 2904  
which the offender or delinquent child has the duty to register 2905  
under section 2950.04 of the Revised Code or has been adjudicated 2906  
a child-victim predator relative to the child-victim oriented 2907  
offense for which the offender or child has the duty to register 2908  
under section 2950.041 of the Revised Code, and the court has not 2909  
subsequently determined pursuant to section 2152.84 or 2152.85 of 2910  
the Revised Code regarding a delinquent child that the delinquent 2911  
child no longer is a sexual predator or no longer is a 2912  
child-victim predator, whichever is applicable. 2913

(b) The offender or delinquent child has been determined 2914  
pursuant to division (C)(2) or (E) of section 2950.09 or 2950.091, 2915  
division (B) of section 2152.83, section 2152.84, or section 2916  
2152.85 of the Revised Code to be a habitual sex offender or a 2917  
habitual child-victim offender, the court has imposed a 2918  
requirement under that division or section subjecting the habitual 2919  
sex offender or habitual child-victim offender to this section, 2920  
and the determination has not been removed pursuant to section 2921  
2152.84 or 2152.85 of the Revised Code regarding a delinquent 2922  
child. 2923

(c) The sexually oriented offense for which the offender has 2924  
the duty to register under section 2950.04 of the Revised Code is 2925  
an aggravated sexually oriented offense, regardless of whether the 2926

offender has been adjudicated a sexual predator relative to the 2927  
offense or has been determined to be a habitual sex offender. 2928

(2) The notification provisions of this section do not apply 2929  
regarding a person who is convicted of or pleads guilty to, has 2930  
been convicted of or pleaded guilty to, or is adjudicated a 2931  
delinquent child for committing, a sexually oriented offense or a 2932  
child-victim oriented offense, who is not in the category 2933  
specified in either division (F)(1)(a) or (c) of this section, and 2934  
who is determined pursuant to division (C)(2) or (E) of section 2935  
2950.09 or 2950.091, division (B) of section 2152.83, section 2936  
2152.84, or section 2152.85 of the Revised Code to be a habitual 2937  
sex offender or habitual child-victim offender unless the 2938  
sentencing or reviewing court imposes a requirement in the 2939  
offender's sentence and in the judgment of conviction that 2940  
contains the sentence or in the delinquent child's adjudication, 2941  
or imposes a requirement as described in division (C)(2) of 2942  
section 2950.09 or 2950.091 of the Revised Code, that subjects the 2943  
offender or the delinquent child to the provisions of this 2944  
section. 2945

(G) The department of job and family services shall compile, 2946  
maintain, and update in January and July of each year, a list of 2947  
all agencies, centers, or homes of a type described in division 2948  
(A)(2) or (6) of this section that contains the name of each 2949  
agency, center, or home of that type, the county in which it is 2950  
located, its address and telephone number, and the name of an 2951  
administrative officer or employee of the agency, center, or home. 2952  
The department of education shall compile, maintain, and update in 2953  
January and July of each year, a list of all boards of education, 2954  
schools, or programs of a type described in division (A)(3), (4), 2955  
or (5) of this section that contains the name of each board of 2956  
education, school, or program of that type, the county in which it 2957  
is located, its address and telephone number, the name of the 2958

superintendent of the board or of an administrative officer or 2959  
employee of the school or program, and, in relation to a board of 2960  
education, the county or counties in which each of its schools is 2961  
located and the address of each such school. The Ohio board of 2962  
regents shall compile, maintain, and update in January and July of 2963  
each year, a list of all institutions of a type described in 2964  
division (A)(7) of this section that contains the name of each 2965  
such institution, the county in which it is located, its address 2966  
and telephone number, and the name of its president or other chief 2967  
administrative officer. A sheriff required by division (A) or (C) 2968  
of this section, or authorized by division (D)(2) of this section, 2969  
to provide notices regarding an offender or delinquent child, or a 2970  
designee of a sheriff of that type, may request the department of 2971  
job and family services, department of education, or Ohio board of 2972  
regents, by telephone, in person, or by mail, to provide the 2973  
sheriff or designee with the names, addresses, and telephone 2974  
numbers of the appropriate persons and entities to whom the 2975  
notices described in divisions (A)(2) to (7) of this section are 2976  
to be provided. Upon receipt of a request, the department or board 2977  
shall provide the requesting sheriff or designee with the names, 2978  
addresses, and telephone numbers of the appropriate persons and 2979  
entities to whom those notices are to be provided. 2980

(H)(1) Upon the motion of the offender or the prosecuting 2981  
attorney of the county in which the offender was convicted of or 2982  
pleaded guilty to the sexually oriented offense or child-victim 2983  
oriented offense for which the offender is subject to community 2984  
notification under this section, or upon the motion of the 2985  
sentencing judge or that judge's successor in office, the judge 2986  
may schedule a hearing to determine whether the interests of 2987  
justice would be served by suspending the community notification 2988  
requirement under this section in relation to the offender. The 2989  
judge may dismiss the motion without a hearing but may not issue 2990  
an order suspending the community notification requirement without 2991



a hearing. At the hearing, all parties are entitled to be heard, 2992  
and the judge shall consider all of the factors set forth in 2993  
division (B)(3) of section 2950.09 of the Revised Code. If, at the 2994  
conclusion of the hearing, the judge finds that the offender has 2995  
proven by clear and convincing evidence that the offender is 2996  
unlikely to commit in the future a sexually oriented offense or a 2997  
child-victim oriented offense and if the judge finds that 2998  
suspending the community notification requirement is in the 2999  
interests of justice, the judge may suspend the application of 3000  
this section in relation to the offender. The order shall contain 3001  
both of these findings. 3002

The judge promptly shall serve a copy of the order upon the 3003  
sheriff with whom the offender most recently registered under 3004  
section 2950.04, 2950.041, or 2950.05 of the Revised Code and upon 3005  
the bureau of criminal identification and investigation. 3006

An order suspending the community notification requirement 3007  
does not suspend or otherwise alter an offender's duties to comply 3008  
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 3009  
Revised Code and does not suspend the victim notification 3010  
requirement under section 2950.10 of the Revised Code. 3011

(2) A prosecuting attorney, a sentencing judge or that 3012  
judge's successor in office, and an offender who is subject to the 3013  
community notification requirement under this section may 3014  
initially make a motion under division (H)(1) of this section upon 3015  
the expiration of twenty years after the offender's duty to comply 3016  
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 3017  
Revised Code begins in relation to the offense for which the 3018  
offender is subject to community notification. After the initial 3019  
making of a motion under division (H)(1) of this section, 3020  
thereafter, the prosecutor, judge, and offender may make a 3021  
subsequent motion under that division upon the expiration of five 3022  
years after the judge has entered an order denying the initial 3023

motion or the most recent motion made under that division. 3024

(3) The offender and the prosecuting attorney have the right 3025  
to appeal an order approving or denying a motion made under 3026  
division (H)(1) of this section. 3027

(4) Divisions (H)(1) to (3) of this section do not apply to 3028  
any of the following types of offender: 3029

(a) A person who is convicted of or pleads guilty to a 3030  
violent sex offense or designated homicide, assault, or kidnapping 3031  
offense and who, in relation to that offense, is adjudicated a 3032  
sexually violent predator; 3033

(b) A person who is convicted of or pleads guilty to a 3034  
sexually oriented offense that is a violation of division 3035  
(A)(1)(b) of section 2907.02 of the Revised Code committed on or 3036  
after ~~the effective date of this amendment~~ January 2, 2007, and 3037  
either who is ~~sentenced~~ sentenced under section 2971.03 of the 3038  
Revised Code or upon whom a sentence of life without parole is 3039  
imposed under division (B) of section 2907.02 of the Revised Code; 3040

(c) A person who is convicted of or pleads guilty to a 3041  
sexually oriented offense that is attempted rape committed on or 3042  
after ~~the effective date of this amendment~~ January 2, 2007, and 3043  
who also is convicted of or pleads guilty to a specification of 3044  
the type described in section 2941.1418, 2941.1419, or 2941.1420 3045  
of the Revised Code; 3046

(d) A habitual sex offender or habitual child-victim oriented 3047  
offender who is subject to community notification who, subsequent 3048  
to being subjected to community notification, has pleaded guilty 3049  
to or been convicted of a sexually oriented offense or a 3050  
child-victim oriented offense; 3051

(e) A sexual predator or child-victim predator who is not 3052  
adjudicated a sexually violent predator who, subsequent to being 3053  
subjected to community notification, has pleaded guilty to or been 3054

convicted of a sexually oriented offense or child-victim oriented offense. 3055  
3056

(I) If a person is convicted of or pleads guilty to, or has 3057  
been convicted of or pleaded guilty to, either a sexually oriented 3058  
offense that is not a registration-exempt sexually oriented 3059  
offense or a child-victim oriented offense, or a person is 3060  
adjudicated a delinquent child for committing either a sexually 3061  
oriented offense that is not a registration-exempt sexually 3062  
oriented offense or a child-victim oriented offense and is 3063  
classified a juvenile offender registrant or is an out-of-state 3064  
juvenile offender registrant based on that adjudication, and if 3065  
the offender or delinquent child is not in any category specified 3066  
in division (F)(1)(a), (b), or (c) of this section, the sheriff 3067  
with whom the offender or delinquent child has most recently 3068  
registered under section 2950.04, 2950.041, or 2950.05 of the 3069  
Revised Code and the sheriff to whom the offender or delinquent 3070  
child most recently sent a notice of intent to reside under 3071  
section 2950.04 or 2950.041 of the Revised Code, within the period 3072  
of time specified in division (D) of this section, shall provide a 3073  
written notice containing the information set forth in division 3074  
(B) of this section to the executive director of the public 3075  
children services agency that has jurisdiction within the 3076  
specified geographical notification area and that is located 3077  
within the county served by the sheriff. 3078

**Sec. 2950.13.** (A) The attorney general shall do all of the 3079  
following: 3080

(1) No later than July 1, 1997, establish and maintain a 3081  
state registry of sex offenders and child-victim offenders that is 3082  
housed at the bureau of criminal identification and investigation 3083  
and that contains all of the registration, change of residence, 3084  
school, institution of higher education, or place of employment 3085

address, and verification information the bureau receives pursuant 3086  
to sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 3087  
Code regarding a person who is convicted of or pleads guilty to, 3088  
or has been convicted of or pleaded guilty to, either a sexually 3089  
oriented offense that is not a registration-exempt sexually 3090  
oriented offense or a child-victim oriented offense or a person 3091  
who is adjudicated a delinquent child for committing either a 3092  
sexually oriented offense that is not a registration-exempt 3093  
sexually oriented offense or a child-victim oriented offense and 3094  
is classified a juvenile offender registrant or is an out-of-state 3095  
juvenile offender registrant based on that adjudication, and all 3096  
of the information the bureau receives pursuant to section 2950.14 3097  
of the Revised Code. For a person who was convicted of or pleaded 3098  
guilty to the sexually oriented offense or child-victim related 3099  
offense, the registry also shall indicate whether the person was 3100  
convicted of or pleaded guilty to the offense in a criminal 3101  
prosecution or in a serious youthful offender case. 3102

3103

(2) In consultation with local law enforcement 3104  
representatives and no later than July 1, 1997, adopt rules that 3105  
contain guidelines necessary for the implementation of this 3106  
chapter; 3107

(3) In consultation with local law enforcement 3108  
representatives, adopt rules for the implementation and 3109  
administration of the provisions contained in section 2950.11 of 3110  
the Revised Code that pertain to the notification of neighbors of 3111  
an offender or a delinquent child who has committed a sexually 3112  
oriented offense that is not a registration-exempt sexually 3113  
oriented offense and has been adjudicated a sexual predator or 3114  
determined to be a habitual sex offender, an offender who has 3115  
committed an aggravated sexually oriented offense, or an offender 3116  
or delinquent child who has committed a child-victim oriented 3117

offense and has been adjudicated a child-victim predator or 3118  
determined to be a habitual child-victim offender, and rules that 3119  
prescribe a manner in which victims of either a sexually oriented 3120  
offense that is not a registration-exempt sexually oriented 3121  
offense or a child-victim oriented offense committed by an 3122  
offender or a delinquent child who has been adjudicated a sexual 3123  
predator or determined to be a habitual sex offender, an offender 3124  
who has committed an aggravated sexually oriented offense, or an 3125  
offender or delinquent child who has committed a child-victim 3126  
oriented offense and has been adjudicated a child-victim predator 3127  
or determined to be a habitual child-victim offender may make a 3128  
request that specifies that the victim would like to be provided 3129  
the notices described in divisions (A)(1) and (2) of section 3130  
2950.10 of the Revised Code; 3131

(4) In consultation with local law enforcement 3132  
representatives and through the bureau of criminal identification 3133  
and investigation, prescribe the forms to be used by judges and 3134  
officials pursuant to section 2950.03 of the Revised Code to 3135  
advise offenders and delinquent children of their duties of filing 3136  
a notice of intent to reside, registration, notification of a 3137  
change of residence, school, institution of higher education, or 3138  
place of employment address and registration of the new, school, 3139  
institution of higher education, or place of employment address, 3140  
as applicable, and address verification under sections 2950.04, 3141  
2950.041, 2950.05, and 2950.06 of the Revised Code, and prescribe 3142  
the forms to be used by sheriffs relative to those duties of 3143  
filing a notice of intent to reside, registration, change of 3144  
residence, school, institution of higher education, or place of 3145  
employment address notification, and address verification; 3146

(5) Make copies of the forms prescribed under division (A)(4) 3147  
of this section available to judges, officials, and sheriffs; 3148

(6) Through the bureau of criminal identification and 3149

investigation, provide the notifications, the information, and the 3150  
documents that the bureau is required to provide to appropriate 3151  
law enforcement officials and to the federal bureau of 3152  
investigation pursuant to sections 2950.04, 2950.041, 2950.05, and 3153  
2950.06 of the Revised Code; 3154

(7) Through the bureau of criminal identification and 3155  
investigation, maintain the verification forms returned under the 3156  
address verification mechanism set forth in section 2950.06 of the 3157  
Revised Code; 3158

(8) In consultation with representatives of the officials, 3159  
judges, and sheriffs, adopt procedures for officials, judges, and 3160  
sheriffs to use to forward information, photographs, and 3161  
fingerprints to the bureau of criminal identification and 3162  
investigation pursuant to the requirements of sections 2950.03, 3163  
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code; 3164

(9) In consultation with the director of education, the 3165  
director of job and family services, and the director of 3166  
rehabilitation and correction, adopt rules that contain guidelines 3167  
to be followed by boards of education of a school district, 3168  
chartered nonpublic schools or other schools not operated by a 3169  
board of education, preschool programs, ~~child day care~~ child-care 3170  
centers, type A family ~~day care~~ child-care homes, licensed type B 3171  
family child-care homes, certified type B family ~~day care~~ 3172  
child-care homes, and institutions of higher education regarding 3173  
the proper use and administration of information received pursuant 3174  
to section 2950.11 of the Revised Code relative to an offender or 3175  
delinquent child who has been adjudicated a sexual predator or 3176  
child-victim predator or determined to be a habitual sex offender 3177  
or habitual child-victim offender, or an offender who has 3178  
committed an aggravated sexually oriented offense; 3179

(10) In consultation with local law enforcement 3180  
representatives and no later than July 1, 1997, adopt rules that 3181

designate a geographic area or areas within which the notice 3182  
described in division (B) of section 2950.11 of the Revised Code 3183  
must be given to the persons identified in divisions (A)(2) to (8) 3184  
of that section; 3185

(11) Through the bureau of criminal identification and 3186  
investigation, not later than January 1, 2004, establish and 3187  
operate on the internet a sex offender and child-victim offender 3188  
database that contains information for every offender who has 3189  
committed either a sexually oriented offense that is not a 3190  
registration-exempt sexually oriented offense or a child-victim 3191  
oriented offense and who registers in any county in this state 3192  
pursuant to section 2950.04 or 2950.041 of the Revised Code. The 3193  
bureau shall determine the information to be provided on the 3194  
database for each offender and shall obtain that information from 3195  
the information contained in the state registry of sex offenders 3196  
and child-victim offenders described in division (A)(1) of this 3197  
section, which information, while in the possession of the sheriff 3198  
who provided it, is a public record open for inspection as 3199  
described in section 2950.081 of the Revised Code. The information 3200  
provided for each offender shall include at least the information 3201  
set forth in division (B) of section 2950.11 of the Revised Code. 3202  
The database is a public record open for inspection under section 3203  
149.43 of the Revised Code, and it shall be searchable by offender 3204  
name, by county, by zip code, and by school district. The database 3205  
shall provide a link to the web site of each sheriff who has 3206  
established and operates on the internet a sex offender and 3207  
child-victim offender database that contains information for 3208  
offenders who register in that county pursuant to section 2950.04 3209  
or 2950.041 of the Revised Code, with the link being a direct link 3210  
to the sex offender and child-victim offender database for the 3211  
sheriff. 3212

(12) Upon the request of any sheriff, provide technical 3213

guidance to the requesting sheriff in establishing on the internet 3214  
a sex offender and child-victim offender database for the public 3215  
dissemination of some or all of the materials described in 3216  
division (A) of section 2950.081 of the Revised Code that are 3217  
public records under that division and that pertain to offenders 3218  
who register in that county pursuant to section 2950.04 or 3219  
2950.041 of the Revised Code and for the public dissemination of 3220  
information the sheriff receives pursuant to section 2950.14 of 3221  
the Revised Code; 3222

(13) Through the bureau of criminal identification and 3223  
investigation, not later than January 1, 2004, establish and 3224  
operate on the internet a database that enables local law 3225  
enforcement representatives to remotely search by electronic means 3226  
the state registry of sex offenders and child-victim offenders 3227  
described in division (A)(1) of this section and any information 3228  
the bureau receives pursuant to sections 2950.04, 2950.041, 3229  
2950.05, 2950.06, and 2950.14 of the Revised Code. The database 3230  
shall enable local law enforcement representatives to obtain 3231  
detailed information regarding each offender and delinquent child 3232  
who is included in the registry, including, but not limited to the 3233  
offender's or delinquent child's name, residence address, place of 3234  
employment if applicable, motor vehicle license plate number if 3235  
applicable, victim preference if available, date of most recent 3236  
release from confinement if applicable, fingerprints, and other 3237  
identification parameters the bureau considers appropriate. The 3238  
database is not a public record open for inspection under section 3239  
149.43 of the Revised Code and shall be available only to law 3240  
enforcement representatives as described in this division. 3241  
Information obtained by local law enforcement representatives 3242  
through use of this database is not open to inspection by the 3243  
public or by any person other than a person identified in division 3244  
(A) of section 2950.08 of the Revised Code. 3245



(B) The attorney general in consultation with local law enforcement representatives, may adopt rules that establish one or more categories of neighbors of an offender or delinquent child who, in addition to the occupants of residential premises and other persons specified in division (A)(1) of section 2950.11 of the Revised Code, must be given the notice described in division (B) of that section.

(C) No person, other than a local law enforcement representative, shall knowingly do any of the following:

(1) Gain or attempt to gain access to the database established and operated by the attorney general, through the bureau of criminal identification and investigation, pursuant to division (A)(13) of this section.

(2) Permit any person to inspect any information obtained through use of the database described in division (C)(1) of this section, other than as permitted under that division.

(D) As used in this section, "local law enforcement representatives" means representatives of the sheriffs of this state, representatives of the municipal chiefs of police and marshals of this state, and representatives of the township constables and chiefs of police of the township police departments or police district police forces of this state.

**Sec. 3109.051.** (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 3277  
have parenting time with the child and includes in the journal its 3278  
findings of fact and conclusions of law. Whenever possible, the 3279  
order or decree permitting the parenting time shall ensure the 3280  
opportunity for both parents to have frequent and continuing 3281  
contact with the child, unless frequent and continuing contact by 3282  
either parent with the child would not be in the best interest of 3283  
the child. The court shall include in its final decree a specific 3284  
schedule of parenting time for that parent. Except as provided in 3285  
division (E)(6) of section 3113.31 of the Revised Code, if the 3286  
court, pursuant to this section, grants parenting time to a parent 3287  
or companionship or visitation rights to any other person with 3288  
respect to any child, it shall not require the public children 3289  
services agency to provide supervision of or other services 3290  
related to that parent's exercise of parenting time or that 3291  
person's exercise of companionship or visitation rights with 3292  
respect to the child. This section does not limit the power of a 3293  
juvenile court pursuant to Chapter 2151. of the Revised Code to 3294  
issue orders with respect to children who are alleged to be 3295  
abused, neglected, or dependent children or to make dispositions 3296  
of children who are adjudicated abused, neglected, or dependent 3297  
children or of a common pleas court to issue orders pursuant to 3298  
section 3113.31 of the Revised Code. 3299

(B)(1) In a divorce, dissolution of marriage, legal 3300  
separation, annulment, or child support proceeding that involves a 3301  
child, the court may grant reasonable companionship or visitation 3302  
rights to any grandparent, any person related to the child by 3303  
consanguinity or affinity, or any other person other than a 3304  
parent, if all of the following apply: 3305

(a) The grandparent, relative, or other person files a motion 3306  
with the court seeking companionship or visitation rights. 3307

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

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

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

(C) When determining whether to grant parenting time rights to a parent pursuant to this section or section 3109.12 of the Revised Code or to grant companionship or visitation rights to a grandparent, relative, or other person pursuant to this section or section 3109.11 or 3109.12 of the Revised Code, when establishing a specific parenting time or visitation schedule, and when determining other parenting time matters under this section or section 3109.12 of the Revised Code or visitation matters under this section or section 3109.11 or 3109.12 of the Revised Code, the court shall consider any mediation report that is filed pursuant to section 3109.052 of the Revised Code and shall consider all other relevant factors, including, but not limited to, all of the factors listed in division (D) of this section. In considering the factors listed in division (D) of this section for purposes of determining whether to grant parenting time or visitation rights, establishing a specific parenting time or visitation schedule, determining other parenting time matters under this section or section 3109.12 of the Revised Code or visitation matters under this section or under section 3109.11 or 3109.12 of the Revised Code, and resolving any issues related to the making of any determination with respect to parenting time or

visitation rights or the establishment of any specific parenting 3340  
time or visitation schedule, the court, in its discretion, may 3341  
interview in chambers any or all involved children regarding their 3342  
wishes and concerns. If the court interviews any child concerning 3343  
the child's wishes and concerns regarding those parenting time or 3344  
visitation matters, the interview shall be conducted in chambers, 3345  
and no person other than the child, the child's attorney, the 3346  
judge, any necessary court personnel, and, in the judge's 3347  
discretion, the attorney of each parent shall be permitted to be 3348  
present in the chambers during the interview. No person shall 3349  
obtain or attempt to obtain from a child a written or recorded 3350  
statement or affidavit setting forth the wishes and concerns of 3351  
the child regarding those parenting time or visitation matters. A 3352  
court, in considering the factors listed in division (D) of this 3353  
section for purposes of determining whether to grant any parenting 3354  
time or visitation rights, establishing a parenting time or 3355  
visitation schedule, determining other parenting time matters 3356  
under this section or section 3109.12 of the Revised Code or 3357  
visitation matters under this section or under section 3109.11 or 3358  
3109.12 of the Revised Code, or resolving any issues related to 3359  
the making of any determination with respect to parenting time or 3360  
visitation rights or the establishment of any specific parenting 3361  
time or visitation schedule, shall not accept or consider a 3362  
written or recorded statement or affidavit that purports to set 3363  
forth the child's wishes or concerns regarding those parenting 3364  
time or visitation matters. 3365

(D) In determining whether to grant parenting time to a 3366  
parent pursuant to this section or section 3109.12 of the Revised 3367  
Code or companionship or visitation rights to a grandparent, 3368  
relative, or other person pursuant to this section or section 3369  
3109.11 or 3109.12 of the Revised Code, in establishing a specific 3370  
parenting time or visitation schedule, and in determining other 3371  
parenting time matters under this section or section 3109.12 of 3372

the Revised Code or visitation matters under this section or 3373  
section 3109.11 or 3109.12 of the Revised Code, the court shall 3374  
consider all of the following factors: 3375

(1) The prior interaction and interrelationships of the child 3376  
with the child's parents, siblings, and other persons related by 3377  
consanguinity or affinity, and with the person who requested 3378  
companionship or visitation if that person is not a parent, 3379  
sibling, or relative of the child; 3380

(2) The geographical location of the residence of each parent 3381  
and the distance between those residences, and if the person is 3382  
not a parent, the geographical location of that person's residence 3383  
and the distance between that person's residence and the child's 3384  
residence; 3385

(3) The child's and parents' available time, including, but 3386  
not limited to, each parent's employment schedule, the child's 3387  
school schedule, and the child's and the parents' holiday and 3388  
vacation schedule; 3389

(4) The age of the child; 3390

(5) The child's adjustment to home, school, and community; 3391

(6) If the court has interviewed the child in chambers, 3392  
pursuant to division (C) of this section, regarding the wishes and 3393  
concerns of the child as to parenting time by the parent who is 3394  
not the residential parent or companionship or visitation by the 3395  
grandparent, relative, or other person who requested companionship 3396  
or visitation, as to a specific parenting time or visitation 3397  
schedule, or as to other parenting time or visitation matters, the 3398  
wishes and concerns of the child, as expressed to the court; 3399  
3400

(7) The health and safety of the child; 3401

(8) The amount of time that will be available for the child 3402

to spend with siblings; 3403

(9) The mental and physical health of all parties; 3404

(10) Each parent's willingness to reschedule missed parenting 3405  
time and to facilitate the other parent's parenting time rights, 3406  
and with respect to a person who requested companionship or 3407  
visitation, the willingness of that person to reschedule missed 3408  
visitation; 3409

(11) In relation to parenting time, whether either parent 3410  
previously has been convicted of or pleaded guilty to any criminal 3411  
offense involving any act that resulted in a child being an abused 3412  
child or a neglected child; whether either parent, in a case in 3413  
which a child has been adjudicated an abused child or a neglected 3414  
child, previously has been determined to be the perpetrator of the 3415  
abusive or neglectful act that is the basis of the adjudication; 3416  
and whether there is reason to believe that either parent has 3417  
acted in a manner resulting in a child being an abused child or a 3418  
neglected child; 3419

(12) In relation to requested companionship or visitation by 3420  
a person other than a parent, whether the person previously has 3421  
been convicted of or pleaded guilty to any criminal offense 3422  
involving any act that resulted in a child being an abused child 3423  
or a neglected child; whether the person, in a case in which a 3424  
child has been adjudicated an abused child or a neglected child, 3425  
previously has been determined to be the perpetrator of the 3426  
abusive or neglectful act that is the basis of the adjudication; 3427  
whether either parent previously has been convicted of or pleaded 3428  
guilty to a violation of section 2919.25 of the Revised Code 3429  
involving a victim who at the time of the commission of the 3430  
offense was a member of the family or household that is the 3431  
subject of the current proceeding; whether either parent 3432  
previously has been convicted of an offense involving a victim who 3433  
at the time of the commission of the offense was a member of the 3434

family or household that is the subject of the current proceeding 3435  
and caused physical harm to the victim in the commission of the 3436  
offense; and whether there is reason to believe that the person 3437  
has acted in a manner resulting in a child being an abused child 3438  
or a neglected child; 3439

(13) Whether the residential parent or one of the parents 3440  
subject to a shared parenting decree has continuously and 3441  
willfully denied the other parent's right to parenting time in 3442  
accordance with an order of the court; 3443

(14) Whether either parent has established a residence or is 3444  
planning to establish a residence outside this state; 3445

(15) In relation to requested companionship or visitation by 3446  
a person other than a parent, the wishes and concerns of the 3447  
child's parents, as expressed by them to the court; 3448

(16) Any other factor in the best interest of the child. 3449

(E) The remarriage of a residential parent of a child does 3450  
not affect the authority of a court under this section to grant 3451  
parenting time rights with respect to the child to the parent who 3452  
is not the residential parent or to grant reasonable companionship 3453  
or visitation rights with respect to the child to any grandparent, 3454  
any person related by consanguinity or affinity, or any other 3455  
person. 3456

(F)(1) If the court, pursuant to division (A) of this 3457  
section, denies parenting time to a parent who is not the 3458  
residential parent or denies a motion for reasonable companionship 3459  
or visitation rights filed under division (B) of this section and 3460  
the parent or movant files a written request for findings of fact 3461  
and conclusions of law, the court shall state in writing its 3462  
findings of fact and conclusions of law in accordance with Civil 3463  
Rule 52. 3464

(2) On or before July 1, 1991, each court of common pleas, by 3465

rule, shall adopt standard parenting time guidelines. A court 3466  
shall have discretion to deviate from its standard parenting time 3467  
guidelines based upon factors set forth in division (D) of this 3468  
section. 3469

(G)(1) If the residential parent intends to move to a 3470  
residence other than the residence specified in the parenting time 3471  
order or decree of the court, the parent shall file a notice of 3472  
intent to relocate with the court that issued the order or decree. 3473  
Except as provided in divisions (G)(2), (3), and (4) of this 3474  
section, the court shall send a copy of the notice to the parent 3475  
who is not the residential parent. Upon receipt of the notice, the 3476  
court, on its own motion or the motion of the parent who is not 3477  
the residential parent, may schedule a hearing with notice to both 3478  
parents to determine whether it is in the best interest of the 3479  
child to revise the parenting time schedule for the child. 3480

(2) When a court grants parenting time rights to a parent who 3482  
is not the residential parent, the court shall determine whether 3483  
that parent has been convicted of or pleaded guilty to a violation 3484  
of section 2919.25 of the Revised Code involving a victim who at 3485  
the time of the commission of the offense was a member of the 3486  
family or household that is the subject of the proceeding, has 3487  
been convicted of or pleaded guilty to any other offense involving 3488  
a victim who at the time of the commission of the offense was a 3489  
member of the family or household that is the subject of the 3490  
proceeding and caused physical harm to the victim in the 3491  
commission of the offense, or has been determined to be the 3492  
perpetrator of the abusive act that is the basis of an 3493  
adjudication that a child is an abused child. If the court 3494  
determines that that parent has not been so convicted and has not 3495  
been determined to be the perpetrator of an abusive act that is 3496  
the basis of a child abuse adjudication, the court shall issue an 3497



order stating that a copy of any notice of relocation that is 3498  
filed with the court pursuant to division (G)(1) of this section 3499  
will be sent to the parent who is given the parenting time rights 3500  
in accordance with division (G)(1) of this section. 3501

If the court determines that the parent who is granted the 3502  
parenting time rights has been convicted of or pleaded guilty to a 3503  
violation of section 2919.25 of the Revised Code involving a 3504  
victim who at the time of the commission of the offense was a 3505  
member of the family or household that is the subject of the 3506  
proceeding, has been convicted of or pleaded guilty to any other 3507  
offense involving a victim who at the time of the commission of 3508  
the offense was a member of the family or household that is the 3509  
subject of the proceeding and caused physical harm to the victim 3510  
in the commission of the offense, or has been determined to be the 3511  
perpetrator of the abusive act that is the basis of an 3512  
adjudication that a child is an abused child, it shall issue an 3513  
order stating that that parent will not be given a copy of any 3514  
notice of relocation that is filed with the court pursuant to 3515  
division (G)(1) of this section unless the court determines that 3516  
it is in the best interest of the children to give that parent a 3517  
copy of the notice of relocation, issues an order stating that 3518  
that parent will be given a copy of any notice of relocation filed 3519  
pursuant to division (G)(1) of this section, and issues specific 3520  
written findings of fact in support of its determination. 3521

(3) If a court, prior to April 11, 1991, issued an order 3522  
granting parenting time rights to a parent who is not the 3523  
residential parent and did not require the residential parent in 3524  
that order to give the parent who is granted the parenting time 3525  
rights notice of any change of address and if the residential 3526  
parent files a notice of relocation pursuant to division (G)(1) of 3527  
this section, the court shall determine if the parent who is 3528  
granted the parenting time rights has been convicted of or pleaded 3529

guilty to a violation of section 2919.25 of the Revised Code 3530  
involving a victim who at the time of the commission of the 3531  
offense was a member of the family or household that is the 3532  
subject of the proceeding, has been convicted of or pleaded guilty 3533  
to any other offense involving a victim who at the time of the 3534  
commission of the offense was a member of the family or household 3535  
that is the subject of the proceeding and caused physical harm to 3536  
the victim in the commission of the offense, or has been 3537  
determined to be the perpetrator of the abusive act that is the 3538  
basis of an adjudication that a child is an abused child. If the 3539  
court determines that the parent who is granted the parenting time 3540  
rights has not been so convicted and has not been determined to be 3541  
the perpetrator of an abusive act that is the basis of a child 3542  
abuse adjudication, the court shall issue an order stating that a 3543  
copy of any notice of relocation that is filed with the court 3544  
pursuant to division (G)(1) of this section will be sent to the 3545  
parent who is granted parenting time rights in accordance with 3546  
division (G)(1) of this section. 3547

If the court determines that the parent who is granted the 3548  
parenting time rights has been convicted of or pleaded guilty to a 3549  
violation of section 2919.25 of the Revised Code involving a 3550  
victim who at the time of the commission of the offense was a 3551  
member of the family or household that is the subject of the 3552  
proceeding, has been convicted of or pleaded guilty to any other 3553  
offense involving a victim who at the time of the commission of 3554  
the offense was a member of the family or household that is the 3555  
subject of the proceeding and caused physical harm to the victim 3556  
in the commission of the offense, or has been determined to be the 3557  
perpetrator of the abusive act that is the basis of an 3558  
adjudication that a child is an abused child, it shall issue an 3559  
order stating that that parent will not be given a copy of any 3560  
notice of relocation that is filed with the court pursuant to 3561  
division (G)(1) of this section unless the court determines that 3562

it is in the best interest of the children to give that parent a 3563  
copy of the notice of relocation, issues an order stating that 3564  
that parent will be given a copy of any notice of relocation filed 3565  
pursuant to division (G)(1) of this section, and issues specific 3566  
written findings of fact in support of its determination. 3567

(4) If a parent who is granted parenting time rights pursuant 3568  
to this section or any other section of the Revised Code is 3569  
authorized by an order issued pursuant to this section or any 3570  
other court order to receive a copy of any notice of relocation 3571  
that is filed pursuant to division (G)(1) of this section or 3572  
pursuant to court order, if the residential parent intends to move 3573  
to a residence other than the residence address specified in the 3574  
parenting time order, and if the residential parent does not want 3575  
the parent who is granted the parenting time rights to receive a 3576  
copy of the relocation notice because the parent with parenting 3577  
time rights has been convicted of or pleaded guilty to a violation 3578  
of section 2919.25 of the Revised Code involving a victim who at 3579  
the time of the commission of the offense was a member of the 3580  
family or household that is the subject of the proceeding, has 3581  
been convicted of or pleaded guilty to any other offense involving 3582  
a victim who at the time of the commission of the offense was a 3583  
member of the family or household that is the subject of the 3584  
proceeding and caused physical harm to the victim in the 3585  
commission of the offense, or has been determined to be the 3586  
perpetrator of the abusive act that is the basis of an 3587  
adjudication that a child is an abused child, the residential 3588  
parent may file a motion with the court requesting that the parent 3589  
who is granted the parenting time rights not receive a copy of any 3590  
notice of relocation. Upon the filing of the motion, the court 3591  
shall schedule a hearing on the motion and give both parents 3592  
notice of the date, time, and location of the hearing. If the 3593  
court determines that the parent who is granted the parenting time 3594  
rights has been so convicted or has been determined to be the 3595

perpetrator of an abusive act that is the basis of a child abuse 3596  
adjudication, the court shall issue an order stating that the 3597  
parent who is granted the parenting time rights will not be given 3598  
a copy of any notice of relocation that is filed with the court 3599  
pursuant to division (G)(1) of this section or that the 3600  
residential parent is no longer required to give that parent a 3601  
copy of any notice of relocation unless the court determines that 3602  
it is in the best interest of the children to give that parent a 3603  
copy of the notice of relocation, issues an order stating that 3604  
that parent will be given a copy of any notice of relocation filed 3605  
pursuant to division (G)(1) of this section, and issues specific 3606  
written findings of fact in support of its determination. If it 3607  
does not so find, it shall dismiss the motion. 3608

(H)(1) Subject to section 3125.16 and division (F) of section 3609  
3319.321 of the Revised Code, a parent of a child who is not the 3610  
residential parent of the child is entitled to access, under the 3611  
same terms and conditions under which access is provided to the 3612  
residential parent, to any record that is related to the child and 3613  
to which the residential parent of the child legally is provided 3614  
access, unless the court determines that it would not be in the 3615  
best interest of the child for the parent who is not the 3616  
residential parent to have access to the records under those same 3617  
terms and conditions. If the court determines that the parent of a 3618  
child who is not the residential parent should not have access to 3619  
records related to the child under the same terms and conditions 3620  
as provided for the residential parent, the court shall specify 3621  
the terms and conditions under which the parent who is not the 3622  
residential parent is to have access to those records, shall enter 3623  
its written findings of facts and opinion in the journal, and 3624  
shall issue an order containing the terms and conditions to both 3625  
the residential parent and the parent of the child who is not the 3626  
residential parent. The court shall include in every order issued 3627  
pursuant to this division notice that any keeper of a record who 3628

knowingly fails to comply with the order or division (H) of this 3629  
section is in contempt of court. 3630

(2) Subject to section 3125.16 and division (F) of section 3631  
3319.321 of the Revised Code, subsequent to the issuance of an 3632  
order under division (H)(1) of this section, the keeper of any 3633  
record that is related to a particular child and to which the 3634  
residential parent legally is provided access shall permit the 3635  
parent of the child who is not the residential parent to have 3636  
access to the record under the same terms and conditions under 3637  
which access is provided to the residential parent, unless the 3638  
residential parent has presented the keeper of the record with a 3639  
copy of an order issued under division (H)(1) of this section that 3640  
limits the terms and conditions under which the parent who is not 3641  
the residential parent is to have access to records pertaining to 3642  
the child and the order pertains to the record in question. If the 3643  
residential parent presents the keeper of the record with a copy 3644  
of that type of order, the keeper of the record shall permit the 3645  
parent who is not the residential parent to have access to the 3646  
record only in accordance with the most recent order that has been 3647  
issued pursuant to division (H)(1) of this section and presented 3648  
to the keeper by the residential parent or the parent who is not 3649  
the residential parent. Any keeper of any record who knowingly 3650  
fails to comply with division (H) of this section or with any 3651  
order issued pursuant to division (H)(1) of this section is in 3652  
contempt of court. 3653

(3) The prosecuting attorney of any county may file a 3654  
complaint with the court of common pleas of that county requesting 3655  
the court to issue a protective order preventing the disclosure 3656  
pursuant to division (H)(1) or (2) of this section of any 3657  
confidential law enforcement investigatory record. The court shall 3658  
schedule a hearing on the motion and give notice of the date, 3659  
time, and location of the hearing to all parties. 3660

(I) A court that issues a parenting time order or decree 3661  
pursuant to this section or section 3109.12 of the Revised Code 3662  
shall determine whether the parent granted the right of parenting 3663  
time is to be permitted access, in accordance with section 3664  
~~5104.011~~ 5104.20 of the Revised Code, to any ~~child-day-care~~ 3665  
child-care center that is, or that in the future may be, attended 3666  
by the children with whom the right of parenting time is granted. 3667  
Unless the court determines that the parent who is not the 3668  
residential parent should not have access to the center to the 3669  
same extent that the residential parent is granted access to the 3670  
center, the parent who is not the residential parent and who is 3671  
granted parenting time rights is entitled to access to the center 3672  
to the same extent that the residential parent is granted access 3673  
to the center. If the court determines that the parent who is not 3674  
the residential parent should not have access to the center to the 3675  
same extent that the residential parent is granted such access 3676  
under ~~division (C)~~ of section ~~5104.011~~ 5104.20 of the Revised 3677  
Code, the court shall specify the terms and conditions under which 3678  
the parent who is not the residential parent is to have access to 3679  
the center, provided that the access shall not be greater than the 3680  
access that is provided to the residential parent under ~~division~~ 3681  
~~(C)~~ of section ~~5104.011~~ 5104.20 of the Revised Code, the court 3682  
shall enter its written findings of fact and opinions in the 3683  
journal, and the court shall include the terms and conditions of 3684  
access in the parenting time order or decree. 3685

(J)(1) Subject to division (F) of section 3319.321 of the 3686  
Revised Code, when a court issues an order or decree allocating 3687  
parental rights and responsibilities for the care of a child, the 3688  
parent of the child who is not the residential parent of the child 3689  
is entitled to access, under the same terms and conditions under 3690  
which access is provided to the residential parent, to any student 3691  
activity that is related to the child and to which the residential 3692  
parent of the child legally is provided access, unless the court 3693

determines that it would not be in the best interest of the child 3694  
to grant the parent who is not the residential parent access to 3695  
the student activities under those same terms and conditions. If 3696  
the court determines that the parent of the child who is not the 3697  
residential parent should not have access to any student activity 3698  
that is related to the child under the same terms and conditions 3699  
as provided for the residential parent, the court shall specify 3700  
the terms and conditions under which the parent who is not the 3701  
residential parent is to have access to those student activities, 3702  
shall enter its written findings of facts and opinion in the 3703  
journal, and shall issue an order containing the terms and 3704  
conditions to both the residential parent and the parent of the 3705  
child who is not the residential parent. The court shall include 3706  
in every order issued pursuant to this division notice that any 3707  
school official or employee who knowingly fails to comply with the 3708  
order or division (J) of this section is in contempt of court. 3709

(2) Subject to division (F) of section 3319.321 of the 3710  
Revised Code, subsequent to the issuance of an order under 3711  
division (J)(1) of this section, all school officials and 3712  
employees shall permit the parent of the child who is not the 3713  
residential parent to have access to any student activity under 3714  
the same terms and conditions under which access is provided to 3715  
the residential parent of the child, unless the residential parent 3716  
has presented the school official or employee, the board of 3717  
education of the school, or the governing body of the chartered 3718  
nonpublic school with a copy of an order issued under division 3719  
(J)(1) of this section that limits the terms and conditions under 3720  
which the parent who is not the residential parent is to have 3721  
access to student activities related to the child and the order 3722  
pertains to the student activity in question. If the residential 3723  
parent presents the school official or employee, the board of 3724  
education of the school, or the governing body of the chartered 3725  
nonpublic school with a copy of that type of order, the school 3726

official or employee shall permit the parent who is not the 3727  
residential parent to have access to the student activity only in 3728  
accordance with the most recent order that has been issued 3729  
pursuant to division (J)(1) of this section and presented to the 3730  
school official or employee, the board of education of the school, 3731  
or the governing body of the chartered nonpublic school by the 3732  
residential parent or the parent who is not the residential 3733  
parent. Any school official or employee who knowingly fails to 3734  
comply with division (J) of this section or with any order issued 3735  
pursuant to division (J)(1) of this section is in contempt of 3736  
court. 3737

