

As Introduced

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

S. B. No. 232

Senator Stivers

Cosponsors: Senators Smith, Mason

—

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 84

Code, or any misdemeanor included in the definition of 85
"disqualifying offense" in section 5104.01 of the Revised Code or 86
having custody of a child under eighteen years of age with respect 87
to whom there is probable cause to believe that the child may have 88
committed an act that would be a felony or an offense of violence 89
if committed by an adult shall furnish such material to the 90
superintendent of the bureau. Fingerprints, photographs, or other 91
descriptive information of a child who is under eighteen years of 92
age, has not been arrested or otherwise taken into custody for 93
committing an act that would be a felony or an offense of violence 94
if committed by an adult, has not been adjudicated a delinquent 95
child for committing an act that would be a felony or an offense 96
of violence if committed by an adult, has not been convicted of or 97
pleaded guilty to committing a felony or an offense of violence, 98
and is not a child with respect to whom there is probable cause to 99
believe that the child may have committed an act that would be a 100
felony or an offense of violence if committed by an adult shall 101
not be procured by the superintendent or furnished by any person 102
in charge of any county, multicounty, municipal, municipal-county, 103
or multicounty-municipal jail or workhouse, community-based 104
correctional facility, halfway house, alternative residential 105
facility, or state correctional institution, except as authorized 106
in section 2151.313 of the Revised Code. 107

(2) Every clerk of a court of record in this state, other 108
than the supreme court or a court of appeals, shall send to the 109
superintendent of the bureau a weekly report containing a summary 110
of each case involving a felony, involving any crime constituting 111
a misdemeanor on the first offense and a felony on subsequent 112
offenses, involving a misdemeanor described in division (A)(1)(a) 113
or (A)(10)(a) of section 109.572 of the Revised Code, involving a 114
misdemeanor included in the definition of "disqualifying offense" 115
in section 5104.01 of the Revised Code, or involving an 116
adjudication in a case in which a child under eighteen years of 117

age was alleged to be a delinquent child for committing an act 118
that would be a felony or an offense of violence if committed by 119
an adult. The clerk of the court of common pleas shall include in 120
the report and summary the clerk sends under this division all 121
information described in divisions (A)(2)(a) to (f) of this 122
section regarding a case before the court of appeals that is 123
served by that clerk. The summary shall be written on the standard 124
forms furnished by the superintendent pursuant to division (B) of 125
this section and shall include the following information: 126

(a) The incident tracking number contained on the standard 127
forms furnished by the superintendent pursuant to division (B) of 128
this section; 129

(b) The style and number of the case; 130

(c) The date of arrest; 131

(d) The date that the person was convicted of or pleaded 132
guilty to the offense, adjudicated a delinquent child for 133
committing the act that would be a felony or an offense of 134
violence if committed by an adult, found not guilty of the 135
offense, or found not to be a delinquent child for committing an 136
act that would be a felony or an offense of violence if committed 137
by an adult, the date of an entry dismissing the charge, an entry 138
declaring a mistrial of the offense in which the person is 139
discharged, an entry finding that the person or child is not 140
competent to stand trial, or an entry of a nolle prosequi, or the 141
date of any other determination that constitutes final resolution 142
of the case; 143

(e) A statement of the original charge with the section of 144
the Revised Code that was alleged to be violated; 145

(f) If the person or child was convicted, pleaded guilty, or 146
was adjudicated a delinquent child, the sentence or terms of 147
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 subdivisions. 181
182

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

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

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

(C) The superintendent may operate a center for electronic, automated, or other data processing for the storage and retrieval of information, data, and statistics pertaining to criminals and to children under eighteen years of age who are adjudicated 209
210
211
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 person who is the subject of the request 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, 2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, or 3716.11 of the Revised Code;

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

(3) On receipt of a request pursuant to section 173.27, 173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for employment in a position for which a criminal records check is required by those sections. 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, 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 531

Revised Code, felonious sexual penetration in violation of former 532
section 2907.12 of the Revised Code, a violation of section 533
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 534
violation of section 2919.23 of the Revised Code that would have 535
been a violation of section 2905.04 of the Revised Code as it 536
existed prior to July 1, 1996, had the violation been committed 537
prior to that date; 538

(b) An existing or former law of this state, any other state, 539
or the United States that is substantially equivalent to any of 540
the offenses listed in division (A)(5)(a) of this section. 541

(6) On receipt of a request pursuant to section 3701.881 of 542
the Revised Code with respect to an applicant for employment with 543
a home health agency in a position that involves providing direct 544
care to an older adult, a completed form prescribed pursuant to 545
division (C)(1) of this section, and a set of fingerprint 546
impressions obtained in the manner described in division (C)(2) of 547
this section, the superintendent of the bureau of criminal 548
identification and investigation shall conduct a criminal records 549
check. The superintendent shall conduct the criminal records check 550
in the manner described in division (B) of this section to 551
determine whether any information exists that indicates that the 552
person who is the subject of the request previously has been 553
convicted of or pleaded guilty to any of the following: 554

(a) A violation of section 2903.01, 2903.02, 2903.03, 555
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 556
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 557
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 558
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 559
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 560
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 561
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 562
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 659

Revised Code as it existed prior to July 1, 1996, a violation of 660
section 2919.23 of the Revised Code that would have been a 661
violation of section 2905.04 of the Revised Code as it existed 662
prior to July 1, 1996, had the violation been committed prior to 663
that date, or a violation of section 2925.11 of the Revised Code 664
that is not a minor drug possession offense; 665

(b) A violation of an existing or former law of this state, 666
any other state, or the United States that is substantially 667
equivalent to any of the offenses listed in division (A)(10)(a) of 668
this section. 669

(11) On receipt of a request for a criminal records check 670
from an individual pursuant to section 4749.03 or 4749.06 of the 671
Revised Code, accompanied by a completed copy of the form 672
prescribed in division (C)(1) of this section and a set of 673
fingerprint impressions obtained in a manner described in division 674
(C)(2) of this section, the superintendent of the bureau of 675
criminal identification and investigation shall conduct a criminal 676
records check in the manner described in division (B) of this 677
section to determine whether any information exists indicating 678
that the person who is the subject of the request has been 679
convicted of or pleaded guilty to a felony in this state or in any 680
other state. If the individual indicates that a firearm will be 681
carried in the course of business, the superintendent shall 682
require information from the federal bureau of investigation as 683
described in division (B)(2) of this section. The superintendent 684
shall report the findings of the criminal records check and any 685
information the federal bureau of investigation provides to the 686
director of public safety. 687

(12) On receipt of a request pursuant to section 1322.03, 688
1322.031, or 4763.05 of the Revised Code, a completed form 689
prescribed pursuant to division (C)(1) of this section, and a set 690
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 conducted by the superintendent of the bureau of criminal identification and investigation in accordance with division (B) of this section.	822 823 824 825
(2) "Home and community-based waiver services" and "waiver agency" have the same meanings as in section 5111.95 of the Revised Code.	826 827 828
(3) "Independent provider" has the same meaning as in section 5111.96 of the Revised Code.	829 830
(4) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.	831 832
(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 existing community planned pursuant to this chapter so that it includes facilities for the conduct of industrial, commercial, residential, cultural, educational, and recreational activities, and designed in accordance with planning concepts for the placement of utility, open space, and other supportive facilities.	835 836 837 838 839 840
(B) "New community development program" means a program for the development of a new community characterized by well-balanced and diversified land use patterns and which includes land acquisition and land development, the acquisition, construction, operation, and maintenance of community facilities, and the provision of services authorized in this chapter.	841 842 843 844 845 846
(C) "New community district" means the area of land described by the developer in the petition as set forth in division (A) of	847 848

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;

(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.

(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:

(i) Food service operations that are licensed under Chapter 3717. of the Revised Code;

(ii) Retail food establishments that are licensed under Chapter 3717. of the Revised Code;

(iii) Golf courses;

(iv) Rental properties of more than four apartment units at one location;

(v) Hospitals or medical facilities as defined in section 3701.01 of the Revised Code;

(vi) ~~Child day-care~~ Child-care centers or school ~~child day-care~~ child-care centers as defined in section 5104.01 of the Revised Code;

(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 Chapter 3314. of the Revised Code, or a chartered or nonchartered

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 or older.	1064 1065
(3) "Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 of the Revised Code that transfers the temporary custody of a child to a public children services agency or a private child placing agency.	1066 1067 1068 1069
(4) "Certified foster home" means a foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code.	1070 1071 1072
(5) "Child" means a person who is under eighteen years of age, except that the juvenile court has jurisdiction over any person who is adjudicated an unruly child prior to attaining eighteen years of age until the person attains twenty-one years of age, and, for purposes of that jurisdiction related to that adjudication, a person who is so adjudicated an unruly child shall be deemed a "child" until the person attains twenty-one years of age.	1073 1074 1075 1076 1077 1078 1079 1080
(6) "Child day camp," "child care," " child day care <u>child-care</u> center," "part-time child day care <u>child-care</u> center," "type A family day care <u>child-care</u> home," " <u>licensed type B family child-care home</u> ," "certified type B family day care <u>child-care</u> home," "type B home," "administrator of a child day care <u>child-care</u> center," "administrator of a type A family day care <u>child-care</u> home," "in-home aide," and " authorized <u>certified</u> provider" have the same meanings as in section 5104.01 of the Revised Code.	1081 1082 1083 1084 1085 1086 1087 1088 1089
(7) "Child care provider" means an individual who is a child-care staff member or administrator of a child day care <u>child-care</u> center, a type A family day care <u>child-care</u> home, or a type B family day care <u>child-care</u> home, or an in-home aide or an	1090 1091 1092 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 section 5123.01 of the Revised Code. 1124
1125

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

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

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

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

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

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

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

state; 1155

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

(c) The fact that the child in question has received an age 1159
and schooling certificate in accordance with section 3331.01 of 1160
the Revised Code. 1161

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

(22) "Mental injury" means any behavioral, cognitive, 1165
emotional, or mental disorder in a child caused by an act or 1166
omission that is described in section 2919.22 of the Revised Code 1167
and is committed by the parent or other person responsible for the 1168
child's care. 1169

(23) "Mentally retarded person" has the same meaning as in 1170
section 5123.01 of the Revised Code. 1171

(24) "Nonsecure care, supervision, or training" means care, 1172
supervision, or training of a child in a facility that does not 1173
confine or prevent movement of the child within the facility or 1174
from the facility. 1175

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

(26) "Organization" means any institution, public, 1178
semipublic, or private, and any private association, society, or 1179
agency located or operating in the state, incorporated or 1180
unincorporated, having among its functions the furnishing of 1181
protective services or care for children, or the placement of 1182
children in certified foster homes or elsewhere. 1183

(27) "Out-of-home care" means detention facilities, shelter 1184

facilities, certified children's crisis care facilities, certified 1185
foster homes, placement in a prospective adoptive home prior to 1186
the issuance of a final decree of adoption, organizations, 1187
certified organizations, ~~child day care~~ child-care centers, type A 1188
family ~~day care~~ child-care homes, child care provided by type B 1189
family ~~day care~~ child-care home providers and by in-home aides, 1190
group home providers, group homes, institutions, state 1191
institutions, residential facilities, residential care facilities, 1192
residential camps, day camps, public schools, chartered nonpublic 1193
schools, educational service centers, hospitals, and medical 1194
clinics that are responsible for the care, physical custody, or 1195
control of children. 1196

(28) "Out-of-home care child abuse" means any of the 1197
following when committed by a person responsible for the care of a 1198
child in out-of-home care: 1199

(a) Engaging in sexual activity with a child in the person's 1200
care; 1201

(b) Denial to a child, as a means of punishment, of proper or 1202
necessary subsistence, education, medical care, or other care 1203
necessary for a child's health; 1204

(c) Use of restraint procedures on a child that cause injury 1205
or pain; 1206

(d) Administration of prescription drugs or psychotropic 1207
medication to the child without the written approval and ongoing 1208
supervision of a licensed physician; 1209

(e) Commission of any act, other than by accidental means, 1210
that results in any injury to or death of the child in out-of-home 1211
care or commission of any act by accidental means that results in 1212
an injury to or death of a child in out-of-home care and that is 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	1243
public children services agency or a private child placing agency,	1244
all parental rights, duties, and obligations, including the right	1245

to consent to adoption, and divests the natural parents or 1246
adoptive parents of all parental rights, privileges, and 1247
obligations, including all residual rights and obligations. 1248

(31) "Permanent surrender" means the act of the parents or, 1249
if a child has only one parent, of the parent of a child, by a 1250
voluntary agreement authorized by section 5103.15 of the Revised 1251
Code, to transfer the permanent custody of the child to a public 1252
children services agency or a private child placing agency. 1253

(32) "Person" means an individual, association, corporation, 1254
or partnership and the state or any of its political subdivisions, 1255
departments, or agencies. 1256

(33) "Person responsible for a child's care in out-of-home 1257
care" means any of the following: 1258

(a) Any foster caregiver, in-home aide, or provider; 1259

(b) Any administrator, employee, or agent of any of the 1260
following: a public or private detention facility; shelter 1261
facility; certified children's crisis care facility; organization; 1262
certified organization; ~~child day care~~ child-care center; type A 1263
family ~~day care~~ child-care home; licensed type B family child-care 1264
home; certified type B family ~~day care~~ child-care home; group 1265
home; institution; state institution; residential facility; 1266
residential care facility; residential camp; day camp; school 1267
district; community school; chartered nonpublic school; 1268
educational service center; hospital; or medical clinic; 1269