(K) If any person is found in contempt of court for failing 3738  
to comply with or interfering with any order or decree granting 3739  
parenting time rights issued pursuant to this section or section 3740  
3109.12 of the Revised Code or companionship or visitation rights 3741  
issued pursuant to this section, section 3109.11 or 3109.12 of the 3742  
Revised Code, or any other provision of the Revised Code, the 3743  
court that makes the finding, in addition to any other penalty or 3744  
remedy imposed, shall assess all court costs arising out of the 3745  
contempt proceeding against the person and require the person to 3746  
pay any reasonable attorney's fees of any adverse party, as 3747  
determined by the court, that arose in relation to the act of 3748  
contempt, and may award reasonable compensatory parenting time or 3749  
visitation to the person whose right of parenting time or 3750  
visitation was affected by the failure or interference if such 3751  
compensatory parenting time or visitation is in the best interest 3752  
of the child. Any compensatory parenting time or visitation 3753  
awarded under this division shall be included in an order issued 3754  
by the court and, to the extent possible, shall be governed by the 3755  
same terms and conditions as was the parenting time or visitation 3756  
that was affected by the failure or interference. 3757

(L) Any parent who requests reasonable parenting time rights 3758



with respect to a child under this section or section 3109.12 of 3759  
the Revised Code or any person who requests reasonable 3760  
companionship or visitation rights with respect to a child under 3761  
this section, section 3109.11 or 3109.12 of the Revised Code, or 3762  
any other provision of the Revised Code may file a motion with the 3763  
court requesting that it waive all or any part of the costs that 3764  
may accrue in the proceedings. If the court determines that the 3765  
movant is indigent and that the waiver is in the best interest of 3766  
the child, the court, in its discretion, may waive payment of all 3767  
or any part of the costs of those proceedings. 3768

(M) The juvenile court has exclusive jurisdiction to enter 3769  
the orders in any case certified to it from another court. 3770

(N) As used in this section: 3771

(1) "Abused child" has the same meaning as in section 3772  
2151.031 of the Revised Code, and "neglected child" has the same 3773  
meaning as in section 2151.03 of the Revised Code. 3774

(2) "Record" means any record, document, file, or other 3775  
material that contains information directly related to a child, 3776  
including, but not limited to, any of the following: 3777

(a) Records maintained by public and nonpublic schools; 3778

(b) Records maintained by facilities that provide child care, 3779  
as defined in section 5104.01 of the Revised Code, publicly funded 3780  
child care, as defined in section 5104.01 of the Revised Code, or 3781  
pre-school services operated by or under the supervision of a 3782  
school district board of education or a nonpublic school; 3783

(c) Records maintained by hospitals, other facilities, or 3784  
persons providing medical or surgical care or treatment for the 3785  
child; 3786

(d) Records maintained by agencies, departments, 3787  
instrumentalities, or other entities of the state or any political 3788

subdivision of the state, other than a child support enforcement 3789  
agency. Access to records maintained by a child support 3790  
enforcement agency is governed by section 3125.16 of the Revised 3791  
Code. 3792

(3) "Confidential law enforcement investigatory record" has 3793  
the same meaning as in section 149.43 of the Revised Code. 3794

**Sec. 3301.52.** As used in sections 3301.52 to 3301.59 of the 3795  
Revised Code: 3796

(A) "Preschool program" means either of the following: 3797

(1) A child care program for preschool children that is 3798  
operated by a school district board of education or an eligible 3799  
nonpublic school. 3800

(2) A child care program for preschool children age three or 3801  
older that is operated by a county MR/DD board. 3802

(B) "Preschool child" or "child" means a child who has not 3803  
entered kindergarten and is not of compulsory school age. 3804

(C) "Parent, guardian, or custodian" means the person or 3805  
government agency that is or will be responsible for a child's 3806  
school attendance under section 3321.01 of the Revised Code. 3807

(D) "Superintendent" means the superintendent of a school 3808  
district or the chief administrative officer of an eligible 3809  
nonpublic school. 3810

(E) "Director" means the director, head teacher, elementary 3811  
principal, or site administrator who is the individual on site and 3812  
responsible for supervision of a preschool program. 3813

(F) "Preschool staff member" means a preschool employee whose 3814  
primary responsibility is care, teaching, or supervision of 3815  
preschool children. 3816

(G) "Nonteaching employee" means a preschool program or 3817

school child program employee whose primary responsibilities are 3818  
duties other than care, teaching, and supervision of preschool 3819  
children or school children. 3820

(H) "Eligible nonpublic school" means a nonpublic school 3821  
chartered as described in division ~~(B)(8)(H)~~ of section ~~5104.02~~ 3822  
5104.021 of the Revised Code or chartered by the state board of 3823  
education for any combination of grades one through twelve, 3824  
regardless of whether it also offers kindergarten. 3825

(I) "County MR/DD board" means a county board of mental 3826  
retardation and developmental disabilities. 3827

(J) "School child program" means a child care program for 3828  
only school children that is operated by a school district board 3829  
of education, county MR/DD board, or eligible nonpublic school. 3830

(K) "School child" and "child care" have the same meanings as 3831  
in section 5104.01 of the Revised Code. 3832

(L) "School child program staff member" means an employee 3833  
whose primary responsibility is the care, teaching, or supervision 3834  
of children in a school child program. 3835

**Sec. 3301.53.** (A) Not later than July 1, 1988, the state 3836  
board of education, in consultation with the director of job and 3837  
family services, shall formulate and prescribe by rule adopted 3838  
under Chapter 119. of the Revised Code minimum standards to be 3839  
applied to preschool programs operated by school district boards 3840  
of education, county MR/DD boards, or eligible nonpublic schools. 3841  
The rules shall include the following: 3842

(1) Standards ensuring that the preschool program is located 3843  
in a safe and convenient facility that accommodates the enrollment 3844  
of the program, is of the quality to support the growth and 3845  
development of the children according to the program objectives, 3846  
and meets the requirements of section 3301.55 of the Revised Code; 3847

(2) Standards ensuring that supervision, discipline, and 3848  
programs will be administered according to established objectives 3849  
and procedures; 3850

(3) Standards ensuring that preschool staff members and 3851  
nonteaching employees are recruited, employed, assigned, 3852  
evaluated, and provided inservice education without discrimination 3853  
on the basis of age, color, national origin, race, or sex; and 3854  
that preschool staff members and nonteaching employees are 3855  
assigned responsibilities in accordance with written position 3856  
descriptions commensurate with their training and experience; 3857

(4) A requirement that boards of education intending to 3858  
establish a preschool program on or after March 17, 1989, 3859  
demonstrate a need for a preschool program that is not being met 3860  
by any existing program providing child care, prior to 3861  
establishing the program; 3862

(5) Requirements that children participating in preschool 3863  
programs have been immunized to the extent considered appropriate 3864  
by the state board to prevent the spread of communicable disease; 3865

(6) Requirements that the parents of preschool children 3866  
complete the emergency medical authorization form specified in 3867  
section 3313.712 of the Revised Code. 3868

(B) The state board of education in consultation with the 3869  
director of job and family services shall ensure that the rules 3870  
adopted by the state board under sections 3301.52 to 3301.58 of 3871  
the Revised Code are consistent with and meet or exceed the 3872  
requirements of Chapter 5104. of the Revised Code with regard to 3873  
~~child day care~~ child-care centers. The state board and the 3874  
director of job and family services shall review all such rules at 3875  
least once every five years. 3876

(C) On or before January 1, 1992, the state board of 3877  
education, in consultation with the director of job and family 3878

services, shall adopt rules for school child programs that are 3879  
consistent with and meet or exceed the requirements of the rules 3880  
adopted for school ~~child-day-care~~ child-care centers under Chapter 3881  
5104. of the Revised Code. 3882

**Sec. 3301.58.** (A) The department of education is responsible 3883  
for the licensing of preschool programs and school child programs 3884  
and for the enforcement of sections 3301.52 to 3301.59 of the 3885  
Revised Code and of any rules adopted under those sections. No 3886  
school district board of education, county MR/DD board, or 3887  
eligible nonpublic school shall operate, establish, manage, 3888  
conduct, or maintain a preschool program without a license issued 3889  
under this section. A school district board of education, county 3890  
MR/DD board, or eligible nonpublic school may obtain a license 3891  
under this section for a school child program. The school district 3892  
board of education, county MR/DD board, or eligible nonpublic 3893  
school shall post the current license for each preschool program 3894  
and licensed school child program it operates, establishes, 3895  
manages, conducts, or maintains in a conspicuous place in the 3896  
preschool program or licensed school child program that is 3897  
accessible to parents, custodians, or guardians and employees and 3898  
staff members of the program at all times when the program is in 3899  
operation. 3900

(B) Any school district board of education, county MR/DD 3901  
board, or eligible nonpublic school that desires to operate, 3902  
establish, manage, conduct, or maintain a preschool program shall 3903  
apply to the department of education for a license on a form that 3904  
the department shall prescribe by rule. Any school district board 3905  
of education, county MR/DD board, or eligible nonpublic school 3906  
that desires to obtain a license for a school child program shall 3907  
apply to the department for a license on a form that the 3908  
department shall prescribe by rule. The department shall provide 3909  
at no charge to each applicant for a license under this section a 3910

copy of the requirements under sections 3301.52 to 3301.59 of the Revised Code and any rules adopted under those sections. The department shall mail application forms for the renewal of a license at least one hundred twenty days prior to the date of the expiration of the license, and the application for renewal of a license shall be filed with the department at least sixty days before the date of the expiration of the existing license. The department may establish application fees by rule adopted under Chapter 119. of the Revised Code, and all applicants for a license shall pay any fee established by the department at the time of making an application for a license. All fees collected pursuant to this section shall be paid into the state treasury to the credit of the general revenue fund.

(C) Upon the filing of an application for a license, the department of education shall investigate and inspect the preschool program or school child program to determine the license capacity for each age category of children of the program and to determine whether the program complies with sections 3301.52 to 3301.59 of the Revised Code and any rules adopted under those sections. When, after investigation and inspection, the department of education is satisfied that sections 3301.52 to 3301.59 of the Revised Code and any rules adopted under those sections are complied with by the applicant, the department of education shall issue the program a provisional license as soon as practicable in the form and manner prescribed by the rules of the department. The provisional license shall be valid for six months from the date of issuance unless revoked.

(D) The department of education shall investigate and inspect a preschool program or school child program that has been issued a provisional license at least once during operation under the provisional license. If, after the investigation and inspection, the department of education determines that the requirements of

sections 3301.52 to 3301.59 of the Revised Code and any rules 3943  
adopted under those sections are met by the provisional licensee, 3944  
the department of education shall issue a license that is 3945  
effective for two years from the date of the issuance of the 3946  
provisional license. 3947

(E) Upon the filing of an application for the renewal of a 3948  
license by a preschool program or school child program, the 3949  
department of education shall investigate and inspect the 3950  
preschool program or school child program. If the department of 3951  
education determines that the requirements of sections 3301.52 to 3952  
3301.59 of the Revised Code and any rules adopted under those 3953  
sections are met by the applicant, the department of education 3954  
shall renew the license for two years from the date of the 3955  
expiration date of the previous license. 3956

(F) The license or provisional license shall state the name 3957  
of the school district board of education, county MR/DD board, or 3958  
eligible nonpublic school that operates the preschool program or 3959  
school child program and the license capacity of the program. The 3960  
license shall include any other information required by section 3961  
5104.03 of the Revised Code for the license of a ~~child day care~~ 3962  
child-care center. 3963

(G) The department of education may revoke the license of any 3964  
preschool program or school child program that is not in 3965  
compliance with the requirements of sections 3301.52 to 3301.59 of 3966  
the Revised Code and any rules adopted under those sections. 3967

(H) If the department of education revokes a license or 3968  
refuses to renew a license to a program, the department shall not 3969  
issue a license to the program within two years from the date of 3970  
the revocation or refusal. All actions of the department with 3971  
respect to licensing preschool programs and school child programs 3972  
shall be in accordance with Chapter 119. of the Revised Code. 3973

**Sec. 3321.01.** (A)(1) As used in this chapter, "parent," 3974  
"guardian," or "other person having charge or care of a child" 3975  
means either parent unless the parents are separated or divorced 3976  
or their marriage has been dissolved or annulled, in which case 3977  
"parent" means the parent who is the residential parent and legal 3978  
custodian of the child. If the child is in the legal or permanent 3979  
custody of a person or government agency, "parent" means that 3980  
person or government agency. When a child is a resident of a home, 3981  
as defined in section 3313.64 of the Revised Code, and the child's 3982  
parent is not a resident of this state, "parent," "guardian," or 3983  
"other person having charge or care of a child" means the head of 3984  
the home. 3985

A child between six and eighteen years of age is "of 3986  
compulsory school age" for the purpose of sections 3321.01 to 3987  
3321.13 of the Revised Code. A child under six years of age who 3988  
has been enrolled in kindergarten also shall be considered "of 3989  
compulsory school age" for the purpose of sections 3321.01 to 3990  
3321.13 of the Revised Code unless at any time the child's parent 3991  
or guardian, at the parent's or guardian's discretion and in 3992  
consultation with the child's teacher and principal, formally 3993  
withdraws the child from kindergarten. The compulsory school age 3994  
of a child shall not commence until the beginning of the term of 3995  
such schools, or other time in the school year fixed by the rules 3996  
of the board of the district in which the child resides. 3997

(2) No child shall be admitted to a kindergarten or a first 3998  
grade of a public school in a district in which all children are 3999  
admitted to kindergarten and the first grade in August or 4000  
September unless the child is five or six years of age, 4001  
respectively, by the thirtieth day of September of the year of 4002  
admittance, or by the first day of a term or semester other than 4003  
one beginning in August or September in school districts granting 4004  
admittance at the beginning of such term or semester, except that 4005



in those school districts using or obtaining educationally 4006  
accepted standardized testing programs for determining entrance, 4007  
as approved by the board of education of such districts, the board 4008  
shall admit a child to kindergarten or the first grade who fails 4009  
to meet the age requirement, provided the child meets necessary 4010  
standards as determined by such standardized testing programs. If 4011  
the board of education has not established a standardized testing 4012  
program, the board shall designate the necessary standards and a 4013  
testing program it will accept for the purpose of admitting a 4014  
child to kindergarten or first grade who fails to meet the age 4015  
requirement. Each child who will be the proper age for entrance to 4016  
kindergarten or first grade by the first day of January of the 4017  
school year for which admission is requested shall be so tested 4018  
upon the request of the child's parent. 4019

(3) Notwithstanding divisions (A)(2) and (D) of this section, 4020  
beginning with the school year that starts in 2001 and continuing 4021  
thereafter the board of education of any district may adopt a 4022  
resolution establishing the first day of August in lieu of the 4023  
thirtieth day of September as the required date by which students 4024  
must have attained the age specified in those divisions. 4025

(B) As used in divisions (C) and (D) of this section, 4026  
"successfully completed kindergarten" and "successful completion 4027  
of kindergarten" mean that the child has completed the 4028  
kindergarten requirements at one of the following: 4029

(1) A public or chartered nonpublic school; 4030

(2) A kindergarten class that is both of the following: 4031

(a) Offered by a ~~day-care~~ child-care provider licensed under 4032  
Chapter 5104. of the Revised Code; 4033

(b) If offered after July 1, 1991, is directly taught by a 4034  
teacher who holds one of the following: 4035

(i) A valid educator license issued under section 3319.22 of 4036

the Revised Code; 4037

(ii) A Montessori preprimary credential or age-appropriate 4038  
diploma granted by the American Montessori society or the 4039  
association Montessori internationale; 4040

(iii) Certification determined under division (G) of this 4041  
section to be equivalent to that described in division 4042  
(B)(2)(b)(ii) of this section; 4043

(iv) Certification for teachers in nontax-supported schools 4044  
pursuant to section 3301.071 of the Revised Code. 4045

(C) Except as provided in division (D) of this section, no 4046  
school district shall admit to the first grade any child who has 4047  
not successfully completed kindergarten. 4048

(D) Upon request of a parent, the requirement of division (C) 4049  
of this section may be waived by the district's pupil personnel 4050  
services committee in the case of a child who is at least six 4051  
years of age by the thirtieth day of September of the year of 4052  
admittance and who demonstrates to the satisfaction of the 4053  
committee the possession of the social, emotional, and cognitive 4054  
skills necessary for first grade. 4055

The board of education of each city, local, and exempted 4056  
village school district shall establish a pupil personnel services 4057  
committee. The committee shall be composed of all of the following 4058  
to the extent such personnel are either employed by the district 4059  
or employed by the governing board of the educational service 4060  
center within whose territory the district is located and the 4061  
educational service center generally furnishes the services of 4062  
such personnel to the district: 4063

(1) The director of pupil personnel services; 4064

(2) An elementary school counselor; 4065

(3) An elementary school principal; 4066

- (4) A school psychologist; 4067
- (5) A teacher assigned to teach first grade; 4068
- (6) A gifted coordinator. 4069

The responsibilities of the pupil personnel services 4070  
committee shall be limited to the issuing of waivers allowing 4071  
admittance to the first grade without the successful completion of 4072  
kindergarten. The committee shall have no other authority except 4073  
as specified in this section. 4074

(E) The scheduling of times for kindergarten classes and 4075  
length of the school day for kindergarten shall be determined by 4076  
the board of education of a city, exempted village, or local 4077  
school district. 4078

(F) Any kindergarten class offered by a ~~day-care~~ child-care 4079  
provider or school described by division (B)(1) or (B)(2)(a) of 4080  
this section shall be developmentally appropriate. 4081

(G) Upon written request of a ~~day-care~~ child-care provider 4082  
described by division (B)(2)(a) of this section, the department of 4083  
education shall determine whether certification held by a teacher 4084  
employed by the provider meets the requirement of division 4085  
(B)(2)(b)(iii) of this section and, if so, shall furnish the 4086  
provider a statement to that effect. 4087

**Sec. 3325.07.** The state board of education in carrying out 4088  
this section and section 3325.06 of the Revised Code shall, 4089  
insofar as practicable, plan, present, and carry into effect an 4090  
educational program by means of any of the following methods of 4091  
instruction: 4092

(A) Classes for parents of deaf or hard of hearing children 4093  
of preschool age; 4094

(B) A nursery school where parent and child would enter the 4095  
nursery school as a unit; 4096

(C) Correspondence course; 4097

(D) Personal consultations and interviews; 4098

(E) ~~Day-care~~ Child-care or child development courses; 4099

(F) Summer enrichment courses; 4100

(G) By such other means or methods as the superintendent of 4101  
the state school for the deaf deems advisable that would permit a 4102  
deaf or hard of hearing child of preschool age to construct a 4103  
pattern of communication at an early age. 4104

The superintendent may allow children who are not deaf or 4105  
hard of hearing to participate in the methods of instruction 4106  
described in divisions (A) to (G) of this section as a means to 4107  
assist deaf or hard of hearing children to construct a pattern of 4108  
communication. The superintendent shall establish policies and 4109  
procedures regarding the participation of children who are not 4110  
deaf or hard of hearing. 4111

The superintendent may establish reasonable fees for 4112  
participation in the methods of instruction described in divisions 4113  
(A) to (G) of this section to defray the costs of carrying them 4114  
out. The superintendent shall determine the manner by which any 4115  
such fees shall be collected. All fees shall be deposited in the 4116  
even start fees and gifts fund, which is hereby created in the 4117  
state treasury. The money in the fund shall be used to implement 4118  
this section. 4119

**Sec. 3701.80.** The department of health shall cooperate with 4120  
the director of job and family services when the director 4121  
promulgates rules pursuant to Chapter 5104. of the Revised Code 4122  
governing the health and sanitary practices of meal preparation 4123  
and service for type A family ~~day-care~~ child-care homes, as 4124  
defined in section 5104.01 of the Revised Code, recommend 4125  
procedures for inspecting type A family ~~day-care~~ child-care homes 4126

to determine whether they are in compliance with those rules, and 4127  
provide training and technical assistance to the director on the 4128  
procedures for determining compliance with those rules. 4129

**Sec. 3714.03.** (A) As used in this section: 4130

(1) "Aquifer system" means one or more geologic units or 4131  
formations that are wholly or partially saturated with water and 4132  
are capable of storing, transmitting, and yielding significant 4133  
amounts of water to wells or springs. 4134

(2) "Category 3 wetland" means a wetland that supports 4135  
superior habitat or hydrological or recreational functions as 4136  
determined by an appropriate wetland evaluation methodology 4137  
acceptable to the director of environmental protection. "Category 4138  
3 wetland" includes a wetland with high levels of diversity, a 4139  
high proportion of native species, and high functional values and 4140  
includes, but is not limited to, a wetland that contains or 4141  
provides habitat for threatened or endangered species. "Category 3 4142  
wetland" may include high quality forested wetlands, including old 4143  
growth forested wetlands, mature forested riparian wetlands, 4144  
vernal pools, bogs, fens, and wetlands that are scarce regionally. 4145

(3) "Natural area" means either of the following: 4146

(a) An area designated by the director of natural resources 4147  
as a wild, scenic, or recreational river under section 1517.14 of 4148  
the Revised Code; 4149

(b) An area designated by the United States department of the 4150  
interior as a national wild, scenic, or recreational river. 4151

(4) "Occupied dwelling" means a residential dwelling and also 4152  
includes a place of worship as defined in section 5104.01 of the 4153  
Revised Code, a ~~child day care~~ child-care center as defined in 4154  
that section, a hospital as defined in section 3727.01 of the 4155  
Revised Code, a nursing home as defined in that section, a school, 4156

and a restaurant or other eating establishment. "Occupied dwelling" does not include a dwelling owned or controlled by the owner or operator of a construction and demolition debris facility to which the siting criteria established under this section are being applied.

(5) "Residential dwelling" means a building used or intended to be used in whole or in part as a personal residence by the owner, part-time owner, or lessee of the building or any person authorized by the owner, part-time owner, or lessee to use the building as a personal residence.

(B) Neither the director of environmental protection nor any board of health shall issue a permit to install under section 3714.051 of the Revised Code to establish a new construction and demolition debris facility when any portion of the facility is proposed to be located in either of the following locations:

(1) Within the boundaries of a one-hundred-year flood plain, as those boundaries are shown on the applicable maps prepared under the "National Flood Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as amended, unless the owner or operator has obtained an exemption from division (B)(1) of this section in accordance with section 3714.04 of the Revised Code. If no such maps have been prepared, the boundaries of a one-hundred-year flood plain shall be determined by the applicant for a permit based upon standard methodologies set forth in "urban hydrology for small watersheds" (soil conservation service technical release number 55) and section 4 of the "national engineering hydrology handbook" of the soil conservation service of the United States department of agriculture.

(2) Within the boundaries of a sole source aquifer designated by the administrator of the United States environmental protection agency under the "Safe Drinking Water Act," 88 Stat. 1660 (1974), 42 U.S.C.A. 300f, as amended.

(C) Neither the director nor any board shall issue a permit 4189  
to install under section 3714.051 of the Revised Code to establish 4190  
a new construction and demolition debris facility when the 4191  
horizontal limits of construction and demolition debris placement 4192  
at the new facility are proposed to be located in any of the 4193  
following locations: 4194

(1) Within one hundred feet of a perennial stream as defined 4195  
by the United States geological survey seven and one-half minute 4196  
quadrangle map or a category 3 wetland; 4197

(2) Within one hundred feet of the facility's property line; 4198

(3)(a) Except as provided in division (C)(3)(b) of this 4199  
section, within five hundred feet of a residential or public water 4200  
supply well. 4201

(b) Division (C)(3)(a) of this section does not apply to a 4202  
residential well under any of the circumstances specified in 4203  
divisions (C)(3)(b)(i) to (iii) of this section as follows: 4204

(i) The well is controlled by the owner or operator of the 4205  
construction and demolition debris facility. 4206

(ii) The well is hydrologically separated from the horizontal 4207  
limits of construction and demolition debris placement. 4208

(iii) The well is at least three hundred feet upgradient from 4209  
the horizontal limits of construction and demolition debris 4210  
placement and division (D) of this section does not prohibit the 4211  
issuance of the permit to install. 4212

(4) Within five hundred feet of a park created or operated 4213  
pursuant to section 301.26, 511.18, 755.08, 1545.04, or 1545.041 4214  
of the Revised Code, a state park established or dedicated under 4215  
Chapter 1541. of the Revised Code, a state park purchase area 4216  
established under section 1541.02 of the Revised Code, a national 4217  
recreation area, any unit of the national park system, or any 4218

property that lies within the boundaries of a national park or 4219  
recreation area, but that has not been acquired or is not 4220  
administered by the secretary of the United States department of 4221  
the interior, located in this state, or any area located in this 4222  
state that is recommended by the secretary for study for potential 4223  
inclusion in the national park system in accordance with "The Act 4224  
of August 18, 1970," 84 Stat. 825, 16 U.S.C.A. 1a-5, as amended; 4225

(5) Within five hundred feet of a natural area, any area 4226  
established by the department of natural resources as a state 4227  
wildlife area under Chapter 1531. of the Revised Code and rules 4228  
adopted under it, any area that is formally dedicated as a nature 4229  
preserve under section 1517.05 of the Revised Code, or any area 4230  
designated by the United States department of the interior as a 4231  
national wildlife refuge; 4232

(6) Within five hundred feet of a lake or reservoir of one 4233  
acre or more that is hydrogeologically connected to ground water. 4234  
For purposes of division (C)(6) of this section, a lake or 4235  
reservoir does not include a body of water constructed and used 4236  
for purposes of surface water drainage or sediment control. 4237

(7) Within five hundred feet of a state forest purchased or 4238  
otherwise acquired under Chapter 1503. of the Revised Code; 4239

(8) Within five hundred feet of land that is placed on the 4240  
state registry of historic landmarks under section 149.55 of the 4241  
Revised Code; 4242

(9) Within five hundred feet of an occupied dwelling unless 4243  
written permission is given by the owner of the dwelling. 4244

(D) Neither the director nor any board shall issue a permit 4245  
to install under section 3714.051 of the Revised Code to establish 4246  
a new construction and demolition debris facility when the limits 4247  
of construction and demolition debris placement at the new 4248  
facility are proposed to have an isolation distance of less than 4249



five feet from the uppermost aquifer system that consists of 4250  
material that has a maximum hydraulic conductivity of  $1 \times 10^{-5}$  4251  
cm/sec and all of the geologic material comprising the isolation 4252  
distance has a hydraulic conductivity equivalent to or less than  $1$  4253  
 $\times 10^{-6}$  cm/sec. 4254

(E) Neither the director nor any board shall issue a permit 4255  
to install under section 3714.051 of the Revised Code to establish 4256  
a new construction and demolition debris facility when the road 4257  
that is designated by the owner or operator as the main hauling 4258  
road at the facility to and from the limits of construction and 4259  
demolition debris placement is proposed to be located within five 4260  
hundred feet of an occupied dwelling unless written permission is 4261  
given by the owner of the occupied dwelling. 4262

(F) Neither the director nor any board shall issue a permit 4263  
to install under section 3714.051 of the Revised Code to establish 4264  
a new construction and demolition debris facility unless the new 4265  
facility will have all of the following: 4266

(1) Access roads that shall be constructed in a manner that 4267  
allows use in all weather conditions and will withstand the 4268  
anticipated degree of use and minimize erosion and generation of 4269  
dust; 4270

(2) Surface water drainage and sediment controls that are 4271  
required by the director; 4272

(3) If the facility is proposed to be located in an area in 4273  
which an applicable zoning resolution allows residential 4274  
construction, vegetated earthen berms or an equivalent barrier 4275  
with a minimum height of six feet separating the facility from 4276  
adjoining property. 4277

(G)(1) The siting criteria established in this section shall 4278  
be applied to an application for a permit to install at the time 4279  
that the application is submitted to the director or a board of 4280

health, as applicable. Circumstances related to the siting 4281  
criteria that change after the application is submitted shall not 4282  
be considered in approving or disapproving the application. 4283

(2) The siting criteria established in this section by this 4284  
amendment do not apply to an expansion of a construction and 4285  
demolition debris facility that was in operation prior to ~~the~~ 4286  
~~effective date of this amendment~~ December 22, 2005, onto property 4287  
within the property boundaries identified in the application for 4288  
the initial license for that facility or any subsequent license 4289  
issued for that facility up to and including the license issued 4290  
for that facility for calendar year 2005. The siting criteria 4291  
established in this section prior to ~~the effective date of this~~ 4292  
~~amendment~~ December 22, 2005, apply to such an expansion. 4293

**Sec. 3717.42.** (A) The following are not food service 4294  
operations: 4295

(1) A retail food establishment licensed under this chapter, 4296  
including a retail food establishment that provides the services 4297  
of a food service operation pursuant to an endorsement issued 4298  
under section 3717.24 of the Revised Code; 4299

(2) An entity exempt from the requirement to be licensed as a 4300  
retail food establishment under division (B) of section 3717.22 of 4301  
the Revised Code; 4302

(3) A business or that portion of a business that is 4303  
regulated by the federal government or the department of 4304  
agriculture as a food manufacturing or food processing business, 4305  
including a business or that portion of a business regulated by 4306  
the department of agriculture under Chapter 911., 913., 915., 4307  
917., 918., or 925. of the Revised Code. 4308

(B) All of the following are exempt from the requirement to 4309  
be licensed as a food service operation: 4310

(1) A private home in which individuals related by blood, 4311  
marriage, or law reside and in which the food that is prepared or 4312  
served is intended only for those individuals and their nonpaying 4313  
guests; 4314

(2) A private home operated as a bed-and-breakfast that 4315  
prepares and offers food to guests, if the home is owner-occupied, 4316  
the number of available guest bedrooms does not exceed six, 4317  
breakfast is the only meal offered, and the number of guests 4318  
served does not exceed sixteen; 4319

(3) A stand operated on the premises of a private home by one 4320  
or more children under the age of twelve, if the food served is 4321  
not potentially hazardous; 4322

(4) A residential facility that accommodates not more than 4323  
sixteen residents; is licensed, certified, registered, or 4324  
otherwise regulated by the federal government or by the state or a 4325  
political subdivision of the state; and prepares food for or 4326  
serves food to only the residents of the facility, the staff of 4327  
the facility, and any nonpaying guests of residents or staff; 4328

(5) A church, school, fraternal or veterans' organization, 4329  
volunteer fire organization, or volunteer emergency medical 4330  
service organization preparing or serving food intended for 4331  
individual portion service on its premises for not more than seven 4332  
consecutive days or not more than fifty-two separate days during a 4333  
licensing period. This exemption extends to any individual or 4334  
group raising all of its funds during the time periods specified 4335  
in division (B)(5) of this section for the benefit of the church, 4336  
school, or organization by preparing or serving food intended for 4337  
individual portion service under the same conditions. 4338

(6) A common carrier that prepares or serves food, if the 4339  
carrier is regulated by the federal government; 4340

(7) A food service operation serving thirteen or fewer 4341

individuals daily; 4342

(8) A type A ~~or type B~~ family ~~day-care~~ child-care home or 4343  
type B family child-care home, as defined in section 5104.01 of 4344  
the Revised Code, that prepares or serves food for the children 4345  
receiving ~~day-care~~ child care; 4346

(9) A vending machine location where the only foods dispensed 4347  
are foods from one or both of the following categories: 4348

(a) Prepackaged foods that are not potentially hazardous; 4349

(b) Nuts, panned or wrapped bulk chewing gum, or panned or 4350  
wrapped bulk candies. 4351

(10) A place servicing the vending machines at a vending 4352  
machine location described in division (B)(9) of this section; 4353

(11) A commissary servicing vending machines that dispense 4354  
only milk, milk products, or frozen desserts that are under a 4355  
state or federal inspection and analysis program; 4356

(12) A "controlled location vending machine location," which 4357  
means a vending machine location at which all of the following 4358  
apply: 4359

(a) The vending machines dispense only foods that are not 4360  
potentially hazardous; 4361

(b) The machines are designed to be filled and maintained in 4362  
a sanitary manner by untrained persons; 4363

(c) Minimal protection is necessary to ensure against 4364  
contamination of food and equipment. 4365

(13) A private home that prepares and offers food to guests, 4366  
if the home is owner-occupied, meals are served on the premises of 4367  
that home, the number of meals served does not exceed one hundred 4368  
fifteen per week, and the home displays a notice in a place 4369  
conspicuous to all of its guests informing them that the home is 4370  
not required to be licensed as a food service operation; 4371

(14) An individual who prepares full meals or meal components, such as pies or baked goods, in the individual's home to be served off the premises of that home, if the number of meals or meal components prepared for that purpose does not exceed twenty in a seven-day period.

**Sec. 3737.22.** (A) The fire marshal shall do all of the following:

(1) Adopt the state fire code under sections 3737.82 to 3737.86 of the Revised Code;

(2) Enforce the state fire code;

(3) Appoint assistant fire marshals who are authorized to enforce the state fire code;

(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;

(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;

(6) Engage in research on the cause and prevention of losses due to fire and explosion;

(7) Engage in public education and informational activities which will inform the public of fire safety information;

(8) Operate a fire training academy and forensic laboratory;

(9) Conduct other fire safety and fire fighting training activities for the public and groups as will further the cause of fire safety;

(10) Conduct licensing examinations, and issue permits, 4401  
licenses, and certificates, as authorized by the Revised Code; 4402

(11) Conduct tests of fire protection systems and devices, 4403  
and fire fighting equipment to determine compliance with the state 4404  
fire code, unless a building is insured against the hazard of 4405  
fire, in which case such tests may be performed by the company 4406  
insuring the building; 4407

(12) Establish and collect fees for conducting licensing 4408  
examinations and for issuing permits, licenses, and certificates; 4409

(13) Make available for the prosecuting attorney and an 4410  
assistant prosecuting attorney from each county of this state, in 4411  
accordance with section 3737.331 of the Revised Code, a seminar 4412  
program, attendance at which is optional, that is designed to 4413  
provide current information, data, training, and techniques 4414  
relative to the prosecution of arson cases; 4415

(14) Administer and enforce Chapter 3743. of the Revised 4416  
Code; 4417

(15) Develop a uniform standard for the reporting of 4418  
information required to be filed under division (E)(4) of section 4419  
2921.22 of the Revised Code, and accept the reports of the 4420  
information when they are filed. 4421

(B) The fire marshal shall appoint a chief deputy fire 4422  
marshal, and shall employ professional and clerical assistants as 4423  
the fire marshal considers necessary. The chief deputy shall be a 4424  
competent former or current member of a fire agency and possess 4425  
five years of recent, progressively more responsible experience in 4426  
fire inspection, fire code enforcement, and fire code management. 4427  
The chief deputy, with the approval of the director of commerce, 4428  
shall temporarily assume the duties of the fire marshal when the 4429  
fire marshal is absent or temporarily unable to carry out the 4430  
duties of the office. When there is a vacancy in the office of 4431

fire marshal, the chief deputy, with the approval of the director 4432  
of commerce, shall temporarily assume the duties of the fire 4433  
marshal until a new fire marshal is appointed under section 4434  
3737.21 of the Revised Code. 4435

All employees, other than the fire marshal; the chief deputy 4436  
fire marshal; the superintendent of the Ohio fire academy; the 4437  
grants administrator; the fiscal officer; the executive secretary 4438  
to the fire marshal; legal counsel; the pyrotechnics 4439  
administrator, the chief of the forensic laboratory; the person 4440  
appointed by the fire marshal to serve as administrator over 4441  
functions concerning testing, license examinations, and the 4442  
issuance of permits and certificates; and the chiefs of the 4443  
bureaus of fire prevention, of fire and explosion investigation, 4444  
of code enforcement, and of underground storage tanks shall be in 4445  
the classified civil service. The fire marshal shall authorize the 4446  
chief deputy and other employees under the fire marshal's 4447  
supervision to exercise powers granted to the fire marshal by law 4448  
as may be necessary to carry out the duties of the fire marshal's 4449  
office. 4450

(C) The fire marshal shall create, in and as a part of the 4451  
office of fire marshal, a fire and explosion investigation bureau 4452  
consisting of a chief of the bureau and additional assistant fire 4453  
marshals as the fire marshal determines necessary for the 4454  
efficient administration of the bureau. The chief shall be 4455  
experienced in the investigation of the cause, origin, and 4456  
circumstances of fires, and in administration, including the 4457  
supervision of subordinates. The chief, among other duties 4458  
delegated to the chief by the fire marshal, shall be responsible, 4459  
under the direction of the fire marshal, for the investigation of 4460  
the cause, origin, and circumstances of fires and explosions in 4461  
the state, and for assistance in the prosecution of persons 4462  
believed to be guilty of arson or a similar crime. 4463

(D)(1) The fire marshal shall create, as part of the office 4464  
of fire marshal, a bureau of code enforcement consisting of a 4465  
chief of the bureau and additional assistant fire marshals as the 4466  
fire marshal determines necessary for the efficient administration 4467  
of the bureau. The chief shall be qualified, by education or 4468  
experience, in fire inspection, fire code development, fire code 4469  
enforcement, or any other similar field determined by the fire 4470  
marshal, and in administration, including the supervision of 4471  
subordinates. The chief is responsible, under the direction of the 4472  
fire marshal, for fire inspection, fire code development, fire 4473  
code enforcement, and any other duties delegated to the chief by 4474  
the fire marshal. 4475

(2) The fire marshal, the chief deputy fire marshal, the 4476  
chief of the bureau of code enforcement, or any assistant fire 4477  
marshal under the direction of the fire marshal, the chief deputy 4478  
fire marshal, or the chief of the bureau of code enforcement may 4479  
cause to be conducted the inspection of all buildings, structures, 4480  
and other places, the condition of which may be dangerous from a 4481  
fire safety standpoint to life or property, or to property 4482  
adjacent to the buildings, structures, or other places. 4483

(E) The fire marshal shall create, as a part of the office of 4484  
fire marshal, a bureau of fire prevention consisting of a chief of 4485  
the bureau and additional assistant fire marshals as the fire 4486  
marshal determines necessary for the efficient administration of 4487  
the bureau. The chief shall be qualified, by education or 4488  
experience, to promote programs for rural and urban fire 4489  
prevention and protection. The chief, among other duties delegated 4490  
to the chief by the fire marshal, is responsible, under the 4491  
direction of the fire marshal, for the promotion of rural and 4492  
urban fire prevention and protection through public information 4493  
and education programs. 4494

(F) The fire marshal shall cooperate with the director of job 4495



and family services when the director adopts rules under section 4496  
~~5104.052~~ 5104.018 of the Revised Code regarding fire prevention 4497  
and fire safety in licensed type B family child-care homes and 4498  
certified type B family ~~day-care~~ child-care homes, as defined in 4499  
section 5104.01 of the Revised Code, recommend procedures for 4500  
inspecting type B homes to determine whether they are in 4501  
compliance with those rules, and provide training and technical 4502  
assistance to the director and, in the case of certified type B 4503  
family child-care homes, county directors of job and family 4504  
services on the procedures for determining compliance with those 4505  
rules. 4506

(G) The fire marshal, upon request of a provider of child 4507  
care in a type B home that is not licensed by the director of job 4508  
and family services or certified by ~~the~~ a county director of job 4509  
and family services, as a precondition of approval by the state 4510  
board of education under section 3313.813 of the Revised Code for 4511  
receipt of United States department of agriculture child and adult 4512  
care food program funds established under the "National School 4513  
Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, shall 4514  
inspect the type B home to determine compliance with rules adopted 4515  
under section ~~5104.052~~ 5104.018 of the Revised Code regarding fire 4516  
prevention and fire safety in certified type B homes. In municipal 4517  
corporations and in townships where there is a certified fire 4518  
safety inspector, the inspections shall be made by that inspector 4519  
under the supervision of the fire marshal, according to rules 4520  
adopted under section ~~5104.052~~ 5104.018 of the Revised Code. In 4521  
townships outside municipal corporations where there is no 4522  
certified fire safety inspector, inspections shall be made by the 4523  
fire marshal. 4524

**Sec. 3737.83.** The fire marshal shall, as part of the state 4525  
fire code, adopt rules to: 4526

(A) Establish minimum standards of performance for fire protection equipment and fire fighting equipment; 4527  
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(B) Establish minimum standards of training, fix minimum qualifications, and require certificates for all persons who engage in the business for profit of installing, testing, repairing, or maintaining fire protection equipment; 4529  
4530  
4531  
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(C) Provide for the issuance of certificates required under division (B) of this section and establish the fees to be charged for such certificates. A certificate shall be granted, renewed, or revoked according to rules the fire marshal shall adopt. 4533  
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(D) Establish minimum standards of flammability for consumer goods in any case where the federal government or any department or agency thereof has established, or may from time to time establish standards of flammability for consumer goods. The standards established by the fire marshal shall be identical to the minimum federal standards. 4537  
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In any case where the federal government or any department or agency thereof, establishes standards of flammability for consumer goods subsequent to the adoption of a flammability standard by the fire marshal, standards previously adopted by the fire marshal shall not continue in effect to the extent such standards are not identical to the minimum federal standards. 4543  
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With respect to the adoption of minimum standards of flammability, this division shall supersede any authority granted a political subdivision by any other section of the Revised Code. 4549  
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(E) Establish minimum standards pursuant to section 5104.05 of the Revised Code for fire prevention and fire safety in ~~child day-care~~ child-care centers and in type A family ~~day-care~~ child-care homes, as defined in section 5104.01 of the Revised Code. 4552  
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(F) Establish minimum standards for fire prevention and 4557

safety an adult group home seeking licensure as an adult care 4558  
facility must meet under section 3722.02 of the Revised Code. The 4559  
fire marshal shall adopt the rules under this division in 4560  
consultation with the directors of health and aging and interested 4561  
parties designated by the directors of health and aging. 4562

**Sec. 3737.841.** As used in this section and section 3737.842 4563  
of the Revised Code: 4564

(A) "Public occupancy" means all of the following: 4565

(1) Any state correctional institution as defined in section 4566  
2967.01 of the Revised Code and any county, multicounty, 4567  
municipal, or municipal-county jail or workhouse; 4568

(2) Any hospital as defined in section 3727.01 of the Revised 4569  
Code, any hospital licensed by the department of mental health 4570  
under section 5119.20 of the Revised Code, and any institution, 4571  
hospital, or other place established, controlled, or supervised by 4572  
the department of mental health under Chapter 5119. of the Revised 4573  
Code; 4574

(3) Any nursing home, residential care facility, or home for 4575  
the aging as defined in section 3721.01 of the Revised Code and 4576  
any adult care facility as defined in section 3722.01 of the 4577  
Revised Code; 4578

(4) Any ~~child day-care~~ child-care center and any type A 4579  
family ~~day-care~~ child-care home as defined in section 5104.01 of 4580  
the Revised Code; 4581

(5) Any public auditorium or stadium; 4582

(6) Public assembly areas of hotels and motels containing 4583  
more than ten articles of seating furniture. 4584

(B) "Sell" includes sell, offer or expose for sale, barter, 4585  
trade, deliver, give away, rent, consign, lease, possess for sale, 4586  
or dispose of in any other commercial manner. 4587

(C) Except as provided in division (D) of this section, 4588  
"seating furniture" means any article of furniture, including 4589  
children's furniture, that can be used as a support for an 4590  
individual, or ~~his~~ an individual's limbs or feet, when sitting or 4591  
resting in an upright or reclining position and that either: 4592

(1) Is made with loose or attached cushions or pillows; 4593

(2) Is stuffed or filled in whole or in part with any filling 4594  
material; 4595

(3) Is or can be stuffed or filled in whole or in part with 4596  
any substance or material, concealed by fabric or any other 4597  
covering. 4598

"Seating furniture" includes the cushions or pillows 4599  
belonging to or forming a part of the furniture, the structural 4600  
unit, and the filling material and its container or covering. 4601

(D) "Seating furniture" does not include, except if intended 4602  
for use by children or in facilities designed for the care or 4603  
treatment of humans, any of the following: 4604

(1) Cushions or pads intended solely for outdoor use; 4605

(2) Any article with a smooth surface that contains no more 4606  
than one-half inch of filling material, if that article does not 4607  
have an upholstered horizontal surface meeting an upholstered 4608  
vertical surface; 4609

(3) Any article manufactured solely for recreational use or 4610  
physical fitness purposes, including weight-lifting benches, 4611  
gymnasium mats or pads, and sidehorses. 4612

(E) "Filling material" means cotton, wool, kapok, feathers, 4613  
down, hair, liquid, or any other natural or ~~manmade~~ artificial 4614  
material or substance that is used or can be used as stuffing in 4615  
seating furniture. 4616

Sec. 3742.01. As used in this chapter: 4617

(A) "Board of health" means the board of health of a city or 4618  
general health district or the authority having the duties of a 4619  
board of health under section 3709.05 of the Revised Code. 4620

(B) "Child care facility" means each area of any of the 4621  
following in which child care, as defined in section 5104.01 of 4622  
the Revised Code, is provided to children under six years of age: 4623

(1) A ~~child day care~~ child-care center, type A family 4624  
~~day care~~ child-care home, or type B family ~~day care~~ child-care 4625  
home as defined in section 5104.01 of the Revised Code; 4626

(2) ~~A type C family day care home authorized to provide child~~ 4627  
~~care by Sub. H.B. 62 of the 121st general assembly, as amended by~~ 4628  
~~Am. Sub. S.B. 160 of the 121st general assembly and Sub. H.B. 407~~ 4629  
~~of the 123rd general assembly;~~ 4630

~~(3)~~ A preschool program or school child program as defined in 4631  
section 3301.52 of the Revised Code. 4632

(C) "Clearance examination" means an examination to determine 4633  
whether the lead hazards in a residential unit, child care 4634  
facility, or school have been sufficiently controlled. A clearance 4635  
examination includes a visual assessment, collection, and analysis 4636  
of environmental samples. 4637

(D) "Clearance technician" means a person, other than a 4638  
licensed lead inspector or licensed lead risk assessor, who 4639  
performs a clearance examination. 4640

(E) "Clinical laboratory" means a facility for the 4641  
biological, microbiological, serological, chemical, 4642  
immuno-hematological, hematological, biophysical, cytological, 4643  
pathological, or other examination of substances derived from the 4644  
human body for the purpose of providing information for the 4645  
diagnosis, prevention, or treatment of any disease, or in the 4646

assessment or impairment of the health of human beings. "Clinical laboratory" does not include a facility that only collects or prepares specimens, or serves as a mailing service, and does not perform testing.