(c) Any person who supervises or coaches children as part of 1270
an extracurricular activity sponsored by a school district, public 1271
school, or chartered nonpublic school; 1272

(d) Any other person who performs a similar function with 1273
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 1397
county humane society; person, other than a cleric, rendering 1398
spiritual treatment through prayer in accordance with the tenets 1399

of a well-recognized religion; superintendent, board member, or 1400
employee of a county board of mental retardation; investigative 1401
agent contracted with by a county board of mental retardation; 1402
employee of the department of mental retardation and developmental 1403
disabilities; employee of a facility or home that provides respite 1404
care in accordance with section 5123.171 of the Revised Code; 1405
employee of a home health agency; employee of an entity that 1406
provides homemaker services; a person performing the duties of an 1407
assessor pursuant to Chapter 3107. or 5103. of the Revised Code; 1408
or third party employed by a public children services agency to 1409
assist in providing child or family related services. 1410

(2) Except as provided in division (A)(3) of this section, an 1411
attorney or a physician is not required to make a report pursuant 1412
to division (A)(1) of this section concerning any communication 1413
the attorney or physician receives from a client or patient in an 1414
attorney-client or physician-patient relationship, if, in 1415
accordance with division (A) or (B) of section 2317.02 of the 1416
Revised Code, the attorney or physician could not testify with 1417
respect to that communication in a civil or criminal proceeding. 1418

(3) The client or patient in an attorney-client or 1419
physician-patient relationship described in division (A)(2) of 1420
this section is deemed to have waived any testimonial privilege 1421
under division (A) or (B) of section 2317.02 of the Revised Code 1422
with respect to any communication the attorney or physician 1423
receives from the client or patient in that attorney-client or 1424
physician-patient relationship, and the attorney or physician 1425
shall make a report pursuant to division (A)(1) of this section 1426
with respect to that communication, if all of the following apply: 1427

(a) The client or patient, at the time of the communication, 1428
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 possible threat of abuse or neglect of a child, upon receipt of the report, the municipal or county peace officer who receives the report shall refer the report to the appropriate public children services agency.

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

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

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

(E) No township, municipal, or county peace officer shall remove a child about whom a report is made pursuant to this section from the child's parents, stepparents, or guardian or any other persons having custody of the child without consultation with the public children services agency, unless, in the judgment of the officer, and, if the report was made by physician, the physician, immediate removal is considered essential to protect the child from further abuse or neglect. The agency that must be consulted shall be the agency conducting the investigation of the report as determined pursuant to section 2151.422 of the Revised Code.

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

A failure to make the investigation in accordance with the memorandum is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from the report or the suppression of any evidence obtained as a result of the report and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person. The public children services agency shall report each case to the uniform statewide automated child welfare information system that the department of job and family services shall maintain in accordance with section 5101.13 of the Revised Code. The public children services agency shall submit a report of its

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 section, a report made under this section is confidential. The information provided in a report made pursuant to this section and the name of the person who made the report shall not be released for use, and shall not be used, as evidence in any civil action or proceeding brought against the person who made the report. In a criminal proceeding, the report is admissible in evidence in accordance with the Rules of Evidence and is subject to discovery in accordance with the Rules of Criminal Procedure.

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

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

(4) If a report is made pursuant to division (A) or (B) of this section and the child who is the subject of the report dies for any reason at any time after the report is made, but before the child attains eighteen years of age, the public children services agency or municipal or county peace officer to which the report was made or referred, on the request of the child fatality review board, shall submit a summary sheet of information providing a summary of the report to the review board of the county in which the deceased child resided at the time of death. On the request of the review board, the agency or peace officer may, at its discretion, make the report available to the review board. If the county served by the public children services agency is also served by a children's advocacy center and the report of alleged sexual abuse of a child or another type of abuse of a child is specified in the memorandum of understanding that creates

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 juvenile judge or the juvenile judges' representative selected by the juvenile judges or, if they are unable to do so for any reason, the juvenile judge who is senior in point of service or the senior juvenile judge's representative;

(c) The county peace officer;

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

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

(f) The prosecuting attorney of the county;

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

(h) The county humane society;

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

(2) A memorandum of understanding shall set forth the normal operating procedure to be employed by all concerned officials in the execution of their respective responsibilities under this section and division (C) of section 2919.21, division (B)(1) of section 2919.22, division (B) of section 2919.23, and section 2919.24 of the Revised Code and shall have as two of its primary goals the elimination of all unnecessary interviews of children who are the subject of reports made pursuant to division (A) or (B) of this section and, when feasible, providing for only one interview of a child who is the subject of any report made pursuant to division (A) or (B) of this section. A failure to

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 1900
hospital or other institution, and the offender has supervisory or 1901
disciplinary authority over the minor. 1902

(3) The offender is a teacher, administrator, coach, or other 1903

person in authority employed by or serving in a school for which 1904
the state board of education prescribes minimum standards pursuant 1905
to division (D) of section 3301.07 of the Revised Code, the minor 1906
is enrolled in or attends that school, and the offender is not 1907
enrolled in and does not attend that school. 1908

(4) The offender is a teacher, administrator, coach, or other 1909
person in authority employed by or serving in an institution of 1910
higher education, and the minor is enrolled in or attends that 1911
institution. 1912

(5) The offender is a caregiver, administrator, or other 1913
person in authority employed by or serving in a ~~child-day-care~~ 1914
child-care center, type A family ~~day-care~~ child-care home, or type 1915
B family ~~day-care~~ child-care home, and the minor is enrolled in or 1916
attends that center or home. 1917

(6) The offender is the minor's athletic or other type of 1918
coach, is the minor's instructor, is the leader of a scouting 1919
troop of which the minor is a member, provides babysitting care 1920
for the minor, or is a person with temporary or occasional 1921
disciplinary control over the minor. 1922

(E) No person shall secretly or surreptitiously videotape, 1923
film, photograph, or otherwise record another person under or 1924
through the clothing being worn by that other person for the 1925
purpose of viewing the body of, or the undergarments worn by, that 1926
other person. 1927

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

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

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

(4) A violation of division (C) or (E) of this section is a 1933

misdemeanor of the first degree. 1934

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

(G) As used in this section: 1937

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

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

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

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

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

(B) "Child care center licensee" means the owner of a child 1958
day-care center licensed pursuant to Chapter 5104. of the Revised 1959
Code who is responsible for ensuring the center's compliance with 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 1990
condition that relates to the provision of child care" includes, 1991
but is not limited to, the following: 1992

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

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

(B)(1) 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 shall fail to provide notice in accordance with division (B)(3) of this section to the persons and entities specified in division (B)(2) of this section, of any of the following that occurs:

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

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

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

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

(b) If the notice is required as the result of the death of a child as described in division (B)(1)(a) of this section, to the

public children services agency of the county in which the home is 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 2147
child care at one time? (If children are divided into groups or 2148

classes, please describe the maximum number of children in each	2149
group or class and indicate the group or class in which the	2150
applicant child will be placed.):	2151
.....	2152
.....	2153
.....	2154
3. Where in the home will you provide child care to the	2155
applicant child?:	2156
.....	2157
.....	2158
.....	2159
4. Has a child died while in the care of, or receiving child	2160
care from, the child care provider? (Yes/No)	2161
Description/explanation (attach additional sheets if	2162
necessary)	2163
.....	2164
.....	2165
.....	2166
5. Has a child died as a result of injuries suffered while	2167
under the care of, or receiving child care from, the child	2168
day-care <u>child-care</u> provider? (Yes/No)	2169
Description/explanation (attach additional sheets if	2170
necessary)	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 <u>child-care</u> home or a type B family day-care <u>child-care</u>	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 2238
concealed handgun has been issued under section 2923.125 of the 2239
Revised Code and, except when the context clearly indicates 2240
otherwise, includes a person to whom a temporary emergency license 2241
to carry a concealed handgun has been issued under section 2242

2923.1213 of the Revised Code.	2243
(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.	2244 2245 2246 2247 2248
(F) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	2249 2250
(G) "State correctional institution" has the same meaning as in section 2967.01 of the Revised Code.	2251 2252
(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.	2253 2254 2255 2256 2257 2258 2259 2260
(I) "Civil protection order" means a protection order issued, or consent agreement approved, under section 2903.214 or 3113.31 of the Revised Code.	2261 2262 2263
(J) "Temporary protection order" means a protection order issued under section 2903.213 or 2919.26 of the Revised Code.	2264 2265
(K) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code.	2266 2267
(L) " Child day care <u>Child-care</u> center," "type A family day care <u>child-care</u> home" and "type B family day care <u>child-care</u> home" have the same meanings as in section 5104.01 of the Revised Code.	2268 2269 2270 2271
(M) " Type C family day care home " means a family day care	2272

~~home authorized to provide child care by Sub. H.B. 62 of the 121st 2273
general assembly, as amended by Am. Sub. S.B. 160 of the 121st 2274
general assembly and Sub. H.B. 407 of the 123rd general assembly. 2275~~

~~(N)~~ "Foreign air transportation," "interstate air 2276
transportation," and "intrastate air transportation" have the same 2277
meanings as in 49 U.S.C. 40102, as now or hereafter amended. 2278

~~(O)~~(N) "Commercial motor vehicle" has the same meaning as in 2279
division (A) of section 4506.25 of the Revised Code. 2280

~~(P)~~(O) "Motor carrier enforcement unit" has the same meaning 2281
as in section 2923.16 of the Revised Code. 2282

Sec. 2923.126. (A) A license to carry a concealed handgun 2283
that is issued under section 2923.125 of the Revised Code on or 2284
after ~~the effective date of this amendment~~ March 14, 2007, shall 2285
expire five years after the date of issuance, and a license that 2286
is so issued prior to ~~the effective date of this amendment~~ March 2287
14, 2007, shall expire four years after the date of issuance. A 2288
licensee who has been issued a license under that section shall be 2289
granted a grace period of thirty days after the licensee's license 2290
expires during which the licensee's license remains valid. Except 2291
as provided in divisions (B) and (C) of this section, a licensee 2292
who has been issued a license under section 2923.125 or 2923.1213 2293
of the Revised Code may carry a concealed handgun anywhere in this 2294
state if the licensee also carries a valid license and valid 2295
identification when the licensee is in actual possession of a 2296
concealed handgun. The licensee shall give notice of any change in 2297
the licensee's residence address to the sheriff who issued the 2298
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 <u>child-care</u> center, a type A family	2382
day care <u>child-care</u> home, or a type B family day care <u>child-care</u>	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 <u>child-care</u> home, or a type B family day care <u>child-care</u>	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 <u>child-care</u> purposes, or from carrying a	2389
concealed handgun in a part of the home that is dedicated or used	2390
for day care <u>child-care</u> 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
concealed handgun under section 2923.125 of the Revised Code and
is subject to the same restrictions that apply to a person who
carries a license issued under that section. For purposes of
reciprocity with other states, a qualified retired peace officer
who possesses a retired peace officer identification card issued
pursuant to division (F)(2) of this section and a valid firearms
requalification certification issued pursuant to division (F)(3)
of this section shall be considered to be a licensee in this
state.

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

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

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

(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 2495
agency, after completing any applicable probationary period of 2496
that service, due to a service-connected disability, as determined 2497
by the agency. 2498

(v) The person has a nonforfeitable right to benefits under 2499
the retirement plan of that agency. 2500

(b) A retired peace officer identification card issued to a 2501
person under division (F)(2)(a) of this section shall identify the 2502
person by name, contain a photograph of the person, identify the 2503
public agency of this state or of the political subdivision of 2504
this state from which the person retired as a peace officer and 2505
that is issuing the identification card, and specify that the 2506
person retired in good standing from service as a peace officer 2507
with the issuing public agency and satisfies the criteria set 2508
forth in divisions (F)(2)(a)(i) to (v) of this section. In 2509
addition to the required content specified in this division, a 2510
retired peace officer identification card issued to a person under 2511
division (F)(2)(a) of this section may include the firearms 2512
requalification certification described in division (F)(3) of this 2513
section, and if the identification card includes that 2514
certification, the identification card shall serve as the firearms 2515
requalification certification for the retired peace officer. If 2516
the issuing public agency issues credentials to active law 2517
enforcement officers who serve the agency, the agency may comply 2518
with division (F)(2)(a) of this section by issuing the same 2519
credentials to persons who retired from service as a peace officer 2520
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 2553
retired peace officer successfully completed the program, 2554
specifies the date on which the course was successfully completed, 2555
and specifies that the requalification is valid for one year from 2556
that date of successful completion. The firearms requalification 2557
certification for a retired peace officer may be included in the 2558

retired peace officer identification card issued to the retired 2559
peace officer under division (F)(2) of this section. 2560

A retired peace officer who attends a firearms 2561
requalification program that is approved for purposes of firearms 2562
requalification required under section 109.801 of the Revised Code 2563
may be required to pay the cost of the program. 2564

(4) As used in division (F) of this section: 2565

(a) "Qualified retired peace officer" means a person who 2566
satisfies all of the following: 2567

(i) The person satisfies the criteria set forth in divisions 2568
(F)(2)(a)(i) to (v) of this section. 2569

(ii) The person is not under the influence of alcohol or 2570
another intoxicating or hallucinatory drug or substance. 2571