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

(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. 4678

(K)(1) "Lead abatement" means a measure or set of measures 4679  
designed for the single purpose of permanently eliminating lead 4680  
hazards. "Lead abatement" includes all of the following: 4681

(a) Removal of lead-based paint and lead-contaminated dust; 4682

(b) Permanent enclosure or encapsulation of lead-based paint; 4683

(c) Replacement of surfaces or fixtures painted with 4684  
lead-based paint; 4685

(d) Removal or permanent covering of lead-contaminated soil; 4686

(e) Preparation, cleanup, and disposal activities associated 4687  
with lead abatement. 4688

(2) "Lead abatement" does not include any of the following: 4689

(a) Preventive treatments performed pursuant to section 4690  
3742.41 of the Revised Code; 4691

(b) Implementation of interim controls; 4692

(c) Activities performed by a property owner on a residential 4693  
unit to which both of the following apply: 4694

(i) It is a freestanding single-family home used as the 4695  
property owner's private residence. 4696

(ii) No child under six years of age who has lead poisoning 4697  
resides in the unit. 4698

(L) "Lead abatement contractor" means any individual who 4699  
engages in or intends to engage in lead abatement and employs or 4700  
supervises one or more lead abatement workers, including on-site 4701  
supervision of lead abatement projects, or prepares 4702  
specifications, plans, or documents for a lead abatement project. 4703

(M) "Lead abatement project" means one or more lead abatement 4704  
activities that are conducted by a lead abatement contractor and 4705  
are reasonably related to each other. 4706

(N) "Lead abatement project designer" means a person who is 4707  
responsible for designing lead abatement projects and preparing a 4708  
pre-abatement plan for all designed projects. 4709

(O) "Lead abatement worker" means an individual who is 4710  
responsible in a nonsupervisory capacity for the performance of 4711  
lead abatement. 4712

(P) "Lead-based paint" means any paint or other similar 4713  
surface-coating substance containing lead at or in excess of the 4714  
level that is hazardous to human health as established by rule of 4715  
the public health council under section 3742.50 of the Revised 4716  
Code. 4717

(Q) "Lead-contaminated dust" means dust that contains an area 4718  
or mass concentration of lead at or in excess of the level that is 4719  
hazardous to human health as established by rule of the public 4720  
health council under section 3742.50 of the Revised Code. 4721

(R) "Lead-contaminated soil" means soil that contains lead at 4722  
or in excess of the level that is hazardous to human health as 4723  
established by rule of the public health council under section 4724  
3742.50 of the Revised Code. 4725

(S) "Lead hazard" means material that is likely to cause lead 4726  
exposure and endanger an individual's health as determined by the 4727  
public health council in rules adopted under section 3742.50 of 4728  
the Revised Code. "Lead hazard" includes lead-based paint, 4729  
lead-contaminated dust, lead-contaminated soil, and 4730  
lead-contaminated water pipes. 4731

(T) "Lead inspection" means a surface-by-surface 4732  
investigation to determine the presence of lead-based paint. The 4733  
inspection shall use a sampling or testing technique approved by 4734  
the public health council in rules adopted by the council under 4735  
section 3742.03 of the Revised Code. A licensed lead inspector or 4736  
laboratory approved under section 3742.09 of the Revised Code 4737



shall certify in writing the precise results of the inspection. 4738

(U) "Lead inspector" means any individual who conducts a lead 4739  
inspection, provides professional advice regarding a lead 4740  
inspection, or prepares a report explaining the results of a lead 4741  
inspection. 4742

(V) "Lead poisoning" means the level of lead in human blood 4743  
that is hazardous to human health, as specified in rules adopted 4744  
under section 3742.50 of the Revised Code. 4745

(W) "Lead risk assessment" means an on-site investigation to 4746  
determine and report the existence, nature, severity, and location 4747  
of lead hazards in a residential unit, child care facility, or 4748  
school, including information gathering from the unit, facility, 4749  
or school's current owner's knowledge regarding the age and 4750  
painting history of the unit, facility, or school and occupancy by 4751  
children under six years of age, visual inspection, limited wipe 4752  
sampling or other environmental sampling techniques, and any other 4753  
activity as may be appropriate. 4754

(X) "Lead risk assessor" means a person who is responsible 4755  
for developing a written inspection, risk assessment, and analysis 4756  
plan; conducting inspections for lead hazards in a residential 4757  
unit, child care facility, or school; interpreting results of 4758  
inspections and risk assessments; identifying hazard control 4759  
strategies to reduce or eliminate lead exposures; and completing a 4760  
risk assessment report. 4761

(Y) "Lead-safe renovation" means the supervision or 4762  
performance of services for the general improvement of all or part 4763  
of an existing structure, including a residential unit, child care 4764  
facility, or school, when the services are supervised or performed 4765  
by a lead-safe renovator. 4766

(Z) "Lead-safe renovator" means a person who has successfully 4767  
completed a training program in lead-safe renovation approved 4768

under section 3742.47 of the Revised Code. 4769

(AA) "Manager" means a person, who may be the same person as 4770  
the owner, responsible for the daily operation of a residential 4771  
unit, child care facility, or school. 4772

(BB) "Permanent" means an expected design life of at least 4773  
twenty years. 4774

(CC) "Replacement" means an activity that entails removing 4775  
components such as windows, doors, and trim that have lead hazards 4776  
on their surfaces and installing components free of lead hazards. 4777

(DD) "Residential unit" means a dwelling or any part of a 4778  
building being used as an individual's private residence. 4779

(EE) "School" means a public or nonpublic school in which 4780  
children under six years of age receive education. 4781

**Sec. 3781.06.** (A)(1) Any building that may be used as a place 4782  
of resort, assembly, education, entertainment, lodging, dwelling, 4783  
trade, manufacture, repair, storage, traffic, or occupancy by the 4784  
public, any residential building, and all other buildings or parts 4785  
and appurtenances of those buildings erected within this state, 4786  
shall be so constructed, erected, equipped, and maintained that 4787  
they shall be safe and sanitary for their intended use and 4788  
occupancy. 4789

(2) Nothing in sections 3781.06 to 3781.18 and 3791.04 of the 4790  
Revised Code shall be construed to limit the power of the public 4791  
health council to adopt rules of uniform application governing 4792  
manufactured home parks pursuant to section 3733.02 of the Revised 4793  
Code. 4794

(B) Sections 3781.06 to 3781.18 and 3791.04 of the Revised 4795  
Code do not apply to either of the following: 4796

(1) Buildings or structures that are incident to the use for 4797  
agricultural purposes of the land on which the buildings or 4798

structures are located, provided those buildings or structures are 4799  
not used in the business of retail trade. For purposes of this 4800  
division, a building or structure is not considered used in the 4801  
business of retail trade if fifty per cent or more of the gross 4802  
income received from sales of products in the building or 4803  
structure by the owner or operator is from sales of products 4804  
produced or raised in a normal crop year on farms owned or 4805  
operated by the seller. 4806

(2) Existing single-family, two-family, and three-family 4807  
detached dwelling houses for which applications have been 4808  
submitted to the director of job and family services pursuant to 4809  
section 5104.03 of the Revised Code for the purposes of operating 4810  
type A family ~~day-care~~ child-care homes as defined in section 4811  
5104.01 of the Revised Code. 4812

(C) As used in sections 3781.06 to 3781.18 and 3791.04 of the 4813  
Revised Code: 4814

(1) "Agricultural purposes" include agriculture, farming, 4815  
dairying, pasturage, apiculture, horticulture, floriculture, 4816  
viticulture, ornamental horticulture, olericulture, pomiculture, 4817  
and animal and poultry husbandry. 4818

(2) "Building" means any structure consisting of foundations, 4819  
walls, columns, girders, beams, floors, and roof, or a combination 4820  
of any number of these parts, with or without other parts or 4821  
appurtenances. 4822

(3) "Industrialized unit" means a building unit or assembly 4823  
of closed construction fabricated in an off-site facility, that is 4824  
substantially self-sufficient as a unit or as part of a greater 4825  
structure, and that requires transportation to the site of 4826  
intended use. "Industrialized unit" includes units installed on 4827  
the site as independent units, as part of a group of units, or 4828  
incorporated with standard construction methods to form a 4829

completed structural entity. "Industrialized unit" does not 4830  
include a manufactured home as defined by division (C)(4) of this 4831  
section or a mobile home as defined by division (O) of section 4832  
4501.01 of the Revised Code. 4833

(4) "Manufactured home" means a building unit or assembly of 4834  
closed construction that is fabricated in an off-site facility and 4835  
constructed in conformance with the federal construction and 4836  
safety standards established by the secretary of housing and urban 4837  
development pursuant to the "Manufactured Housing Construction and 4838  
Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 4839  
5403, and that has a permanent label or tag affixed to it, as 4840  
specified in 42 U.S.C.A. 5415, certifying compliance with all 4841  
applicable federal construction and safety standards. 4842

(5) "Permanent foundation" means permanent masonry, concrete, 4843  
or a footing or foundation approved by the manufactured homes 4844  
commission pursuant to Chapter 4781. of the Revised Code, to which 4845  
a manufactured or mobile home may be affixed. 4846

(6) "Permanently sited manufactured home" means a 4847  
manufactured home that meets all of the following criteria: 4848

(a) The structure is affixed to a permanent foundation and is 4849  
connected to appropriate facilities; 4850

(b) The structure, excluding any addition, has a width of at 4851  
least twenty-two feet at one point, a length of at least 4852  
twenty-two feet at one point, and a total living area, excluding 4853  
garages, porches, or attachments, of at least nine hundred square 4854  
feet; 4855

(c) The structure has a minimum 3:12 residential roof pitch, 4856  
conventional residential siding, and a six-inch minimum eave 4857  
overhang, including appropriate guttering; 4858

(d) The structure was manufactured after January 1, 1995; 4859

(e) The structure is not located in a manufactured home park 4860  
as defined by section 3733.01 of the Revised Code. 4861

(7) "Safe," with respect to a building, means it is free from 4862  
danger or hazard to the life, safety, health, or welfare of 4863  
persons occupying or frequenting it, or of the public and from 4864  
danger of settlement, movement, disintegration, or collapse, 4865  
whether such danger arises from the methods or materials of its 4866  
construction or from equipment installed therein, for the purpose 4867  
of lighting, heating, the transmission or utilization of electric 4868  
current, or from its location or otherwise. 4869

(8) "Sanitary," with respect to a building, means it is free 4870  
from danger or hazard to the health of persons occupying or 4871  
frequenting it or to that of the public, if such danger arises 4872  
from the method or materials of its construction or from any 4873  
equipment installed therein, for the purpose of lighting, heating, 4874  
ventilating, or plumbing. 4875

(9) "Residential building" means a one-family, two-family, or 4876  
three-family dwelling house, and any accessory structure 4877  
incidental to that dwelling house. "Residential building" includes 4878  
a one-family, two-family, or three-family dwelling house that is 4879  
used as a model to promote the sale of a similar dwelling house. 4880  
"Residential building" does not include an industrialized unit as 4881  
defined by division (C)(3) of this section, a manufactured home as 4882  
defined by division (C)(4) of this section, or a mobile home as 4883  
defined by division (O) of section 4501.01 of the Revised Code. 4884

(10) "Nonresidential building" means any building that is not 4885  
a residential building or a manufactured or mobile home. 4886

(11) "Accessory structure" means a structure that is attached 4887  
to a residential building and serves the principal use of the 4888  
residential building. "Accessory structure" includes, but is not 4889  
limited to, a garage, porch, or screened-in patio. 4890

**Sec. 3781.10.** (A)(1) The board of building standards shall 4891  
formulate and adopt rules governing the erection, construction, 4892  
repair, alteration, and maintenance of all buildings or classes of 4893  
buildings specified in section 3781.06 of the Revised Code, 4894  
including land area incidental to those buildings, the 4895  
construction of industrialized units, the installation of 4896  
equipment, and the standards or requirements for materials used in 4897  
connection with those buildings. The board shall incorporate those 4898  
rules into separate residential and nonresidential building codes. 4899  
The standards shall relate to the conservation of energy and the 4900  
safety and sanitation of those buildings. 4901

(2) The rules governing nonresidential buildings are the 4902  
lawful minimum requirements specified for those buildings and 4903  
industrialized units, except that no rule other than as provided 4904  
in division (C) of section 3781.108 of the Revised Code that 4905  
specifies a higher requirement than is imposed by any section of 4906  
the Revised Code is enforceable. The rules governing residential 4907  
buildings are uniform requirements for residential buildings in 4908  
any area with a building department certified to enforce the state 4909  
residential building code. In no case shall any local code or 4910  
regulation differ from the state residential building code unless 4911  
that code or regulation addresses subject matter not addressed by 4912  
the state residential building code or is adopted pursuant to 4913  
section 3781.01 of the Revised Code. 4914

(3) The rules adopted pursuant to this section are complete, 4915  
lawful alternatives to any requirements specified for buildings or 4916  
industrialized units in any section of the Revised Code. The board 4917  
shall, on its own motion or on application made under sections 4918  
3781.12 and 3781.13 of the Revised Code, formulate, propose, 4919  
adopt, modify, amend, or repeal the rules to the extent necessary 4920  
or desirable to effectuate the purposes of sections 3781.06 to 4921  
3781.18 of the Revised Code. 4922

(B) The board shall report to the general assembly proposals 4923  
for amendments to existing statutes relating to the purposes 4924  
declared in section 3781.06 of the Revised Code that public health 4925  
and safety and the development of the arts require and shall 4926  
recommend any additional legislation to assist in carrying out 4927  
fully, in statutory form, the purposes declared in that section. 4928  
The board shall prepare and submit to the general assembly a 4929  
summary report of the number, nature, and disposition of the 4930  
petitions filed under sections 3781.13 and 3781.14 of the Revised 4931  
Code. 4932

(C) On its own motion or on application made under sections 4933  
3781.12 and 3781.13 of the Revised Code, and after thorough 4934  
testing and evaluation, the board shall determine by rule that any 4935  
particular fixture, device, material, process of manufacture, 4936  
manufactured unit or component, method of manufacture, system, or 4937  
method of construction complies with performance standards adopted 4938  
pursuant to section 3781.11 of the Revised Code. The board shall 4939  
make its determination with regard to adaptability for safe and 4940  
sanitary erection, use, or construction, to that described in any 4941  
section of the Revised Code, wherever the use of a fixture, 4942  
device, material, method of manufacture, system, or method of 4943  
construction described in that section of the Revised Code is 4944  
permitted by law. The board shall amend or annul any rule or issue 4945  
an authorization for the use of a new material or manufactured 4946  
unit on any like application. No department, officer, board, or 4947  
commission of the state other than the board of building standards 4948  
or the board of building appeals shall permit the use of any 4949  
fixture, device, material, method of manufacture, newly designed 4950  
product, system, or method of construction at variance with what 4951  
is described in any rule the board of building standards adopts or 4952  
issues or that is authorized by any section of the Revised Code. 4953  
Nothing in this section shall be construed as requiring approval, 4954  
by rule, of plans for an industrialized unit that conforms with 4955

the rules the board of building standards adopts pursuant to 4956  
section 3781.11 of the Revised Code. 4957

(D) The board shall recommend rules, codes, and standards to 4958  
help carry out the purposes of section 3781.06 of the Revised Code 4959  
and to help secure uniformity of state administrative rulings and 4960  
local legislation and administrative action to the bureau of 4961  
workers' compensation, the director of commerce, any other 4962  
department, officer, board, or commission of the state, and to 4963  
legislative authorities and building departments of counties, 4964  
townships, and municipal corporations, and shall recommend that 4965  
they audit those recommended rules, codes, and standards by any 4966  
appropriate action that they are allowed pursuant to law or the 4967  
constitution. 4968

(E)(1) The board shall certify municipal, township, and 4969  
county building departments and the personnel of those building 4970  
departments, and persons and employees of individuals, firms, or 4971  
corporations as described in division (E)(7) of this section to 4972  
exercise enforcement authority, to accept and approve plans and 4973  
specifications, and to make inspections, pursuant to sections 4974  
3781.03, 3791.04, and 4104.43 of the Revised Code. 4975

(2) The board shall certify departments, personnel, and 4976  
persons to enforce the state residential building code, to enforce 4977  
the nonresidential building code, or to enforce both the 4978  
residential and the nonresidential building codes. Any department, 4979  
personnel, or person may enforce only the type of building code 4980  
for which certified. 4981

(3) The board shall not require a building department, its 4982  
personnel, or any persons that it employs to be certified for 4983  
residential building code enforcement if that building department 4984  
does not enforce the state residential building code. The board 4985  
shall specify, in rules adopted pursuant to Chapter 119. of the 4986  
Revised Code, the requirements for certification for residential 4987



and nonresidential building code enforcement, which shall be 4988  
consistent with this division. The requirements for residential 4989  
and nonresidential certification may differ. Except as otherwise 4990  
provided in this division, the requirements shall include, but are 4991  
not limited to, the satisfactory completion of an initial 4992  
examination and, to remain certified, the completion of a 4993  
specified number of hours of continuing building code education 4994  
within each three-year period following the date of certification 4995  
which shall be not less than thirty hours. The rules shall provide 4996  
that continuing education credits and certification issued by the 4997  
council of American building officials, national model code 4998  
organizations, and agencies or entities the board recognizes are 4999  
acceptable for purposes of this division. The rules shall specify 5000  
requirements that are compatible, to the extent possible, with 5001  
requirements the council of American building officials and 5002  
national model code organizations establish. 5003

(4) The board shall establish and collect a certification and 5004  
renewal fee for building department personnel, and persons and 5005  
employees of persons, firms, or corporations as described in this 5006  
section, who are certified pursuant to this division. 5007

(5) Any individual certified pursuant to this division shall 5008  
complete the number of hours of continuing building code education 5009  
that the board requires or, for failure to do so, forfeit 5010  
certification. 5011

(6) This division does not require or authorize the board to 5012  
certify personnel of municipal, township, and county building 5013  
departments, and persons and employees of persons, firms, or 5014  
corporations as described in this section, whose responsibilities 5015  
do not include the exercise of enforcement authority, the approval 5016  
of plans and specifications, or making inspections under the state 5017  
residential and nonresidential building codes. 5018

(7) Enforcement authority for approval of plans and 5019

specifications and enforcement authority for inspections may be 5020  
exercised, and plans and specifications may be approved and 5021  
inspections may be made on behalf of a municipal corporation,  
township, or county, by any of the following who the board of 5022  
building standards certifies: 5023  
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(a) Officers or employees of the municipal corporation, 5025  
township, or county; 5026

(b) Persons, or employees of persons, firms, or corporations, 5027  
pursuant to a contract to furnish architectural, engineering, or 5028  
other services to the municipal corporation, township, or county; 5029

(c) Officers or employees of, and persons under contract 5030  
with, a municipal corporation, township, county, health district,  
or other political subdivision, pursuant to a contract to furnish 5031  
architectural, engineering, or other services. 5032  
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(8) Municipal, township, and county building departments have 5034  
jurisdiction within the meaning of sections 3781.03, 3791.04, and 5035  
4104.43 of the Revised Code, only with respect to the types of 5036  
buildings and subject matters for which they are certified under 5037  
this section. 5038

(9) Certification shall be granted upon application by the 5039  
municipal corporation, the board of township trustees, or the 5040  
board of county commissioners and approval of that application by 5041  
the board of building standards. The application shall set forth: 5042

(a) Whether the certification is requested for residential or 5043  
nonresidential buildings, or both; 5044

(b) The number and qualifications of the staff composing the 5045  
building department; 5046

(c) The names, addresses, and qualifications of persons, 5047  
firms, or corporations contracting to furnish work or services 5048  
pursuant to division (E)(7)(b) of this section; 5049

(d) The names of any other municipal corporation, township, county, health district, or political subdivision under contract to furnish work or services pursuant to division (E)(7) of this section;

(e) The proposed budget for the operation of the building department.

(10) The board of building standards shall adopt rules governing all of the following:

(a) The certification of building department personnel and persons and employees of persons, firms, or corporations exercising authority pursuant to division (E)(7) of this section. The rules shall disqualify any employee of the department or person who contracts for services with the department from performing services for the department when that employee or person would have to pass upon, inspect, or otherwise exercise authority over any labor, material, or equipment the employee or person furnishes for the construction, alteration, or maintenance of a building or the preparation of working drawings or specifications for work within the jurisdictional area of the department. The department shall provide other similarly qualified personnel to enforce the residential and nonresidential building codes as they pertain to that work.

(b) The minimum services to be provided by a certified building department.

(11) The board of building standards may revoke or suspend certification to enforce the residential and nonresidential building codes, on petition to the board by any person affected by that enforcement or approval of plans, or by the board on its own motion. Hearings shall be held and appeals permitted on any proceedings for certification or revocation or suspension of certification in the same manner as provided in section 3781.101

of the Revised Code for other proceedings of the board of building standards. 5081  
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(12) Upon certification, and until that authority is revoked, any county or township building department shall enforce the residential and nonresidential building codes for which it is certified without regard to limitation upon the authority of boards of county commissioners under Chapter 307. of the Revised Code or boards of township trustees under Chapter 505. of the Revised Code. 5083  
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(F) In addition to hearings sections 3781.06 to 3781.18 and 3791.04 of the Revised Code require, the board of building standards shall make investigations and tests, and require from other state departments, officers, boards, and commissions information the board considers necessary or desirable to assist it in the discharge of any duty or the exercise of any power mentioned in this section or in sections 3781.06 to 3781.18, 3791.04, and 4104.43 of the Revised Code. 5090  
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(G) The board shall adopt rules and establish reasonable fees for the review of all applications submitted where the applicant applies for authority to use a new material, assembly, or product of a manufacturing process. The fee shall bear some reasonable relationship to the cost of the review or testing of the materials, assembly, or products and for the notification of approval or disapproval as provided in section 3781.12 of the Revised Code. 5098  
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(H) The residential construction advisory committee shall provide the board with a proposal for a state residential building code that the committee recommends pursuant to division (C)(1) of section 4740.14 of the Revised Code. Upon receiving a recommendation from the committee that is acceptable to the board, the board shall adopt rules establishing that code as the state residential building code. 5106  
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(I) The board shall cooperate with the director of job and family services when the director promulgates rules pursuant to section 5104.05 of the Revised Code regarding safety and sanitation in type A family ~~day-care~~ child-care homes.

(J) The board shall adopt rules to implement the requirements of section 3781.108 of the Revised Code.

**Sec. 3797.06.** (A) As used in this section, "specified geographical notification area" means the geographic area or areas within which the attorney general requires by rule adopted under section 3797.08 of the Revised Code the notice described in division (B) of this section to be given to the persons identified in divisions (A)(1) to (9) of this section. If a court enters a declaratory judgment against a registrant under section 2721.21 of the Revised Code, the sheriff with whom the registrant has most recently registered under section 3797.02 or 3797.03 of the Revised Code and the sheriff to whom the registrant most recently sent a notice of intent to reside under section 3797.03 of the Revised Code shall provide within the period of time specified in division (C) of this section a written notice containing the information set forth in division (B) of this section to all of the persons described in divisions (A)(1) to (9) of this section. If the sheriff has sent a notice to the persons described in those divisions as a result of receiving a notice of intent to reside and if the registrant registers a residence address that is the same residence address described in the notice of intent to reside, the sheriff is not required to send an additional notice when the registrant registers. The sheriff shall provide the notice to all of the following persons:

(1)(a) Any occupant of each residential unit that is located within one thousand feet of the registrant's residential premises, that is located within the county served by the sheriff, and that

is not located in a multi-unit building. Division (D)(3) of this 5144  
section applies regarding notices required under this division. 5145

(b) If the registrant resides in a multi-unit building, any 5146  
occupant of each residential unit that is located in that 5147  
multi-unit building and that shares a common hallway with the 5148  
registrant. For purposes of this division, an occupant's unit 5149  
shares a common hallway with the registrant if the entrance door 5150  
into the occupant's unit is located on the same floor and opens 5151  
into the same hallway as the entrance door to the unit the 5152  
registrant occupies. Division (D)(3) of this section applies 5153  
regarding notices required under this division. 5154

(c) The building manager, or the person the building owner or 5155  
condominium unit owners association authorizes to exercise 5156  
management and control, of each multi-unit building that is 5157  
located within one thousand feet of the registrant's residential 5158  
premises, including a multi-unit building in which the registrant 5159  
resides, and that is located within the county served by the 5160  
sheriff. In addition to notifying the building manager or the 5161  
person authorized to exercise management and control in the 5162  
multi-unit building under this division, the sheriff shall post a 5163  
copy of the notice prominently in each common entryway in the 5164  
building and any other location in the building the sheriff 5165  
determines appropriate. The manager or person exercising 5166  
management and control of the building shall permit the sheriff to 5167  
post copies of the notice under this division as the sheriff 5168  
determines appropriate. In lieu of posting copies of the notice as 5169  
described in this division, a sheriff may provide notice to all 5170  
occupants of the multi-unit building by mail or personal contact. 5171  
If the sheriff so notifies all the occupants, the sheriff is not 5172  
required to post copies of the notice in the common entryways to 5173  
the building. Division (D)(3) of this section applies regarding 5174  
notices required under this division. 5175

(d) All additional persons who are within any category of neighbors of the registrant that the attorney general by rule adopted under section 3797.08 of the Revised Code requires to be provided the notice and who reside within the county served by the sheriff.

(2) The executive director of the public children services agency that has jurisdiction within the specified geographical notification area and that is located within the county served by the sheriff;

(3) The superintendent of each board of education of a school district that has schools within the specified geographical notification area and that is located within the county served by the sheriff;

(4) The appointing or hiring officer of each nonpublic school located within the specified geographical notification area and within the county served by the sheriff or of each other school located within the specified geographical notification area and within the county served by the sheriff and that is not operated by a board of education described in division (A)(3) of this section;

(5) The director, head teacher, elementary principal, or site administrator of each preschool program governed by Chapter 3301. of the Revised Code that is located within the specified geographical notification area and within the county served by the sheriff;

(6) The administrator of each ~~child day-care~~ child-care center or type A family ~~day-care~~ child-care home that is located within the specified geographical notification area and within the county served by the sheriff, and the provider of each licensed type B family child-care home or certified type B family ~~day-care~~ child-care home that is located within the specified geographical

notification area and within the county served by the sheriff. As 5207  
used in this division, "~~child day care~~ child-care center," "type A 5208  
family ~~day care~~ child-care home," "licensed type B family 5209  
child-care home," and "certified type B family ~~day care~~ child-care 5210  
home" have the same meanings as in section 5104.01 of the Revised 5211  
Code. 5212

(7) The president or other chief administrative officer of 5213  
each institution of higher education, as defined in section 5214  
2907.03 of the Revised Code, that is located within the specified 5215  
geographical notification area and within the county served by the 5216  
sheriff and the chief law enforcement officer of any state 5217  
university law enforcement agency or campus police department 5218  
established under section 3345.04 or 1713.50 of the Revised Code 5219  
that serves that institution; 5220

(8) The sheriff of each county that includes any portion of 5221  
the specified geographical notification area; 5222

(9) If the registrant resides within the county served by the 5223  
sheriff, the chief of police, marshal, or other chief law 5224  
enforcement officer of the municipal corporation in which the 5225  
registrant resides or, if the registrant resides in an 5226  
unincorporated area, the constable or chief of the police 5227  
department or police district police force of the township in 5228  
which the registrant resides. 5229

(B) The notice required under division (A) of this section 5230  
shall include the registrant's name, residence or employment 5231  
address, as applicable, and a statement that the registrant has 5232  
been found liable for childhood sexual abuse in a civil action and 5233  
is listed on the civil registry established by the attorney 5234  
general pursuant to section 3797.08 of the Revised Code. 5235

(C) If a sheriff with whom a registrant registers under 5236  
section 3797.02 or 3797.03 of the Revised Code or to whom the 5237



registrant most recently sent a notice of intent to reside under 5238  
section 3797.03 of the Revised Code is required by division (A) of 5239  
this section to provide notices regarding a registrant and if the 5240  
sheriff provides a notice pursuant to that requirement the sheriff 5241  
provides a notice to a sheriff of one or more other counties in 5242  
accordance with division (A)(8) of this section, the sheriff of 5243  
each of the other counties who is provided notice under division 5244  
(A)(8) of this section shall provide the notices described in 5245  
divisions (A)(1) to (7) and (A)(9) of this section to each person 5246  
or entity identified within those divisions that is located within 5247  
the specified geographical notification area and within the county 5248  
served by the sheriff in question. 5249

(D)(1) A sheriff required by division (A) or (C) of this 5250  
section to provide notices regarding a registrant shall provide 5251  
the notice to the neighbors that are described in division (A)(1) 5252  
of this section and the notices to law enforcement personnel that 5253  
are described in divisions (A)(8) and (9) of this section as soon 5254  
as practicable, but not later than five days after the registrant 5255  
sends the notice of intent to reside to the sheriff, and again not 5256  
later than five days after the registrant registers with the 5257  
sheriff or, if the sheriff is required by division (C) to provide 5258  
the notices, not later than five days after the sheriff is 5259  
provided the notice described in division (A)(8) of this section. 5260

A sheriff required by division (A) or (C) of this section to 5261  
provide notices regarding a registrant shall provide the notices 5262  
to all other specified persons that are described in divisions 5263  
(A)(2) to (7) of this section as soon as practicable, but not 5264  
later than seven days after the registrant registers with the 5265  
sheriff, or, if the sheriff is required by division (C) to provide 5266  
the notices, not later than five days after the sheriff is 5267  
provided the notice described in division (A)(8) of this section. 5268

(2) If a registrant in relation to whom division (A) of this 5269

section applies verifies the registrant's current residence 5270  
address with a sheriff pursuant to section 3797.04 of the Revised 5271  
Code, the sheriff may provide a written notice containing the 5272  
information set forth in division (B) of this section to the 5273  
persons identified in divisions (A)(1) to (9) of this section. If 5274  
a sheriff provides a notice pursuant to this division to the 5275  
sheriff of one or more other counties in accordance with division 5276  
(A)(8) of this section, the sheriff of each of the other counties 5277  
who is provided the notice under division (A)(8) of this section 5278  
may provide, but is not required to provide, a written notice 5279  
containing the information set forth in division (B) of this 5280  
section to the persons identified in divisions (A)(1) to (7) and 5281  
(A)(9) of this section. 5282

(3) A sheriff may provide notice under division (A)(1)(a) or 5283  
(b) of this section, and may provide notice under division 5284  
(A)(1)(c) of this section to a building manager or person 5285  
authorized to exercise management and control of a building, by 5286  
mail, by personal contact, or by leaving the notice at or under 5287  
the entry door to a residential unit. For purposes of divisions 5288  
(A)(1)(a) and (b) of this section and of the portion of division 5289  
(A)(1)(c) of this section relating to the provision of notice to 5290  
occupants of a multi-unit building by mail or personal contact, 5291  
the provision of one written notice per unit is deemed providing 5292  
notice to all occupants of that unit. 5293

(E) All information that a sheriff possesses regarding a 5294  
registrant that is described in division (B) of this section and 5295  
that must be provided in a notice required under division (A) or 5296  
(C) of this section or that may be provided in a notice authorized 5297  
under division (D)(2) of this section is a public record that is 5298  
open to inspection under section 149.43 of the Revised Code. 5299

(F) A sheriff required by division (A) or (C) of this 5300  
section, or authorized by division (D)(2) of this section, to 5301

provide notices regarding a registrant may request the department 5302  
of job and family services, department of education, or Ohio board 5303  
of regents, by telephone, in registrant, or by mail, to provide 5304  
the sheriff with the names, addresses, and telephone numbers of 5305  
the appropriate persons and entities to whom the notices described 5306  
in divisions (A)(2) to (7) of this section are to be provided. 5307  
Upon receipt of a request, the department or board shall provide 5308  
the requesting sheriff with the names, addresses, and telephone 5309  
numbers of the appropriate persons and entities to whom those 5310  
notices are to be provided. 5311

(G)(1) Upon the motion of the registrant or the judge that 5312  
entered a declaratory judgment pursuant to section 2721.21 of the 5313  
Revised Code or that judge's successor in office, the judge may 5314  
schedule a hearing to determine whether the interests of justice 5315  
would be served by suspending the community notification 5316  
requirement under this section in relation to the registrant. The 5317  
judge may dismiss the motion without a hearing but may not issue 5318  
an order suspending the community notification requirement without 5319  
a hearing. At the hearing, all parties are entitled to be heard. 5320  
If, at the conclusion of the hearing, the judge finds that the 5321  
registrant has proven by clear and convincing evidence that the 5322  
registrant is unlikely to commit childhood sexual abuse in the 5323  
future and that suspending the community notification requirement 5324  
is in the interests of justice, the judge may issue an order 5325  
suspending the application of this section in relation to the 5326  
registrant. The order shall contain both of these findings. 5327

The judge promptly shall serve a copy of the order upon the 5328  
sheriff with whom the registrant most recently registered a 5329  
residence address and the sheriff with whom the registrant most 5330  
recently registered an employment address under section 3797.02 of 5331  
the Revised Code. 5332

An order suspending the community notification requirement 5333

does not suspend or otherwise alter a registrant's duties to 5334  
comply with sections 3797.02, 3797.03, and 3797.04 of the Revised 5335  
Code. 5336

(2) A registrant has the right to appeal an order denying a 5337  
motion made under division (G)(1) of this section. 5338

**Sec. 4511.01.** As used in this chapter and in Chapter 4513. of 5339  
the Revised Code: 5340

(A) "Vehicle" means every device, including a motorized 5341  
bicycle, in, upon, or by which any person or property may be 5342  
transported or drawn upon a highway, except that "vehicle" does 5343  
not include any motorized wheelchair, any electric personal 5344  
assistive mobility device, any device that is moved by power 5345  
collected from overhead electric trolley wires or that is used 5346  
exclusively upon stationary rails or tracks, or any device, other 5347  
than a bicycle, that is moved by human power. 5348

(B) "Motor vehicle" means every vehicle propelled or drawn by 5349  
power other than muscular power or power collected from overhead 5350  
electric trolley wires, except motorized bicycles, road rollers, 5351  
traction engines, power shovels, power cranes, and other equipment 5352  
used in construction work and not designed for or employed in 5353  
general highway transportation, hole-digging machinery, 5354  
well-drilling machinery, ditch-digging machinery, farm machinery, 5355  
trailers used to transport agricultural produce or agricultural 5356  
production materials between a local place of storage or supply 5357  
and the farm when drawn or towed on a street or highway at a speed 5358  
of twenty-five miles per hour or less, threshing machinery, 5359  
hay-baling machinery, agricultural tractors and machinery used in 5360  
the production of horticultural, floricultural, agricultural, and 5361  
vegetable products, and trailers designed and used exclusively to 5362  
transport a boat between a place of storage and a marina, or in 5363  
and around a marina, when drawn or towed on a street or highway 5364

for a distance of no more than ten miles and at a speed of 5365  
twenty-five miles per hour or less. 5366

(C) "Motorcycle" means every motor vehicle, other than a 5367  
tractor, having a saddle for the use of the operator and designed 5368  
to travel on not more than three wheels in contact with the 5369  
ground, including, but not limited to, motor vehicles known as 5370  
"motor-driven cycle," "motor scooter," or "motorcycle" without 5371  
regard to weight or brake horsepower. 5372

(D) "Emergency vehicle" means emergency vehicles of 5373  
municipal, township, or county departments or public utility 5374  
corporations when identified as such as required by law, the 5375  
director of public safety, or local authorities, and motor 5376  
vehicles when commandeered by a police officer. 5377

(E) "Public safety vehicle" means any of the following: 5378

(1) Ambulances, including private ambulance companies under 5379  
contract to a municipal corporation, township, or county, and 5380  
private ambulances and nontransport vehicles bearing license 5381  
plates issued under section 4503.49 of the Revised Code; 5382

(2) Motor vehicles used by public law enforcement officers or 5383  
other persons sworn to enforce the criminal and traffic laws of 5384  
the state; 5385

(3) Any motor vehicle when properly identified as required by 5386  
the director of public safety, when used in response to fire 5387  
emergency calls or to provide emergency medical service to ill or 5388  
injured persons, and when operated by a duly qualified person who 5389  
is a member of a volunteer rescue service or a volunteer fire 5390  
department, and who is on duty pursuant to the rules or directives 5391  
of that service. The state fire marshal shall be designated by the 5392  
director of public safety as the certifying agency for all public 5393  
safety vehicles described in division (E)(3) of this section. 5394

(4) Vehicles used by fire departments, including motor 5395

vehicles when used by volunteer fire fighters responding to 5396  
emergency calls in the fire department service when identified as 5397  
required by the director of public safety. 5398

Any vehicle used to transport or provide emergency medical 5399  
service to an ill or injured person, when certified as a public 5400  
safety vehicle, shall be considered a public safety vehicle when 5401  
transporting an ill or injured person to a hospital regardless of 5402  
whether such vehicle has already passed a hospital. 5403

(5) Vehicles used by the motor carrier enforcement unit for 5404  
the enforcement of orders and rules of the public utilities 5405  
commission as specified in section 5503.34 of the Revised Code. 5406

(F) "School bus" means every bus designed for carrying more 5407  
than nine passengers that is owned by a public, private, or 5408  
governmental agency or institution of learning and operated for 5409  
the transportation of children to or from a school session or a 5410  
school function, or owned by a private person and operated for 5411  
compensation for the transportation of children to or from a 5412  
school session or a school function, provided "school bus" does 5413  
not include a bus operated by a municipally owned transportation 5414  
system, a mass transit company operating exclusively within the 5415  
territorial limits of a municipal corporation, or within such 5416  
limits and the territorial limits of municipal corporations 5417  
immediately contiguous to such municipal corporation, nor a common 5418  
passenger carrier certified by the public utilities commission 5419  
unless such bus is devoted exclusively to the transportation of 5420  
children to and from a school session or a school function, and 5421  
"school bus" does not include a van or bus used by a licensed 5422  
~~child-day-care~~ child-care center or type A family ~~day-care~~ 5423  
child-care home to transport children from the ~~child-day-care~~ 5424  
child-care center or type A family ~~day-care~~ child-care home to a 5425  
school if the van or bus does not have more than fifteen children 5426  
in the van or bus at any time. 5427

(G) "Bicycle" means every device, other than a tricycle 5428  
designed solely for use as a play vehicle by a child, propelled 5429  
solely by human power upon which any person may ride having either 5430  
two tandem wheels, or one wheel in the front and two wheels in the 5431  
rear, any of which is more than fourteen inches in diameter. 5432

(H) "Motorized bicycle" means any vehicle having either two 5433  
tandem wheels or one wheel in the front and two wheels in the 5434  
rear, that is capable of being pedaled and is equipped with a 5435  
helper motor of not more than fifty cubic centimeters piston 5436  
displacement that produces no more than one brake horsepower and 5437  
is capable of propelling the vehicle at a speed of no greater than 5438  
twenty miles per hour on a level surface. 5439

(I) "Commercial tractor" means every motor vehicle having 5440  
motive power designed or used for drawing other vehicles and not 5441  
so constructed as to carry any load thereon, or designed or used 5442  
for drawing other vehicles while carrying a portion of such other 5443  
vehicles, or load thereon, or both. 5444

(J) "Agricultural tractor" means every self-propelling 5445  
vehicle designed or used for drawing other vehicles or wheeled 5446  
machinery but having no provision for carrying loads independently 5447  
of such other vehicles, and used principally for agricultural 5448  
purposes. 5449

(K) "Truck" means every motor vehicle, except trailers and 5450  
semitrailers, designed and used to carry property. 5451

(L) "Bus" means every motor vehicle designed for carrying 5452  
more than nine passengers and used for the transportation of 5453  
persons other than in a ridesharing arrangement, and every motor 5454  
vehicle, automobile for hire, or funeral car, other than a taxicab 5455  
or motor vehicle used in a ridesharing arrangement, designed and 5456  
used for the transportation of persons for compensation. 5457

(M) "Trailer" means every vehicle designed or used for 5458

carrying persons or property wholly on its own structure and for 5459  
being drawn by a motor vehicle, including any such vehicle when 5460  
formed by or operated as a combination of a "semitrailer" and a 5461  
vehicle of the dolly type, such as that commonly known as a 5462  
"trailer dolly," a vehicle used to transport agricultural produce 5463  
or agricultural production materials between a local place of 5464  
storage or supply and the farm when drawn or towed on a street or 5465  
highway at a speed greater than twenty-five miles per hour, and a 5466  
vehicle designed and used exclusively to transport a boat between 5467  
a place of storage and a marina, or in and around a marina, when 5468  
drawn or towed on a street or highway for a distance of more than 5469  
ten miles or at a speed of more than twenty-five miles per hour. 5470

(N) "Semitrailer" means every vehicle designed or used for 5471  
carrying persons or property with another and separate motor 5472  
vehicle so that in operation a part of its own weight or that of 5473  
its load, or both, rests upon and is carried by another vehicle. 5474

(O) "Pole trailer" means every trailer or semitrailer 5475  
attached to the towing vehicle by means of a reach, pole, or by 5476  
being boomed or otherwise secured to the towing vehicle, and 5477  
ordinarily used for transporting long or irregular shaped loads 5478  
such as poles, pipes, or structural members capable, generally, of 5479  
sustaining themselves as beams between the supporting connections. 5480

(P) "Railroad" means a carrier of persons or property 5481  
operating upon rails placed principally on a private right-of-way. 5482

(Q) "Railroad train" means a steam engine or an electric or 5483  
other motor, with or without cars coupled thereto, operated by a 5484  
railroad. 5485

(R) "Streetcar" means a car, other than a railroad train, for 5486  
transporting persons or property, operated upon rails principally 5487  
within a street or highway. 5488

(S) "Trackless trolley" means every car that collects its 5489



power from overhead electric trolley wires and that is not 5490  
operated upon rails or tracks. 5491

(T) "Explosives" means any chemical compound or mechanical 5492  
mixture that is intended for the purpose of producing an explosion 5493  
that contains any oxidizing and combustible units or other 5494  
ingredients in such proportions, quantities, or packing that an 5495  
ignition by fire, by friction, by concussion, by percussion, or by 5496  
a detonator of any part of the compound or mixture may cause such 5497  
a sudden generation of highly heated gases that the resultant 5498  
gaseous pressures are capable of producing destructive effects on 5499  
contiguous objects, or of destroying life or limb. Manufactured 5500  
articles shall not be held to be explosives when the individual 5501  
units contain explosives in such limited quantities, of such 5502  
nature, or in such packing, that it is impossible to procure a 5503  
simultaneous or a destructive explosion of such units, to the 5504  
injury of life, limb, or property by fire, by friction, by 5505  
concussion, by percussion, or by a detonator, such as fixed 5506  
ammunition for small arms, firecrackers, or safety fuse matches. 5507

(U) "Flammable liquid" means any liquid that has a flash 5508  
point of seventy degrees ~~Fahrenheit~~ fahrenheit, or less, as 5509  
determined by a tagliabue or equivalent closed cup test device. 5510

(V) "Gross weight" means the weight of a vehicle plus the 5511  
weight of any load thereon. 5512

(W) "Person" means every natural person, firm, 5513  
co-partnership, association, or corporation. 5514

(X) "Pedestrian" means any natural person afoot. 5515

(Y) "Driver or operator" means every person who drives or is 5516  
in actual physical control of a vehicle, trackless trolley, or 5517  
streetcar. 5518

(Z) "Police officer" means every officer authorized to direct 5519  
or regulate traffic, or to make arrests for violations of traffic 5520

regulations. 5521

(AA) "Local authorities" means every county, municipal, and 5522  
other local board or body having authority to adopt police 5523  
regulations under the constitution and laws of this state. 5524

(BB) "Street" or "highway" means the entire width between the 5525  
boundary lines of every way open to the use of the public as a 5526  
thoroughfare for purposes of vehicular travel. 5527

(CC) "Controlled-access highway" means every street or 5528  
highway in respect to which owners or occupants of abutting lands 5529  
and other persons have no legal right of access to or from the 5530  
same except at such points only and in such manner as may be 5531  
determined by the public authority having jurisdiction over such 5532  
street or highway. 5533

(DD) "Private road or driveway" means every way or place in 5534  
private ownership used for vehicular travel by the owner and those 5535  
having express or implied permission from the owner but not by 5536  
other persons. 5537

(EE) "Roadway" means that portion of a highway improved, 5538  
designed, or ordinarily used for vehicular travel, except the berm 5539  
or shoulder. If a highway includes two or more separate roadways 5540  
the term "roadway" means any such roadway separately but not all 5541  
such roadways collectively. 5542

(FF) "Sidewalk" means that portion of a street between the 5543  
curb lines, or the lateral lines of a roadway, and the adjacent 5544  
property lines, intended for the use of pedestrians. 5545

(GG) "Laned highway" means a highway the roadway of which is 5546  
divided into two or more clearly marked lanes for vehicular 5547  
traffic. 5548

(HH) "Through highway" means every street or highway as 5549  
provided in section 4511.65 of the Revised Code. 5550

(II) "State highway" means a highway under the jurisdiction 5551  
of the department of transportation, outside the limits of 5552  
municipal corporations, provided that the authority conferred upon 5553  
the director of transportation in section 5511.01 of the Revised 5554  
Code to erect state highway route markers and signs directing 5555  
traffic shall not be modified by sections 4511.01 to 4511.79 and 5556  
4511.99 of the Revised Code. 5557

(JJ) "State route" means every highway that is designated 5558  
with an official state route number and so marked. 5559

(KK) "Intersection" means: 5560

(1) The area embraced within the prolongation or connection 5561  
of the lateral curb lines, or, if none, then the lateral boundary 5562  
lines of the roadways of two highways which join one another at, 5563  
or approximately at, right angles, or the area within which 5564  
vehicles traveling upon different highways joining at any other 5565  
angle may come in conflict. 5566

(2) Where a highway includes two roadways thirty feet or more 5567  
apart, then every crossing of each roadway of such divided highway 5568  
by an intersecting highway shall be regarded as a separate 5569  
intersection. If an intersecting highway also includes two 5570  
roadways thirty feet or more apart, then every crossing of two 5571  
roadways of such highways shall be regarded as a separate 5572  
intersection. 5573

(3) The junction of an alley with a street or highway, or 5574  
with another alley, shall not constitute an intersection. 5575

(LL) "Crosswalk" means: 5576

(1) That part of a roadway at intersections ordinarily 5577  
included within the real or projected prolongation of property 5578  
lines and curb lines or, in the absence of curbs, the edges of the 5579  
traversable roadway; 5580

(2) Any portion of a roadway at an intersection or elsewhere, 5581  
distinctly indicated for pedestrian crossing by lines or other 5582  
markings on the surface; 5583

(3) Notwithstanding divisions (LL)(1) and (2) of this 5584  
section, there shall not be a crosswalk where local authorities 5585  
have placed signs indicating no crossing. 5586

(MM) "Safety zone" means the area or space officially set 5587  
apart within a roadway for the exclusive use of pedestrians and 5588  
protected or marked or indicated by adequate signs as to be 5589  
plainly visible at all times. 5590

(NN) "Business district" means the territory fronting upon a 5591  
street or highway, including the street or highway, between 5592  
successive intersections within municipal corporations where fifty 5593  
per cent or more of the frontage between such successive 5594  
intersections is occupied by buildings in use for business, or 5595  
within or outside municipal corporations where fifty per cent or 5596  
more of the frontage for a distance of three hundred feet or more 5597  
is occupied by buildings in use for business, and the character of 5598  
such territory is indicated by official traffic control devices. 5599

(OO) "Residence district" means the territory, not comprising 5600  
a business district, fronting on a street or highway, including 5601  
the street or highway, where, for a distance of three hundred feet 5602  
or more, the frontage is improved with residences or residences 5603  
and buildings in use for business. 5604

(PP) "Urban district" means the territory contiguous to and 5605  
including any street or highway which is built up with structures 5606  
devoted to business, industry, or dwelling houses situated at 5607  
intervals of less than one hundred feet for a distance of a 5608  
quarter of a mile or more, and the character of such territory is 5609  
indicated by official traffic control devices. 5610

(QQ) "Traffic control devices" means all flaggers, signs, 5611

signals, markings, and devices placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic, including signs denoting names of streets and highways.

(RR) "Traffic control signal" means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop, to proceed, to change direction, or not to change direction.

(SS) "Railroad sign or signal" means any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

(TT) "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, trackless trolleys, and other devices, either singly or together, while using any highway for purposes of travel.

(UU) "Right-of-way" means either of the following, as the context requires:

(1) The right of a vehicle, streetcar, trackless trolley, or pedestrian to proceed uninterruptedly in a lawful manner in the direction in which it or the individual is moving in preference to another vehicle, streetcar, trackless trolley, or pedestrian approaching from a different direction into its or the individual's path;

(2) A general term denoting land, property, or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes. When used in this context, right-of-way includes the roadway, shoulders or berm, ditch, and slopes extending to the right-of-way limits under the control of the state or local authority.

(VV) "Rural mail delivery vehicle" means every vehicle used

to deliver United States mail on a rural mail delivery route. 5643

(WW) "Funeral escort vehicle" means any motor vehicle, 5644  
including a funeral hearse, while used to facilitate the movement 5645  
of a funeral procession. 5646

(XX) "Alley" means a street or highway intended to provide 5647  
access to the rear or side of lots or buildings in urban districts 5648  
and not intended for the purpose of through vehicular traffic, and 5649  
includes any street or highway that has been declared an "alley" 5650  
by the legislative authority of the municipal corporation in which 5651  
such street or highway is located. 5652

(YY) "Freeway" means a divided multi-lane highway for through 5653  
traffic with all crossroads separated in grade and with full 5654  
control of access. 5655

(ZZ) "Expressway" means a divided arterial highway for 5656  
through traffic with full or partial control of access with an 5657  
excess of fifty per cent of all crossroads separated in grade. 5658

(AAA) "Thruway" means a through highway whose entire roadway 5659  
is reserved for through traffic and on which roadway parking is 5660  
prohibited. 5661

(BBB) "Stop intersection" means any intersection at one or 5662  
more entrances of which stop signs are erected. 5663

(CCC) "Arterial street" means any United States or state 5664  
numbered route, controlled access highway, or other major radial 5665  
or circumferential street or highway designated by local 5666  
authorities within their respective jurisdictions as part of a 5667  
major arterial system of streets or highways. 5668

(DDD) "Ridesharing arrangement" means the transportation of 5669  
persons in a motor vehicle where such transportation is incidental 5670  
to another purpose of a volunteer driver and includes ridesharing 5671  
arrangements known as carpools, vanpools, and buspools. 5672

(EEE) "Motorized wheelchair" means any self-propelled vehicle 5673  
designed for, and used by, a handicapped person and that is 5674  
incapable of a speed in excess of eight miles per hour. 5675

(FFF) "~~Child day-care~~ Child-care center" and "type A family 5676  
~~day-care~~ child-care home" have the same meanings as in section 5677  
5104.01 of the Revised Code. 5678

(GGG) "Multi-wheel agricultural tractor" means a type of 5679  
agricultural tractor that has two or more wheels or tires on each 5680  
side of one axle at the rear of the tractor, is designed or used 5681  
for drawing other vehicles or wheeled machinery, has no provision 5682  
for carrying loads independently of the drawn vehicles or 5683  
machinery, and is used principally for agricultural purposes. 5684

(HHH) "Operate" means to cause or have caused movement of a 5685  
vehicle, streetcar, or trackless trolley. 5686

(III) "Predicate motor vehicle or traffic offense" means any 5687  
of the following: 5688

(1) A violation of section 4511.03, 4511.051, 4511.12, 5689  
4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 5690  
4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 5691  
4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 5692  
4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 5693  
4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 5694  
4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 5695  
4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 5696  
4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 5697  
4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 5698  
4511.763, 4511.771, 4511.78, or 4511.84 of the Revised Code; 5699

(2) A violation of division (A)(2) of section 4511.17, 5700  
divisions (A) to (D) of section 4511.51, or division (A) of 5701  
section 4511.74 of the Revised Code; 5702

(3) A violation of any provision of sections 4511.01 to 5703

4511.76 of the Revised Code for which no penalty otherwise is 5704  
provided in the section that contains the provision violated; 5705

(4) A violation of a municipal ordinance that is 5706  
substantially similar to any section or provision set forth or 5707  
described in division (III)(1), (2), or (3) of this section. 5708

**Sec. 4511.81.** (A) When any child who is in either or both of 5709  
the following categories is being transported in a motor vehicle, 5710  
other than a taxicab or public safety vehicle as defined in 5711  
section 4511.01 of the Revised Code, that is required by the 5712  
United States department of transportation to be equipped with 5713  
seat belts at the time of manufacture or assembly, the operator of 5714  
the motor vehicle shall have the child properly secured in 5715  
accordance with the manufacturer's instructions in a child 5716  
restraint system that meets federal motor vehicle safety 5717  
standards: 5718

(1) A child who is less than four years of age; 5719

(2) A child who weighs less than forty pounds. 5720

(B) When any child who is in either or both of the following 5721  
categories is being transported in a motor vehicle, other than a 5722  
taxicab, that is owned, leased, or otherwise under the control of 5723  
a nursery school, kindergarten, or ~~day-care~~ child-care center, the 5724  
operator of the motor vehicle shall have the child properly 5725  
secured in accordance with the manufacturer's instructions in a 5726  
child restraint system that meets federal motor vehicle safety 5727  
standards: 5728

(1) A child who is less than four years of age; 5729

(2) A child who weighs less than forty pounds. 5730

(C) When any child who is at least four years of age but not 5731  
older than fifteen years of age is being transported in a motor 5732  
vehicle, other than a taxicab or public safety vehicle as defined 5733



in section 4511.01 of the Revised Code, that is required by the 5734  
United States department of transportation to be equipped with 5735  
seat belts at the time of manufacture or assembly, the operator of 5736  
the motor vehicle shall have the child properly restrained either 5737  
in accordance with the manufacturer's instructions in a child 5738  
restraint system that meets federal motor vehicle safety standards 5739  
or in an occupant restraining device as defined in section 5740  
4513.263 of the Revised Code. 5741

(D) Notwithstanding any provision of law to the contrary, no 5742  
law enforcement officer shall cause an operator of a motor vehicle 5743  
being operated on any street or highway to stop the motor vehicle 5744  
for the sole purpose of determining whether a violation of 5745  
division (C) of this section has been or is being committed or for 5746  
the sole purpose of issuing a ticket, citation, or summons for a 5747  
violation of that nature or causing the arrest of or commencing a 5748  
prosecution of a person for a violation of that nature, and no law 5749  
enforcement officer shall view the interior or visually inspect 5750  
any automobile being operated on any street or highway for the 5751  
sole purpose of determining whether a violation of that nature has 5752  
been or is being committed. 5753

(E) The director of public safety shall adopt such rules as 5754  
are necessary to carry out this section. 5755

(F) The failure of an operator of a motor vehicle to secure a 5756  
child in a child restraint system or in an occupant restraining 5757  
device as required by this section is not negligence imputable to 5758  
the child, is not admissible as evidence in any civil action 5759  
involving the rights of the child against any other person 5760  
allegedly liable for injuries to the child, is not to be used as a 5761  
basis for a criminal prosecution of the operator of the motor 5762  
vehicle other than a prosecution for a violation of this section, 5763  
and is not admissible as evidence in any criminal action involving 5764  
the operator of the motor vehicle other than a prosecution for a 5765

violation of this section. 5766

(G) This section does not apply when an emergency exists that 5767  
threatens the life of any person operating a motor vehicle and to 5768  
whom this section otherwise would apply or the life of any child 5769  
who otherwise would be required to be restrained under this 5770  
section. 5771

(H) There is hereby created in the state treasury the "child 5772  
highway safety fund," consisting of fines imposed pursuant to 5773  
division (J)(1) of this section for violations of divisions (A), 5774  
(B), and (C) of this section. The money in the fund shall be used 5775  
by the department of health only to defray the cost of designating 5776  
hospitals as pediatric trauma centers under section 3727.081 of 5777  
the Revised Code and to establish and administer a child highway 5778  
safety program. The purpose of the program shall be to educate the 5779  
public about child restraint systems generally and the importance 5780  
of their proper use. The program also shall include a process for 5781  
providing child restraint systems to persons who meet the 5782  
eligibility criteria established by the department, and a 5783  
toll-free telephone number the public may utilize to obtain 5784  
information about child restraint systems and their proper use. 5785

(I) The director of health, in accordance with Chapter 119. 5786  
of the Revised Code, shall adopt any rules necessary to carry out 5787  
this section, including rules establishing the criteria a person 5788  
must meet in order to receive a child restraint system under the 5789  
department's child restraint system program; provided that rules 5790  
relating to the verification of pediatric trauma centers shall not 5791  
be adopted under this section. 5792

(J)(1) Whoever violates division (A), (B), or (C) of this 5793  
section shall be punished as follows: 5794

(a) Except as otherwise provided in division (J)(1)(b) of 5795  
this section, the offender is guilty of a minor misdemeanor and 5796

shall be fined not less than twenty-five dollars. 5797

(b) If the offender previously has been convicted of or 5798  
pleaded guilty to a violation of division (A), (B), or (C) of this 5799  
section or of a municipal ordinance that is substantially similar 5800  
to any of those divisions, the offender is guilty of a misdemeanor 5801  
of the fourth degree. 5802

(2) All fines imposed pursuant to division (J)(1) of this 5803  
section shall be forwarded to the treasurer of state for deposit 5804  
in the "child highway safety fund" created by division (H) of this 5805  
section. 5806

**Sec. 4513.182.** (A) No person shall operate any motor vehicle 5807  
owned, leased, or hired by a nursery school, kindergarten, or 5808  
~~day-care~~ child-care center, while transporting preschool children 5809  
to or from such an institution unless the motor vehicle is 5810  
equipped with and displaying two amber flashing lights mounted on 5811  
a bar attached to the top of the vehicle, and a sign bearing the 5812  
designation "caution--children," which shall be attached to the 5813  
bar carrying the amber flashing lights in such a manner as to be 5814  
legible to persons both in front of and behind the vehicle. The 5815  
lights and sign shall meet standards and specifications adopted by 5816  
the director of public safety. The director, subject to Chapter 5817  
119. of the Revised Code, shall adopt standards and specifications 5818  
for the lights and sign, which shall include, but are not limited 5819  
to, requirements for the color and size of lettering to be used on 5820  
the sign, the type of material to be used for the sign, and the 5821  
method of mounting the lights and sign so that they can be removed 5822  
from a motor vehicle being used for purposes other than those 5823  
specified in this section. 5824

(B) No person shall operate a motor vehicle displaying the 5825  
lights and sign required by this section for any purpose other 5826  
than the transportation of preschool children as provided in this 5827

section. 5828

(C) Whoever violates this section shall be punished as 5829  
provided in section 4513.99 of the Revised Code. 5830

**Sec. 5101.29.** When contained in a record held by the 5831  
department of job and family services or a county agency, the 5832  
following are not public records for purposes of section 149.43 of 5833  
the Revised Code: 5834

(A) Names and other identifying information regarding 5835  
children enrolled in or attending a ~~child day care~~ child-care 5836  
center or home subject to licensure, certification, or 5837  
registration under Chapter 5104. of the Revised Code; 5838

(B) Names and other identifying information regarding 5839  
children placed with an institution or association certified under 5840  
section 5103.03 of the Revised Code; 5841

(C) Names and other identifying information regarding a 5842  
person who makes an oral or written complaint regarding an 5843  
institution, association, ~~child day care~~ child-care center, or 5844  
home subject to licensure, certification, or registration to the 5845  
department or other state or county entity responsible for 5846  
enforcing Chapter 5103. or 5104. of the Revised Code. 5847

**Sec. 5103.03.** (A) The director of job and family services 5848  
shall adopt rules as necessary for the adequate and competent 5849  
management of institutions or associations. 5850

(B)(1) Except for facilities under the control of the 5851  
department of youth services, places of detention for children 5852  
established and maintained pursuant to sections 2152.41 to 2152.44 5853  
of the Revised Code, and ~~child day care~~ child-care centers subject 5854  
to Chapter 5104. of the Revised Code, the department of job and 5855  
family services every two years shall pass upon the fitness of 5856  
every institution and association that receives, or desires to 5857

receive and care for children, or places children in private 5858  
homes. 5859

(2) When the department of job and family services is 5860  
satisfied as to the care given such children, and that the 5861  
requirements of the statutes and rules covering the management of 5862  
such institutions and associations are being complied with, it 5863  
shall issue to the institution or association a certificate to 5864  
that effect. A certificate is valid for two years, unless sooner 5865  
revoked by the department. When determining whether an institution 5866  
or association meets a particular requirement for certification, 5867  
the department may consider the institution or association to have 5868  
met the requirement if the institution or association shows to the 5869  
department's satisfaction that it has met a comparable requirement 5870  
to be accredited by a nationally recognized accreditation 5871  
organization. 5872

(3) The department may issue a temporary certificate valid 5873  
for less than one year authorizing an institution or association 5874  
to operate until minimum requirements have been met. 5875

(4) An institution or association that knowingly makes a 5876  
false statement that is included as a part of certification under 5877  
this section is guilty of the offense of falsification under 5878  
section 2921.13 of the Revised Code and the department shall not 5879  
certify that institution or association. 5880

(C) The department may revoke a certificate if it finds that 5881  
the institution or association is in violation of law or rule. No 5882  
juvenile court shall commit a child to an association or 5883  
institution that is required to be certified under this section if 5884  
its certificate has been revoked or, if after revocation, the date 5885  
of reissue is less than fifteen months prior to the proposed 5886  
commitment. 5887

(D) Every two years, on a date specified by the department, 5888

each institution or association desiring certification or 5889  
recertification shall submit to the department a report showing 5890  
its condition, management, competency to care adequately for the 5891  
children who have been or may be committed to it or to whom it 5892  
provides care or services, the system of visitation it employs for 5893  
children placed in private homes, and other information the 5894  
department requires. 5895

(E) The department shall, not less than once each year, send 5896  
a list of certified institutions and associations to each juvenile 5897  
court and certified association or institution. 5898

(F) No person shall receive children or receive or solicit 5899  
money on behalf of such an institution or association not so 5900  
certified or whose certificate has been revoked. 5901

(G) The director may delegate by rule any duties imposed on 5902  
it by this section to inspect and approve family foster homes and 5903  
specialized foster homes to public children services agencies, 5904  
private child placing agencies, or private noncustodial agencies. 5905

(H) If the director of job and family services determines 5906  
that an institution or association that cares for children is 5907  
operating without a certificate, the director may petition the 5908  
court of common pleas in the county in which the institution or 5909  
association is located for an order enjoining its operation. The 5910  
court shall grant injunctive relief upon a showing that the 5911  
institution or association is operating without a certificate. 5912

(I) If both of the following are the case, the director of 5913  
job and family services may petition the court of common pleas of 5914  
any county in which an institution or association that holds a 5915  
certificate under this section operates for an order, and the 5916  
court may issue an order, preventing the institution or 5917  
association from receiving additional children into its care or an 5918  
order removing children from its care: 5919

(1) The department has evidence that the life, health, or safety of one or more children in the care of the institution or association is at imminent risk.

(2) The department has issued a proposed adjudication order pursuant to Chapter 119. of the Revised Code to deny renewal of or revoke the certificate of the institution or association.

**Sec. 5104.01.** As used in this chapter:

(A) "Administrator" means the person responsible for the daily operation of a child-care center or type A family child-care home. The administrator and the owner may be the same person.

(B) "Approved child day camp" means a child day camp approved pursuant to section ~~5104.22~~ 5104.23 of the Revised Code.

(C) ~~"Authorized provider" means a person authorized by a county director of job and family services to operate a certified type B family day care home~~ "BCII" means the bureau of criminal identification and investigation.

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

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

(F) "Certified provider" means a person authorized by a county director of job and family services to operate a certified

type B family child-care home. 5950

~~(G)~~ (G) "Certified type B family ~~day-care~~ child-care home" and 5951  
"certified type B home" mean a type B family ~~day-care~~ child-care 5952  
home that is certified by the director of ~~the~~ a county department 5953  
of job and family services pursuant to section 5104.11 of the 5954  
Revised Code to ~~receive public funds for providing child care~~ 5955  
~~pursuant to this chapter and any rules adopted under it~~ provide 5956  
publicly funded child care. 5957

~~(G)~~ (H) "Chartered nonpublic school" means a school that meets 5958  
standards for nonpublic schools prescribed by the state board of 5959  
education for nonpublic schools pursuant to section 3301.07 of the 5960  
Revised Code. 5961

~~(H)~~ (I) "Child" includes an infant, toddler, preschool child, 5962  
or school child. 5963

~~(I)~~ (J) "Child care block grant act" means the "Child Care and 5964  
Development Block Grant Act of 1990," established in section 5082 5965  
of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 5966  
1388-236 (1990), 42 U.S.C. 9858, as amended. 5967

~~(J)~~ (K) "Child day camp" means a program in which only school 5968  
children attend or participate, that operates for no more than 5969  
seven hours per day, that operates only during one or more public 5970  
school district's regular vacation periods or for no more than 5971  
fifteen weeks during the summer, and that operates outdoor 5972  
activities for each child who attends or participates in the 5973  
program for a minimum of fifty per cent of each day that children 5974  
attend or participate in the program, except for any day when 5975  
hazardous weather conditions prevent the program from operating 5976  
outdoor activities for a minimum of fifty per cent of that day. 5977  
For purposes of this division, the maximum seven hours of 5978  
operation time does not include transportation time from a child's 5979  
home to a child day camp and from a child day camp to a child's 5980



home. 5981

~~(K) "Child (L)(1) Except as provided by division (L)(2) of~~ 5982  
~~this section, "child care" means administering to the needs of~~ 5983  
~~infants, toddlers, preschool children, and school children outside~~ 5984  
~~of school hours by persons other than their parents or guardians,~~ 5985  
~~eustodians, or relatives by blood, marriage, or adoption for any~~ 5986  
~~part of the twenty-four-hour day in a place or residence other~~ 5987  
~~than a child's own home.~~ 5988

~~(L)(2) "Child care" does not include administering to the~~ 5989  
~~needs of an infant, toddler, preschool child, or school child by~~ 5990  
~~any of the following:~~ 5991

~~(a) An individual related to the child by blood, marriage, or~~ 5992  
~~adoption as a parent, step-parent, grandparent, sibling,~~ 5993  
~~step-sibling, half-sibling, aunt, uncle, or first cousin;~~ 5994

~~(b) The child's guardian or custodian.~~ 5995

~~(M) "Child day care Child-care center" and "center" mean any~~ 5996  
~~place in which child care or publicly funded child care is~~ 5997  
~~provided for thirteen or more children at one time or any place~~ 5998  
~~that is not the permanent residence of the licensee or~~ 5999  
~~administrator in which child care or publicly funded child care is~~ 6000  
~~provided for seven to twelve children at one time. ~~In counting~~~~ 6001  
~~children for the purposes of this division, any children under six~~ 6002  
~~years of age who are related to a licensee, administrator, or~~ 6003  
~~employee and who are on the premises of the center shall be~~ 6004  
~~counted. "Child day care Child-care center" and "center" do not~~ 6005  
~~include any of the following:~~ 6006

~~(1) A place located in and operated by a hospital, as defined~~ 6007  
~~in section 3727.01 of the Revised Code, in which the needs of~~ 6008  
~~children are administered to, if all the children whose needs are~~ 6009  
~~being administered to are monitored under the on-site supervision~~ 6010  
~~of a physician licensed under Chapter 4731. of the Revised Code or~~ 6011

a registered nurse licensed under Chapter 4723. of the Revised Code, and the services are provided only for children who, in the opinion of the child's parent, guardian, or custodian, are exhibiting symptoms of a communicable disease or other illness or are injured;

(2) A child day camp;

(3) A place that provides child care, but not publicly funded child care, if all of the following apply:

(a) An organized religious body provides the child care;

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

(c) The child care is not provided for more than thirty days a year;

(d) The child care is provided only for preschool and school children.

~~(M)~~(N) "Child care resource and referral service organization" means a community-based nonprofit organization that provides child care resource and referral services but not child care.

~~(N)~~(O) "Child care resource and referral services" means all of the following services:

(1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data;

(2) Provision of individualized consumer education to families seeking child care;

(3) Provision of timely referrals of available child care providers to families seeking child care;

(4) Recruitment of child care providers;	6041
(5) Assistance in the development, conduct, and dissemination of training for child care providers and provision of technical assistance to current and potential child care providers, employers, and the community;	6042 6043 6044 6045
(6) Collection and analysis of data on the supply of and demand for child care in the community;	6046 6047
(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;	6048 6049 6050
(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;	6051 6052 6053
(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;	6054 6055
(10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of job and family services;	6056 6057 6058 6059
(11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative child care centers and parent cooperative type A family <del>day-care</del> <u>child-care</u> homes.	6060 6061 6062 6063
<del>(O)</del> (P) "Child-care staff member" means an employee of a <del>child day-care</del> <u>child-care</u> center or type A family <del>day-care</del> <u>child-care</u> home who is primarily responsible for the care and supervision of children. The administrator may be a part-time child-care staff member when not involved in other duties.	6064 6065 6066 6067 6068
<del>(P)</del> (O) " <u>Criminal records check form</u> " means the form the superintendent of BCII prescribes pursuant to division (C)(1) of	6069 6070

section 109.572 of the Revised Code. 6071

(R) "Disqualifying offense" means all of the following: 6072

(1) A violation of section 2903.01, 2903.02, 2903.03, 6073  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 6074  
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2907.02, 2907.03, 6075  
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 6076  
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 6077  
2907.323, 2909.02, 2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 6078  
2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 6079  
2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 6080  
2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 6081  
2913.46, 2913.47, 2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 6082  
2917.31, 2919.12, 2919.22, 2919.24, 2919.25, 2921.03, 2921.11, 6083  
2921.13, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 6084  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 6085  
Revised Code; 6086

(2) A violation of section 2905.04 of the Revised Code as it 6087  
existed prior to July 1, 1996; 6088

(3) Felonious sexual penetration in violation of former 6089  
section 2907.12 of the Revised Code; 6090

(4) A violation of section 2919.23 of the Revised Code that 6091  
would have been a violation of section 2905.04 of the Revised Code 6092  
as it existed prior to July 1, 1996, had the violation occurred 6093  
prior to that date; 6094

(5) A violation of section 2923.02 or 2923.03 of the Revised 6095  
Code that relates to a crime specified in division (R) of this 6096  
section; 6097

(6) A violation of section 2925.11 of the Revised Code that 6098  
is not a minor drug possession offense as defined in section 6099  
2925.01 of the Revised Code; 6100

(7) A second violation of section 4511.19 of the Revised Code within five years of the date of application for licensure or certification or renewal of licensure or certification; 6101  
6102  
6103

(8) 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 described in divisions (R)(1) to (7) of this section. 6104  
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(S) "Drop-in ~~child day care~~ child-care center," "drop-in center," "drop-in type A family ~~day care~~ child-care home," and "drop-in type A home" mean a center or type A home that provides child care or publicly funded child care for children on a temporary, irregular basis. 6108  
6109  
6110  
6111  
6112

~~(Q)~~(T) "Employee" means a person who either: 6113

(1) Receives compensation for duties performed in a ~~child day care~~ child-care center or type A family ~~day care~~ child-care home; 6114  
6115  
6116

(2) Is assigned specific working hours or duties in a ~~child day care~~ child-care center or type A family ~~day care~~ child-care home. 6117  
6118  
6119

~~(R)~~(U) "Employer" means a person, firm, institution, organization, or agency that operates a ~~child day care~~ child-care center or type A family ~~day care~~ child-care home subject to licensure under this chapter. 6120  
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6123

~~(S)~~(V) "Federal poverty line" means the official poverty guideline as revised annually in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined. 6124  
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~~(T)~~(W) "Head start program" means a child-care center that is a comprehensive child development program that receives funds 6129  
6130

distributed under the "Head Start Act," 95 Stat. 499 (1981), 42 6131  
U.S.C.A. 9831, as amended, ~~and is licensed as a child day care~~ 6132  
~~center.~~ 6133

~~(U)~~(X) "Income" means gross income, as defined in section 6134  
5107.10 of the Revised Code, less any amounts required by federal 6135  
statutes or regulations to be disregarded. 6136

~~(V)~~(Y) "Indicator checklist" means an inspection tool, used 6137  
in conjunction with an instrument-based program monitoring 6138  
information system, that contains selected licensing requirements 6139  
that are statistically reliable indicators or predictors of a 6140  
~~child day care~~ child-care center or type A family ~~day care~~ 6141  
child-care home's compliance with licensing requirements. 6142

~~(W)~~(Z) "Infant" means a child who is less than eighteen 6143  
months of age. 6144

~~(X)~~(AA) "In-home aide" means a person who does not reside 6145  
with the child but provides care in the child's home and is 6146  
certified by a county director of job and family services pursuant 6147  
to section 5104.12 of the Revised Code to provide publicly funded 6148  
child care to a child in a child's own home pursuant to this 6149  
chapter and any rules adopted under it. 6150

~~(Y)~~(BB) "Instrument-based program monitoring information 6151  
system" means a method to assess compliance with licensing 6152  
requirements for ~~child day care~~ child-care centers and type A 6153  
family ~~day care~~ child-care homes in which each licensing 6154  
requirement is assigned a weight indicative of the relative 6155  
importance of the requirement to the health, growth, and safety of 6156  
the children that is used to develop an indicator checklist. 6157

~~(Z)~~(CC) "License capacity" means the maximum number in each 6158  
age category of children who may be cared for in a ~~child day care~~ 6159  
child-care center or type A family ~~day care~~ child-care home at one 6160  
time as determined by the director of job and family services 6161

considering building occupancy limits established by the 6162  
department of commerce, number of available child-care staff 6163  
members, amount of available indoor floor space and outdoor play 6164  
space, and amount of available play equipment, materials, and 6165  
supplies. 6166

~~(AA)~~(DD) "Licensed preschool program" or "licensed school 6167  
child program" means a preschool program or school child program, 6168  
as defined in section 3301.52 of the Revised Code, that is 6169  
licensed by the department of education pursuant to sections 6170  
3301.52 to 3301.59 of the Revised Code. 6171

~~(BB)~~(EE) "Licensed provider" means a person authorized by a 6172  
license issued by the director of job and family services to 6173  
operate a licensed type B family child-care home. 6174

(FF) "Licensed type B family child-care home" or "licensed 6175  
type B home" means a type B family child-care home that is 6176  
licensed by the director of job and family services under section 6177  
5104.03 of the Revised Code to provide child care or publicly 6178  
funded child care to three to six children at one time. 6179

(GG) "Licensee" means ~~the~~ both of the following: 6180

(1) The owner of a ~~child day care~~ child-care center or type A 6181  
family ~~day care~~ child-care home that is licensed pursuant to this 6182  
chapter and who is responsible for ensuring its compliance with 6183  
this chapter and rules adopted pursuant to this chapter; 6184

(2) A licensed provider. 6185

~~(CC)~~(HH) "Operate a child day camp" means to operate, 6186  
establish, manage, conduct, or maintain a child day camp. 6187

~~(DD)~~(II) "Owner" includes a person, as defined in section 6188  
1.59 of the Revised Code, or government entity. 6189

~~(EE)~~(JJ) "Parent cooperative ~~child day care~~ child-care 6190  
center," "parent cooperative center," "parent cooperative type A 6191

family ~~day-care~~ child-care home," and "parent cooperative type A 6192  
home" mean a corporation or association organized for providing 6193  
educational services to the children of members of the corporation 6194  
or association, without gain to the corporation or association as 6195  
an entity, in which the services of the corporation or association 6196  
are provided only to children of the members of the corporation or 6197  
association, ownership and control of the corporation or 6198  
association rests solely with the members of the corporation or 6199  
association, and at least one parent-member of the corporation or 6200  
association is on the premises of the center or type A home during 6201  
its hours of operation. 6202

~~(FF)~~(KK) "Part-time ~~child-day-care~~ child-care center," 6203  
"part-time center," "part-time type A family ~~day-care~~ child-care 6204  
home," ~~and~~ "part-time type A home," "part-time licensed type B 6205  
family child-care home," and "part-time licensed type B home" mean 6206  
a center ~~or,~~ type A home, or licensed type B home that provides 6207  
child care or publicly funded child care for no more than four 6208  
hours a day for any child. 6209

~~(GG)~~(LL) "Place of worship" means a building where activities 6210  
of an organized religious group are conducted and includes the 6211  
grounds and any other buildings on the grounds used for such 6212  
activities. 6213

~~(HH)~~(MM) "Preschool child" means a child who is three years 6214  
old or older but is not a school child. 6215

~~(II)~~(NN) "Protective child care" means publicly funded child 6216  
care for the direct care and protection of a child to whom either 6217  
of the following applies: 6218

(1) A case plan prepared and maintained for the child 6219  
pursuant to section 2151.412 of the Revised Code indicates a need 6220  
for protective care and the child resides with a parent, 6221  
stepparent, guardian, or another person who stands in loco 6222



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 care.

~~(JJ)~~(OO) "Publicly funded child 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.

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

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

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

(1) Operates only during that part of the day that

immediately precedes or follows the public school day of the 6254  
school district in which the center or type A home is located; 6255

(2) Operates only when the public schools in the school 6256  
district in which the center or type A home is located are not 6257  
open for instruction with pupils in attendance. 6258

~~(NN)~~(SS) "Standard fingerprint impression sheet" means the 6259  
standard impression sheet to obtain fingerprint impressions that 6260  
the superintendent of BCII prescribes pursuant to division (C)(2) 6261  
of section 109.572 of the Revised Code. 6262

(TT) "State median income" means the state median income 6263  
calculated by the department of development pursuant to division 6264  
(A)(1)(g) of section 5709.61 of the Revised Code. 6265

~~(OO)~~(UU) "Title IV-A" means Title IV-A of the "Social 6266  
Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 6267

~~(PP)~~(VV) "Title XX" means Title XX of the "Social Security 6268  
Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 6269

~~(QQ)~~(WW) "Toddler" means a child who is at least eighteen 6270  
months of age but less than three years of age. 6271

~~(RR)~~(XX) "Type A family ~~day-care~~ child-care home" and "type A 6272  
home" mean a permanent residence of the administrator in which 6273  
child care or publicly funded child care is provided for seven to 6274  
twelve children at one time or a permanent residence of the 6275  
administrator in which child care is provided for four to twelve 6276  
children at one time if four or more children at one time are 6277  
under two years of age. ~~In counting children for the purposes of~~ 6278  
~~this division, any children under six years of age who are related~~ 6279  
~~to a licensee, administrator, or employee and who are on the~~ 6280  
~~premises of the type A home shall be counted.~~ "Type A family 6281  
~~day-care~~ child-care home" and "type A home" do not include any 6282  
child day camp. 6283

~~(SS)(YY)~~ "Type B family ~~day-care~~ child-care home" and "type B home" mean a permanent residence of the provider in which child care is provided for one to six children at one time and in which no more than three children are under two years of age at one time. ~~In counting children for the purposes of this division, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted.~~ "Type B family day-care home" and "type B home" do not include any child day camp.