(iii) The person is not prohibited by federal law from 2572
receiving firearms. 2573

(b) "Retired peace officer identification card" means an 2574
identification card that is issued pursuant to division (F)(2) of 2575
this section to a person who is a retired peace officer. 2576

Sec. 2923.1212. (A) The following persons, boards, and 2577
entities, or designees, shall post in the following locations a 2578
sign that contains a statement in substantially the following 2579
form: "Unless otherwise authorized by law, pursuant to the Ohio 2580
Revised Code, no person shall knowingly possess, have under the 2581
person's control, convey, or attempt to convey a deadly weapon or 2582
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 sheriff's office in a conspicuous location in that office;	2589 2590
(3) The superintendent of the state highway patrol or the superintendent's designee in a conspicuous location at all state highway patrol stations;	2591 2592 2593
(4) Each sheriff, chief of police, or person in charge of every county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or other local or state correctional institution or detention facility within the state, or that person's designee, in a conspicuous location at that facility under that person's charge;	2594 2595 2596 2597 2598 2599 2600 2601
(5) The board of trustees of a regional airport authority, chief administrative officer of an airport facility, or other person in charge of an airport facility in a conspicuous location at each airport facility under that person's control;	2602 2603 2604 2605
(6) The officer or officer's designee who has charge of a courthouse or the building or structure in which a courtroom is located in a conspicuous location in that building or structure;	2606 2607 2608
(7) The superintendent of the bureau of criminal identification and investigation or the superintendent's designee in a conspicuous location in all premises controlled by that bureau;	2609 2610 2611 2612
(8) The owner, administrator, or operator of a child day care <u>child-care</u> center, a type A family day care <u>child-care</u> home, <u>or</u> a type B family day care <u>child-care</u> home, or a type C family day care home;	2613 2614 2615 2616
(9) The officer of this state or of the political subdivision of this state, or the officer's designee, who has charge of a building that is owned by this state or the political subdivision	2617 2618 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 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 used in this division, "~~child day-care~~ child-care center," "type A family ~~day-care~~ child-care home," "licensed type B family child-care home," and "certified type B family ~~day-care~~ child-care home" have the same meanings as in section 5104.01 of the Revised Code.

(7) The president or other chief administrative officer of each institution of higher education, as defined in section 2907.03 of the Revised Code, that is located within the specified geographical notification area and within the county served by the sheriff, and the chief law enforcement officer of the state university law enforcement agency or campus police department established under section 3345.04 or 1713.50 of the Revised Code, if any, that serves that institution;

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

(9) If the offender or delinquent child resides within the county served by the sheriff, the chief of police, marshal, or other chief law enforcement officer of the municipal corporation in which the offender or delinquent child resides or, if the offender or delinquent child resides in an unincorporated area,

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 2799
sexual predator, or a statement that the sentencing or reviewing 2800
judge has determined that the offender or delinquent child is a 2801
habitual sex offender and that, as of the date of the notice, the 2802
determination regarding a delinquent child has not been removed 2803
pursuant to section 2152.84 or 2152.85 of the Revised Code; 2804

(b) A statement that the offender has been adjudicated a 2805
child-victim predator, a statement that the delinquent child has 2806
been adjudicated a child-victim predator and that, as of the date 2807
of the notice, the court has not entered a determination that the 2808

delinquent child no longer is a child-victim predator, or a 2809
statement that the sentencing or reviewing judge has determined 2810
that the offender or delinquent child is a habitual child-victim 2811
offender and that, as of the date of the notice, the determination 2812
regarding a delinquent child has not been removed pursuant to 2813
section 2152.84 or 2152.85 of the Revised Code; 2814

(5) The offender's or delinquent child's photograph. 2815

(C) If a sheriff with whom an offender or delinquent child 2816
registers under section 2950.04, 2950.041, or 2950.05 of the 2817
Revised Code or to whom the offender or delinquent child most 2818
recently sent a notice of intent to reside under section 2950.04 2819
or 2950.041 of the Revised Code is required by division (A) of 2820
this section to provide notices regarding an offender or 2821
delinquent child and if, pursuant to that requirement, the sheriff 2822
provides a notice to a sheriff of one or more other counties in 2823
accordance with division (A)(8) of this section, the sheriff of 2824
each of the other counties who is provided notice under division 2825
(A)(8) of this section shall provide the notices described in 2826
divisions (A)(1) to (7) and (A)(9) of this section to each person 2827
or entity identified within those divisions that is located within 2828
the specified geographical notification area and within the county 2829
served by the sheriff in question. 2830

(D)(1) A sheriff required by division (A) or (C) of this 2831
section to provide notices regarding an offender or delinquent 2832
child shall provide the notice to the neighbors that are described 2833
in division (A)(1) of this section and the notices to law 2834
enforcement personnel that are described in divisions (A)(8) and 2835
(9) of this section as soon as practicable, but no later than five 2836
days after the offender sends the notice of intent to reside to 2837
the sheriff and again no later than five days after the offender 2838
or delinquent child registers with the sheriff or, if the sheriff 2839
is required by division (C) of this section to provide the 2840

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 may provide, but is not required to provide, a written notice containing the information set forth in division (B) of this section to the persons identified in divisions (A)(1) to (7) and (A)(9) of this section.

(3) A sheriff may provide notice under division (A)(1)(a) or (b) of this section, and may provide notice under division (A)(1)(c) of this section to a building manager or person authorized to exercise management and control of a building, by mail, by personal contact, or by leaving the notice at or under

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 sheriff with whom the offender most recently registered under section 2950.04, 2950.041, or 2950.05 of the Revised Code and upon the bureau of criminal identification and investigation.

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

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

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

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

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

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

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

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

(e) A sexual predator or child-victim predator who is not adjudicated a sexually violent predator who, subsequent to being subjected to community notification, has pleaded guilty to or been convicted of a sexually oriented offense or child-victim oriented offense.