**Sec. 5104.011.** (A) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code governing the operation of ~~child-day-care~~ child-care centers, including, but not limited to, parent cooperative centers, part-time centers, drop-in centers, and school child centers, which rules shall reflect the various forms of child care and the needs of children receiving child care or publicly funded child care and shall include specific rules for school child care centers that are developed in consultation with the department of education. The rules shall not require an existing school facility that is in compliance with applicable building codes to undergo an additional building code inspection or to have structural modifications. The rules shall include the requirements set forth in sections 5104.15 to 5104.20 of the Revised Code and all of the following:

(1) Submission of a site plan and descriptive plan of operation to demonstrate how the center 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 center are safe and sanitary including, but not limited to, the physical environment, the physical plant, and the equipment of

the center; 6315

(3) Standards for the supervision, care, and discipline of 6316  
children receiving child care or publicly funded child care in the 6317  
center; 6318

(4) Standards for a program of activities, and for play 6319  
equipment, materials, and supplies, to enhance the development of 6320  
each child; however, any educational curricula, philosophies, and 6321  
methodologies that are developmentally appropriate and that 6322  
enhance the social, emotional, intellectual, and physical 6323  
development of each child shall be permissible. As used in this 6324  
division, "program" does not include instruction in religious or 6325  
moral doctrines, beliefs, or values that is conducted at ~~child~~ 6326  
~~day-care~~ child-care centers owned and operated by churches and 6327  
does include methods of disciplining children at ~~child-day-care~~ 6328  
child-care centers. 6329

(5) Admissions policies and procedures, health care policies 6330  
and procedures, including, but not limited to, procedures for the 6331  
isolation of children with communicable diseases, first aid and 6332  
emergency procedures, procedures for discipline and supervision of 6333  
children, standards for the provision of nutritious meals and 6334  
snacks, and procedures for screening children and employees, 6335  
including, but not limited to, any necessary physical examinations 6336  
and immunizations; 6337

(6) Methods for encouraging parental participation in the 6338  
center and methods for ensuring that the rights of children, 6339  
parents, and employees are protected and that responsibilities of 6340  
parents and employees are met; 6341

(7) Procedures for ensuring the safety and adequate 6342  
supervision of children traveling off the premises of the center 6343  
while under the care of a center employee; 6344

(8) Procedures for record keeping, organization, and 6345

administration;	6346
(9) Procedures for issuing, renewing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	6347 6348 6349
(10) Inspection procedures;	6350
(11) Procedures and standards for setting initial and renewal license application fees;	6351 6352
(12) Procedures for receiving, recording, and responding to complaints about centers;	6353 6354
(13) Procedures for enforcing section 5104.04 of the Revised Code;	6355 6356
(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;	6357 6358 6359 6360 6361
(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 <del>child day-care</del> <u>child-care</u> centers adopted under this division shall be consistent with <del>divisions (B)(6) and (C)(1) of this section</del> <u>sections 5104.161 and 5104.172 of the Revised Code.</u>	6362 6363 6364 6365 6366 6367 6368
(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;	6369 6370 6371 6372
(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 care or publicly funded child	6373 6374 6375

care in the center; 6376

(18) A procedure for reporting of injuries of children that 6377  
occur at the center; 6378

(19) Any other procedures and standards necessary to carry 6379  
out this chapter regarding child-care centers. 6380

~~(B)(1) The child day care center shall have, for each child 6381  
for whom the center is licensed, at least thirty five square feet 6382  
of usable indoor floor space wall to wall regularly available for 6383  
the child care operation exclusive of any parts of the structure 6384  
in which the care of children is prohibited by law or by rules 6385  
adopted by the board of building standards. The minimum of 6386  
thirty five square feet of usable indoor floor space shall not 6387  
include hallways, kitchens, storage areas, or any other areas that 6388  
are not available for the care of children, as determined by the 6389  
director, in meeting the space requirement of this division, and 6390  
bathrooms shall be counted in determining square footage only if 6391  
they are used exclusively by children enrolled in the center, 6392  
except that the exclusion of hallways, kitchens, storage areas, 6393  
bathrooms not used exclusively by children enrolled in the center, 6394  
and any other areas not available for the care of children from 6395  
the minimum of thirty five square feet of usable indoor floor 6396  
space shall not apply to:~~ 6397

~~(a) Centers licensed prior to or on September 1, 1986, that 6398  
continue under licensure after that date;~~ 6399

~~(b) Centers licensed prior to or on September 1, 1986, that 6400  
are issued a new license after that date solely due to a change of 6401  
ownership of the center.~~ 6402

~~(2) The child day care center shall have on the site a safe 6403  
outdoor play space which is enclosed by a fence or otherwise 6404  
protected from traffic or other hazards. The play space shall 6405  
contain not less than sixty square feet per child using such space 6406~~

~~at any one time, and shall provide an opportunity for supervised outdoor play each day in suitable weather. The director may exempt a center from the requirement of this division, if an outdoor play space is not available and if all of the following are met:~~ 6407  
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~~(a) The center provides an indoor recreation area that has not less than sixty square feet per child using the space at any one time, that has a minimum of one thousand four hundred forty square feet of space, and that is separate from the indoor space required under division (B)(1) of this section.~~ 6411  
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~~(b) The director has determined that there is regularly available and scheduled for use a conveniently accessible and safe park, playground, or similar outdoor play area for play or recreation.~~ 6416  
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~~(c) The children are closely supervised during play and while traveling to and from the area.~~ 6420  
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~~The director also shall exempt from the requirement of this division a child day care center that was licensed prior to September 1, 1986, if the center received approval from the director prior to September 1, 1986, to use a park, playground, or similar area, not connected with the center, for play or recreation in lieu of the outdoor space requirements of this section and if the children are closely supervised both during play and while traveling to and from the area and except if the director determines upon investigation and inspection pursuant to section 5104.04 of the Revised Code and rules adopted pursuant to that section that the park, playground, or similar area, as well as access to and from the area, is unsafe for the children.~~ 6422  
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~~(3) The child day care center shall have at least two responsible adults available on the premises at all times when seven or more children are in the center. The center shall organize the children in the center in small groups, shall provide~~ 6434  
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~~child care staff to give continuity of care and supervision to the children on a day by day basis, and shall ensure that no child is left alone or unsupervised. Except as otherwise provided in division (E) of this section, the maximum number of children per child care staff member and maximum group size, by age category of children, are as follows:~~

	<del>Maximum Number of</del>		
	<del>Children Per</del>	<del>Maximum</del>	
<del>Age Category</del>	<del>Child Care</del>	<del>Group</del>	
<del>of Children</del>	<del>Staff Member</del>	<del>Size</del>	
<del>(a) Infants:</del>			
<del>(i) Less than twelve months old</del>	<del>5:1, or 12:2 if two child care staff members are in the room</del>	<del>12</del>	
<del>(ii) At least twelve months old, but less than eighteen months old</del>	<del>6:1</del>	<del>12</del>	
<del>(b) Toddlers:</del>			
<del>(i) At least eighteen months old, but less than thirty months old</del>	<del>7:1</del>	<del>14</del>	
<del>(ii) At least thirty months old, but less than three years old</del>	<del>8:1</del>	<del>16</del>	
<del>(c) Preschool children:</del>			
<del>(i) Three years old</del>	<del>12:1</del>	<del>24</del>	
<del>(ii) Four years old and</del>			



<del>five years old who</del>			6471
<del>are not school</del>			6472
<del>children</del>	<del>14:1</del>	<del>28</del>	6473
<del>(d) School children:</del>			6474
<del>(i) A child who is</del>			6475
<del>enrolled in or is</del>			6476
<del>eligible to be</del>			6477
<del>enrolled in a grade</del>			6478
<del>of kindergarten</del>			6479
<del>or above, but</del>			6480
<del>is less than</del>			6481
<del>eleven years old</del>	<del>18:1</del>	<del>36</del>	6482
<del>(ii) Eleven through fourteen</del>			6483
<del>years old</del>	<del>20:1</del>	<del>40</del>	6484
<del>Except as otherwise provided in division (E) of this section,</del>			6485
<del>the maximum number of children per child care staff member and</del>			6486
<del>maximum group size requirements of the younger age group shall</del>			6487
<del>apply when age groups are combined.</del>			6488
<del>(4)(a) The child day care center administrator shall show the</del>			6489
<del>director both of the following:</del>			6490
<del>(i) Evidence of at least high school graduation or</del>			6491
<del>certification of high school equivalency by the state board of</del>			6492
<del>education or the appropriate agency of another state;</del>			6493
<del>(ii) Evidence of having completed at least two years of</del>			6494
<del>training in an accredited college, university, or technical</del>			6495
<del>college, including courses in child development or early childhood</del>			6496
<del>education, or at least two years of experience in supervising and</del>			6497
<del>giving daily care to children attending an organized group</del>			6498
<del>program.</del>			6499
<del>(b) In addition to the requirements of division (B)(4)(a) of</del>			6500
<del>this section, any administrator employed or designated on or after</del>			6501
<del>September 1, 1986, shall show evidence of, and any administrator</del>			6502

~~employed or designated prior to September 1, 1986, shall show 6503  
evidence within six years after such date of, at least one of the 6504  
following: 6505~~

~~(i) Two years of experience working as a child care staff 6506  
member in a center and at least four courses in child development 6507  
or early childhood education from an accredited college, 6508  
university, or technical college, except that a person who has two 6509  
years of experience working as a child care staff member in a 6510  
particular center and who has been promoted to or designated as 6511  
administrator of that center shall have one year from the time the 6512  
person was promoted to or designated as administrator to complete 6513  
the required four courses; 6514~~

~~(ii) Two years of training, including at least four courses 6515  
in child development or early childhood education from an 6516  
accredited college, university, or technical college; 6517~~

~~(iii) A child development associate credential issued by the 6518  
national child development associate credentialing commission; 6519~~

~~(iv) An associate or higher degree in child development or 6520  
early childhood education from an accredited college, technical 6521  
college, or university, or a license designated for teaching in an 6522  
associate teaching position in a preschool setting issued by the 6523  
state board of education. 6524~~

~~(5) All child care staff members of a child day care center 6525  
shall be at least eighteen years of age, and shall furnish the 6526  
director evidence of at least high school graduation or 6527  
certification of high school equivalency by the state board of 6528  
education or the appropriate agency of another state or evidence 6529  
of completion of a training program approved by the department of 6530  
job and family services or state board of education, except as 6531  
follows: 6532~~

~~(a) A child care staff member may be less than eighteen years 6533~~

~~of age if the staff member is either of the following: 6534~~

~~(i) A graduate of a two year vocational child care training 6535~~  
~~program approved by the state board of education; 6536~~

~~(ii) A student enrolled in the second year of a vocational 6537~~  
~~child care training program approved by the state board of 6538~~  
~~education which leads to high school graduation, provided that the 6539~~  
~~student performs the student's duties in the child day care center 6540~~  
~~under the continuous supervision of an experienced child care 6541~~  
~~staff member, receives periodic supervision from the vocational 6542~~  
~~child care training program teacher coordinator in the student's 6543~~  
~~high school, and meets all other requirements of this chapter and 6544~~  
~~rules adopted pursuant to this chapter. 6545~~

~~(b) A child care staff member shall be exempt from the 6546~~  
~~educational requirements of this division if the staff member: 6547~~

~~(i) Prior to January 1, 1972, was employed or designated by a 6548~~  
~~child day care center and has been continuously employed since 6549~~  
~~either by the same child day care center employer or at the same 6550~~  
~~child day care center; or 6551~~

~~(ii) Is a student enrolled in the second year of a vocational 6552~~  
~~child care training program approved by the state board of 6553~~  
~~education which leads to high school graduation, provided that the 6554~~  
~~student performs the student's duties in the child day care center 6555~~  
~~under the continuous supervision of an experienced child care 6556~~  
~~staff member, receives periodic supervision from the vocational 6557~~  
~~child care training program teacher coordinator in the student's 6558~~  
~~high school, and meets all other requirements of this chapter and 6559~~  
~~rules adopted pursuant to this chapter. 6560~~

~~(6) Every child care staff member of a child day care center 6561~~  
~~annually shall complete fifteen hours of inservice training in 6562~~  
~~child development or early childhood education, child abuse 6563~~  
~~recognition and prevention, first aid, and in prevention, 6564~~

~~recognition, and management of communicable diseases, until a 6565  
total of forty five hours of training has been completed, unless 6566  
the staff member furnishes one of the following to the director: 6567~~

~~(a) Evidence of an associate or higher degree in child 6568  
development or early childhood education from an accredited 6569  
college, university, or technical college; 6570~~

~~(b) A license designated for teaching in an associate 6571  
teaching position in a preschool setting issued by the state board 6572  
of education; 6573~~

~~(c) Evidence of a child development associate credential; 6574~~

~~(d) Evidence of a preprimary credential from the American 6575  
Montessori society or the association Montessori international. 6576  
For the purposes of division (B)(6) of this section, "hour" means 6577  
sixty minutes. 6578~~

~~(7) The administrator of each child day care center shall 6579  
prepare at least once annually and for each group of children at 6580  
the center a roster of names and telephone numbers of parents, 6581  
custodians, or guardians of each group of children attending the 6582  
center and upon request shall furnish the roster for each group to 6583  
the parents, custodians, or guardians of the children in that 6584  
group. The administrator may prepare a roster of names and 6585  
telephone numbers of all parents, custodians, or guardians of 6586  
children attending the center and upon request shall furnish the 6587  
roster to the parents, custodians, or guardians of the children 6588  
who attend the center. The administrator shall not include in any 6589  
roster the name or telephone number of any parent, custodian, or 6590  
guardian who requests the administrator not to include the 6591  
parent's, custodian's, or guardian's name or number and shall not 6592  
furnish any roster to any person other than a parent, custodian, 6593  
or guardian of a child who attends the center. 6594~~

~~(C)(1) Each child day care center shall have on the center 6595~~

~~premises and readily available at all times at least one 6596  
child care staff member who has completed a course in first aid 6597  
and in prevention, recognition, and management of communicable 6598  
diseases which is approved by the state department of health and a 6599  
staff member who has completed a course in child abuse recognition 6600  
and prevention training which is approved by the department of job 6601  
and family services. 6602~~

~~(2) The administrator of each child day care center shall 6603  
maintain enrollment, health, and attendance records for all 6604  
children attending the center and health and employment records 6605  
for all center employees. The records shall be confidential, 6606  
except as otherwise provided in division (B)(7) of this section 6607  
and except that they shall be disclosed by the administrator to 6608  
the director upon request for the purpose of administering and 6609  
enforcing this chapter and rules adopted pursuant to this chapter. 6610  
Neither the center nor the licensee, administrator, or employees 6611  
of the center shall be civilly or criminally liable in damages or 6612  
otherwise for records disclosed to the director by the 6613  
administrator pursuant to this division. It shall be a defense to 6614  
any civil or criminal charge based upon records disclosed by the 6615  
administrator to the director that the records were disclosed 6616  
pursuant to this division. 6617~~

~~(3)(a) Any parent who is the residential parent and legal 6618  
custodian of a child enrolled in a child day care center and any 6619  
custodian or guardian of such a child shall be permitted unlimited 6620  
access to the center during its hours of operation for the 6621  
purposes of contacting their children, evaluating the care 6622  
provided by the center, evaluating the premises of the center, or 6623  
for other purposes approved by the director. A parent of a child 6624  
enrolled in a child day care center who is not the child's 6625  
residential parent shall be permitted unlimited access to the 6626  
center during its hours of operation for those purposes under the 6627~~

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

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

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

~~(D) The director of job and family services, in addition to the rules adopted under division (A) of this section, shall adopt~~

rules establishing minimum requirements for ~~child day care~~ 6660  
child-care centers. The rules shall include, but not be limited 6661  
to, the requirements set forth in ~~divisions (B) and (C) of this~~ 6662  
~~section~~ sections 5104.15 to 5104.20 of the Revised Code. Except as 6663  
provided in section ~~5104.07~~ 5104.014 of the Revised Code, the 6664  
rules shall not change the square footage requirements of ~~division~~ 6665  
~~(B)(1) or (2) of this~~ section 5104.15 or 5104.151 of the Revised 6666  
Code; the maximum number of children per child-care staff member 6667  
and maximum group size requirements of ~~division (B)(3) of this~~ 6668  
section 5104.16 of the Revised Code; the educational and 6669  
experience requirements of ~~division (B)(4) of this~~ section 5104.17 6670  
of the Revised Code; the age, educational, and experience 6671  
requirements of ~~division (B)(5) of this~~ section 5104.171 of the 6672  
Revised Code; the number of inservice training hours required 6673  
under ~~division (B)(6) of this~~ section 5104.172 of the Revised 6674  
Code; or the requirement for at least annual preparation of a 6675  
roster for each group of children of names and telephone numbers 6676  
of parents, custodians, or guardians of each group of children 6677  
attending the center that must be furnished upon request to any 6678  
parent, custodian, or guardian of any child in that group required 6679  
under ~~division (B)(7) of this~~ section; ~~however, the~~ 5104.18 of the 6680  
Revised Code. The rules shall, however, provide procedures for 6681  
determining compliance with those requirements. 6682

~~(E)(1) When age groups are combined, the maximum number of~~ 6683  
~~children per child care staff member shall be determined by the~~ 6684  
~~age of the youngest child in the group, except that when no more~~ 6685  
~~than one child thirty months of age or older receives services in~~ 6686  
~~a group in which all the other children are in the next older age~~ 6687  
~~group, the maximum number of children per child care staff member~~ 6688  
~~and maximum group size requirements of the older age group~~ 6689  
~~established under division (B)(3) of this section shall apply.~~ 6690

~~(2) The maximum number of toddlers or preschool children per~~ 6691

~~child care staff member in a room where children are napping shall 6692  
be twice the maximum number of children per child care staff 6693  
member established under division (B)(3) of this section if all 6694  
the following criteria are met: 6695~~

~~(a) At least one child care staff member is present in the 6696  
room. 6697~~

~~(b) Sufficient child care staff members are on the child 6698  
day care center premises to meet the maximum number of children 6699  
per child care staff member requirements established under 6700  
division (B)(3) of this section. 6701~~

~~(c) Naptime preparations are complete and all napping 6702  
children are resting or sleeping on cots. 6703~~

~~(d) The maximum number established under division (E)(2) of 6704  
this section is in effect for no more than one and one half hours 6705  
during a twenty four hour day. 6706~~

~~(F) The director of job and family services shall adopt rules 6707  
pursuant to Chapter 119. of the Revised Code governing the 6708  
operation of type A family day care homes, including, but not 6709  
limited to, parent cooperative type A homes, part time type A 6710  
homes, drop in type A homes, and school child type A homes, which 6711  
shall reflect the various forms of child care and the needs of 6712  
children receiving child care. The rules shall include the 6713  
following: 6714~~

~~(1) Submission of a site plan and descriptive plan of 6715  
operation to demonstrate how the type A home proposes to meet the 6716  
requirements of this chapter and rules adopted pursuant to this 6717  
chapter for the initial license application; 6718~~

~~(2) Standards for ensuring that the physical surroundings of 6719  
the type A home are safe and sanitary, including, but not limited 6720  
to, the physical environment, the physical plant, and the 6721  
equipment of the type A home; 6722~~



~~(3) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the type A home;~~ 6723  
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~~(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;~~ 6726  
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~~(5) Admissions policies and procedures, health care policies and procedures, including, but not limited to, procedures for the isolation of children with communicable diseases, first aid and emergency procedures, procedures for discipline and supervision of children, standards for the provision of nutritious meals and snacks, and procedures for screening children and employees, including, but not limited to, any necessary physical examinations and immunizations;~~ 6732  
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~~(6) Methods for encouraging parental participation in the type A home and methods for ensuring that the rights of children, parents, and employees are protected and that the responsibilities of parents and employees are met;~~ 6740  
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~~(7) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the type A home while under the care of a type A home employee;~~ 6744  
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~~(8) Procedures for record keeping, organization, and administration;~~ 6747  
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~~(9) Procedures for issuing, renewing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;~~ 6749  
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~~(10) Inspection procedures;~~ 6752

<del>(11) Procedures and standards for setting initial and renewal license application fees;</del>	6753
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<del>(12) Procedures for receiving, recording, and responding to complaints about type A homes;</del>	6755
	6756
<del>(13) Procedures for enforcing section 5104.04 of the Revised Code;</del>	6757
	6758
<del>(14) A standard requiring the inclusion, on or after July 1, 1987, of a current department of job and family services toll free telephone number on each type A home provisional license or license which any person may use to report a suspected violation by the type A home of this chapter or rules adopted pursuant this chapter;</del>	6759
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<del>(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;</del>	6765
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<del>(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;</del>	6769
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<del>(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 care or publicly funded child care in the type A home;</del>	6773
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<del>(18) Standards for the maximum number of children per child care staff member;</del>	6777
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<del>(19) Requirements for the amount of usable indoor floor space for each child;</del>	6779
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<del>(20) Requirements for safe outdoor play space;</del>	6781
<del>(21) Qualifications and training requirements for</del>	6782

~~administrators and for child care staff members;~~ 6783

~~(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;~~ 6784  
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~~(23) Standards for the preparation and distribution of a roster of parents, custodians, and guardians;~~ 6787  
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~~(24) Any other procedures and standards necessary to carry out this chapter.~~ 6789  
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~~(C) 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.~~ 6791  
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~~(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 providers:~~ 6794  
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~~(a) Persons who provide child care for eligible children who are great grandchildren, grandchildren, nieces, nephews, or siblings of the provider or for eligible children whose caretaker parent is a grandchild, child, niece, nephew, or sibling of the provider;~~ 6798  
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~~(b) Persons who provide child care for eligible children all of whom are the children of the same caretaker parent.~~ 6803  
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~~The rules shall require, and shall include procedures for the director to ensure, that type B family day care homes that receive a limited certification provide child care to children in a safe and sanitary manner. With regard to providers who apply for limited certification, a provider shall be granted a provisional limited certification on signing a declaration under oath attesting that the provider meets the standards for limited certification. Such provisional limited certifications shall~~ 6805  
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~~remain in effect for no more than sixty calendar days and shall 6813  
entitle the provider to offer publicly funded child care during 6814  
the provisional period. Except as otherwise provided in division 6815  
(C)(1) of this section, section 5104.013 or 5104.09 of the Revised 6816  
Code, or division (A)(2) of section 5104.11 of the Revised Code, 6817  
prior to the expiration of the provisional limited certificate, a 6818  
county department of job and family services shall inspect the 6819  
home and shall grant limited certification to the provider if the 6820  
provider meets the requirements of this division. Limited 6821  
certificates remain valid for two years unless earlier revoked. 6822  
Except as otherwise provided in division (C)(1) of this section, 6823  
providers operating under limited certification shall be inspected 6824  
annually. 6825~~

~~If a provider is a person described in division (C)(1)(a) of 6826  
this section or a person described in division (C)(1)(b) of this 6827  
section who is a friend of the caretaker parent, the provider and 6828  
the caretaker parent may verify in writing to the county 6829  
department of job and family services that minimum health and 6830  
safety requirements are being met in the home. Except as otherwise 6831  
provided in section 5104.013 or 5104.09 or in division (A)(2) of 6832  
section 5104.11 of the Revised Code, if such verification is 6833  
provided, the county shall waive any inspection required by this 6834  
chapter and grant limited certification to the provider. 6835~~

~~(2) The rules shall provide for safeguarding the health, 6836  
safety, and welfare of children receiving child care or publicly 6837  
funded child care in a certified type B home and shall include the 6838  
following: 6839~~

~~(a) Standards for ensuring that the type B home and the 6840  
physical surroundings of the type B home are safe and sanitary, 6841  
including, but not limited to, physical environment, physical 6842  
plant, and equipment; 6843~~

~~(b) Standards for the supervision, care, and discipline of 6844~~

~~children receiving child care or publicly funded child care in the home;~~ 6845  
6846

~~(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;~~ 6847  
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~~(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 physical examinations and immunizations;~~ 6853  
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~~(e) Methods of encouraging parental participation and ensuring that the rights of children, parents, and authorized providers are protected and the responsibilities of parents and authorized providers are met;~~ 6859  
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~~(f) Standards for the safe transport of children when under the care of authorized providers;~~ 6863  
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~~(g) Procedures for issuing, renewing, denying, refusing to renew, or revoking certificates;~~ 6865  
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~~(h) Procedures for the inspection of type B family day care homes that require, at a minimum, that each type B family day care home be inspected prior to certification to ensure that the home is safe and sanitary;~~ 6867  
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~~(i) Procedures for record keeping and evaluation;~~ 6871

~~(j) Procedures for receiving, recording, and responding to complaints;~~ 6872  
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~~(k) Standards providing for the special needs of children who~~ 6874

~~are handicapped or who receive treatment for health conditions~~ 6875  
~~while the child is receiving child care or publicly funded child~~ 6876  
~~care in the type B home;~~ 6877

~~(l) Requirements for the amount of usable indoor floor space~~ 6878  
~~for each child;~~ 6879

~~(m) Requirements for safe outdoor play space;~~ 6880

~~(n) Qualification and training requirements for authorized~~ 6881  
~~providers;~~ 6882

~~(o) Procedures for granting a parent who is the residential~~ 6883  
~~parent and legal custodian, or a custodian or guardian access to~~ 6884  
~~the type B home during its hours of operation;~~ 6885

~~(p) Any other procedures and standards necessary to carry out~~ 6886  
~~this chapter.~~ 6887

~~(H) The director shall adopt rules pursuant to Chapter 119.~~ 6888  
~~of the Revised Code governing the certification of in home aides.~~ 6889  
~~The rules shall include procedures, standards, and other necessary~~ 6890  
~~provisions for granting limited certification to in home aides who~~ 6891  
~~provide child care for eligible children who are~~ 6892  
~~great grandchildren, grandchildren, nieces, nephews, or siblings~~ 6893  
~~of the in home aide or for eligible children whose caretaker~~ 6894  
~~parent is a grandchild, child, niece, nephew, or sibling of the~~ 6895  
~~in home aide. The rules shall require, and shall include~~ 6896  
~~procedures for the director to ensure, that in home aides that~~ 6897  
~~receive a limited certification provide child care to children in~~ 6898  
~~a safe and sanitary manner. The rules shall provide for~~ 6899  
~~safeguarding the health, safety, and welfare of children receiving~~ 6900  
~~publicly funded child care in their own home and shall include the~~ 6901  
~~following:~~ 6902

~~(1) Standards for ensuring that the child's home and the~~ 6903  
~~physical surroundings of the child's home are safe and sanitary,~~ 6904  
~~including, but not limited to, physical environment, physical~~ 6905

<del>plant, and equipment;</del>	6906
<del>(2) Standards for the supervision, care, and discipline of</del>	6907
<del>children receiving publicly funded child care in their own home;</del>	6908
<del>(3) Standards for a program of activities, and for play</del>	6909
<del>equipment, materials, and supplies to enhance the development of</del>	6910
<del>each child; however, any educational curricula, philosophies, and</del>	6911
<del>methodologies that are developmentally appropriate and that</del>	6912
<del>enhance the social, emotional, intellectual, and physical</del>	6913
<del>development of each child shall be permissible;</del>	6914
<del>(4) Health care, first aid, and emergency procedures,</del>	6915
<del>procedures for the care of sick children, procedures for</del>	6916
<del>discipline and supervision of children, nutritional standards, and</del>	6917
<del>procedures for screening children and in home aides, including,</del>	6918
<del>but not limited to, any necessary physical examinations and</del>	6919
<del>immunizations;</del>	6920
<del>(5) Methods of encouraging parental participation and</del>	6921
<del>ensuring that the rights of children, parents, and in home aides</del>	6922
<del>are protected and the responsibilities of parents and in home</del>	6923
<del>aides are met;</del>	6924
<del>(6) Standards for the safe transport of children when under</del>	6925
<del>the care of in home aides;</del>	6926
<del>(7) Procedures for issuing, renewing, denying, refusing to</del>	6927
<del>renew, or revoking certificates;</del>	6928
<del>(8) Procedures for inspection of homes of children receiving</del>	6929
<del>publicly funded child care in their own homes;</del>	6930
<del>(9) Procedures for record keeping and evaluation;</del>	6931
<del>(10) Procedures for receiving, recording, and responding to</del>	6932
<del>complaints;</del>	6933
<del>(11) Qualifications and training requirements for in home</del>	6934
<del>aides;</del>	6935

<del>(12) Standards providing for the special needs of children</del>	6936
<del>who are handicapped or who receive treatment for health conditions</del>	6937
<del>while the child is receiving publicly funded child care in the</del>	6938
<del>child's own home;</del>	6939
<del>(13) Any other procedures and standards necessary to carry</del>	6940
<del>out this chapter.</del>	6941
<del>(I) To the extent that any rules adopted for the purposes of</del>	6942
<del>this section require a health care professional to perform a</del>	6943
<del>physical examination, the rules shall include as a health care</del>	6944
<del>professional a physician assistant, a clinical nurse specialist, a</del>	6945
<del>certified nurse practitioner, or a certified nurse midwife.</del>	6946
<del>(J)(1) The director of job and family services shall do all</del>	6947
<del>of the following:</del>	6948
<del>(a) Send to each licensee notice of proposed rules governing</del>	6949
<del>the licensure of child day care centers and type A homes;</del>	6950
<del>(b) Give public notice of hearings regarding the rules to</del>	6951
<del>each licensee at least thirty days prior to the date of the public</del>	6952
<del>hearing, in accordance with section 119.03 of the Revised Code;</del>	6953
<del>(c) At least thirty days before the effective date of a rule,</del>	6954
<del>provide, in either paper or electronic form, a copy of the adopted</del>	6955
<del>rule to each licensee.</del>	6956
<del>(2) The director shall do all of the following:</del>	6957
<del>(a) Send to each county director of job and family services a</del>	6958
<del>notice of proposed rules governing the certification of type B</del>	6959
<del>family homes and in-home aides that includes an internet web site</del>	6960
<del>address where the proposed rules can be viewed;</del>	6961
<del>(b) Give public notice of hearings regarding the proposed</del>	6962
<del>rules not less than thirty days in advance;</del>	6963
<del>(c) Provide to each county director of job and family</del>	6964
<del>services an electronic copy of each adopted rule at least</del>	6965



~~forty five days prior to the rule's effective date.~~ 6966

~~(3) The county director of job and family services shall send 6967  
copies of proposed rules to each authorized provider and in home 6968  
aide and shall give public notice of hearings regarding the rules 6969  
to each authorized provider and in home aide at least thirty days 6970  
prior to the date of the public hearing, in accordance with 6971  
section 119.03 of the Revised Code. At least thirty days before 6972  
the effective date of a rule, the county director of job and 6973  
family services shall provide, in either paper or electronic form, 6974  
copies of the adopted rule to each authorized provider and in home 6975  
aide.~~ 6976

~~(4) Additional copies of proposed and adopted rules shall be 6977  
made available by the director of job and family services to the 6978  
public on request at no charge.~~ 6979

~~(5) The director of job and family services shall recommend 6980  
standards for imposing sanctions on persons and entities that are 6981  
licensed or certified under this chapter and that violate any 6982  
provision of this chapter. The standards shall be based on the 6983  
scope and severity of the violations. The director shall provide 6984  
copies of the recommendations to the governor, the speaker and 6985  
minority leader of the house of representatives, and the president 6986  
and minority leader of the senate and, on request, shall make 6987  
copies available to the public.~~ 6988

~~(6) The director of job and family services shall adopt rules 6989  
pursuant to Chapter 119. of the Revised Code that establish 6990  
standards for the training of individuals whom any county 6991  
department of job and family services employs, with whom any 6992  
county department of job and family services contracts, or with 6993  
whom the director of job and family services contracts, to inspect 6994  
or investigate type B family day care homes pursuant to section 6995  
5104.11 of the Revised Code. The department shall provide training 6996  
in accordance with those standards for individuals in the 6997~~

~~categories described in this division.~~ 6998

~~(K) The director of job and family services shall review all rules adopted pursuant to this chapter at least once every seven years.~~ 6999  
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~~(L) Notwithstanding any provision of the Revised Code, the director of job and family services shall not regulate in any way under this chapter or rules adopted pursuant to this chapter, instruction in religious or moral doctrines, beliefs, or values.~~ 7002  
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**Sec. 5104.014 5104.012.** The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to provide for the licensing of ~~child day care~~ child-care centers for children with short-term illnesses and other temporary medical conditions. 7006  
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**Sec. 5104.013.** 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 child-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 care and the needs of children receiving child care. The rules shall include the following: 7011  
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(A) 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; 7019  
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(B) 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; 7023  
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(C) Standards for the supervision, care, and discipline of 7027

children receiving child care or publicly funded child care in the 7028  
type A home; 7029

(D) Standards for a program of activities, and for play 7030  
equipment, materials, and supplies, to enhance the development of 7031  
each child; however, any educational curricula, philosophies, and 7032  
methodologies that are developmentally appropriate and that 7033  
enhance the social, emotional, intellectual, and physical 7034  
development of each child shall be permissible; 7035

(E) Admissions policies and procedures, health care policies 7036  
and procedures, including, but not limited to, procedures for the 7037  
isolation of children with communicable diseases, first aid and 7038  
emergency procedures, procedures for discipline and supervision of 7039  
children, standards for the provision of nutritious meals and 7040  
snacks, and procedures for screening children and employees, 7041  
including, but not limited to, any necessary physical examinations 7042  
and immunizations; 7043

(F) Methods for encouraging parental participation in the 7044  
type A home and methods for ensuring that the rights of children, 7045  
parents, and employees are protected and that the responsibilities 7046  
of parents and employees are met; 7047

(G) Procedures for ensuring the safety and adequate 7048  
supervision of children traveling off the premises of the type A 7049  
home while under the care of a type A home employee; 7050

(H) Procedures for record keeping, organization, and 7051  
administration; 7052

(I) Procedures for issuing, renewing, denying, and revoking a 7053  
license that are not otherwise provided for in Chapter 119. of the 7054  
Revised Code; 7055

(J) Inspection procedures; 7056

(K) Procedures and standards for setting initial and renewal 7057

<u>license application fees;</u>	7058
<u>(L) Procedures for receiving, recording, and responding to complaints about type A homes;</u>	7059
<u>(M) Procedures for enforcing section 5104.04 of the Revised Code;</u>	7061
<u>(N) A standard requiring the inclusion, on or after July 1, 1987, of a current department of job and family services toll-free telephone number on each type A home provisional license or license which any person may use to report a suspected violation by the type A home of this chapter or rules adopted pursuant this chapter;</u>	7063
<u>(O) 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;</u>	7069
<u>(P) 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;</u>	7073
<u>(Q) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the type A home;</u>	7077
<u>(R) Standards for the maximum number of children per child-care staff member;</u>	7081
<u>(S) Requirements for the amount of usable indoor floor space for each child;</u>	7083
<u>(T) Requirements for safe outdoor play space;</u>	7085
<u>(U) Qualifications and training requirements for administrators and for child-care staff members;</u>	7086
	7087

(V) 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; 7088  
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(W) Standards for the preparation and distribution of a roster of parents, custodians, and guardians; 7091  
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(X) Any other procedures and standards necessary to carry out this chapter regarding type A homes. 7093  
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Sec. 5104.014. The director of job and family services may prescribe additional requirements for licensing child-care centers and type A family child-care homes that provide publicly funded child care pursuant to this chapter and any rules adopted under it. The director shall develop standards as required by federal laws and regulations for child-care programs supported by federal funds. 7095  
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Sec. 5104.015. The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code governing the licensure of type B family child-care homes that are required by section 5104.02 of the Revised Code to be licensed, including part-time licensed type B homes. 7102  
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The rules shall be no more stringent than the rules governing the certification of type B family child-care homes. The rules shall provide for safeguarding the health, safety, and welfare of children receiving child care or publicly funded child care in a licensed type B home and shall include the following: 7107  
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(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; 7112  
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(B) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the 7116  
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<u>home;</u>	7118
<u>(C) Standards for a program of activities, and for play</u>	7119
<u>equipment, materials, and supplies to enhance the development of</u>	7120
<u>each child; however, any educational curricula, philosophies, and</u>	7121
<u>methodologies that are developmentally appropriate and that</u>	7122
<u>enhance the social, emotional, intellectual, and physical</u>	7123
<u>development of each child shall be permissible;</u>	7124
<u>(D) Admission policies and procedures, health care, first aid</u>	7125
<u>and emergency procedures, procedures for the care of sick</u>	7126
<u>children, procedures for discipline and supervision of children,</u>	7127
<u>nutritional standards, and procedures for screening children and</u>	7128
<u>licensed providers, including, but not limited to, any necessary</u>	7129
<u>physical examinations and immunizations;</u>	7130
<u>(E) Methods of encouraging parental participation and</u>	7131
<u>ensuring that the rights of children, parents, and licensed</u>	7132
<u>providers are protected and the responsibilities of parents and</u>	7133
<u>licensed providers are met;</u>	7134
<u>(F) Standards for the safe transport of children when under</u>	7135
<u>the care of licensed providers;</u>	7136
<u>(G) Procedures for issuing, renewing, denying, and revoking a</u>	7137
<u>license that are not otherwise provided for in Chapter 119. of the</u>	7138
<u>Revised Code;</u>	7139
<u>(H) Inspection procedures;</u>	7140
<u>(I) Procedures and standards for setting initial and renewal</u>	7141
<u>license application fees;</u>	7142
<u>(J) Procedures for receiving, recording, and responding to</u>	7143
<u>complaints about type B homes;</u>	7144
<u>(K) A standard requiring the inclusion of a current</u>	7145
<u>department of job and family services toll-free telephone number</u>	7146
<u>on each type B home provisional license or license which any</u>	7147

<u>person may use to report a suspected violation by the type B home</u>	7148
<u>of this chapter or rules adopted pursuant this chapter;</u>	7149
<u>(L) Procedures for enforcing section 5104.04 of the Revised</u>	7150
<u>Code;</u>	7151
<u>(M) Procedures for record keeping and evaluation;</u>	7152
<u>(N) Standards providing for the special needs of children who</u>	7153
<u>are handicapped or who receive treatment for health conditions</u>	7154
<u>while the child is receiving child care or publicly funded child</u>	7155
<u>care in the type B home;</u>	7156
<u>(O) Requirements for the amount of usable indoor floor space</u>	7157
<u>for each child;</u>	7158
<u>(P) Requirements for safe outdoor play space;</u>	7159
<u>(O) Qualification and training requirements for licensed</u>	7160
<u>providers;</u>	7161
<u>(R) Procedures for granting a parent who is the residential</u>	7162
<u>parent and legal custodian, or a custodian or guardian access to</u>	7163
<u>the type B home during its hours of operation;</u>	7164
<u>(S) Any other procedures and standards necessary to carry out</u>	7165
<u>this chapter regarding licensed type B homes.</u>	7166
<b><u>Sec. 5104.016. The director of job and family services shall</u></b>	7167
<b><u>adopt rules pursuant to Chapter 119. of the Revised Code governing</u></b>	7168
<b><u>the certification of type B family child-care homes that seek</u></b>	7169
<b><u>certification pursuant to section 5104.11 of the Revised Code. The</u></b>	7170
<b><u>rules shall provide for safeguarding the health, safety, and</u></b>	7171
<b><u>welfare of children receiving child care or publicly funded child</u></b>	7172
<b><u>care in a certified type B home and shall include the following:</u></b>	7173
<u>(A) Standards for ensuring that the type B home and the</u>	7174
<u>physical surroundings of the type B home are safe and sanitary,</u>	7175
<u>including, but not limited to, physical environment, physical</u>	7176

<u>plant, and equipment;</u>	7177
<u>(B) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the home;</u>	7178
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<u>(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;</u>	7181
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<u>(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 certified providers, including, but not limited to, any necessary physical examinations and immunizations;</u>	7187
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<u>(E) Methods of encouraging parental participation and ensuring that the rights of children, parents, and certified providers are protected and the responsibilities of parents and certified providers are met;</u>	7193
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<u>(F) Standards for the safe transport of children when under the care of certified providers;</u>	7197
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<u>(G) Procedures for issuing, renewing, denying, refusing to renew, or revoking certificates;</u>	7199
	7200
<u>(H) Procedures for the inspection of type B homes that require, at a minimum, that each type B home be inspected prior to certification to ensure that the home is safe and sanitary;</u>	7201
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<u>(I) Procedures for record keeping and evaluation;</u>	7204
<u>(J) Procedures for receiving, recording, and responding to complaints;</u>	7205
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(K) Standards providing for the special needs of children who are handicapped or who receive treatment for health conditions while the child is receiving child care or publicly funded child care in the type B home; 7207  
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(L) Requirements for the amount of usable indoor floor space for each child; 7211  
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(M) Requirements for safe outdoor play space; 7213

(N) Qualification and training requirements for certified providers; 7214  
7215

(O) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type B home during its hours of operation; 7216  
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(P) Any other procedures and standards necessary to carry out this chapter regarding certified type B homes. 7219  
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**Sec. 5104.017.** The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code that establish standards for the training of individuals whom any county department of job and family services employs, with whom any county department of job and family services contracts, or with whom the director of job and family services contracts, to inspect or investigate type B family child-care homes pursuant to section 5104.11 of the Revised Code. The department shall provide training in accordance with those standards for individuals in the categories described in this section. 7221  
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**Sec. 5104.052 5104.018.** The director of job and family services, in cooperation with the fire marshal pursuant to section 3737.22 of the Revised Code, shall promulgate rules regarding fire prevention and fire safety in licensed type B family child-care homes and certified type B family day-care child-care homes. 7231  
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Sec. 5104.019. The director of job and family services, in 7236  
consultation with the director of health, shall adopt rules in 7237  
accordance with Chapter 119. of the Revised Code to implement the 7238  
requirements of section 5104.14 of the Revised Code. The rules may 7239  
prohibit smoking in a child-care center, type A family child-care 7240  
home, certified type B family child-care home, or licensed type B 7241  
family child-care home if its design and structure do not allow 7242  
persons to smoke under the conditions described in division (C) of 7243  
section 5104.14 of the Revised Code or if repeated violations of 7244  
division (A) or (B) of that section have occurred there. 7245

Sec. 5104.0110. The director of job and family services shall 7246  
adopt rules pursuant to Chapter 119. of the Revised Code governing 7247  
the certification of in-home aides. The rules shall include 7248  
procedures, standards, and other necessary provisions for granting 7249  
limited certification to in-home aides who provide child care for 7250  
eligible children who are great-grandchildren, grandchildren, 7251  
nieces, nephews, or siblings of the in-home aide or for eligible 7252  
children whose caretaker parent is a grandchild, child, niece, 7253  
nephew, or sibling of the in-home aide. The rules shall require, 7254  
and shall include procedures for the director to ensure, that 7255  
in-home aides that receive a limited certification provide child 7256  
care to children in a safe and sanitary manner. The rules shall 7257  
provide for safeguarding the health, safety, and welfare of 7258  
children receiving publicly funded child care in their own home 7259  
and shall include the following: 7260

(A) Standards for ensuring that the child's home and the 7261  
physical surroundings of the child's home are safe and sanitary, 7262  
including, but not limited to, physical environment, physical 7263  
plant, and equipment; 7264

(B) Standards for the supervision, care, and discipline of 7265  
children receiving publicly funded child care in their own home; 7266

<u>(C) Standards for a program of activities, and for play</u>	7267
<u>equipment, materials, and supplies to enhance the development of</u>	7268
<u>each child; however, any educational curricula, philosophies, and</u>	7269
<u>methodologies that are developmentally appropriate and that</u>	7270
<u>enhance the social, emotional, intellectual, and physical</u>	7271
<u>development of each child shall be permissible;</u>	7272
<u>(D) Health care, first aid, and emergency procedures,</u>	7273
<u>procedures for the care of sick children, procedures for</u>	7274
<u>discipline and supervision of children, nutritional standards, and</u>	7275
<u>procedures for screening children and in-home aides, including,</u>	7276
<u>but not limited to, any necessary physical examinations and</u>	7277
<u>immunizations;</u>	7278
<u>(E) Methods of encouraging parental participation and</u>	7279
<u>ensuring that the rights of children, parents, and in-home aides</u>	7280
<u>are protected and the responsibilities of parents and in-home</u>	7281
<u>aides are met;</u>	7282
<u>(F) Standards for the safe transport of children when under</u>	7283
<u>the care of in-home aides;</u>	7284
<u>(G) Procedures for issuing, renewing, denying, refusing to</u>	7285
<u>renew, or revoking certificates;</u>	7286
<u>(H) Procedures for inspection of homes of children receiving</u>	7287
<u>publicly funded child care in their own homes;</u>	7288
<u>(I) Procedures for record keeping and evaluation;</u>	7289
<u>(J) Procedures for receiving, recording, and responding to</u>	7290
<u>complaints;</u>	7291
<u>(K) Qualifications and training requirements for in-home</u>	7292
<u>aides;</u>	7293
<u>(L) Standards providing for the special needs of children who</u>	7294
<u>are handicapped or who receive treatment for health conditions</u>	7295
<u>while the child is receiving publicly funded child care in the</u>	7296

<u>child's own home;</u>	7297
<u>(M) Any other procedures and standards necessary to carry out this chapter regarding in-home aides.</u>	7298
	7299
<u>Sec. 5104.0111. The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement sections 5104.09 through 5104.0913 of the Revised Code, including rules that establish rehabilitation standards for the purpose of sections 5104.09, 5104.091, and 5104.092 of the Revised Code.</u>	7300
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<u>Sec. 5104.0112. To the extent that any rules adopted for the purposes of sections 5104.011 to 5104.0110 of the Revised Code 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.</u>	7306
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<u>Sec. 5104.0113. Notwithstanding any provision of the Revised Code, the director of job and family services shall not regulate in any way under this chapter or rules adopted pursuant to this chapter, instruction in religious or moral doctrines, beliefs, or values.</u>	7312
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<u>Sec. 5104.0114. The director of job and family services shall do all of the following:</u>	7317
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<u>(A) Make proposed rules governing the licensure of child-care centers, type A family child-care homes, and type B family child-care homes available to each licensee;</u>	7319
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<u>(B) Give public notice of hearings regarding the rules to each licensee at least thirty days prior to the date of the public hearing, in accordance with section 119.03 of the Revised Code;</u>	7322
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(C) At least thirty days before the effective date of a rule, provide, in electronic form, a copy of the adopted rule to each licensee. 7325  
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**Sec. 5104.0115.** (A) The director of job and family services shall do all of the following: 7328  
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(1) Send to each county director of job and family services a notice of proposed rules governing the certification of type B family child-care homes and in-home aides that includes an internet web site address where the proposed rules can be viewed; 7330  
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(2) Give public notice of hearings regarding the proposed rules not less than thirty days in advance; 7334  
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(3) Provide to each county director of job and family services an electronic copy of each adopted rule at least forty-five days prior to the rule's effective date. 7336  
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(B) Each county director of job and family services shall send copies of proposed rules to each certified provider and in-home aide located in the county that the county director serves and shall give public notice of hearings regarding the rules to each certified provider and in-home aide located in the county that the county director serves at least thirty days prior to the date of the public hearing, in accordance with section 119.03 of the Revised Code. At least thirty days before the effective date of a rule, each county director of job and family services shall provide, in either paper or electronic form, copies of the adopted rule to each certified provider and in-home aide located in the county that the county director serves. 7339  
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**Sec. 5104.0116.** The director of job and family services shall provide copies of rules proposed and adopted under sections 5104.011 to 5104.0111 of the Revised Code to the public on request at no charge. 7351  
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Sec. 5104.0117. The director of job and family services shall 7355  
review all rules adopted pursuant to this chapter at least once 7356  
every seven years. 7357

Sec. 5104.02. Except as provided in sections 5104.021 and 7358  
5104.022 of the Revised Code, no person or government entity shall 7359  
do any of the following: 7360

(A) Operate a child-care center, including a head start 7361  
program, without a valid child-care center license or provisional 7362  
license issued under section 5104.03 of the Revised Code. 7363

(B) Operate a type A family child-care home without a valid 7364  
type A family child-care home license or provisional license 7365  
issued under section 5104.03 of the Revised Code. 7366

(C) Operate, on or after three years after the effective date 7367  
of this section, a type B family child-care home without a valid 7368  
type B family child-care home license or provisional license 7369  
issued under section 5104.03 of the Revised Code if child care is 7370  
provided for three to six children at one time at the type B home. 7371

~~Sec. 5104.02 5104.021.~~ (A) ~~The director of job and family~~ 7372  
~~services is responsible for the licensing of child day care~~ 7373  
~~centers and type A family day care homes. Each entity operating a~~ 7374  
~~head start program shall meet the criteria for, and be licensed~~ 7375  
~~as, a child day care center. The director is responsible for the~~ 7376  
~~enforcement of this chapter and of rules promulgated pursuant to~~ 7377  
~~this chapter.~~ 7378

~~No person, firm, organization, institution, or agency shall~~ 7379  
~~operate, establish, manage, conduct, or maintain a child day care~~ 7380  
~~center or type A family day care home without a license issued~~ 7381  
~~under section 5104.03 of the Revised Code. The current license~~ 7382  
~~shall be posted in a conspicuous place in the center or type A~~ 7383

~~home that is accessible to parents, custodians, or guardians and employees of the center or type A home at all times when the center or type A home is in operation.~~

~~(B) A person, firm, institution, organization, or agency operating any of the following programs is exempt from the requirements of this chapter Section 5104.02 of the Revised Code does not apply to any of the following:~~

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

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

~~(3)(C) Religious activities which do not provide child care;~~

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

~~(5)(E) 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 care and is readily accessible at all times, except that child 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~~ is subject to section 5104.02 of the Revised Code;~~

~~(6)(a)(F)(1) Programs that provide child 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 7415  
determined that the rules governing the program are equivalent to 7416  
or exceed the rules promulgated pursuant to this chapter. 7417

Notwithstanding ~~any exemption from regulation under this~~ 7418  
~~chapter the previous paragraph~~, each state department shall submit 7419  
to the director of job and family services a copy of the rules 7420  
that govern programs that provide child care and are regulated or 7421  
operated and regulated by the department. Annually, each state 7422  
department shall submit to the director a report for each such 7423  
program it regulates or operates and regulates that includes the 7424  
following information: 7425

~~(i)~~(a) The site location of the program; 7426

~~(ii)~~(b) The maximum number of infants, toddlers, preschool 7427  
children, or school children served by the program at one time; 7428

~~(iii)~~(c) The number of adults providing child care for the 7429  
number of infants, toddlers, preschool children, or school 7430  
children; 7431

~~(iv)~~(d) Any changes in the rules made subsequent to the time 7432  
when the rules were initially submitted to the director. 7433

The director shall maintain a record of the child care 7434  
information submitted by other state departments and shall provide 7435  
this information upon request to the general assembly or the 7436  
public. 7437

~~(b)~~(2) Child care programs conducted by boards of education 7438  
or by chartered nonpublic schools that are conducted in school 7439  
buildings and that provide child care to school children only 7440  
shall be exempt from meeting or exceeding rules promulgated 7441  
pursuant to this chapter. 7442

~~(7)~~(G) Any preschool program or school child program, except 7443  
a head start program, that is subject to licensure by the 7444



department of education under sections 3301.52 to 3301.59 of the Revised Code.