(I) If a person is convicted of or pleads guilty to, or has been convicted of or pleaded guilty to, either a sexually oriented offense that is not a registration-exempt sexually oriented offense or a child-victim oriented offense, or a person is adjudicated a delinquent child for committing either a sexually oriented offense that is not a registration-exempt sexually oriented offense or a child-victim oriented offense and is classified a juvenile offender registrant or is an out-of-state juvenile offender registrant based on that adjudication, and if

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 3246
enforcement representatives, may adopt rules that establish one or 3247
more categories of neighbors of an offender or delinquent child 3248
who, in addition to the occupants of residential premises and 3249
other persons specified in division (A)(1) of section 2950.11 of 3250
the Revised Code, must be given the notice described in division 3251
(B) of that section. 3252

(C) No person, other than a local law enforcement 3253
representative, shall knowingly do any of the following: 3254

(1) Gain or attempt to gain access to the database 3255
established and operated by the attorney general, through the 3256

bureau of criminal identification and investigation, pursuant to 3257
division (A)(13) of this section. 3258

(2) Permit any person to inspect any information obtained 3259
through use of the database described in division (C)(1) of this 3260
section, other than as permitted under that division. 3261

(D) As used in this section, "local law enforcement 3262
representatives" means representatives of the sheriffs of this 3263
state, representatives of the municipal chiefs of police and 3264
marshals of this state, and representatives of the township 3265
constables and chiefs of police of the township police departments 3266
or police district police forces of this state. 3267

Sec. 3109.051. (A) If a divorce, dissolution, legal 3268
separation, or annulment proceeding involves a child and if the 3269
court has not issued a shared parenting decree, the court shall 3270
consider any mediation report filed pursuant to section 3109.052 3271
of the Revised Code and, in accordance with division (C) of this 3272
section, shall make a just and reasonable order or decree 3273
permitting each parent who is not the residential parent to have 3274
parenting time with the child at the time and under the conditions 3275
that the court directs, unless the court determines that it would 3276
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 3308
other person has an interest in the welfare of the child. 3309

(c) The court determines that the granting of the 3310
companionship or visitation rights is in the best interest of the 3311
child. 3312

(2) A motion may be filed under division (B)(1) of this 3313
section during the pendency of the divorce, dissolution of 3314
marriage, legal separation, annulment, or child support proceeding 3315
or, if a motion was not filed at that time or was filed at that 3316
time and the circumstances in the case have changed, at any time 3317
after a decree or final order is issued in the case. 3318

(C) When determining whether to grant parenting time rights 3319
to a parent pursuant to this section or section 3109.12 of the 3320
Revised Code or to grant companionship or visitation rights to a 3321
grandparent, relative, or other person pursuant to this section or 3322
section 3109.11 or 3109.12 of the Revised Code, when establishing 3323
a specific parenting time or visitation schedule, and when 3324
determining other parenting time matters under this section or 3325
section 3109.12 of the Revised Code or visitation matters under 3326
this section or section 3109.11 or 3109.12 of the Revised Code, 3327
the court shall consider any mediation report that is filed 3328
pursuant to section 3109.052 of the Revised Code and shall 3329
consider all other relevant factors, including, but not limited 3330
to, all of the factors listed in division (D) of this section. In 3331
considering the factors listed in division (D) of this section for 3332
purposes of determining whether to grant parenting time or 3333
visitation rights, establishing a specific parenting time or 3334
visitation schedule, determining other parenting time matters 3335
under this section or section 3109.12 of the Revised Code or 3336
visitation matters under this section or under section 3109.11 or 3337
3109.12 of the Revised Code, and resolving any issues related to 3338
the making of any determination with respect to parenting time or 3339
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 residence;	3384 3385
(3) The child's and parents' available time, including, but not limited to, each parent's employment schedule, the child's school schedule, and the child's and the parents' holiday and vacation schedule;	3386 3387 3388 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, pursuant to division (C) of this section, regarding the wishes and concerns of the child as to parenting time by the parent who is not the residential parent or companionship or visitation by the grandparent, relative, or other person who requested companionship or visitation, as to a specific parenting time or visitation schedule, or as to other parenting time or visitation matters, the wishes and concerns of the child, as expressed to the court;	3392 3393 3394 3395 3396 3397 3398 3399 3400
(7) The health and safety of the child;	3401
(8) The amount of time that will be available for the child to spend with siblings;	3402 3403
(9) The mental and physical health of all parties;	3404
(10) Each parent's willingness to reschedule missed parenting time and to facilitate the other parent's parenting time rights, and with respect to a person who requested companionship or visitation, the willingness of that person to reschedule missed visitation;	3405 3406 3407 3408 3409
(11) In relation to parenting time, whether either parent previously has been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being an abused child or a neglected child; whether either parent, in a case in	3410 3411 3412 3413

which a child has been adjudicated an abused child or a neglected child, previously has been determined to be the perpetrator of the abusive or neglectful act that is the basis of the adjudication; and whether there is reason to believe that either parent has acted in a manner resulting in a child being an abused child or a neglected child;

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

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

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

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

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

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

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

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

(G)(1) If the residential parent intends to move to a residence other than the residence specified in the parenting time order or decree of the court, the parent shall file a notice of intent to relocate with the court that issued the order or decree. Except as provided in divisions (G)(2), (3), and (4) of this section, the court shall send a copy of the notice to the parent who is not the residential parent. Upon receipt of the notice, the

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

3481

(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 the orders in any case certified to it from another court.	3769 3770
(N) As used in this section:	3771
(1) "Abused child" has the same meaning as in section 2151.031 of the Revised Code, and "neglected child" has the same meaning as in section 2151.03 of the Revised Code.	3772 3773 3774
(2) "Record" means any record, document, file, or other material that contains information directly related to a child, including, but not limited to, any of the following:	3775 3776 3777
(a) Records maintained by public and nonpublic schools;	3778
(b) Records maintained by facilities that provide child care, as defined in section 5104.01 of the Revised Code, publicly funded child care, as defined in section 5104.01 of the Revised Code, or pre-school services operated by or under the supervision of a school district board of education or a nonpublic school;	3779 3780 3781 3782 3783
(c) Records maintained by hospitals, other facilities, or persons providing medical or surgical care or treatment for the child;	3784 3785 3786
(d) Records maintained by agencies, departments, instrumentalities, or other entities of the state or any political subdivision of the state, other than a child support enforcement agency. Access to records maintained by a child support enforcement agency is governed by section 3125.16 of the Revised Code.	3787 3788 3789 3790 3791 3792
(3) "Confidential law enforcement investigatory record" has the same meaning as in section 149.43 of the Revised Code.	3793 3794
Sec. 3301.52. As used in sections 3301.52 to 3301.59 of the Revised Code:	3795 3796
(A) "Preschool program" means either of the following:	3797

(1) A child care program for preschool children that is operated by a school district board of education or an eligible nonpublic school.	3798 3799 3800
(2) A child care program for preschool children age three or older that is operated by a county MR/DD board.	3801 3802
(B) "Preschool child" or "child" means a child who has not entered kindergarten and is not of compulsory school age.	3803 3804
(C) "Parent, guardian, or custodian" means the person or government agency that is or will be responsible for a child's school attendance under section 3321.01 of the Revised Code.	3805 3806 3807
(D) "Superintendent" means the superintendent of a school district or the chief administrative officer of an eligible nonpublic school.	3808 3809 3810
(E) "Director" means the director, head teacher, elementary principal, or site administrator who is the individual on site and responsible for supervision of a preschool program.	3811 3812 3813
(F) "Preschool staff member" means a preschool employee whose primary responsibility is care, teaching, or supervision of preschool children.	3814 3815 3816
(G) "Nonteaching employee" means a preschool program or school child program employee whose primary responsibilities are duties other than care, teaching, and supervision of preschool children or school children.	3817 3818 3819 3820
(H) "Eligible nonpublic school" means a nonpublic school chartered as described in division (B)(8)(H) of section 5104.02 <u>5104.021</u> of the Revised Code or chartered by the state board of education for any combination of grades one through twelve, regardless of whether it also offers kindergarten.	3821 3822 3823 3824 3825
(I) "County MR/DD board" means a county board of mental retardation and developmental disabilities.	3826 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 3911
Revised Code and any rules adopted under those sections. The 3912
department shall mail application forms for the renewal of a 3913
license at least one hundred twenty days prior to the date of the 3914
expiration of the license, and the application for renewal of a 3915
license shall be filed with the department at least sixty days 3916
before the date of the expiration of the existing license. The 3917
department may establish application fees by rule adopted under 3918
Chapter 119. of the Revised Code, and all applicants for a license 3919
shall pay any fee established by the department at the time of 3920
making an application for a license. All fees collected pursuant 3921

to this section shall be paid into the state treasury to the 3922
credit of the general revenue fund. 3923

(C) Upon the filing of an application for a license, the 3924
department of education shall investigate and inspect the 3925
preschool program or school child program to determine the license 3926
capacity for each age category of children of the program and to 3927
determine whether the program complies with sections 3301.52 to 3928
3301.59 of the Revised Code and any rules adopted under those 3929
sections. When, after investigation and inspection, the department 3930
of education is satisfied that sections 3301.52 to 3301.59 of the 3931
Revised Code and any rules adopted under those sections are 3932
complied with by the applicant, the department of education shall 3933
issue the program a provisional license as soon as practicable in 3934
the form and manner prescribed by the rules of the department. The 3935
provisional license shall be valid for six months from the date of 3936
issuance unless revoked. 3937

(D) The department of education shall investigate and inspect 3938
a preschool program or school child program that has been issued a 3939
provisional license at least once during operation under the 3940
provisional license. If, after the investigation and inspection, 3941
the department of education determines that the requirements of 3942
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 school district. 4077
4078

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

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

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

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

(B) A nursery school where parent and child would enter the nursery school as a unit; 4095
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 the state school for the deaf deems advisable that would permit a deaf or hard of hearing child of preschool age to construct a pattern of communication at an early age. 4101
4102
4103
4104

The superintendent may allow children who are not deaf or 4105

hard of hearing to participate in the methods of instruction 41106
described in divisions (A) to (G) of this section as a means to 41107
assist deaf or hard of hearing children to construct a pattern of 41108
communication. The superintendent shall establish policies and 41109
procedures regarding the participation of children who are not 41110
deaf or hard of hearing. 41111

The superintendent may establish reasonable fees for 41112
participation in the methods of instruction described in divisions 41113
(A) to (G) of this section to defray the costs of carrying them 41114
out. The superintendent shall determine the manner by which any 41115
such fees shall be collected. All fees shall be deposited in the 41116
even start fees and gifts fund, which is hereby created in the 41117
state treasury. The money in the fund shall be used to implement 41118
this section. 41119

Sec. 3701.80. The department of health shall cooperate with 41200
the director of job and family services when the director 41201
promulgates rules pursuant to Chapter 5104. of the Revised Code 41202
governing the health and sanitary practices of meal preparation 41203
and service for type A family ~~day-care~~ child-care homes, as 41204
defined in section 5104.01 of the Revised Code, recommend 41205
procedures for inspecting type A family ~~day-care~~ child-care homes 41206
to determine whether they are in compliance with those rules, and 41207
provide training and technical assistance to the director on the 41208
procedures for determining compliance with those rules. 41209

Sec. 3714.03. (A) As used in this section: 41300

(1) "Aquifer system" means one or more geologic units or 41301
formations that are wholly or partially saturated with water and 41302
are capable of storing, transmitting, and yielding significant 41303
amounts of water to wells or springs. 41304

(2) "Category 3 wetland" means a wetland that supports 41305

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 4157
dwelling" does not include a dwelling owned or controlled by the 4158
owner or operator of a construction and demolition debris facility 4159
to which the siting criteria established under this section are 4160
being applied. 4161

(5) "Residential dwelling" means a building used or intended 4162
to be used in whole or in part as a personal residence by the 4163
owner, part-time owner, or lessee of the building or any person 4164
authorized by the owner, part-time owner, or lessee to use the 4165
building as a personal residence. 4166

(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 to install under section 3714.051 of the Revised Code to establish a new construction and demolition debris facility when the horizontal limits of construction and demolition debris placement at the new facility are proposed to be located in any of the following locations:

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

(2) Within one hundred feet of the facility's property line;	4198
(3)(a) Except as provided in division (C)(3)(b) of this section, within five hundred feet of a residential or public water supply well.	4199 4200 4201
(b) Division (C)(3)(a) of this section does not apply to a residential well under any of the circumstances specified in divisions (C)(3)(b)(i) to (iii) of this section as follows:	4202 4203 4204
(i) The well is controlled by the owner or operator of the construction and demolition debris facility.	4205 4206
(ii) The well is hydrologically separated from the horizontal limits of construction and demolition debris placement.	4207 4208
(iii) The well is at least three hundred feet upgradient from the horizontal limits of construction and demolition debris placement and division (D) of this section does not prohibit the issuance of the permit to install.	4209 4210 4211 4212
(4) Within five hundred feet of a park created or operated pursuant to section 301.26, 511.18, 755.08, 1545.04, or 1545.041 of the Revised Code, a state park established or dedicated under Chapter 1541. of the Revised Code, a state park purchase area established under section 1541.02 of the Revised Code, a national recreation area, any unit of the national park system, or any property that lies within the boundaries of a national park or recreation area, but that has not been acquired or is not administered by the secretary of the United States department of the interior, located in this state, or any area located in this state that is recommended by the secretary for study for potential inclusion in the national park system in accordance with "The Act of August 18, 1970," 84 Stat. 825, 16 U.S.C.A. 1a-5, as amended;	4213 4214 4215 4216 4217 4218 4219 4220 4221 4222 4223 4224 4225
(5) Within five hundred feet of a natural area, any area established by the department of natural resources as a state wildlife area under Chapter 1531. of the Revised Code and rules	4226 4227 4228

adopted under it, any area that is formally dedicated as a nature preserve under section 1517.05 of the Revised Code, or any area designated by the United States department of the interior as a national wildlife refuge;

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

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

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

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

(D) Neither the director nor any board shall issue a permit to install under section 3714.051 of the Revised Code to establish a new construction and demolition debris facility when the limits of construction and demolition debris placement at the new facility are proposed to have an isolation distance of less than five feet from the uppermost aquifer system that consists of material that has a maximum hydraulic conductivity of 1×10^{-5} cm/sec and all of the geologic material comprising the isolation distance has a hydraulic conductivity equivalent to or less than 1×10^{-6} cm/sec.