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

~~(a)~~(1) The nonpublic school has given the notice to the state board and the director of job and family services required by Section 4 of Substitute House Bill No. 253 of the 117th general assembly;

~~(b)~~(2) The nonpublic school continues to be chartered by the state board for kindergarten, or receives and continues to hold a charter from the state board for kindergarten through grade five;

~~(c)~~(3) The program is conducted in a school building;

~~(d)~~(4) The program is operated in accordance with rules promulgated by the state board under sections 3301.52 to 3301.57 of the Revised Code.

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

~~(a)~~(1) The children enrolled in the program are under nineteen years of age and enrolled in or eligible to be enrolled in a grade of kindergarten or above.

~~(b)~~(2) The program provides informal child care and at least two of the following supervised activities: educational, recreational, culturally enriching, social, and personal development activities.

~~(c)~~(3) The state board of education has approved the program's participation in the child and adult care food program as an outside-school-hours care center pursuant to standards

established under section 3313.813 of the Revised Code. 7475

~~(d)~~(4) The community-based center operating the program is 7476  
exempt from federal income taxation pursuant to 26 U.S.C. 501(a) 7477  
and (c)(3). 7478

**Sec. 5104.022.** A person may provide child care to three to 7479  
six children at one time in a type B family child-care home 7480  
without a license or provisional license issued under section 7481  
5104.03 of the Revised Code if any of the following apply: 7482

(A) The person is under eighteen years of age; 7483

(B) The person does not charge for providing the child care; 7484

(C) The person provides child care for less than ten hours 7485  
per week and less than four weeks per year. 7486

**Sec. 5104.021 5104.023.** The director of job and family 7487  
services may not issue a ~~child day care~~ child-care center ~~or,~~ type 7488  
A family ~~day care~~ child-care home, or type B family child-care 7489  
home license to a youth development program that ~~is exempted by~~ 7490  
division ~~(B)(9)(I)~~ 5104.021 of the Revised Code 7491  
~~from the requirements of this chapter~~ exempts from the prohibition 7492  
of section 5104.02 of the Revised Code. 7493

**Sec. 5104.024.** For the purpose of determining whether a 7494  
facility or residence in which child care is provided is a child 7495  
care center or type A family child care home as defined in section 7496  
5104.01 of the Revised Code, both of the following shall be 7497  
counted: 7498

(A) Children under six years of age who are on the premises 7499  
of the facility or residence and related to the owner, 7500  
administrator, or an employee of the facility or residence; 7501

(B) Children under fifteen years of age who are on the 7502

premises of the facility or residence and to whom the owner, 7503  
administrator, or an employee of the facility or residence 7504  
provides child care, foster care, or other type of care for 7505  
remuneration paid by a person or government entity. 7506

**Sec. 5104.025.** For the purpose of determining whether a 7507  
residence in which child care is provided is a type B family child 7508  
care home as defined in section 5104.01 of the Revised Code, both 7509  
of the following shall be counted: 7510

(A) Children under six years of age who are on the premises 7511  
of the residence and related to the individual responsible for the 7512  
daily operation of the child care provided at the residence; 7513

(B) Children under fifteen years of age who are on the 7514  
premises of the residence and to whom the individual responsible 7515  
for child care provided at the residence provides child care, 7516  
foster care, or other type of care for remuneration paid by a 7517  
person or government entity. 7518

**Sec. 5104.03.** (A) Any person, ~~firm, organization,~~ 7519  
~~institution,~~ or agency government entity desiring to ~~establish~~ 7520  
~~operate~~ a ~~child day care~~ child-care center ~~or type A family~~ 7521  
~~day care home~~ shall apply for a license to the director of job and 7522  
family services ~~on such form as the director prescribes~~ for a 7523  
child-care center license. ~~The~~ Any person desiring to operate a 7524  
type A family child-care home shall apply to the director for a 7525  
type A home license. Any person desiring to operate a type B 7526  
family child-care home that may not be operated without a license 7527  
shall apply to the director for a type B home license. Application 7528  
shall be made on a form the director prescribes. 7529

The director shall provide at no charge to each applicant for 7530  
licensure a copy of the applicable child care license requirements 7531  
in Chapter 5104. of the Revised Code and of the rules adopted 7532

pursuant to Chapter 5104. of the Revised Code. The director shall 7533  
mail application forms for renewal of license at least one hundred 7534  
twenty days prior to the date of expiration of the license, and 7535  
the application for renewal shall be filed with the director at 7536  
least sixty days before the date of expiration. Fees shall be set 7537  
by the director pursuant to ~~section~~ sections 5104.011, 5104.013, 7538  
and 5104.015 of the Revised Code and shall be paid at the time of 7539  
application for or renewal of a license to operate a center ~~or,~~ 7540  
type A home, or type B home. Fees collected under this section 7541  
shall be paid into the state treasury to the credit of the general 7542  
revenue fund. 7543

(B) Upon filing of the application for a license, the 7544  
director shall investigate and inspect the center ~~or,~~ type A home, 7545  
or type B home to determine the license capacity for each age 7546  
category of children of the center ~~or,~~ type A home, or type B home 7547  
and to determine whether the center ~~or,~~ type A home, or type B 7548  
home complies with Chapter 5104. of the Revised Code and rules 7549  
adopted pursuant to Chapter 5104. of the Revised Code. When, after 7550  
investigation and inspection, the director is satisfied that 7551  
Chapter 5104. of the Revised Code and rules adopted pursuant to 7552  
Chapter 5104. of the Revised Code are complied with, subject to 7553  
division (G) of this section, a provisional license shall be 7554  
issued as soon as practicable in such form and manner as 7555  
prescribed by the director. The provisional license shall be valid 7556  
for six months from the date of issuance unless revoked. 7557

(C) The director shall investigate and inspect the center ~~or,~~ 7558  
type A home, or type B home at least once during operation under 7559  
the provisional license. If after the investigation and inspection 7560  
the director determines that the requirements of Chapter 5104. of 7561  
the Revised Code and rules adopted pursuant to Chapter 5104. of 7562  
the Revised Code are met, subject to division (G) of this section, 7563  
the director shall issue a license to be effective for two years 7564

from the date of issuance of the provisional license. 7565

(D) Upon the filing of an application for renewal of a 7566  
license by the center ~~or~~, type A home, or type B home, the 7567  
director shall investigate and inspect the center ~~or~~, type A home, 7568  
or type B home. If the director determines that the requirements 7569  
of Chapter 5104. and rules adopted pursuant to Chapter 5104. of 7570  
the Revised Code are met, subject to division (G) of this section, 7571  
the director shall renew the license to be effective for two years 7572  
from the expiration date of the previous license. 7573

(E) The license or provisional license shall state the name 7574  
of the licensee, the name of the administrator, the address of the 7575  
center ~~or~~, type A home, or type B home, and the license capacity 7576  
for each age category of children. After July 1, 1987, the 7577  
provisional license or license shall include thereon, in 7578  
accordance with ~~section~~ rules adopted under sections 5104.011, 7579  
5104.013, and 5104.015 of the Revised Code, the toll-free 7580  
telephone number to be used by persons suspecting that the center 7581  
~~or~~, type A home, or type B home has violated a provision of 7582  
Chapter 5104., or rules adopted pursuant to Chapter 5104. of the 7583  
Revised Code. A license or provisional license is valid only for 7584  
the licensee, administrator, address, and license capacity for 7585  
each age category of children designated on the license. The 7586  
license capacity specified on the license or provisional license 7587  
is the maximum number of children in each age category that may be 7588  
cared for in the center ~~or~~, type A home, or type B home at one 7589  
time. 7590

The center or type A home licensee shall notify the director 7591  
when the administrator of the center or type A home changes. The 7592  
director shall amend the current license or provisional license to 7593  
reflect a change in an administrator, if the administrator meets 7594  
the requirements of Chapter 5104. of the Revised Code and rules 7595  
adopted pursuant to Chapter 5104. of the Revised Code, or a change 7596

in license capacity for any age category of children as determined 7597  
by the director of job and family services. 7598

(F) If the director revokes a license or refuses to renew a 7599  
license to a center ~~or~~, a type A home, or a type B home, the 7600  
director shall not issue a license to the owner of the center ~~or~~, 7601  
type A home, or type B home within two years from the date of the 7602  
revocation of a license or refusal to renew a license. If during 7603  
the application for licensure or renewal of licensure process the 7604  
director determines that the license of the owner has been revoked 7605  
or renewal of licensure has been denied, the investigation of the 7606  
center ~~or~~, type A home, or type B home shall cease, and shall not 7607  
constitute denial of the application. All actions of the director 7608  
with respect to licensing centers ~~or~~, type A homes, or type B 7609  
homes, renewing a license, refusal to license or renew a license, 7610  
and revocation of a license shall be in accordance with Chapter 7611  
119. of the Revised Code. Any applicant who is denied a license or 7612  
any owner whose license is not renewed or is revoked may appeal in 7613  
accordance with section 119.12 of the Revised Code. 7614

(G) In no case shall the director issue a provisional license 7615  
or license, or renew a license, under this section for a center, 7616  
type A home, ~~or center~~ type B home if the director, based on 7617  
documentation provided by the appropriate county department of job 7618  
and family services, determines that the applicant previously had 7619  
been certified as a type B family ~~day-care~~ child-care home, that 7620  
the county department revoked that certification, that the 7621  
revocation was based on the applicant's refusal or inability to 7622  
comply with the criteria for certification, and that the refusal 7623  
or inability resulted in a risk to the health or safety of 7624  
children. 7625

Sec. 5104.031. The licensee of each child care center, type A 7626  
family child-care home, and licensed type B family child-care home 7627

shall post the current license of the center, type A home, or type 7628  
B home in a conspicuous place in the center, type A home, or type 7629  
B home that is accessible to parents, custodians, and guardians of 7630  
children who receive child care at the center, type A home, or 7631  
type B home and employees of the center or type A home at all 7632  
times when child care is provided at the center, type A home, or 7633  
type B home. 7634

**Sec. 5104.04.** (A) The department of job and family services 7635  
shall establish procedures to be followed in investigating, 7636  
inspecting, and licensing ~~child-day-care~~ child-care centers ~~and,~~ 7637  
type A family ~~day-care~~ child-care homes, and type B family 7638  
child-care homes. 7639

(B)(1)(a) The department shall, at least twice during every 7640  
twelve-month period of operation of a center ~~or,~~ type A home, or 7641  
licensed type B home inspect the center ~~or,~~ type A home, or 7642  
licensed type B home. The department shall inspect a part-time 7643  
center ~~or,~~ part-time type A home, or part-time licensed type B 7644  
home at least once during every twelve-month period of operation. 7645  
The department shall provide a written inspection report to the 7646  
licensee within a reasonable time after each inspection. The 7647  
licensee shall display all written reports of inspections 7648  
conducted during the current licensing period in a conspicuous 7649  
place in the center ~~or,~~ type A home, or licensed type B home. 7650

At least one inspection shall be unannounced and all 7651  
inspections may be unannounced. No person, firm, organization, 7652  
institution, or agency shall interfere with the inspection of a 7653  
center ~~or,~~ type A home, or licensed type B home by any state or 7654  
local official engaged in performing duties required of the state 7655  
or local official by Chapter 5104. of the Revised Code or rules 7656  
adopted pursuant to Chapter 5104. of the Revised Code, including 7657  
inspecting the center ~~or,~~ type A home, or licensed type B home, 7658

reviewing records, or interviewing licensees, employees, children, 7659  
or parents. 7660

(b) Upon receipt of any complaint that a center ~~or~~ type A 7661  
home, or licensed type B home is out of compliance with the 7662  
requirements of Chapter 5104. of the Revised Code or rules adopted 7663  
pursuant to Chapter 5104. of the Revised Code, the department 7664  
shall investigate the center or home, and both of the following 7665  
apply: 7666

(i) If the complaint alleges that a child suffered physical 7667  
harm while receiving child care at the center or home or that the 7668  
noncompliance alleged in the complaint involved, resulted in, or 7669  
poses a substantial risk of physical harm to a child receiving 7670  
child care at the center or home, the department shall inspect the 7671  
center or home. 7672

(ii) If division (B)(1)(b)(i) of this section does not apply 7673  
regarding the complaint, the department may inspect the center or 7674  
home. 7675

(c) Division (B)(1)(b) of this section does not limit, 7676  
restrict, or negate any duty of the department to inspect a center 7677  
~~or~~ type A home, or licensed type B home that otherwise is imposed 7678  
under this section, or any authority of the department to inspect 7679  
a center ~~or~~ type A home, or licensed type B home that otherwise 7680  
is granted under this section when the department believes the 7681  
inspection is necessary and it is permitted under the grant. 7682

(2) If the department implements an instrument-based program 7683  
monitoring information system, it may use an indicator checklist 7684  
to comply with division (B)(1) of this section. 7685

(3) The department shall, at least once during every 7686  
twelve-month period of operation of a center ~~or~~ type A home, or 7687  
licensed type B home, collect information concerning the amounts 7688  
charged by the center or home for providing child care services 7689



for use in establishing reimbursement ceilings and payment 7690  
pursuant to section 5104.30 of the Revised Code. 7691

(C) In the event a licensed center ~~or~~, type A home, or type B 7692  
home is determined to be out of compliance with the requirements 7693  
of Chapter 5104. of the Revised Code or rules adopted pursuant to 7694  
Chapter 5104. of the Revised Code, the department shall notify the 7695  
licensee of the center ~~or~~, type A home, or type B home in writing 7696  
regarding the nature of the violation, what must be done to 7697  
correct the violation, and by what date the correction must be 7698  
made. If the correction is not made by the date established by the 7699  
department, the department may commence action under Chapter 119. 7700  
of the Revised Code to revoke the license. 7701

(D) The department may deny or revoke a license, or refuse to 7702  
renew a license of a center ~~or~~, type A home, or type B home, if 7703  
the applicant ~~knowingly makes a false statement on the~~ 7704  
~~application, or licensee~~ does not comply with the requirements of 7705  
Chapter 5104. or rules adopted pursuant to Chapter 5104. of the 7706  
Revised Code, ~~or has pleaded guilty to or been convicted of an~~ 7707  
~~offense described in section 5104.09 of the Revised Code or~~ 7708  
violates a prohibition of Chapter 5104. of the Revised Code. 7709

(E) If the department finds, after notice and hearing 7710  
pursuant to Chapter 119. of the Revised Code, that any person, 7711  
~~firm, organization, institution, or agency~~ government entity 7712  
licensed under section 5104.03 of the Revised Code is in violation 7713  
of any provision of Chapter 5104. of the Revised Code or rules 7714  
adopted pursuant to Chapter 5104. of the Revised Code, the 7715  
department may issue an order of revocation to the center ~~or~~, type 7716  
A home, or licensed type B home revoking the license previously 7717  
issued by the department. Upon the issuance of any order of 7718  
revocation, the person or government entity whose license is 7719  
revoked may appeal in accordance with section 119.12 of the 7720  
Revised Code. 7721

(F) The surrender of a center ~~or~~, type A home, or type B home license to the department or the withdrawal of an application for licensure by the owner or administrator of the center ~~or~~, type A home, or type B home shall not prohibit the department from instituting any of the actions set forth in this section.

(G) Whenever the department receives a complaint, is advised, or otherwise has any reason to believe that a center ~~or~~, type A home, or type B home is providing child care without a license issued or renewed pursuant to section 5104.03 and is not exempt from licensing pursuant to section ~~5104.02~~ 5104.021 or 5104.022 of the Revised Code, the department shall investigate the center ~~or~~, type A home, or type B home and may inspect the areas children have access to or areas necessary for the care of children in the center ~~or~~, type A home, or type B home during suspected hours of operation to determine whether the center ~~or~~, type A home, or type B home is ~~subject to the requirements of Chapter 5104. or rules adopted pursuant to Chapter 5104. of the Revised Code~~ in violation of section 5104.02 of the Revised Code.

(H) The department, upon determining that the center ~~or~~, type A home, or type B home is operating without a required license, shall notify the attorney general, the prosecuting attorney of the county in which the center ~~or~~, type A home, or type B home is located, or the city attorney, village solicitor, or other chief legal officer of the municipal corporation in which the center ~~or~~, type A home, or type B home is located, that the center ~~or~~, type A home, or type B home is operating without a required license. Upon receipt of the notification, the attorney general, prosecuting attorney, city attorney, village solicitor, or other chief legal officer of a municipal corporation shall file a complaint in the court of common pleas of the county in which the center ~~or~~, type A home, or type B home is located requesting that the court grant an order enjoining the owner from operating the center ~~or~~, type A

home, or type B home in violation of section 5104.02 of the Revised Code. The court shall grant such injunctive relief upon a showing that the respondent named in the complaint is operating a center ~~or~~, type A home, or type B home and is doing so without a required license.

(I) The department shall prepare an annual report on inspections conducted under this section. The report shall include the number of inspections conducted, the number and types of violations found, and the steps taken to address the violations. The department shall file the report with the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives on or before the first day of January of each year, beginning in 1999.

Sec. 5104.041. No person shall make a false statement on an application for a license to operate a child-care center, type A family child-care home, or type B family child-care home or other document used in the process of issuing such a license or as part of an investigation or inspection of a center, type A home, or type B home.

**Sec. 5104.05.** (A) The director of job and family services ~~shall~~ may not issue a provisional license or license to a child-care center or renew a child-care center's license ~~for the operation of a child day care center, if~~ unless the director finds, ~~after investigation of the applicant and inspection of the center, that other requirements of Chapter 5104. of the Revised Code, rules promulgated pursuant to Chapter 5104. of the Revised Code, and~~ the child-care center meets all of the following requirements ~~are met:~~

(1) The buildings in which the center is housed, subsequent to any major modification, have been approved by the department of

commerce or a certified municipal, township, or county building 7784  
department for the purpose of operating a ~~child-day-care~~ 7785  
child-care center. Any structure used for the operation of a 7786  
center shall be constructed, equipped, repaired, altered, and 7787  
maintained in accordance with applicable provisions of Chapters 7788  
3781. and 3791. of the Revised Code and with regulations adopted 7789  
by the board of building standards under Chapter 3781. of the 7790  
Revised Code and this division for the safety and sanitation of 7791  
structures erected for this purpose. 7792

(2) The state fire marshal or the fire chief or fire 7793  
prevention officer of the municipal corporation or township in 7794  
which the center is located has inspected the center annually 7795  
within the preceding license period and has found the center to be 7796  
in compliance with rules promulgated by the fire marshal pursuant 7797  
to section 3737.83 of the Revised Code regarding fire prevention 7798  
and fire safety in a ~~child-day-care~~ child-care center. 7799

(3) The center has received a food service operation license 7800  
under Chapter 3717. of the Revised Code if meals are to be served 7801  
to children other than children of the licensee or administrator, 7802  
whether or not a consideration is received for the meals. 7803

(B) The director of job and family services ~~shall~~ may not 7804  
issue a provisional license or license to a type A family 7805  
child-care home or renew a type A home's license ~~for the operation~~ 7806  
~~of a type A family day-care home, if unless~~ the director finds, 7807  
~~after investigation of the applicant and inspection of the type A~~ 7808  
~~home, that other requirements of Chapter 5104. of the Revised~~ 7809  
~~Code, rules promulgated pursuant to Chapter 5104. of the Revised~~ 7810  
~~Code, and the type A home meets all of~~ the following requirements 7811  
~~are met:~~ 7812

(1) The state fire marshal or the fire chief or fire 7813  
prevention officer of the municipal corporation or township in 7814  
which the type A family ~~day-care~~ child-care home is located has 7815

inspected the type A home annually within the preceding license 7816  
period and has found the type A home to be in compliance with 7817  
rules promulgated by the fire marshal pursuant to section 3737.83 7818  
of the Revised Code regarding fire prevention and fire safety in a 7819  
type A home. 7820

(2) The type A home is in compliance with rules set by the 7821  
director of job and family services in cooperation with the 7822  
director of health pursuant to section 3701.80 of the Revised Code 7823  
regarding meal preparation and meal service in the home. The 7824  
director of job and family services, in accordance with procedures 7825  
recommended by the director of health, shall inspect each type A 7826  
home to determine compliance with those rules. 7827

(3) The type A home is in compliance with rules promulgated 7828  
by the director of job and family services in cooperation with the 7829  
board of building standards regarding safety and sanitation 7830  
pursuant to section 3781.10 of the Revised Code. 7831

**Sec. 5104.051.** (A)(1) The department of commerce is 7832  
responsible for the inspections of ~~child day-care~~ child-care 7833  
centers as required by division (A)(1) of section 5104.05 of the 7834  
Revised Code. Where there is a municipal, township, or county 7835  
building department certified under section 3781.10 of the Revised 7836  
Code to exercise enforcement authority with respect to the 7837  
category of building occupancy which includes ~~day-care~~ centers, 7838  
all inspections required under division (A)(1) of section 5104.05 7839  
of the Revised Code shall be made by that department according to 7840  
the standards established by the board of building standards. 7841  
Inspections in areas of the state where there is no municipal, 7842  
township, or county building department certified under section 7843  
3781.10 of the Revised Code to exercise enforcement authority with 7844  
respect to the category of building occupancy which includes 7845  
~~day-care~~ centers shall be made by personnel of the department of 7846

commerce. Inspections of centers shall be contingent upon payment 7847  
of a fee by the applicant to the department having jurisdiction to 7848  
inspect. 7849

(2) The department of commerce is responsible for the 7850  
inspections of type A family ~~day-care~~ child-care homes as required 7851  
by division (B)(3) of section 5104.05 of the Revised Code. Where 7852  
there is a municipal, township, or county building department 7853  
certified under section 3781.10 of the Revised Code to exercise 7854  
enforcement authority with respect to the category of building 7855  
occupancy which includes type A homes, all inspections required 7856  
under division (B)(3) of section 5104.05 of the Revised Code shall 7857  
be made by that department according to the standards established 7858  
by the board of building standards. Inspections in areas of the 7859  
state where there is no municipal, township, or county building 7860  
department certified under section 3781.10 of the Revised Code to 7861  
exercise enforcement authority with respect to the category of 7862  
building occupancy which includes type A homes shall be made by 7863  
personnel of the department of commerce. Inspections of type A 7864  
homes shall be contingent upon payment of a fee by the applicant 7865  
to the department having jurisdiction to inspect. 7866

(B) The state fire marshal is responsible for the inspections 7867  
required by divisions (A)(2) and (B)(1) of section 5104.05 of the 7868  
Revised Code. In municipal corporations and in townships outside 7869  
municipal corporations where there is a fire prevention official, 7870  
the inspections shall be made by the fire chief or the fire 7871  
prevention official under the supervision of and according to the 7872  
standards established by the state fire marshal. In townships 7873  
outside municipal corporations where there is no fire prevention 7874  
official, inspections shall be made by the employees of the state 7875  
fire marshal. 7876

(C) The fire marshal shall enforce all statutes and rules 7877  
pertaining to fire safety and fire prevention in ~~child-day-care~~ 7878

child-care centers and type A family ~~day-care~~ child-care homes. In 7879  
the event of a dispute between the marshal and any other 7880  
responsible officer under sections 5104.05 and 5104.051 of the 7881  
Revised Code with respect to the interpretation or application of 7882  
a specific fire safety statute or rule, the interpretation of the 7883  
marshal shall prevail. 7884

(D) As used in this division, "licensor" has the same meaning 7885  
as in section 3717.01 of the Revised Code. 7886

The licensor for food service operations in the city or 7887  
general health district in which the center is located is 7888  
responsible for the inspections required under Chapter 3717. of 7889  
the Revised Code. 7890

(E) Any moneys collected by the department of commerce under 7891  
this section shall be paid into the state treasury to the credit 7892  
of the industrial compliance operating fund created in section 7893  
121.084 of the Revised Code. 7894

**Sec. 5104.053.** As a precondition of approval by the state 7895  
board of education pursuant to section 3313.813 of the Revised 7896  
Code for receipt of United States department of agriculture child 7897  
and adult care food program funds established under the "National 7898  
School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as 7899  
amended, the provider of child care in a type B family ~~day-care~~ 7900  
child-care home that is not licensed by the director of job and 7901  
family services or certified by ~~the~~ a county director of ~~human job~~ 7902  
and family services shall request an inspection of the type B home 7903  
by the fire marshal, who shall inspect the type B home pursuant to 7904  
section 3737.22 of the Revised Code to determine that it is in 7905  
compliance with rules established pursuant to section ~~5104.052~~ 7906  
5104.018 of the Revised Code for certified type B homes. 7907

**Sec. 5104.054.** Any type B family ~~day-care~~ child-care home, 7908

whether certified or not certified by ~~the~~ a county director of 7909  
~~human job and family services or licensed or not licensed by the~~ 7910  
~~director of job and family services~~, shall be considered to be a 7911  
residential use of property for purposes of municipal, county, and 7912  
township zoning and shall be a permitted use in all zoning 7913  
districts in which residential uses are permitted. No municipal, 7914  
county, or township zoning regulations shall require a conditional 7915  
use permit or any other special exception certification for any 7916  
~~such~~ type B family ~~day-care~~ child-care home. 7917

**Sec. 5104.06.** (A) The director of job and family services 7918  
shall provide consultation, technical assistance, and training to 7919  
~~child day-care~~ child-care centers ~~and~~, type A family ~~day-care~~ 7920  
child-care homes, and licensed type B family child-care homes to 7921  
improve programs and facilities providing child care including, 7922  
but not limited to, assistance in meeting the requirements of 7923  
Chapter 5104. and rules adopted pursuant to Chapter 5104. of the 7924  
Revised Code and shall furnish information regarding child abuse 7925  
identification and reporting of child abuse. 7926

(B) The director of job and family services shall provide 7927  
consultation and technical assistance to county departments of job 7928  
and family services to assist the county departments with the 7929  
implementation of certification of type B family ~~day-care~~ 7930  
child-care home providers and in-home aides. 7931

**Sec. 5104.07.** (A) ~~The director of job and family services may~~ 7932  
~~prescribe additional requirements for licensing child day-care~~ 7933  
~~centers or type A family day care homes that provide publicly~~ 7934  
~~funded child care pursuant to this chapter and any rules adopted~~ 7935  
~~under it. The director shall develop standards as required by~~ 7936  
~~federal laws and regulations for child care programs supported by~~ 7937  
~~federal funds.~~ 7938



~~(B)~~(1) On or before February 28, 1992, the department of job and family services shall develop a statewide plan for child care resource and referral services. The plan shall be based upon the experiences of other states with respect to child care resource and referral services, the experiences of communities in this state that have child care resource and referral service organizations, and the needs of communities in this state that do not have child care resource and referral service organizations. The plan shall be designed to ensure that child care resource and referral services are available in each county in the state to families who need child care. The department shall consider the special needs of migrant workers when it develops the plan and shall include in the plan procedures designed to accommodate the needs of migrant workers.

(2) The director of job and family services shall adopt rules for funding child care resource and referral service organizations. The rules shall include all of the following:

(a) A description of the services that a child care resource and referral service organization is required to provide to families who need child care;

(b) The qualifications for a child care resource and referral service organization;

(c) A description of the procedures for providing federal and state funding for county or multicounty child care resource and referral service organizations;

(d) A timetable for providing child care resource and referral services to all communities in the state;

(e) Uniform information gathering and reporting procedures that are designed to be used in compatible computer systems;

(f) Procedures for establishing statewide nonprofit technical assistance services to coordinate uniform data collection and to

publish reports on child care supply, demand, and cost and to 7970  
provide technical assistance to communities that do not have child 7971  
care resource and referral service organizations and to existing 7972  
child care resource and referral service organizations; 7973

(g) Requirements governing contracts entered into under 7974  
division ~~(C)~~(B) of this section, which may include limits on the 7975  
percentage of funds distributed by the department that may be used 7976  
for the contracts. 7977

~~(C)~~(B) Child care resource and referral service organizations 7978  
receiving funds distributed by the department may, in accordance 7979  
with rules adopted under division ~~(B)~~(A)(2) of this section, enter 7980  
into contracts with local governmental entities, nonprofit 7981  
organizations including nonprofit organizations that provide child 7982  
care, and individuals under which the entities, organizations, or 7983  
individuals may provide child care resource and referral services 7984  
in the community with those funds, if the contracts are submitted 7985  
to and approved by the department prior to execution. 7986

**Sec. 5104.08.** (A) There is hereby created in the department 7987  
of job and family services a child care advisory council to advise 7988  
and assist the department in the administration of this chapter 7989  
and in the development of child care. The council shall consist of 7990  
twenty-two voting members appointed by the director of job and 7991  
family services with the approval of the governor. The director of 7992  
job and family services, the director of mental retardation and 7993  
developmental disabilities, the director of mental health, the 7994  
superintendent of public instruction, the director of health, the 7995  
director of commerce, and the state fire marshal shall serve as 7996  
nonvoting members of the council. 7997

Six members shall be representatives of child care centers 7998  
subject to licensing, the members to represent a variety of 7999  
centers, including nonprofit and proprietary, from different 8000

geographical areas of the state. At least three members shall be 8001  
parents, guardians, or custodians of children receiving child care 8002  
or publicly funded child care in the child's own home, a center, a 8003  
type A home, a head start program, a licensed type B home, a 8004  
certified type B home, or a type B home at the time of 8005  
appointment. Three members shall be representatives of in-home 8006  
aides, type A homes, licensed type B homes, certified type B 8007  
homes, ~~or~~ type B homes, or head start programs. At least six 8008  
members shall represent county departments of job and family 8009  
services. The remaining members shall be representatives of the 8010  
teaching, child development, and health professions, and other 8011  
individuals interested in the welfare of children. At least six 8012  
members of the council shall not be employees or licensees of a 8013  
~~child day care~~ child-care center, head start program, ~~or~~ type A 8014  
home, or licensed type B home, or providers operating a certified 8015  
type B home or type B home, or in-home aides. 8016

Appointments shall be for three-year terms. Vacancies shall 8017  
be filled for the unexpired terms. A member of the council is 8018  
subject to removal by the director of job and family services for 8019  
a willful and flagrant exercise of authority or power that is not 8020  
authorized by law, for a refusal or willful neglect to perform any 8021  
official duty as a member of the council imposed by law, or for 8022  
being guilty of misfeasance, malfeasance, nonfeasance, or gross 8023  
neglect of duty as a member of the council. 8024

There shall be two co-chairpersons of the council. One 8025  
co-chairperson shall be the director of job and family services or 8026  
the director's designee, and one co-chairperson shall be elected 8027  
by the members of the council. The council shall meet as often as 8028  
is necessary to perform its duties, provided that it shall meet at 8029  
least once in each quarter of each calendar year and at the call 8030  
of the co-chairpersons. The co-chairpersons or their designee 8031  
shall send to each member a written notice of the date, time, and 8032

place of each meeting. 8033

Members of the council shall serve without compensation, but 8034  
shall be reimbursed for necessary expenses. 8035

(B) The child care advisory council shall advise the director 8036  
on matters affecting the licensing of centers ~~and~~, type A homes, 8037  
and type B homes and the certification of type B homes and in-home 8038  
aides. The council shall make an annual report to the director of 8039  
job and family services that addresses the availability, 8040  
affordability, accessibility, and quality of child care and that 8041  
summarizes the recommendations and plans of action that the 8042  
council has proposed to the director during the preceding fiscal 8043  
year. The director of job and family services shall provide copies 8044  
of the report to the governor, speaker and minority leader of the 8045  
house of representatives, and the president and minority leader of 8046  
the senate and, on request, shall make copies available to the 8047  
public. 8048

(C) The director of job and family services shall adopt rules 8049  
pursuant to Chapter 119. of the Revised Code to implement this 8050  
section. 8051

Sec. 5104.082. The director of job and family services shall 8052  
recommend standards for imposing sanctions on persons and entities 8053  
licensed or certified under this chapter that violate any 8054  
provision of this chapter. The standards shall be based on the 8055  
scope and severity of the violations. The director shall provide 8056  
copies of the recommendations to the governor, the speaker and 8057  
minority leader of the house of representatives, and the president 8058  
and minority leader of the senate and, on request, shall make 8059  
copies available to the public. 8060

Sec. 5104.09. The director of job and family services shall 8061  
not do any of the following: 8062

(A) Issue or renew a license for a child-care center if any 8063  
of the following applies: 8064

(1) The owner, licensee, or administrator of the center has 8065  
been convicted of or pleaded guilty to a disqualifying offense, 8066  
unless the owner, licensee, or administrator meets rehabilitation 8067  
standards established in rules adopted under section 5104.0111 of 8068  
the Revised Code; 8069

(2) The owner, licensee, or administrator of the center fails 8070  
to complete the criminal records check form, or provide all the 8071  
information necessary to complete the form, or to provide the 8072  
standard fingerprint impression sheet with impressions of the 8073  
owner's, licensee's, or administrator's fingerprints after 8074  
receiving the form and impression sheet under section 5104.096 of 8075  
the Revised Code; 8076

(3) The owner, licensee, or administrator of the center has 8077  
had a child removed from the owner's, licensee's, or 8078  
administrator's home pursuant to section 2151.353 of the Revised 8079  
Code. 8080

(B) Issue or renew a license for a type A family child-care 8081  
home if any of the following applies: 8082

(1) Any of the following have been convicted of or pleaded 8083  
guilty to a disqualifying offense: 8084

(a) The owner, licensee, or administrator of the type A home, 8085  
unless the owner, licensee, or administrator meets rehabilitation 8086  
standards established in rules adopted under section 5104.0111 of 8087  
the Revised Code; 8088

(b) An individual eighteen years of age or older who resides 8089  
in the type A home, unless the individual meets rehabilitation 8090  
standards established in rules adopted under section 5104.0111 of 8091  
the Revised Code. 8092

(2) The owner, licensee, or administrator of the type A home or an individual eighteen years of age or older who resides in the type A home fails to complete the criminal records check form, or provide all the information necessary to complete the form, or to provide the standard fingerprint impression sheet with impressions of the owner's, licensee's, administrator's, or individual's fingerprints after receiving the form and impression sheet under section 5104.096 of the Revised Code; 8093  
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(3) The owner, licensee, or administrator of the type A home or an individual eighteen years of age or older who resides in the type A home has had a child removed from the owner's, licensee's, administrator's, or individual's home pursuant to section 2151.353 of the Revised Code; 8101  
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(4) An individual who is under eighteen years of age and has been adjudicated a delinquent child for committing a disqualifying offense resides in the type A home, unless the individual meets rehabilitation standards established in rules adopted under section 5104.0111 of the Revised Code. 8106  
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8108  
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(C) Issue or renew a license for a type B family child-care home if any of the following applies: 8111  
8112

(1) Either of the following have been convicted of or pleaded guilty to a disqualifying offense: 8113  
8114

(a) The individual seeking the license or renewal, unless the individual meets rehabilitation standards established in rules adopted under section 5104.0111 of the Revised Code; 8115  
8116  
8117

(b) An individual eighteen years of age or older who resides in the type B home, unless the individual meets rehabilitation standards established in rules adopted under section 5104.0111 of the Revised Code. 8118  
8119  
8120  
8121

(2) The individual seeking the license or renewal or an individual eighteen years of age or older who resides in the type 8122  
8123

B home fails to complete the criminal records check form, or 8124  
provide all the information necessary to complete the form, or to 8125  
provide the standard fingerprint impression sheet with impressions 8126  
of the individual's fingerprints after receiving the form and 8127  
impression sheet under section 5104.096 of the Revised Code; 8128

(3) The individual seeking the license or renewal or an 8129  
individual eighteen years of age or older who resides in the type 8130  
B home has had a child removed from the individual's home pursuant 8131  
to section 2151.353 of the Revised Code; 8132

(4) An individual who is under eighteen years of age and has 8133  
been adjudicated a delinquent child for committing a disqualifying 8134  
offense resides in the type B home, unless the individual meets 8135  
rehabilitation standards established in rules adopted under 8136  
section 5104.0111 of the Revised Code. 8137

**Sec. 5104.091. No county director of job and family services** 8138  
**shall do either of the following:** 8139

(A) Issue or renew a certificate for a type B family 8140  
child-care home if any of the following applies: 8141

(1) Either of the following have been convicted of or pleaded 8142  
guilty to a disqualifying offense: 8143

(a) The individual seeking the certificate or renewal, unless 8144  
the individual meets rehabilitation standards established in rules 8145  
adopted under section 5104.0111 of the Revised Code; 8146

(b) An individual eighteen years of age or older who resides 8147  
in the type B home, unless the individual meets rehabilitation 8148  
standards established in rules adopted under section 5104.0111 of 8149  
the Revised Code. 8150

(2) The individual seeking the certificate or renewal or an 8151  
individual eighteen years of age or older who resides in the type 8152  
B home fails to complete the criminal records check form, or 8153

provide all the information necessary to complete the form, or to 8154  
provide the standard fingerprint impression sheet with impressions 8155  
of the individual's fingerprints after receiving the form and 8156  
impression sheet under section 5104.096 of the Revised Code; 8157

(3) The individual seeking the certificate or renewal or an 8158  
individual eighteen years of age or older who resides in the type 8159  
B home has had a child removed from the individual's home pursuant 8160  
to section 2151.353 of the Revised Code; 8161

(4) An individual who is under eighteen years of age and has 8162  
been adjudicated a delinquent child for committing a disqualifying 8163  
offense resides in the type B home, unless the individual meets 8164  
rehabilitation standards established in rules adopted under 8165  
section 5104.0111 of the Revised Code. 8166

(B) Issue or renew an in-home aide certificate if any of the 8167  
following applies: 8168

(1) The individual seeking the certificate or renewal has 8169  
been convicted of or pleaded guilty to a disqualifying offense, 8170  
unless the individual meets rehabilitation standards established 8171  
in rules adopted under section 5104.0111 of the Revised Code; 8172

(2) The individual seeking the certificate or renewal fails 8173  
to complete the criminal records check form, or provide all the 8174  
information necessary to complete the form, or to provide the 8175  
standard fingerprint impression sheet with impressions of the 8176  
individual's fingerprints after receiving the form and impression 8177  
sheet under section 5104.096 of the Revised Code; 8178

(3) The individual has had a child removed from the 8179  
individual's home pursuant to section 2151.353 of the Revised 8180  
Code. 8181

**Sec. 5104.092. No child-care center or type A family** 8182  
**child-care home shall employ, directly or pursuant to a contract** 8183



between the center or type A home and another entity, an 8184  
individual in a position in which the individual is responsible 8185  
for the care, custody, or control of a child at the center or type 8186  
A home if any of the following applies: 8187

(A) The individual has been convicted of or pleaded guilty to 8188  
a disqualifying offense, unless the individual meets 8189  
rehabilitation standards established in rules adopted under 8190  
section 5104.0111 of the Revised Code; 8191

(B) The individual fails to complete the criminal records 8192  
check form, or provide all the information necessary to complete 8193  
the form, or to provide the standard fingerprint impression sheet 8194  
with impressions of the individual's fingerprints after receiving 8195  
the form and impression sheet under section 5104.096 of the 8196  
Revised Code; 8197

(C) The individual has had a child removed from the 8198  
individual's home pursuant to section 2151.353 of the Revised 8199  
Code. 8200

**Sec. 5104.093.** As part of the process of issuing and renewing 8201  
a license for a child-care center, type A family child-care home, 8202  
or type B family child-care home, the director of job and family 8203  
services shall request that the superintendent of BCII conduct a 8204  
criminal records check under section 109.572 of the Revised Code 8205  
with respect to all of the following: 8206

(A) Each owner, licensee, and administrator of the center; 8207

(B) Each owner, licensee, and administrator of the type A 8208  
home and each individual eighteen years of age or older who 8209  
resides in the type A home; 8210

(C) Each individual seeking licensure or license renewal of 8211  
the type B home and each individual eighteen years of age or older 8212  
who resides in the type B home. 8213

Sec. 5104.094. As part of the process of issuing and renewing a certificate for a type B family child-care home or in-home aide, a county director of job and family services shall request that the superintendent of BCII conduct a criminal records check under section 109.572 of the Revised Code with respect to all of the following:

(A) Each individual seeking certification or certificate renewal of the type B home and each individual eighteen years of age or older who resides in the type B home;

(B) Each individual seeking an in-home aide certificate or renewal of such a certificate.

Sec. 5104.095. (A) The administrator of a child-care center or type A family child-care home shall request that the superintendent of BCII conduct a criminal records check under section 109.572 of the Revised Code with respect to all of the following:

(1) Each individual who is under final consideration for employment directly with the center or type A home in a position in which the individual would be responsible for the care, custody, or control of a child at the center or type A home;

(2) Each individual who, pursuant to a contract between the center or type A home and another entity, would be employed in a position in which the individual is responsible for the care, custody, or control of a child at the center or type A home;

(3) Each individual who, directly or pursuant to a contract between the center or type A home and another entity, is employed in a position in which the individual is responsible for the care, custody, or control of a child at the center or type A home.

(B) A criminal records check required by division (A)(1) or (2) of this section shall be requested and completed before the

individual who is the subject of the criminal records check begins 8244  
an employment position in which the individual would be 8245  
responsible for the care, custody, or control of a child at the 8246  
center or type A home. A criminal records check required by 8247  
division (A)(3) of this section shall be requested and completed 8248  
before the license of the center or type A home is renewed under 8249  
section 5104.03 of the Revised Code. 8250

(C) The administrator of a center or type A home, at the time 8251  
an individual initially applies for an employment position in 8252  
which the individual would be responsible for the care, custody, 8253  
or control of a child at the center or type A home, shall inform 8254  
the individual of the requirements of sections 5104.09 through 8255  
5104.0913 of the Revised Code that are applicable to the 8256  
individual. 8257

Sec. 5104.096. An individual required by section 5104.093, 8258  
5104.094, or 5104.095 of the Revised Code to request that the 8259  
superintendent of BCII conduct a criminal records check shall 8260  
provide a criminal records check form and standard fingerprint 8261  
impression sheet to the individual who is the subject of the 8262  
criminal records check. An individual who receives the criminal 8263  
records check form and standard fingerprint impression sheet shall 8264  
complete the form, or provide all the information necessary to 8265  
complete the form, and shall provide the impression sheet with 8266  
impressions of the individual's fingerprints. The individual 8267  
required to request the criminal records check shall obtain the 8268  
completed criminal records check form and standard fingerprint 8269  
impression sheet from the subject of the criminal records check 8270  
and forward the form and impression sheet to the superintendent of 8271  
BCII at the time the criminal records check is requested. 8272

Sec. 5104.097. If the subject of a criminal records check 8273  
does not present proof that the subject has been a resident of 8274

this state for the five-year period immediately prior to the date 8275  
on which the criminal records check is requested or provide 8276  
evidence that within that five-year period the superintendent of 8277  
BCII has requested information about the subject from the federal 8278  
bureau of investigation in a criminal records check, the 8279  
individual required by section 5104.093, 5104.094, or 5104.095 of 8280  
the Revised Code to request the criminal records check shall 8281  
request that the superintendent obtain information about the 8282  
subject of the criminal records check from the federal bureau of 8283  
investigation as part of the criminal records check. If the 8284  
subject of the criminal records check presents proof of having 8285  
been a resident of this state for that five-year period, the 8286  
individual required to request the criminal records check may 8287  
request that the superintendent include information from the 8288  
federal bureau of investigation in the criminal records check. 8289

**Sec. 5104.098.** A child-care center, type A family child-care 8290  
home, type B family child-care home, or individual seeking an 8291  
in-home aide certificate shall pay to BCII the fee prescribed 8292  
pursuant to division (C)(3) of section 109.572 of the Revised Code 8293  
for each criminal records check regarding the center, type A home, 8294  
type B home, or individual that is requested under section 8295  
5104.093 or 5104.094 of the Revised Code. 8296

**Sec. 5104.099.** Each child-care center and type A family 8297  
child-care home that requests a criminal records check pursuant to 8298  
section 5104.095 of the Revised Code shall pay to BCII the fee 8299  
prescribed pursuant to division (C)(3) of section 109.572 of the 8300  
Revised Code for the criminal records check. The center or type A 8301  
home may require the individual who is the subject of the criminal 8302  
records check to pay the center or type A home the amount of the 8303  
fee if the center or type A home informs the individual at the 8304

time the individual initially applies for employment that the 8305  
individual must pay the center or type A home the amount of the 8306  
fee and that, unless the payment is made, the center or type A 8307  
home will not consider the individual for employment. The center 8308  
or type A home may not require the individual to pay an amount 8309  
exceeding the amount of the fee the center or home pays BCII. 8310

**Sec. 5104.0910.** The report of a criminal records check BCII 8311  
conducts pursuant to a request made under section 5104.093, 8312  
5104.094, or 5104.095 of the Revised Code is not a public record 8313  
for the purposes of section 149.43 of the Revised Code and may not 8314  
be made available to any person or government entity other than 8315  
the following: 8316

(A) The individual who is the subject of the criminal records 8317  
check or the individual's representative; 8318

(B) The individual who requested the criminal records check 8319  
or the individual's representative; 8320

(C) In the case of a criminal records check of an owner, 8321  
licensee, or administrator of a child-care center or type A family 8322  
child-care home, any owner, licensee, or administrator of the 8323  
center or type A home; 8324

(D) In the case of a criminal records check of an individual 8325  
eighteen years of age or older who resides in a type A family 8326  
child-care home, the owner, licensee, or administrator of the type 8327  
A home; 8328

(E) In the case of a criminal records check of an individual 8329  
eighteen years of age or older who resides in a type B family 8330  
child-care home, the individual who seeks the license, license 8331  
renewal, certificate, or certificate renewal for the type B home; 8332

(F) The department of job and family services; 8333

<u>(G) A county department of job and family services;</u>	8334
<u>(H) A court, hearing officer, or other necessary individual</u>	8335
<u>involved in a case dealing with either of the following:</u>	8336
<u>(1) The denial of employment to the subject of the criminal</u>	8337
<u>records check;</u>	8338
<u>(2) The denial of a license, license renewal, certificate, or</u>	8339
<u>certificate renewal that is related to criminal records check.</u>	8340
<b><u>Sec. 5104.0911.</u></b> <u>(A) Except as provided by division (B) of</u>	8341
<u>this section, each of the following shall sign a statement</u>	8342
<u>prescribed by the director of job and family services attesting to</u>	8343
<u>the fact that the individual has not been convicted of or pleaded</u>	8344
<u>guilty to a disqualifying offense and no child has been removed</u>	8345
<u>from the individual's home pursuant to section 2151.353 of the</u>	8346
<u>Revised Code:</u>	8347
<u>(1) The licensee of a child-care center or type A family</u>	8348
<u>child-care home;</u>	8349
<u>(2) The administrator of a child-care center or type A family</u>	8350
<u>child-care home;</u>	8351
<u>(3) The licensed provider of a licensed type B family</u>	8352
<u>child-care home;</u>	8353
<u>(4) The certified provider of a certified type B family</u>	8354
<u>child-care home;</u>	8355
<u>(5) An in-home aide;</u>	8356
<u>(6) An individual employed, directly or pursuant to a</u>	8357
<u>contract between a child-care center or type A family child-care</u>	8358
<u>home and another entity, in a position in which the individual is</u>	8359
<u>responsible for the care, custody, or control of a child at the</u>	8360
<u>center or type A home;</u>	8361
<u>(7) An individual eighteen years of age or older who resides</u>	8362

in a type A family child-care home, licensed type B family 8363  
child-care home, or certified type B family child-care home. 8364

(B) An individual who has been convicted of or pleaded guilty 8365  
to a disqualifying offense but meets rehabilitation standards 8366  
established in rules adopted under section 5104.0111 of the 8367  
Revised Code shall, instead of signing the statement required by 8368  
division (A) of this section, sign a statement prescribed by the 8369  
director of job and family services attesting to the fact that the 8370  
individual has been convicted of or pleaded guilty to a 8371  
disqualifying offense but meets the rehabilitation standards. 8372

(C) The statements required by this section of individuals 8373  
associated with a child-care center, type A family child-care 8374  
home, or licensed type B family child-care home shall be kept on 8375  
file at the center, type A home, or licensed type B home. The 8376  
statements required by this section of in-home aides and 8377  
individuals associated with a certified type B family child-care 8378  
home shall be kept on file at the county department of job and 8379  
family services serving the county in which the in-home aide 8380  
resides or certified type B home is located. 8381

**Sec. 5104.0912.** (A) Except as provided by division (B) of 8382  
this section, each licensee of a type A family child-care home or 8383  
licensed type B family child-care home and each certified provider 8384  
of a certified type B family child-care home shall sign a 8385  
statement on a form prescribed by the director of job and family 8386  
services attesting to the fact that no individual who is under 8387  
eighteen years of age and has been adjudicated a delinquent child 8388  
for committing a disqualifying offense resides in the type A home, 8389  
licensed type B home, or certified type B home. 8390

(B) If an individual who is under eighteen years of age, has 8391  
been adjudicated a delinquent child for committing a disqualifying 8392  
offense, and meets rehabilitation standards established in rules 8393

adopted under section 5104.0111 of the Revised Code resides in a 8394  
type A home, licensed type B home, or certified type B home, the 8395  
licensee of the type A home or type B home or certified provider 8396  
of the type B home shall, instead of signing the statement 8397  
required by division (A) of this section, sign a statement 8398  
prescribed by the director of job and family services attesting to 8399  
the fact that the individual has been convicted of or pleaded 8400  
guilty to a disqualifying offense but meets the rehabilitation 8401  
standards. 8402

(C) The statements required by this section of individuals 8403  
associated with a child-care center, type A family child-care 8404  
home, or licensed type B family child-care home shall be kept on 8405  
file at the center, type A home, or licensed type B home. The 8406  
statements required by this section of individuals associated with 8407  
a certified type B family child-care home shall be kept on file at 8408  
the county department of job and family services serving the 8409  
county in which the certified type B home is located. 8410

**Sec. 5104.0913.** No individual required to sign a statement 8411  
under section 5104.0911 or 5104.0912 of the Revised Code shall 8412  
withhold information from, or falsify information on, the 8413  
statement. 8414

**Sec. 5104.11.** (A)(1) Every person desiring to receive 8415  
certification for a type B family ~~day-care~~ child-care home to 8416  
provide publicly funded child care shall apply for certification 8417  
to the county director of job and family services on such forms as 8418  
the director of job and family services prescribes. The county 8419  
director shall provide at no charge to each applicant a copy of 8420  
rules for certifying type B family ~~day-care~~ child-care homes 8421  
adopted pursuant to this chapter. No person prohibited by section 8422  
5104.02 of the Revised Code from operating a type B family 8423  
child-care home without a provisional license or license issued by 8424



the director of job and family services may apply for or obtain a certificate for the type B home. 8425  
8426

~~(2) Except as provided in division (C)(1) of section 5104.011 of the Revised Code, after~~ After receipt of an application for certification from a type B family ~~day care~~ child-care home, the county director of job and family services shall inspect the home. 8427  
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~~If it complies with this chapter and any applicable rules adopted under this chapter, the county department shall certify the type B family day care home to provide publicly funded child care pursuant to this chapter and any rules adopted under it.~~ The 8431  
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(3)(a) On receipt of an application for certification for a type B family ~~day care~~ child-care home to provide publicly funded child care or for renewal of such certification, the county department shall request from both of the following information concerning any abuse or neglect report made pursuant to section 2151.421 of the Revised Code of which the applicant, any other adult residing in the applicant's home, or a person designated by the applicant to be an emergency or substitute caregiver for the applicant is the subject: 8443  
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(i) The public children services agency, until the county department is notified by the department of job and family services that the uniform statewide automated child welfare information system has been finalized statewide; 8452  
8453  
8454  
8455

(ii) Upon receipt of notification under division (D) of 8456

section 5101.13 of the Revised Code that the uniform statewide 8457  
automated child welfare information system has been implemented 8458  
statewide, the uniform statewide automated child welfare 8459  
information system via the department. 8460

(b) The county department shall consider any information 8461  
provided by the agency or the department pursuant to section 8462  
5153.175 of the Revised Code. If the county department determines 8463  
that the information, when viewed within the totality of the 8464  
circumstances, reasonably leads to the conclusion that the 8465  
applicant may directly or indirectly endanger the health, safety, 8466  
or welfare of children, the county department shall deny the 8467  
application for certification or renewal of certification, or 8468  
revoke the certification of ~~an authorized~~ a certified provider. 8469

~~(c) As used in division (A)(3) of this section, "public 8470  
children services agency" means either an entity separate from the 8471  
county department or the part of the county department that serves 8472  
as the county's public children services agency, as appropriate. 8473~~

(4) Except as provided in division (A)(5) of this section, ~~an 8474  
authorized~~ a certified provider of a type B family ~~day care 8475  
child-care~~ home that receives a certificate pursuant to this 8476  
section to provide publicly funded child care is an independent 8477  
contractor and is not an employee of the county department of job 8478  
and family services that issues the certificate. 8479

(5) For purposes of Chapter 4141. of the Revised Code, 8480  
determinations concerning the employment of ~~an authorized~~ a 8481  
certified provider of a type B family ~~day care~~ child-care home 8482  
that receives a certificate pursuant to this section shall be 8483  
determined under Chapter 4141. of the Revised Code. 8484

~~(B) If the county director of job and family services 8485  
determines that the type B family day care home complies with this 8486  
chapter and any rules adopted under it, the The county director of of 8487~~

job and family services shall issue to the provider a certificate 8488  
for a type B family child-care home to provide publicly funded 8489  
child care, which unless the county director determines that the 8490  
type B home is not in compliance with this chapter or the rules 8491  
adopted under it or that the applicant has violated a prohibition 8492  
of this chapter. The certificate is valid for twelve months, 8493  
unless revoked earlier. The county director may revoke the 8494  
certificate after determining that the certified provider has 8495  
violated a prohibition of this chapter or revocation is otherwise 8496  
necessary. The ~~authorized~~ certified provider shall post the 8497  
certificate in a conspicuous place in the certified type B home 8498  
that is accessible to parents, custodians, or guardians at all 8499  
times. The certificate shall state the name and address of the 8500  
~~authorized~~ certified provider, the maximum number of children who 8501  
may be cared for at any one time in the certified type B home, the 8502  
expiration date of the certification, and the name and telephone 8503  
number of the county director who issued the certificate. 8504

(C)(1) The county director shall inspect every certified type 8505  
B family ~~day-care~~ child-care home at least twice within each 8506  
twelve-month period of the operation of the certified type B home. 8507  
A minimum of one inspection shall be unannounced and all 8508  
inspections may be unannounced. Upon receipt of a complaint, the 8509  
county director shall investigate the certified type B home, and 8510  
division (C)(2) of this section applies regarding the complaint. 8511  
The ~~authorized~~ certified provider shall permit the county director 8512  
to inspect any part of the certified type B home. The county 8513  
director shall prepare a written inspection report and furnish one 8514  
copy to the ~~authorized~~ certified provider within a reasonable time 8515  
after the inspection. 8516

(2) Upon receipt of a complaint as described in division 8517  
(C)(1) of this section, in addition to the investigation that is 8518  
required under that division, both of the following apply: 8519

(a) If the complaint alleges that a child suffered physical 8520  
harm while receiving child care at the certified type B family 8521  
~~day-care~~ child-care home or that the noncompliance with law or act 8522  
alleged in the complaint involved, resulted in, or poses a 8523  
substantial risk of physical harm to a child receiving child care 8524  
at the home, the county director shall inspect the home. 8525

(b) If division (C)(2)(a) of this section does not apply 8526  
regarding the complaint, the county director may inspect the 8527  
certified type B family ~~day-care~~ child-care home. 8528

(3) Division (C)(2) of this section does not limit, restrict, 8529  
or negate any duty of the county director to inspect a certified 8530  
type B family ~~day-care~~ child-care home that otherwise is imposed 8531  
under this section, or any authority of the county director to 8532  
inspect a home that otherwise is granted under this section when 8533  
the county director believes the inspection is necessary and it is 8534  
permitted under the grant. 8535

(D) The county director of job and family services, in 8536  
accordance with rules adopted pursuant to section ~~5104.052~~ 8537  
5104.018 of the Revised Code regarding fire safety and fire 8538  
prevention, shall inspect each type B home that applies to be 8539  
certified that is providing or is to provide publicly funded child 8540  
care. 8541

(E) All materials that are supplied by the department of job 8542  
and family services to type A family ~~day-care~~ child-care home 8543  
providers, type B family ~~day-care~~ child-care home providers, 8544  
in-home aides, persons who desire to be type A family ~~day-care~~ 8545  
child-care home providers, type B family ~~day-care~~ child-care home 8546  
providers, or in-home aides, and caretaker parents shall be 8547  
written at no higher than the sixth grade reading level. The 8548  
department may employ a readability expert to verify its 8549  
compliance with this division. 8550

Sec. 5104.111. No person shall make a false statement on an application for a certificate for a type B family child-care home or other document used in the process of issuing such a certificate or as part of an investigation or inspection of a type B home.

Sec. 5104.13. No later than July 1, 1998, and at reasonable intervals thereafter, the department of job and family services shall publish a guide describing state statutes and rules governing the certification of type B family ~~day-care~~ child-care homes. The department shall distribute the guide to county departments of job and family services in sufficient number that a copy is available to each certified type B home provider.

Sec. ~~5104.015~~ 5104.14. (A) Except as otherwise provided in division (C) of this section, no ~~child-day-care~~ child-care center shall permit any person to smoke in any indoor or outdoor space that is part of the center.

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

(B) Except as otherwise provided in division (C) of this section, no type A family ~~day-care~~ child-care home ~~or~~, certified type B family ~~day-care~~ child-care home, or licensed type B family child-care home shall permit any person to smoke in any indoor or 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~~, certified provider, or licensed provider of the home has provided to a parent, custodian, or guardian of each child receiving child

care at the home notice that smoking occurs or may occur at the 8581  
home when it is not in operation. 8582

The administrator of a type A family ~~day-care~~ child-care home 8583  
~~or authorized, certified~~ provider of a certified type B family 8584  
~~day-care~~ child-care home, or licensed provider of a licensed type 8585  
B family child-care home shall post in a conspicuous place at the 8586  
main entrance of the home a notice specifying the hours the home 8587  
is in operation and stating that smoking is prohibited during 8588  
those hours in any indoor or outdoor space that is part of the 8589  
home, except under the conditions described in division (C) of 8590  
this section. 8591

(C) A ~~child day-care~~ child-care center, type A family 8592  
~~day-care~~ child-care home, ~~or~~ certified type B family child-care 8593  
home, or licensed type B family child-care home may allow persons 8594  
to smoke at the center or home during its hours of operation if 8595  
those persons cannot be seen smoking by the children being cared 8596  
for and if they smoke in either of the following: 8597

(1) An indoor area that is separately ventilated from the 8598  
rest of the center or home; 8599

(2) An outdoor area that is so far removed from the children 8600  
being cared for that they cannot inhale any smoke. 8601

~~(D) The director of job and family services, in consultation 8602  
with the director of health, shall adopt rules in accordance with 8603  
Chapter 119. of the Revised Code to implement the requirements of 8604  
this section. These rules may prohibit smoking in a child day-care 8605  
center, type A family day care home, or certified type B family 8606  
home if its design and structure do not allow persons to smoke 8607  
under the conditions described in division (C) of this section or 8608  
if repeated violations of division (A) or (B) of this section have 8609  
occurred there. 8610~~

Sec. 5104.15. (A) Each child-care center shall have, for each 8611  
child for whom the center is licensed, at least thirty-five square 8612  
feet of wall-to-wall usable, indoor floor space regularly 8613  
available for the child-care operation. Except as provided in 8614  
division (B) of this section, none of the following may be counted 8615  
toward this indoor floor space: 8616

(1) The parts of the structure in which the care of children 8617  
is prohibited by law or by rules adopted by the board of building 8618  
standards; 8619

(2) Hallways, kitchens, storage areas, or any other areas 8620  
that are not available for the care of children, as determined by 8621  
the director of job and family services; 8622

(3) Bathrooms unless they are used exclusively by children 8623  
enrolled in the center. 8624

(B) Hallways, kitchens, storage areas, bathrooms not used 8625  
exclusively by children enrolled in the center, and other areas 8626  
not available for the care of children may count toward the 8627  
minimum of thirty-five square feet of usable, indoor floor space 8628  
in a child-care center that was licensed prior to or on September 8629  
1, 1986, if the center either continues under licensure after that 8630  
date or is issued a new license after that date solely due to a 8631  
change of ownership of the center. 8632

Sec. 5104.151. (A) Except as provided by divisions (B) and 8633  
(C) of this section, each child-care center shall have on the site 8634  
a safe, outdoor play space that is enclosed by a fence or 8635  
otherwise protected from traffic or other hazards. The play space 8636  
shall contain not less than sixty square feet per child using the 8637  
play space at any one time and shall provide an opportunity for 8638  
supervised outdoor play each day in suitable weather. 8639

(B) The director of job and family services may exempt a 8640

child-care center from the requirement of division (A) of this 8641  
section if an outdoor play space is not available and all of the 8642  
following requirements are met: 8643

(1) The center provides an indoor recreation area that has 8644  
not less than sixty square feet per child using the area at any 8645  
one time, has a minimum of one thousand four hundred forty square 8646  
feet of space, and is separate from the indoor space required 8647  
under section 5104.15 of the Revised Code. 8648

(2) The director has determined that there is regularly 8649  
available and scheduled for use a conveniently accessible and safe 8650  
park, playground, or similar outdoor play area for play or 8651  
recreation. 8652

(3) The children are closely supervised during play and while 8653  
traveling to and from the area. 8654

(C) The director shall exempt from the requirement of 8655  
division (A) of this section a child-care center that was licensed 8656  
prior to September 1, 1986, if the center received approval from 8657  
the director prior to September 1, 1986, to use a park, 8658  
playground, or similar area, not connected with the center, for 8659  
play or recreation in lieu of the outdoor space requirements of 8660  
this section and the children are closely supervised both during 8661  
play and while traveling to and from the area. The director shall 8662  
terminate such a child-care center's exemption from the 8663  
requirement of division (A) of this section if the director 8664  
determines upon investigation and inspection pursuant to section 8665  
5104.04 of the Revised Code and rules adopted under that section 8666  
that the park, playground, or similar area or access to and from 8667  
the park, playground, or similar area is unsafe for the children. 8668

**Sec. 5104.16.** (A) Each child-care center shall have at least 8669  
two responsible adults available on the premises at all times when 8670  
seven or more children are in the center. Each center shall 8671



organize the children in the center in small groups, shall provide 8672  
child-care staff to give continuity of care and supervision to the 8673  
children on a day-by-day basis, and shall ensure that no child is 8674  
left alone or unsupervised. 8675

Except as provided by divisions (B) and (C) of this section, 8676  
the maximum number of children per child-care staff member and 8677  
maximum group size, by age category of children, are as follows: 8678

<u>Age Category of</u>	<u>Maximum Number of</u>	<u>Maximum Group Size</u>	
<u>Children</u>	<u>Children Per</u>		
	<u>Child-Care Staff</u>		
	<u>Member</u>		
<u>Less than twelve</u>	<u>5:1 or 12:2 if two</u>	<u>12</u>	8680
<u>months old</u>	<u>child-care staff</u>		
	<u>members are in the</u>		
	<u>room</u>		
<u>At least twelve months</u>	<u>6:1</u>	<u>12</u>	8681
<u>old but less than</u>			
<u>eighteen months old</u>			
<u>At least eighteen</u>	<u>7:1</u>	<u>14</u>	8682
<u>months old but less</u>			
<u>than thirty months old</u>			
<u>At least thirty months</u>	<u>8:1</u>	<u>16</u>	8683
<u>old but less than</u>			
<u>three years old</u>			
<u>Three years old</u>	<u>12:1</u>	<u>24</u>	8684
<u>At least four years</u>	<u>14:1</u>	<u>28</u>	8685
<u>old but less than six</u>			
<u>years old and not</u>			
<u>school children</u>			
<u>Enrolled or eligible</u>	<u>18:1</u>	<u>36</u>	8686
<u>to be enrolled in a</u>			
<u>grade of kindergarten</u>			

or above but less than  
eleven years old

At least eleven years                      20:1                      40                      8687  
old but less than  
fifteen years old

(B)(1) Except as provided in division (B)(2) of this section,                      8688  
the maximum number of children per child-care staff member                      8689  
requirements of the younger age group and the maximum group size                      8690  
requirements of the younger age group shall apply when age groups                      8691  
are combined.                      8692

(2) When not more than one child thirty months of age or                      8693  
older receives child care in a group in which all the other                      8694  
children are in the next older age group, the maximum number of                      8695  
children per child-care staff member and maximum group size                      8696  
requirements of the older age group established under division (A)                      8697  
of this section shall apply.                      8698

(C)(1) Subject to the limitation established by division                      8699  
(C)(2) of this section, the maximum number of toddlers or                      8700  
preschool children per child-care staff member in a room where                      8701  
children are napping shall be twice the maximum number of children                      8702  
per child-care staff member established under division (A) of this                      8703  
section if all of the following criteria are met:                      8704

(a) At least one child-care staff member is present in the                      8705  
room.                      8706

(b) Sufficient child-care staff members are on the child-care                      8707  
center premises to meet the maximum number of children per                      8708  
child-care staff member requirements established under division                      8709  
(A) of this section.                      8710

(c) Naptime preparations are complete and all napping                      8711  
children are resting or sleeping on cots.                      8712

(2) The maximum number established under division (C)(1) of                      8713

this section is in effect for not more than one and one-half hours 8714  
during a twenty-four-hour day. 8715

Sec. 5104.161. Each child-care center shall have on the 8716  
center premises and readily available at all times at least one 8717  
child-care staff member who has completed a course in first aid 8718  
and in prevention, recognition, and management of communicable 8719  
diseases that is approved by the state department of health and a 8720  
staff member who has completed a course in child abuse recognition 8721  
and prevention training which is approved by the department of job 8722  
and family services. 8723

Sec. 5104.17. (A) The administrator of each child-care center 8724  
shall show the director of job and family services evidence of 8725  
both of the following: 8726

(1) At least high school graduation or certification of high 8727  
school equivalency by the state board of education or the 8728  
appropriate agency of another state; 8729

(2) Completion of at least two years of training in an 8730  
accredited college, university, or technical college, including 8731  
courses in child development or early childhood education, or at 8732  
least two years of experience in supervising and giving daily care 8733  
to children attending an organized group program. 8734

(B) In addition to the requirements of division (A) of this 8735  
section, any administrator employed or designated on or after 8736  
September 1, 1986, shall show evidence of, and any administrator 8737  
employed or designated prior to September 1, 1986, shall show 8738  
evidence within six years after such date of, at least one of the 8739  
following: 8740

(1) Two years of experience working as a child-care staff 8741  
member in a center and at least four courses in child development 8742  
or early childhood education from an accredited college, 8743

university, or technical college, except that a person who has two 8744  
years of experience working as a child-care staff member in a 8745  
particular center and who has been promoted to or designated as 8746  
administrator of that center shall have one year from the time the 8747  
person was promoted to or designated as administrator to complete 8748  
the required four courses; 8749

(2) Two years of training, including at least four courses in 8750  
child development or early childhood education from an accredited 8751  
college, university, or technical college; 8752

(3) A child development associate credential issued by the 8753  
national child development associate credentialing commission; 8754

(4) An associate or higher degree in child development or 8755  
early childhood education from an accredited college, technical 8756  
college, or university, or a license designated for teaching in an 8757  
associate teaching position in a preschool setting issued by the 8758  
state board of education. 8759

**Sec. 5104.171.** (A) Except as provided in divisions (B) and 8760  
(C) of this section, all child-care staff members of each 8761  
child-care center shall be at least eighteen years of age and 8762  
shall furnish the director of job and family services evidence of 8763  
either of the following: 8764

(1) At least high school graduation or certification of high 8765  
school equivalency by the state board of education or the 8766  
appropriate agency of another state; 8767

(2) Completion of a training program approved by the 8768  
department of job and family services or state board of education. 8769

(B) A child-care staff member may be less than eighteen years 8770  
of age if the staff member is either of the following: 8771

(1) A graduate of a two-year vocational child-care training 8772  
program approved by the state board of education; 8773

(2) A student enrolled in the second year of a vocational child-care training program approved by the state board of education that leads to high school graduation, provided that the student performs the student's duties in the child-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. 8774  
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(C) A child-care staff member is exempt from the educational requirements of division (A) of this section if either one applies to the staff member: 8783  
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(1) Prior to January 1, 1972, the staff member was employed or designated by a child-care center and has been continuously employed since either by the same child-care center employer or at the same child-care center. 8786  
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(2) The staff member is a student enrolled in the second year of a vocational child-care training program approved by the state board of education that leads to high school graduation, provided that the student performs the student's duties in the child-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. 8790  
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**Sec. 5104.172.** (A) As used in this section, "hour" means sixty minutes. 8799  
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(B) Except as provided in division (C) of this section, every child care staff member of each child-care center annually shall complete fifteen hours of in-service training in child development or early childhood education, child abuse recognition and 8801  
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prevention, first aid, and in prevention, recognition, and 8805  
management of communicable diseases, until a total of forty-five 8806  
hours of training has been completed. 8807

(C) A child care staff member is exempt from the requirements 8808  
of division (B) of this section if the staff member furnishes one 8809  
of the following to the director of job and family services: 8810

(1) Evidence of an associate or higher degree in child 8811  
development or early childhood education from an accredited 8812  
college, university, or technical college; 8813

(2) A license designated for teaching in an associate 8814  
teaching position in a preschool setting issued by the state board 8815  
of education; 8816

(3) Evidence of a child development associate credential; 8817

(4) Evidence of a preprimary credential from the American 8818  
Montessori society or the association Montessori internationale. 8819

**Sec. 5104.18.** The administrator of each child-care center 8820  
shall prepare at least once annually and for each group of 8821  
children at the center a roster of names and telephone numbers of 8822  
parents, custodians, or guardians of each group of children 8823  
attending the center and upon request shall furnish the roster for 8824  
each group to the parents, custodians, or guardians of the 8825  
children in that group. The administrator may prepare a roster of 8826  
names and telephone numbers of all parents, custodians, or 8827  
guardians of children attending the center and upon request shall 8828  
furnish the roster to the parents, custodians, or guardians of the 8829  
children who attend the center. The administrator shall not 8830  
include in any roster the name or telephone number of any parent, 8831  
custodian, or guardian who requests the administrator not to 8832  
include the parent's, custodian's, or guardian's name or number 8833  
and shall not furnish any roster to any person other than a 8834

parent, custodian, or guardian of a child who attends the center. 8835

**Sec. 5104.19.** The administrator of each child-care center 8836  
shall maintain enrollment, health, and attendance records for all 8837  
children attending the center and health and employment records 8838  
for all center employees. The records shall be confidential, 8839  
except as otherwise provided in section 5104.18 of the Revised 8840  
Code and except that the administrator shall disclose the records 8841  
to the director of job and family services on request for the 8842  
purpose of administering and enforcing this chapter and rules 8843  
adopted pursuant to this chapter. Neither the center nor the 8844  
licensee, administrator, or employees of the center shall be 8845  
civilly or criminally liable in damages or otherwise for records 8846  
the administrator discloses to the director pursuant to this 8847  
section. It shall be a defense to any civil or criminal charge 8848  
based on records the administrator discloses to the director that 8849  
the records were disclosed pursuant to this section. 8850

**Sec. 5104.20.** (A) Any parent who is the residential parent 8851  
and legal custodian of a child enrolled in a child-care center and 8852  
any custodian or guardian of such a child shall be permitted 8853  
unlimited access to the center during its hours of operation for 8854  
the purposes of contacting their children, evaluating the care 8855  
provided by the center, evaluating the premises of the center, or 8856  
for other purposes approved by the director of job and family 8857  
services. A parent of a child enrolled in a child day-care center 8858  
who is not the child's residential parent shall be permitted 8859  
unlimited access to the center during its hours of operation for 8860  
those purposes under the same terms and conditions under which the 8861  
residential parent of that child is permitted access to the center 8862  
for those purposes. However, the access of the parent who is not 8863  
the residential parent is subject to any agreement between the 8864

parents and, to the extent described in division (B) of this 8865  
section, is subject to any terms and conditions limiting the right 8866  
of access of the parent who is not the residential parent, as 8867  
described in division (I) of section 3109.051 of the Revised Code, 8868  
that are contained in a parenting time order or decree issued 8869  
under that section, section 3109.12 of the Revised Code, or any 8870  
other provision of the Revised Code. 8871

(B) If a parent who is the residential parent of a child has 8872  
presented the administrator or the administrator's designee with a 8873  
copy of a parenting time order that limits the terms and 8874  
conditions under which the parent who is not the residential 8875  
parent is to have access to the center, as described in division 8876  
(I) of section 3109.051 of the Revised Code, the parent who is not 8877  
the residential parent shall be provided access to the center only 8878  
to the extent authorized in the order. If the residential parent 8879  
has presented such an order, the parent who is not the residential 8880  
parent shall be permitted access to the center only in accordance 8881  
with the most recent order that has been presented to the 8882  
administrator or the administrator's designee by the residential 8883  
parent or the parent who is not the residential parent. 8884

(C) Upon entering the premises pursuant to division (A) or 8885  
(B) of this section, the parent who is the residential parent and 8886  
legal custodian, the parent who is not the residential parent, or 8887  
the custodian or guardian shall notify the administrator or the 8888  
administrator's designee of the parent's, custodian's, or 8889  
guardian's presence. 8890

**Sec. 5104.21.** No administrator, licensee, or child-care staff 8891  
member of a child-care center shall discriminate in the enrollment 8892  
of children in the center on the basis of race, color, religion, 8893  
sex, or national origin. 8894



**Sec. ~~5104.21~~ 5104.22.** (A) The department of job and family 8895  
services shall register child day camps and enforce this section 8896  
and section ~~5104.22~~ 5104.23 of the Revised Code and the rules 8897  
adopted pursuant to those sections. No person, firm, organization, 8898  
institution, or agency shall operate a child day camp without 8899  
annually registering with the department. 8900

(B) A person, firm, institution, organization, or agency 8901  
operating any of the following programs is exempt from the 8902  
provisions of this section and section ~~5104.22~~ 5104.23 of the 8903  
Revised Code: 8904

(1) A child day camp that operates for two or less 8905  
consecutive weeks and for no more than a total of two weeks during 8906  
each calendar year; 8907

(2) Supervised training, instruction, or activities of 8908  
children that is conducted on an organized or periodic basis no 8909  
more than one day a week and for no more than six hours' duration 8910  
and that is conducted in specific areas, including, but not 8911  
limited to, art; drama; dance; music; gymnastics, swimming, or 8912  
another athletic skill or sport; computers; or an educational 8913  
subject; 8914

(3) Programs in which the department determines that at least 8915  
one parent, custodian, or guardian of each child attending or 8916  
participating in the child day camp is on the child day camp 8917  
activity site and is readily accessible at all times, except that 8918  
a child day camp on the premises of a parent's, custodian's, or 8919  
guardian's place of employment shall be registered in accordance 8920  
with division (A) of this section; 8921

(4) Child day camps funded and regulated or operated and 8922  
regulated by any state department, other than the department of 8923  
job and family services, when the department of job and family 8924  
services has determined that the rules governing the child day 8925

camp are equivalent to or exceed the rules adopted pursuant to 8926  
this section and section ~~5104.22~~ 5104.23 of the Revised Code. 8927

(C) A person, firm, organization, institution, or agency 8928  
operating a child day camp that is exempt under division (B) of 8929  
this section from registering under division (A) of this section 8930  
may elect to register itself under division (A) of this section. 8931  
All requirements of this section and the rules adopted pursuant to 8932  
this section shall apply to any exempt child day camp that so 8933  
elects to register. 8934

(D) The director of job and family services shall adopt 8935  
pursuant to Chapter 119. of the Revised Code rules prescribing the 8936  
registration form and establishing the procedure for the child day 8937  
camps to register. The form shall not be longer than one 8938  
typewritten page and shall state both of the following: 8939

(1) That the child day camp administrator or the 8940  
administrator's representative agrees to provide the parents of 8941  
each school child who attends or participates in that child day 8942  
camp with the telephone number of the county department of health 8943  
and the public children services agency of the county in which the 8944  
child day camp is located; 8945

(2) That the child day camp administrator or the 8946  
administrator's representative agrees to permit a public children 8947  
services agency or the county department of health to review or 8948  
inspect the child day camp if a complaint is made to that 8949  
department or any other state department or public children 8950  
services agency against that child day camp. 8951

(E) The department may charge a fee to register a child day 8952  
camp. The fee for each child day camp shall be twenty-five 8953  
dollars. No organization that operates, or owner of, child day 8954  
camps shall pay a fee that exceeds two hundred fifty dollars for 8955  
all of its child day camps. 8956

(F) If a child day camp that is required to register under 8957  
this section fails to register with the department in accordance 8958  
with this section or the rules adopted pursuant to it or if a 8959  
child day camp that files a registration form under this section 8960  
knowingly provides false or misleading information on the 8961  
registration form, the department shall require the child day camp 8962  
to register or register correctly and to pay a registration fee 8963  
that equals three times the registration fee as set forth in 8964  
division (E) of this section. 8965

(G) A child day camp administrator or the administrator's 8966  
representative shall provide the parents of each school child who 8967  
attends or participates in that child day camp with the telephone 8968  
numbers of the county department of health and the county public 8969  
children services agency of the county in which the child day camp 8970  
is located and a statement that the parents may use these 8971  
telephone numbers to contact or otherwise contact the departments 8972  
or agency to make a complaint regarding the child day camp. 8973

**Sec. ~~5104.22~~ 5104.23.** (A) The director of job and family 8974  
services, no later than September 1, 1993, and pursuant to Chapter 8975  
119. of the Revised Code, shall adopt rules establishing a 8976  
procedure and standards for the approval of child day camps that 8977  
will enable an approved child day camp to receive public moneys 8978  
pursuant to sections 5104.30 to 5104.39 of the Revised Code. The 8979  
procedure and standards shall be similar and comparable to the 8980  
procedure and standards for accrediting child day camps used by 8981  
the American camping association. The department of job and family 8982  
services may charge a reasonable fee to inspect a child day camp 8983  
to determine whether that child day camp meets the standards set 8984  
forth in this section or in the rules adopted under this section. 8985  
The department shall approve any child day camp that the 8986  
department inspects and approves, that the American camping 8987  
association inspects and accredits, or that is inspected and 8988

accredited by any nationally recognized organization that 8989  
accredits child day camps by using standards that the department 8990  
has determined are substantially similar and comparable to those 8991  
of the American camping association. The department shall approve 8992  
a child day camp for no longer than two years and shall inspect an 8993  
approved child day camp no less than biennially. 8994

(B) An approved child day camp shall comply with this section 8995  
and section ~~5104.21~~ 5104.22 of the Revised Code and the rules 8996  
adopted pursuant to those sections. If an approved child day camp 8997  
is not in substantial compliance with those sections or rules at 8998  
any time, the department shall terminate the child day camp's 8999  
approval until the child day camp complies with those sections and 9000  
rules or for a period of two years, whichever period is longer. 9001

**Sec. ~~5104.20~~ 5104.24.** This chapter does not apply to any 9002  
county, township, municipal corporation, township park district 9003  
created under section 511.18 of the Revised Code, park district 9004  
created under section 1545.04 of the Revised Code, or joint 9005  
recreation district established under section 755.14 of the 9006  
Revised Code that provides programs for children who are five 9007  
years of age or older. 9008

**Sec. 5104.30.** (A) The department of job and family services 9009  
is hereby designated as the state agency responsible for 9010  
administration and coordination of federal and state funding for 9011  
publicly funded child care in this state. Publicly funded child 9012  
care shall be provided to the following: 9013

(1) Recipients of transitional child care as provided under 9014  
section 5104.34 of the Revised Code; 9015

(2) Participants in the Ohio works first program established 9016  
under Chapter 5107. of the Revised Code; 9017

(3) Individuals who would be participating in the Ohio works 9018

first program if not for a sanction under section 5107.16 of the Revised Code and who continue to participate in a work activity, developmental activity, or alternative work activity pursuant to an assignment under section 5107.42 of the Revised Code;

(4) A family receiving publicly funded child care on October 1, 1997, until the family's income reaches one hundred fifty per cent of the federal poverty line;

(5) Subject to available funds, other individuals determined eligible in accordance with rules adopted under section 5104.38 of the Revised Code.

The department shall apply to the United States department of health and human services for authority to operate a coordinated program for publicly funded child 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 care. The department shall consider the special needs of migrant workers when it administers and coordinates publicly funded child care and shall develop appropriate procedures for accommodating the needs of migrant workers for publicly funded child care.

(B) The department of job and family services shall distribute state and federal funds for publicly funded child care, including appropriations of state funds for publicly funded child 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 care as the state share required to match any federal funds appropriated for publicly funded child 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 9050  
prepare any rules required under this chapter and to administer 9051  
and coordinate federal and state funding for publicly funded child 9052  
care. 9053

(2) Not more than five per cent of the aggregate amount of 9054  
the federal funds received for a fiscal year may be expended for 9055  
administrative costs. 9056

(3) The department shall allocate and use at least four per 9057  
cent of the federal funds for the following: 9058

(a) Activities designed to provide comprehensive consumer 9059  
education to parents and the public; 9060

(b) Activities that increase parental choice; 9061

(c) Activities, including child care resource and referral 9062  
services, designed to improve the quality, and increase the 9063  
supply, of child care. 9064

(4) The department shall ensure that the federal funds will 9065  
be used only to supplement, and will not be used to supplant, 9066  
federal, state, and local funds available on the effective date of 9067  
the child care block grant act for publicly funded child care and 9068  
related programs. A county department of job and family services 9069  
may purchase child care from funds obtained through any other 9070  
means. 9071

(D) The department shall encourage the development of 9072  
suitable child care throughout the state, especially in areas with 9073  
high concentrations of recipients of public assistance and 9074  
families with low incomes. The department shall encourage the 9075  
development of suitable child care designed to accommodate the 9076  
special needs of migrant workers. On request, the department, 9077  
through its employees or contracts with state or community child 9078  
care resource and referral service organizations, shall provide 9079  
consultation to groups and individuals interested in developing 9080

child care. The department of job and family services may enter 9081  
into interagency agreements with the department of education, the 9082  
board of regents, the department of development, and other state 9083  
agencies and entities whenever the cooperative efforts of the 9084  
other state agencies and entities are necessary for the department 9085  
of job and family services to fulfill its duties and 9086  
responsibilities under this chapter. 9087

The department shall develop and maintain a registry of 9088  
persons providing child care. The director shall adopt rules 9089  
pursuant to Chapter 119. of the Revised Code establishing 9090  
procedures and requirements for the registry's administration. 9091

(E)(1) The director shall adopt rules in accordance with 9092  
Chapter 119. of the Revised Code establishing both of the 9093  
following: 9094

(a) Reimbursement ceilings for providers of publicly funded 9095  
child care; 9096

(b) A procedure for reimbursing and paying providers of 9097  
publicly funded child care. 9098

(2) In establishing reimbursement ceilings under division 9099  
(E)(1)(a) of this section, the director shall do ~~all~~ both of the 9100  
following: 9101

(a) Use the information obtained under division (B)(3) of 9102  
section 5104.04 of the Revised Code; 9103

(b) Establish an enhanced reimbursement ceiling for providers 9104  
who provide child care for caretaker parents who work 9105  
nontraditional hours; 9106

~~(c) For a type B family day care home provider that has 9107  
received limited certification pursuant to rules adopted under 9108  
division (C)(1) of section 5104.011 of the Revised Code, establish 9109  
a reimbursement ceiling that is the following: 9110~~

~~(i) If the provider is a person described in division 9111  
(G)(1)(a) of section 5104.011 of the Revised Code, seventy five 9112  
per cent of the reimbursement ceiling that applies to a type B 9113  
family day care home certified by the same county department of 9114  
job and family services pursuant to section 5104.11 of the Revised 9115  
Code; 9116~~

~~(ii) If the provider is a person described in division 9117  
(G)(1)(b) of section 5104.011 of the Revised Code, sixty per cent 9118  
of the reimbursement ceiling that applies to a type B family 9119  
day care home certified by the same county department pursuant to 9120  
section 5104.11 of the Revised Code. 9121~~

(3) In establishing reimbursement ceilings under division 9122  
(E)(1)(a) of this section, the director may establish different 9123  
reimbursement ceilings based on any of the following: 9124

(a) Geographic location of the provider; 9125

(b) Type of care provided; 9126

(c) Age of the child served; 9127

(d) Special needs of the child served; 9128

(e) Whether the expanded hours of service are provided; 9129

(f) Whether weekend service is provided; 9130

(g) Whether the provider has exceeded the minimum 9131  
requirements of state statutes and rules governing child care; 9132

(h) Any other factors the director considers appropriate. 9133

**Sec. 5104.301.** A county department of job and family services 9134  
may establish a program to encourage the organization of parent 9135  
cooperative ~~child day care~~ child-care centers and parent 9136  
cooperative type A family ~~day care~~ child-care homes for recipients 9137  
of publicly funded child care. A program established under this 9138  
section may include any of the following: 9139



(A) Recruitment of parents interested in organizing a parent cooperative ~~child day-care~~ child-care center or parent cooperative type A family ~~day-care~~ child-care home; 9140  
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(B) Provision of technical assistance in organizing a parent cooperative ~~child day-care~~ child-care center or parent cooperative type A family ~~day-care~~ child-care home; 9143  
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(C) Assistance in the developing, conducting, and disseminating training for parents interested in organizing a parent cooperative ~~child day-care~~ child-care center or parent cooperative type A family ~~day-care~~ child-care home. 9146  
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A county department that implements a program under this section shall receive from funds available under the child care block grant act a five thousand dollar incentive payment for each parent cooperative ~~child day-care~~ child-care center or parent cooperative type A family ~~day-care~~ child-care home organized pursuant to this section. 9150  
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Parents of children enrolled in a parent cooperative ~~child day-care~~ child-care center or parent cooperative type A family ~~day-care~~ child-care home pursuant to this section shall be required to work in the center or home a minimum of four hours per week. 9156  
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The director of job and family services shall adopt rules governing the establishment and operation of programs under this section. 9161  
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**Sec. 5104.31.** (A) Publicly funded child care may be provided only by the following: 9164  
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(1) A ~~child day-care~~ child-care center or type A family ~~day-care~~ child-care home, including a parent cooperative ~~child day-care~~ child-care center or parent cooperative type A family ~~day-care~~ child-care home, licensed by the department of job and 9166  
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9169

family services pursuant to section 5104.03 of the Revised Code;	9170
(2) <u>A type B family child-care home licensed by the</u>	9171
<u>department of job and family services pursuant to section 5104.03</u>	9172
<u>of the Revised Code;</u>	9173
(3) A type B family <del>day-care</del> <u>child-care</u> home certified by the	9174
county department of job and family services pursuant to section	9175
5104.11 of the Revised Code;	9176
<del>(3) A type B family day care home that has received a limited</del>	9177
<del>certification pursuant to rules adopted under division (G)(1) of</del>	9178
<del>section 5104.011 of the Revised Code;</del>	9179
(4) An in-home aide who has been certified by the county	9180
department of job and family services pursuant to section 5104.12	9181
of the Revised Code;	9182
(5) A child day camp approved pursuant to section <del>5104.22</del>	9183
<u>5104.23</u> of the Revised Code;	9184
(6) A licensed preschool program;	9185
(7) A licensed school child program;	9186
(8) A border state child care provider, except that a border	9187
state child care provider may provide publicly funded child care	9188
only to an individual who resides in an Ohio county that borders	9189
the state in which the provider is located.	9190
(B) Publicly funded <del>child day care</del> <u>child-care</u> may be provided	9191
in a child's own home only by an in-home aide.	9192
<b>Sec. 5104.32.</b> (A) Except as provided in division (C) of this	9193
section, all purchases of publicly funded child care shall be made	9194
under a contract entered into by a licensed <del>child day care</del>	9195
<u>child-care</u> center, licensed type A family <del>day-care</del> <u>child-care</u>	9196
home, <u>licensed type B family child-care home</u> , certified type B	9197
family <del>day-care</del> <u>child-care</u> home, certified in-home aide, approved	9198

child day camp, licensed preschool program, licensed school child 9199  
program, or border state child care provider and the county 9200  
department of job and family services. A county department of job 9201  
and family services may enter into a contract with a provider for 9202  
publicly funded child care for a specified period of time or upon 9203  
a continuous basis for an unspecified period of time. All 9204  
contracts for publicly funded child care shall be contingent upon 9205  
the availability of state and federal funds. The department of job 9206  
and family services shall prescribe a standard form to be used for 9207  
all contracts for the purchase of publicly funded child care, 9208  
regardless of the source of public funds used to purchase the 9209  
child care. To the extent permitted by federal law and 9210  
notwithstanding any other provision of the Revised Code that 9211  
regulates state or county contracts or contracts involving the 9212  
expenditure of state, county, or federal funds, all contracts for 9213  
publicly funded child care shall be entered into in accordance 9214  
with the provisions of this chapter and are exempt from any other 9215  
provision of the Revised Code that regulates state or county 9216  
contracts or contracts involving the expenditure of state, county, 9217  
or federal funds. 9218

(B) Each contract for publicly funded child care shall 9219  
specify at least the following: 9220

(1) That the provider of publicly funded child care agrees to 9221  
be paid for rendering services at the lowest of the rate 9222  
customarily charged by the provider for children enrolled for 9223  
child care, the reimbursement ceiling or rate of payment 9224  
established pursuant to section 5104.30 of the Revised Code, or a 9225  
rate the county department negotiates with the provider; 9226

(2) That, if a provider provides child care to an individual 9227  
potentially eligible for publicly funded child care who is 9228  
subsequently determined to be eligible, the county department 9229  
agrees to pay for all child care provided between the date the 9230

county department receives the individual's completed application 9231  
and the date the individual's eligibility is determined; 9232

(3) Whether the county department of job and family services, 9233  
the provider, or a child care resource and referral service 9234  
organization will make eligibility determinations, whether the 9235  
provider or a child care resource and referral service 9236  
organization will be required to collect information to be used by 9237  
the county department to make eligibility determinations, and the 9238  
time period within which the provider or child care resource and 9239  
referral service organization is required to complete required 9240  
eligibility determinations or to transmit to the county department 9241  
any information collected for the purpose of making eligibility 9242  
determinations; 9243

(4) That the provider, other than a border state child care 9244  
provider, shall continue to be licensed, approved, or certified 9245  
pursuant to this chapter and shall comply with all standards and 9246  
other requirements in this chapter and in rules adopted pursuant 9247  
to this chapter for maintaining the provider's license, approval, 9248  
or certification; 9249

(5) That, in the case of a border state child care provider, 9250  
the provider shall continue to be licensed, certified, or 9251  
otherwise approved by the state in which the provider is located 9252  
and shall comply with all standards and other requirements 9253  
established by that state for maintaining the provider's license, 9254  
certificate, or other approval; 9255

(6) Whether the provider will be paid by the county 9256  
department of job and family services or the state department of 9257  
job and family services; 9258

(7) That the contract is subject to the availability of state 9259  
and federal funds. 9260

(C) Unless specifically prohibited by federal law, the county 9261

department of job and family services shall give individuals 9262  
eligible for publicly funded child care the option of obtaining 9263  
certificates for payment that the individual may use to purchase 9264  
services from any provider qualified to provide publicly funded 9265  
child care under section 5104.31 of the Revised Code. Providers of 9266  
publicly funded child care may present these certificates for 9267  
payment for reimbursement in accordance with rules that the 9268  
director of job and family services shall adopt. Only providers 9269  
may receive reimbursement for certificates for payment. The value 9270  
of the certificate for payment shall be based on the lowest of the 9271  
rate customarily charged by the provider, the reimbursement 9272  
ceiling or rate of payment established pursuant to section 5104.30 9273  
of the Revised Code, or a rate the county department negotiates 9274  
with the provider. The county department may provide the 9275  
certificates for payment to the individuals or may contract with 9276  
child care providers or child care resource and referral service 9277  
organizations that make determinations of eligibility for publicly 9278  
funded child care pursuant to contracts entered into under section 9279  
5104.34 of the Revised Code for the providers or resource and 9280  
referral service organizations to provide the certificates for 9281  
payment to individuals whom they determine are eligible for 9282  
publicly funded child care. 9283

For each six-month period a provider of publicly funded child 9284  
care provides publicly funded ~~child day care~~ child-care to the 9285  
child of an individual given certificates for payment, the 9286  
individual shall provide the provider certificates for days the 9287  
provider would have provided publicly funded child care to the 9288  
child had the child been present. County departments shall specify 9289  
the maximum number of days providers will be provided certificates 9290  
of payment for days the provider would have provided publicly 9291  
funded child care had the child been present. The maximum number 9292  
of days shall not exceed ten days in a six-month period during 9293  
which publicly funded child care is provided to the child 9294

regardless of the number of providers that provide publicly funded 9295  
child care to the child during that period. 9296

**Sec. 5104.34.** (A)(1) Each county department of job and family 9297  
services shall implement procedures for making determinations of 9298  
eligibility for publicly funded child care. Under those 9299  
procedures, the eligibility determination for each applicant shall 9300  
be made no later than thirty calendar days from the date the 9301  
county department receives a ~~completed~~ an application for publicly 9302  
funded child care. Each applicant shall be notified promptly of 9303  
the results of the eligibility determination. An applicant 9304  
aggrieved by a decision or delay in making an eligibility 9305  
determination may appeal the decision or delay to the department 9306  
of job and family services in accordance with section 5101.35 of 9307  
the Revised Code. The due process rights of applicants shall be 9308  
protected. 9309

To the extent permitted by federal law, the county department 9310  
may make all determinations of eligibility for publicly funded 9311  
child care, may contract with child care providers or child care 9312  
resource and referral service organizations for the providers or 9313  
resource and referral service organizations to make all or any 9314  
part of the determinations, and may contract with child care 9315  
providers or child care resource and referral service 9316  
organizations for the providers or resource and referral service 9317  
organizations to collect specified information for use by the 9318  
county department in making determinations. If a county department 9319  
contracts with a child care provider or a child care resource and 9320  
referral service organization for eligibility determinations or 9321  
for the collection of information, the contract shall require the 9322  
provider or resource and referral service organization to make 9323  
each eligibility determination no later than thirty calendar days 9324  
from the date the provider or resource and referral organization 9325  
receives a completed application that is the basis of the 9326

determination and to collect and transmit all necessary 9327  
information to the county department within a period of time that 9328  
enables the county department to make each eligibility 9329  
determination no later than thirty days after the filing of the 9330  
application that is the basis of the determination. 9331

The county department may station employees of the department 9332  
in various locations throughout the county to collect information 9333  
relevant to applications for publicly funded child care and to 9334  
make eligibility determinations. The county department, child care 9335  
provider, and child care resource and referral service 9336  
organization shall make each determination of eligibility for 9337  
publicly funded child care no later than thirty days after the 9338  
filing of the application that is the basis of the determination, 9339  
shall make each determination in accordance with any relevant 9340  
rules adopted pursuant to section 5104.38 of the Revised Code, and 9341  
shall notify promptly each applicant for publicly funded child 9342  
care of the results of the determination of the applicant's 9343  
eligibility. 9344

The director of job and family services shall adopt rules in 9345  
accordance with Chapter 119. of the Revised Code for monitoring 9346  
the eligibility determination process. In accordance with those 9347  
rules, the state department shall monitor eligibility 9348  
determinations made by county departments of job and family 9349  
services and shall direct any entity that is not in compliance 9350  
with this division or any rule adopted under this division to 9351  
implement corrective action specified by the department. 9352

(2) All eligibility determinations for publicly funded child 9353  
care shall be made in accordance with rules adopted pursuant to 9354  
division (A) of section 5104.38 of the Revised Code and, if a 9355  
county department of job and family services specifies, pursuant 9356  
to rules adopted under division (B) of that section, a maximum 9357  
amount of income a family may have to be eligible for publicly 9358

funded child care, the income maximum specified by the county 9359  
department. Publicly funded child care may be provided only to 9360  
eligible infants, toddlers, preschool children, and school 9361  
children under age thirteen. For an applicant to be eligible for 9362  
publicly funded child care, the caretaker parent must be employed 9363  
or participating in a program of education or training for an 9364  
amount of time reasonably related to the time that the parent's 9365  
children are receiving publicly funded child care. This 9366  
restriction does not apply to families whose children are eligible 9367  
for protective child care. 9368

Subject to available funds, a county department of job and 9369  
family services shall allow a family to receive publicly funded 9370  
child care unless the family's income exceeds the maximum income 9371  
eligibility limit. Initial and continued eligibility for publicly 9372  
funded child care is subject to available funds unless the family 9373  
is receiving child care pursuant to division (A)(1), (2), (3), or 9374  
(4) of section 5104.30 of the Revised Code. If the county 9375  
department must limit eligibility due to lack of available funds, 9376  
it shall give first priority for publicly funded child care to an 9377  
assistance group whose income is not more than the maximum income 9378  
eligibility limit that received transitional child care in the 9379  
previous month but is no longer eligible because the twelve-month 9380  
period has expired. Such an assistance group shall continue to 9381  
receive priority for publicly funded child care until its income 9382  
exceeds the maximum income eligibility limit. 9383

(3) An assistance group that ceases to participate in the 9384  
Ohio works first program established under Chapter 5107. of the 9385  
Revised Code is eligible for transitional child care at any time 9386  
during the immediately following twelve-month period that both of 9387  
the following apply: 9388

(a) The assistance group requires child care due to 9389  
employment; 9390



(b) The assistance group's income is not more than one 9391  
hundred fifty per cent of the federal poverty line. 9392

An assistance group ineligible to participate in the Ohio 9393  
works first program pursuant to section 5101.83 or section 5107.16 9394  
of the Revised Code is not eligible for transitional child care. 9395

(B) To the extent permitted by federal law, a county 9396  
department of job and family services may require a caretaker 9397  
parent determined to be eligible for publicly funded child care to 9398  
pay a fee according to the schedule of fees established in rules 9399  
adopted under section 5104.38 of the Revised Code. Each county 9400  
department shall make protective child care services available to 9401  
children without regard to the income or assets of the caretaker 9402  
parent of the child. 9403

(C) A caretaker parent receiving publicly funded child care 9404  
shall report to the entity that determined eligibility any changes 9405  
in status with respect to employment or participation in a program 9406  
of education or training not later than ten calendar days after 9407  
the change occurs. 9408

(D) If a county department of job and family services 9409  
determines that available resources are not sufficient to provide 9410  
publicly funded child care to all eligible families who request 9411  
it, the county department may establish a waiting list. A county 9412  
department may establish separate waiting lists within the waiting 9413  
list based on income. When resources become available to provide 9414  
publicly funded child care to families on the waiting list, a 9415  
county department that establishes a waiting list shall assess the 9416  
needs of the next family scheduled to receive publicly funded 9417  
child care. If the assessment demonstrates that the family 9418  
continues to need and is eligible for publicly funded child care, 9419  
the county department shall offer it to the family. If the county 9420  
department determines that the family is no longer eligible or no 9421  
longer needs publicly funded child care, the county department 9422

shall remove the family from the waiting list. 9423

(E) As used in this section, "maximum income eligibility 9424  
limit" means the amount of income specified in rules adopted under 9425  
division (A) of section 5104.38 of the Revised Code or, if a 9426  
county department of job and family services specifies a higher 9427  
amount pursuant to rules adopted under division (B) of that 9428  
section, the amount the county department specifies. 9429

**Sec. 5104.35.** (A) The county department of job and family 9430  
services shall do all of the following: 9431

(1) Accept any gift, grant, or other funds from either public 9432  
or private sources offered unconditionally or under conditions 9433  
which are, in the judgment of the department, proper and 9434  
consistent with this chapter and deposit the funds in the county 9435  
public assistance fund established by section 5101.161 of the 9436  
Revised Code; 9437

(2) Recruit individuals and groups interested in 9438  
certification as in-home aides or in developing and operating 9439  
suitable licensed ~~child-day-care~~ child-care centers, licensed type 9440  
A family ~~day-care~~ child-care homes, licensed type B family 9441  
child-care homes, or certified type B family ~~day-care~~ child-care 9442  
homes, especially in areas with high concentrations of recipients 9443  
of public assistance, and for that purpose provide consultation to 9444  
interested individuals and groups on request; 9445

(3) Inform clients of the availability of child care 9446  
services; 9447

(4) Pay to a ~~child-day-care~~ child-care center, type A family 9448  
~~day-care~~ child-care home, licensed type B family child-care home, 9449  
certified type B family ~~day-care~~ child-care home, in-home aide, 9450  
approved child day camp, licensed preschool program, licensed 9451  
school child program, or border state child care provider for 9452

child care services, the amount provided for in division (B) of 9453  
section 5104.32 of the Revised Code. If part of the cost of care 9454  
of a child is paid by the child's parent or any other person, the 9455  
amount paid shall be subtracted from the amount the county 9456  
department pays. 9457

(5) In accordance with rules adopted pursuant to section 9458  
5104.39 of the Revised Code, provide monthly reports to the 9459  
director of job and family services and the director of budget and 9460  
management regarding expenditures for the purchase of publicly 9461  
funded child care. 9462

(B) The county department of job and family services may do 9463  
any of the following: 9464

(1) To the extent permitted by federal law, use public child 9465  
care funds to extend the hours of operation of the county 9466  
department to accommodate the needs of working caretaker parents 9467  
and enable those parents to apply for publicly funded child care; 9468

(2) In accordance with rules adopted by the director of job 9469  
and family services, request a waiver of the reimbursement ceiling 9470  
established pursuant to section 5104.30 of the Revised Code for 9471  
the purpose of paying a higher rate for publicly funded child care 9472  
based upon the special needs of a child; 9473

(3) To the extent permitted by federal law, use state and 9474  
federal funds to pay deposits and other advance payments that a 9475  
provider of child care customarily charges all children who 9476  
receive child care from that provider; 9477

(4) To the extent permitted by federal law, pay for up to 9478  
thirty days of child care for a child whose caretaker parent is 9479  
seeking employment, taking part in employment orientation 9480  
activities, or taking part in activities in anticipation of 9481  
enrollment or attendance in an education or training program or 9482  
activity, if the employment or education or training program or 9483

activity is expected to begin within the thirty-day period. 9484

**Sec. 5104.36.** The licensee or administrator of a ~~child~~ 9485  
~~day-care~~ child-care center or type A family ~~day-care~~ child-care 9486  
home, the licensed provider of a licensed type B family child-care 9487  
home, the ~~authorized~~ certified provider of a certified type B 9488  
family ~~day-care~~ child-care home, an in-home aide providing child 9489  
care services, the director or administrator of an approved child 9490  
day camp, and a border state child care provider shall keep a 9491  
record for each eligible child, to be made available to the county 9492  
department of job and family services or the department of job and 9493  
family services on request. The record shall include all of the 9494  
following: 9495

(A) The name and date of birth of the child; 9496

(B) The name and address of the child's caretaker parent; 9497

(C) The name and address of the caretaker parent's place of 9498  
employment or program of education or training; 9499

(D) The hours for which child care services have been 9500  
provided for the child; 9501

(E) Any other information required by the county department 9502  
of job and family services or the state department of job and 9503  
family services. 9504

**Sec. 5104.38.** In addition to any other rules adopted under 9505  
this chapter, the director of job and family services shall adopt 9506  
rules in accordance with Chapter 119. of the Revised Code 9507  
governing financial and administrative requirements for publicly 9508  
funded child care and establishing all of the following: 9509

(A) Procedures and criteria to be used in making 9510  
determinations of eligibility for publicly funded child care that 9511  
give priority to children of families with lower incomes and 9512

procedures and criteria for eligibility for publicly funded 9513  
protective child care. The rules shall specify the maximum amount 9514  
of income a family may have for initial and continued eligibility. 9515  
The maximum amount shall not exceed two hundred per cent of the 9516  
federal poverty line. 9517

(B) Procedures under which a county department of job and 9518  
family services may, if the department, under division (A) of this 9519  
section, specifies a maximum amount of income a family may have 9520  
for eligibility for publicly funded child care that is less than 9521  
the maximum amount specified in that division, specify a maximum 9522  
amount of income a family residing in the county the county 9523  
department serves may have for initial and continued eligibility 9524  
for publicly funded child care that is higher than the amount 9525  
specified by the department but does not exceed the maximum amount 9526  
specified in division (A) of this section; 9527

(C) A schedule of fees requiring all eligible caretaker 9528  
parents to pay a fee for publicly funded child care according to 9529  
income and family size, which shall be uniform for all types of 9530  
publicly funded child care, except as authorized by rule, and, to 9531  
the extent permitted by federal law, shall permit the use of state 9532  
and federal funds to pay the customary deposits and other advance 9533  
payments that a provider charges all children who receive child 9534  
care from that provider. The schedule of fees may not provide for 9535  
a caretaker parent to pay a fee that exceeds ten per cent of the 9536  
parent's family income. 9537

(D) A formula based upon a percentage of the county's total 9538  
expenditures for publicly funded child care for determining the 9539  
maximum amount of state and federal funds appropriated for 9540  
publicly funded child care that a county department may use for 9541  
administrative purposes; 9542

(E) Procedures to be followed by the department and county 9543  
departments in recruiting individuals and groups to become 9544

providers of child care; 9545

(F) Procedures to be followed in establishing state or local 9546  
programs designed to assist individuals who are eligible for 9547  
publicly funded child care in identifying the resources available 9548  
to them and to refer the individuals to appropriate sources to 9549  
obtain child care; 9550

(G) Procedures to deal with fraud and abuse committed by 9551  
either recipients or providers of publicly funded child care; 9552

(H) Procedures for establishing a child care grant or loan 9553  
program in accordance with the child care block grant act; 9554

(I) Standards and procedures for applicants to apply for 9555  
grants and loans, and for the department to make grants and loans; 9556

(J) A definition of "person who stands in loco parentis" for 9557  
the purposes of division ~~(II)~~(NN)(1) of section 5104.01 of the 9558  
Revised Code; 9559

(K) Procedures for a county department of job and family 9560  
services to follow in making eligibility determinations and 9561  
redeterminations for publicly funded child care available through 9562  
telephone, computer, and other means at locations other than the 9563  
county department; 9564

(L) Any other rules necessary to carry out sections 5104.30 9565  
to 5104.39 of the Revised Code. 9566

**Sec. 5104.99.** (A) Whoever violates section 5104.02 of the 9567  
Revised Code shall be punished as follows: 9568

(1) For each offense, the offender shall be fined not less 9569  
than one hundred dollars nor more than five hundred dollars 9570  
multiplied by the number of children receiving child care at the 9571  
~~child day care~~ child-care center ~~or~~, type A family ~~day care~~ 9572  
child-care home, or type B family child-care home that ~~either~~ 9573  
exceeds the following: 9574

(a) If the offender is not licensed as a center, type A home, 9575  
or type B home but is operating as a center, type A home, or type 9576  
B home for which a license is required, the number of children to 9577  
which a type B family ~~day-care~~ home may provide child care ~~or, if~~ 9578  
without a license; 9579

(b) If the offender is a licensed type B home that is 9580  
operating as a type A home or center without being licensed as a 9581  
center or type A home, the license capacity of the type B home; 9582

(c) If the offender is a licensed type A ~~family day-care~~ home 9583  
that is operating as a ~~child day-care~~ child-care center without 9584  
being licensed as a center, ~~exceeds~~ the license capacity of the 9585  
type A home. 9586

(2) In addition to the fine specified in division (A)(1) of 9587  
this section, all of the following apply: 9588

(a) Except as provided in divisions (A)(2)(b), (c), and (d) 9589  
of this section, the court shall order the offender to reduce the 9590  
number of children to which it provides child care to a number 9591  
that does not exceed ~~either~~ the following: 9592

(i) If the offender is not licensed as a child-care center, 9593  
type A family child-care home, or type B family child-care home 9594  
but is operating as a center, type A home, or type B home for 9595  
which a license is required, the number of children to which a 9596  
type B family day-care home may provide child care ~~or, if~~ without 9597  
a license; 9598

(ii) If the offender is a licensed type B home that is 9599  
operating as a type A home or center without being licensed as a 9600  
center or type A home, the license capacity of the licensed type B 9601  
home; 9602

(iii) If the offender is a licensed type A ~~family day-care~~ 9603  
home that is operating as a ~~child day-care~~ center without being 9604  
licensed as a center, the license capacity of the type A home. 9605

(b) If the offender previously has been convicted of or 9606  
pleaded guilty to one violation of section 5104.02 of the Revised 9607  
Code, the court shall order the offender to cease the provision of 9608  
child care to any person until it obtains a ~~child day care~~ 9609  
child-care center license ~~or~~, a type A family ~~day care~~ child-care 9610  
home license, or a type B family child-care home license, as 9611  
appropriate, under section 5104.03 of the Revised Code. 9612

(c) If the offender previously has been convicted of or 9613  
pleaded guilty to two violations of section 5104.02 of the Revised 9614  
Code, the offender is guilty of a misdemeanor of the first degree, 9615  
and the court shall order the offender to cease the provision of 9616  
child care to any person until it obtains a ~~child day care~~ 9617  
child-care center license ~~or~~, a type A family ~~day care~~ child-care 9618  
home license, or a type B family child-care home license, as 9619  
appropriate, under section 5104.03 of the Revised Code. The court 9620  
shall impose the fine specified in division (A)(1) of this section 9621  
and may impose an additional fine provided that the total amount 9622  
of the fines so imposed does not exceed the maximum fine 9623  
authorized for a misdemeanor of the first degree under section 9624  
2929.28 of the Revised Code. 9625

(d) If the offender previously has been convicted of or 9626  
pleaded guilty to three or more violations of section 5104.02 of 9627  
the Revised Code, the offender is guilty of a felony of the fifth 9628  
degree, and the court shall order the offender to cease the 9629  
provision of child care to any person until it obtains a ~~child~~ 9630  
~~day care~~ child-care center license ~~or~~, a type A family ~~day care~~ 9631  
child-care home license, or a type B family child-care home 9632  
license, as appropriate, under section 5104.03 of the Revised 9633  
Code. The court shall impose the fine specified in division (A)(1) 9634  
of this section and may impose an additional fine provided that 9635  
the total amount of the fines so imposed does not exceed the 9636  
maximum fine authorized for a felony of the fifth degree under 9637



section 2929.18 of the Revised Code. 9638

(B) Whoever violates ~~division (B) of section 5104.09~~ 9639  
5104.0913 of the Revised Code is guilty of a misdemeanor of the 9640  
first degree. If the offender is a licensee of a center ~~or~~, type A 9641  
home, or type B home, the conviction shall constitute grounds for 9642  
denial, revocation, or refusal to renew an application for 9643  
licensure pursuant to section 5104.04 of the Revised Code. If the 9644  
offender is a person eighteen years of age or older residing in a 9645  
center ~~or~~, type A home, or type B home or is an employee of a 9646  
center ~~or~~, a type A home, or a type B home and if the licensee had 9647  
knowledge of, and acquiesced in, the commission of the offense, 9648  
the conviction shall constitute grounds for denial, revocation, or 9649  
refusal to renew an application for licensure pursuant to section 9650  
5104.04 of the Revised Code. 9651

(C) Whoever violates ~~division (C) of section 5104.09~~ 5104.21 9652  
of the Revised Code is guilty of a misdemeanor of the third 9653  
degree. 9654

**Sec. 5107.16.** (A) If a member of an assistance group fails or 9655  
refuses, without good cause, to comply in full with a provision of 9656  
a self-sufficiency contract entered into under section 5107.14 of 9657  
the Revised Code, a county department of job and family services 9658  
shall sanction the assistance group as follows: 9659

(1) For a first failure or refusal, the county department 9660  
shall deny or terminate the assistance group's eligibility to 9661  
participate in Ohio works first for one payment month or until the 9662  
failure or refusal ceases, whichever is longer; 9663

(2) For a second failure or refusal, the county department 9664  
shall deny or terminate the assistance group's eligibility to 9665  
participate in Ohio works first for three payment months or until 9666  
the failure or refusal ceases, whichever is longer; 9667

(3) For a third or subsequent failure or refusal, the county department shall deny or terminate the assistance group's eligibility to participate in Ohio works first for six payment months or until the failure or refusal ceases, whichever is longer.

(B) Each county department of job and family services shall establish standards for the determination of good cause for failure or refusal to comply in full with a provision of a self-sufficiency contract.

(1) In the case of a failure or refusal to participate in a work activity, developmental activity, or alternative work activity under sections 5107.40 to 5107.69 of the Revised Code, good cause shall include, except as provided in division (B)(2) of this section, the following:

(a) Failure of the county department to place the member in an activity;

(b) Failure of the county department to provide for the assistance group to receive support services the county department determines under section 5107.66 of the Revised Code to be necessary. In determining whether good cause exists, a county department shall determine that ~~day-care~~ child care is a necessary support service if a single custodial parent caring for a minor child under age six proves a demonstrated inability, as determined by the county department, to obtain needed child care for one or more of the following reasons:

(i) Unavailability of appropriate child care within a reasonable distance from the parent's home or work site;

(ii) Unavailability or unsuitability of informal child care by a relative or under other arrangements;

(iii) Unavailability of appropriate and affordable formal child care arrangements.

(2) Good cause does not exist if the member of the assistance group is placed in a work activity established under section 5107.58 of the Revised Code and exhausts the support services available for that activity.

(C) When a state hearing under division (B) of section 5101.35 of the Revised Code or an administrative appeal under division (C) of that section is held regarding a sanction under this section, the hearing officer, director of job and family services, or director's designee shall base the decision in the hearing or appeal on the county department's standards of good cause for failure or refusal to comply in full with a provision of a self-sufficiency contract, if the county department provides the hearing officer, director, or director's designee a copy of the county department's good cause standards.

(D) After sanctioning an assistance group under division (A) of this section, a county department of job and family services shall continue to work with the assistance group to provide the member of the assistance group who caused the sanction an opportunity to demonstrate to the county department a willingness to cease the failure or refusal to comply with the self-sufficiency contract.

(E) An adult eligible for medical assistance pursuant to division (A)(1)(a) of section 5111.01 of the Revised Code who is sanctioned under division (A)(3) of this section for a failure or refusal, without good cause, to comply in full with a provision of a self-sufficiency contract related to work responsibilities under sections 5107.40 to 5107.69 of the Revised Code loses eligibility for medical assistance unless the adult is otherwise eligible for medical assistance pursuant to another division of section 5111.01 of the Revised Code.

(F) An assistance group that would be participating in Ohio works first if not for a sanction under this section shall

continue to be eligible for all of the following: 9731

(1) Publicly funded child care in accordance with division 9732  
(A)(3) of section 5104.30 of the Revised Code; 9733

(2) Support services in accordance with section 5107.66 of 9734  
the Revised Code; 9735

(3) To the extent permitted by the "Fair Labor Standards Act 9736  
of 1938," 52 Stat. 1060, 29 U.S.C.A. 201, as amended, to 9737  
participate in work activities, developmental activities, and 9738  
alternative work activities in accordance with sections 5107.40 to 9739  
5107.69 of the Revised Code. 9740

**Sec. 5107.60.** In accordance with Title IV-A, federal 9741  
regulations, state law, the Title IV-A state plan prepared under 9742  
section 5101.80 of the Revised Code, and amendments to the plan, 9743  
county departments of job and family services shall establish and 9744  
administer the following work activities, in addition to the work 9745  
activities established under sections 5107.50, 5107.52, 5107.54, 9746  
and 5107.58 of the Revised Code, for minor heads of households and 9747  
adults participating in Ohio works first: 9748

(A) Unsubsidized employment activities, including activities 9749  
a county department determines are legitimate entrepreneurial 9750  
activities; 9751

(B) On-the-job training activities, including training to 9752  
become an employee of a ~~child day care~~ child-care center or type A 9753  
family ~~day care~~ child-care home, ~~authorized~~ certified provider of 9754  
a certified type B family ~~day care~~ child-care home, licensed 9755  
provider of a licensed type B family child-care home, or in-home 9756  
aide; 9757

(C) Community service activities including a program under 9758  
which a participant of Ohio works first who is the parent, 9759  
guardian, custodian, or specified relative responsible for the 9760

care of a minor child enrolled in grade twelve or lower is 9761  
involved in the minor child's education on a regular basis; 9762

(D) Vocational educational training activities; 9763

(E) Jobs skills training activities that are directly related 9764  
to employment; 9765

(F) Education activities that are directly related to 9766  
employment for participants who have not earned a high school 9767  
diploma or high school equivalence diploma; 9768

(G) Education activities for participants who have not 9769  
completed secondary school or received a high school equivalence 9770  
diploma under which the participants attend a secondary school or 9771  
a course of study leading to a high school equivalence diploma, 9772  
including LEAP participation by a minor head of household; 9773

(H) Child-care service activities aiding another participant 9774  
assigned to a community service activity or other work activity. A 9775  
county department may provide for a participant assigned to this 9776  
work activity to receive training necessary to provide child-care 9777  
services. 9778

**Sec. 5153.175.** (A) Notwithstanding division (H)(1) of section 9779  
2151.421, section 5153.17, and any other section of the Revised 9780  
Code pertaining to confidentiality, when a public children 9781  
services agency has determined that child abuse or neglect 9782  
occurred and that abuse or neglect involves a person who has 9783  
applied for licensure or renewal of licensure as a type A family 9784  
~~day-care~~ child-care home or type B family child-care home or 9785  
certification or renewal of certification as a type B family 9786  
~~day-care~~ child-care home, the agency shall promptly provide to the 9787  
department of job and family services or to a county department of 9788  
job and family services any information the agency determines to 9789  
be relevant for the purpose of evaluating the fitness of the 9790

person, including, but not limited to, both of the following: 9791

(1) A summary report of the chronology of abuse and neglect 9792  
reports made pursuant to section 2151.421 of the Revised Code of 9793  
which the person is the subject where the agency determined that 9794  
abuse or neglect occurred and the final disposition of the 9795  
investigation of the reports or, if the investigations have not 9796  
been completed, the status of the investigations; 9797

(2) Any underlying documentation concerning those reports. 9798

(B) The agency shall not include in the information provided 9799  
to the department or county department under division (A) of this 9800  
section the name of the person or entity that made the report or 9801  
participated in the making of the report of child abuse or 9802  
neglect. 9803

(C) Upon provision of information under division (A) of this 9804  
section, the agency shall notify the department or county 9805  
department of both of the following: 9806

(1) That the information is confidential; 9807

(2) That unauthorized dissemination of the information is a 9808  
violation of division (H)(2) of section 2151.421 of the Revised 9809  
Code and any person who permits or encourages unauthorized 9810  
dissemination of the information is guilty of a misdemeanor of the 9811  
fourth degree pursuant to section 2151.99 of the Revised Code. 9812

**Sec. 5747.35.** (A) As used in this section, "pass-through 9813  
entity" has the same meaning as in division (O) of section 5733.04 9814  
of the Revised Code and includes a sole proprietorship. 9815

(B) A nonrefundable credit is allowed against the tax imposed 9816  
by section 5747.02 of the Revised Code equal to the lesser of one 9817  
hundred thousand dollars, or fifty per cent of the amount incurred 9818  
by a pass-through entity for equipment, supplies, labor, and real 9819

property, including renovation of real property, used exclusively 9820  
to establish a ~~child day care~~ child-care center. The credit is 9821  
allowed only for the taxable year in which the ~~child day care~~ 9822  
child-care center begins operations. The credit may be claimed 9823  
only for a taxable year beginning after December 31, 1996, but 9824  
beginning prior to January 1, 2003. However, the credit may be 9825  
carried forward pursuant to division (C) of this section. 9826

The center must be licensed under section 5104.03 of the 9827  
Revised Code, used exclusively by employees of the pass-through 9828  
entity, and located at the employees' worksite. Amounts incurred 9829  
for supplies that are to be used after the center begins 9830  
operations may be included only with regard to supplies that are 9831  
expected to last more than one year under normal usage. To be 9832  
eligible for the credit, the entity must specify that an employee 9833  
has the option of refusing to place the employee's child in the 9834  
~~day care~~ child-care center established by the entity. 9835

(C) The amount of a taxpayer's credit is the taxpayer's 9836  
proportionate share of the credit distributed by the pass-through 9837  
entity. The taxpayer shall claim the credit in the order required 9838  
under section 5747.98 of the Revised Code. The taxpayer may carry 9839  
forward any credit amount in excess of its tax due under section 9840  
5747.02 of the Revised Code in the taxable year in which the 9841  
~~day care~~ child-care center begins operations, after allowing for 9842  
any other credits that precede the credit under this section in 9843  
the order required under section 5747.98 of the Revised Code, and 9844  
shall deduct the amount of the excess credit allowed in any such 9845  
year from the balance carried forward to the next taxable year. 9846  
The credit may be carried forward for five taxable years following 9847  
the taxable year for which the credit is claimed under division 9848  
(B) of this section. However, if the pass-through entity disposes 9849  
of the ~~day care~~ child-care center or ceases to operate it at any 9850  
time during the five-year period, the taxpayer shall not claim or 9851

carry forward any credit in connection with that property in the 9852  
taxable year of disposal or cessation of operation or in any 9853  
ensuing taxable year. 9854

**Sec. 5747.98.** (A) To provide a uniform procedure for 9855  
calculating the amount of tax due under section 5747.02 of the 9856  
Revised Code, a taxpayer shall claim any credits to which the 9857  
taxpayer is entitled in the following order: 9858

(1) The retirement income credit under division (B) of 9859  
section 5747.055 of the Revised Code; 9860

(2) The senior citizen credit under division (C) of section 9861  
5747.05 of the Revised Code; 9862

(3) The lump sum distribution credit under division (D) of 9863  
section 5747.05 of the Revised Code; 9864

(4) The dependent care credit under section 5747.054 of the 9865  
Revised Code; 9866

(5) The lump sum retirement income credit under division (C) 9867  
of section 5747.055 of the Revised Code; 9868

(6) The lump sum retirement income credit under division (D) 9869  
of section 5747.055 of the Revised Code; 9870

(7) The lump sum retirement income credit under division (E) 9871  
of section 5747.055 of the Revised Code; 9872

(8) The low-income credit under section 5747.056 of the 9873  
Revised Code; 9874

(9) The credit for displaced workers who pay for job training 9875  
under section 5747.27 of the Revised Code; 9876

(10) The campaign contribution credit under section 5747.29 9877  
of the Revised Code; 9878

(11) The twenty-dollar personal exemption credit under 9879  
section 5747.022 of the Revised Code; 9880



(12) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	9881 9882
(13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	9883 9884
(14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	9885 9886
(15) The credit for employers that enter into agreements with child day-care centers under section 5747.34 of the Revised Code;	9887 9888
(16) The credit for employers that reimburse employee child care expenses under section 5747.36 of the Revised Code;	9889 9890
(17) The credit for adoption of a minor child under section 5747.37 of the Revised Code;	9891 9892
(18) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;	9893 9894
(19) The job retention credit under division (B) of section 5747.058 of the Revised Code;	9895 9896
(20) The credit for purchases of new manufacturing machinery and equipment under section 5747.26 or section 5747.261 of the Revised Code;	9897 9898 9899
(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;	9900 9901 9902
(22) The job training credit under section 5747.39 of the Revised Code;	9903 9904
(23) The enterprise zone credit under section 5709.66 of the Revised Code;	9905 9906
(24) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;	9907 9908
(25) The credit for employers that establish on-site <del>child</del>	9909

<del>day-care</del> <u>child-care</u> centers under section 5747.35 of the Revised Code;	9910 9911
(26) The ethanol plant investment credit under section 5747.75 of the Revised Code;	9912 9913
(27) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	9914 9915
(28) The export sales credit under section 5747.057 of the Revised Code;	9916 9917
(29) The credit for research and development and technology transfer investors under section 5747.33 of the Revised Code;	9918 9919
(30) The enterprise zone credits under section 5709.65 of the Revised Code;	9920 9921
(31) The research and development credit under section 5747.331 of the Revised Code;	9922 9923
(32) The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	9924 9925
(33) The refundable jobs creation credit under division (A) of section 5747.058 of the Revised Code;	9926 9927
(34) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	9928 9929
(35) The refundable credits for taxes paid by a qualifying pass-through entity granted under division (J) of section 5747.08 of the Revised Code;	9930 9931 9932
(36) The refundable credit for tax withheld under division (B)(1) of section 5747.062 of the Revised Code;	9933 9934
(37) The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code.	9935 9936 9937
(B) For any credit, except the credits enumerated in	9938

divisions (A)(32) to (37) of this section and the credit granted 9939  
under division (I) of section 5747.08 of the Revised Code, the 9940  
amount of the credit for a taxable year shall not exceed the tax 9941  
due after allowing for any other credit that precedes it in the 9942  
order required under this section. Any excess amount of a 9943  
particular credit may be carried forward if authorized under the 9944  
section creating that credit. Nothing in this chapter shall be 9945  
construed to allow a taxpayer to claim, directly or indirectly, a 9946  
credit more than once for a taxable year. 9947

**Section 2.** That existing sections 109.57, 109.572, 349.01, 9948  
921.06, 2151.011, 2151.421, 2907.08, 2919.223, 2919.224, 2919.225, 9949  
2919.226, 2923.124, 2923.126, 2923.1212, 2950.11, 2950.13, 9950  
3109.051, 3301.52, 3301.53, 3301.58, 3321.01, 3325.07, 3701.80, 9951  
3714.03, 3717.42, 3737.22, 3737.83, 3737.841, 3742.01, 3781.06, 9952  
3781.10, 3797.06, 4511.01, 4511.81, 4513.182, 5101.29, 5103.03, 9953  
5104.01, 5104.011, 5104.014, 5104.015, 5104.02, 5104.021, 5104.03, 9954  
5104.04, 5104.05, 5104.051, 5104.052, 5104.053, 5104.054, 5104.06, 9955  
5104.07, 5104.08, 5104.09, 5104.11, 5104.13, 5104.20, 5104.21, 9956  
5104.22, 5104.30, 5104.301, 5104.31, 5104.32, 5104.34, 5104.35, 9957  
5104.36, 5104.38, 5104.99, 5107.16, 5107.60, 5153.175, 5747.35, 9958  
and 5747.98 and sections 5104.012, 5104.013, and 5104.09 of the 9959  
Revised Code are hereby repealed. 9960

**Section 3.** The Revised Code sections cited in the Ohio 9961  
Administrative Code as the authority for any rules adopted under 9962  
Chapter 5104. of the Revised Code shall be deemed to be the 9963  
Revised Code sections as renumbered by this act. The Director of 9964  
Job and Family Services is not required to amend any rule 9965  
previously adopted under Chapter 5104. of the Revised Code for the 9966  
sole purpose of changing the citation of the Revised Code section 9967  
that authorizes the rule. 9968

**Section 4.** Section 109.572 of the Revised Code is presented 9969

in this act as a composite of the section as amended by both Am. 9970  
Sub. S.B. 185 and Am. Sub. S.B. 238 of the 126th General Assembly. 9971  
Section 4511.01 of the Revised Code is presented in this act as a 9972  
composite of the section as amended by both Sub. H.B. 230 and Sub. 9973  
H.B. 52 of the 125th General Assembly. The General Assembly, 9974  
applying the principle stated in division (B) of section 1.52 of 9975  
the Revised Code that amendments are to be harmonized if 9976  
reasonably capable of simultaneous operation, finds that the 9977  
composites are the resulting version of the sections in effect 9978  
prior to the effective date of the sections as presented in this 9979  
act. 9980