(E) Neither the director nor any board shall issue a permit to install under section 3714.051 of the Revised Code to establish a new construction and demolition debris facility when the road that is designated by the owner or operator as the main hauling road at the facility to and from the limits of construction and

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 machine location described in division (B)(9) of this section;	4352 4353
(11) A commissary servicing vending machines that dispense only milk, milk products, or frozen desserts that are under a state or federal inspection and analysis program;	4354 4355 4356
(12) A "controlled location vending machine location," which means a vending machine location at which all of the following apply:	4357 4358 4359
(a) The vending machines dispense only foods that are not potentially hazardous;	4360 4361
(b) The machines are designed to be filled and maintained in a sanitary manner by untrained persons;	4362 4363
(c) Minimal protection is necessary to ensure against contamination of food and equipment.	4364 4365
(13) A private home that prepares and offers food to guests, if the home is owner-occupied, meals are served on the premises of that home, the number of meals served does not exceed one hundred fifteen per week, and the home displays a notice in a place conspicuous to all of its guests informing them that the home is not required to be licensed as a food service operation;	4366 4367 4368 4369 4370 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.	4372 4373 4374 4375 4376
Sec. 3737.22. (A) The fire marshal shall do all of the following:	4377 4378
(1) Adopt the state fire code under sections 3737.82 to	4379

3737.86 of the Revised Code;	4380
(2) Enforce the state fire code;	4381
(3) Appoint assistant fire marshals who are authorized to enforce the state fire code;	4382 4383
(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;	4384 4385 4386 4387
(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;	4388 4389 4390 4391 4392
(6) Engage in research on the cause and prevention of losses due to fire and explosion;	4393 4394
(7) Engage in public education and informational activities which will inform the public of fire safety information;	4395 4396
(8) Operate a fire training academy and forensic laboratory;	4397
(9) Conduct other fire safety and fire fighting training activities for the public and groups as will further the cause of fire safety;	4398 4399 4400
(10) Conduct licensing examinations, and issue permits, licenses, and certificates, as authorized by the Revised Code;	4401 4402
(11) Conduct tests of fire protection systems and devices, and fire fighting equipment to determine compliance with the state fire code, unless a building is insured against the hazard of fire, in which case such tests may be performed by the company insuring the building;	4403 4404 4405 4406 4407
(12) Establish and collect fees for conducting licensing examinations and for issuing permits, licenses, and certificates;	4408 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 4527
protection equipment and fire fighting equipment; 4528

(B) Establish minimum standards of training, fix minimum 4529
qualifications, and require certificates for all persons who 4530
engage in the business for profit of installing, testing, 4531
repairing, or maintaining fire protection equipment; 4532

(C) Provide for the issuance of certificates required under 4533
division (B) of this section and establish the fees to be charged 4534
for such certificates. A certificate shall be granted, renewed, or 4535
revoked according to rules the fire marshal shall adopt. 4536

(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.

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.

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.

(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.

(F) Establish minimum standards for fire prevention and safety an adult group home seeking licensure as an adult care facility must meet under section 3722.02 of the Revised Code. The fire marshal shall adopt the rules under this division in consultation with the directors of health and aging and interested parties designated by the directors of health and aging.

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

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

(1) Any state correctional institution as defined in section

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
immunohematological, 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 4647
laboratory" does not include a facility that only collects or 4648
prepares specimens, or serves as a mailing service, and does not 4649
perform testing. 4650

(F) "Encapsulation" means the coating and sealing of surfaces 4651
with durable surface coating specifically formulated to be 4652
elastic, able to withstand sharp and blunt impacts, long-lasting, 4653
and resilient, while also resistant to cracking, peeling, algae, 4654
fungus, and ultraviolet light, so as to prevent any part of 4655
lead-containing paint from becoming part of house dust or 4656

otherwise accessible to children. 4657

(G) "Enclosure" means the resurfacing or covering of surfaces 4658
with durable materials such as wallboard or paneling, and the 4659
sealing or caulking of edges and joints, so as to prevent or 4660
control chalking, flaking, peeling, scaling, or loose 4661
lead-containing substances from becoming part of house dust or 4662
otherwise accessible to children. 4663

(H) "Environmental lead analytical laboratory" means a 4664
facility that analyzes air, dust, soil, water, paint, film, or 4665
other substances, other than substances derived from the human 4666
body, for the presence and concentration of lead. 4667

(I) "HEPA" means the designation given to a product, device, 4668
or system that has been equipped with a high-efficiency 4669
particulate air filter, which is a filter capable of removing 4670
particles of 0.3 microns or larger from air at 99.97 per cent or 4671
greater efficiency. 4672

(J) "Interim controls" means a set of measures designed to 4673
reduce temporarily human exposure or likely human exposure to lead 4674
hazards. Interim controls include specialized cleaning, repairs, 4675
painting, temporary containment, ongoing lead hazard maintenance 4676
activities, and the establishment and operation of management and 4677
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 with lead abatement.	4687 4688
(2) "Lead abatement" does not include any of the following:	4689
(a) Preventive treatments performed pursuant to section 3742.41 of the Revised Code;	4690 4691
(b) Implementation of interim controls;	4692
(c) Activities performed by a property owner on a residential unit to which both of the following apply:	4693 4694
(i) It is a freestanding single-family home used as the property owner's private residence.	4695 4696
(ii) No child under six years of age who has lead poisoning resides in the unit.	4697 4698
(L) "Lead abatement contractor" means any individual who engages in or intends to engage in lead abatement and employs or supervises one or more lead abatement workers, including on-site supervision of lead abatement projects, or prepares specifications, plans, or documents for a lead abatement project.	4699 4700 4701 4702 4703
(M) "Lead abatement project" means one or more lead abatement activities that are conducted by a lead abatement contractor and are reasonably related to each other.	4704 4705 4706
(N) "Lead abatement project designer" means a person who is responsible for designing lead abatement projects and preparing a pre-abatement plan for all designed projects.	4707 4708 4709
(O) "Lead abatement worker" means an individual who is responsible in a nonsupervisory capacity for the performance of lead abatement.	4710 4711 4712
(P) "Lead-based paint" means any paint or other similar surface-coating substance containing lead at or in excess of the level that is hazardous to human health as established by rule of the public health council under section 3742.50 of the Revised	4713 4714 4715 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 from danger or hazard to the health of persons occupying or frequenting it or to that of the public, if such danger arises from the method or materials of its construction or from any equipment installed therein, for the purpose of lighting, heating, ventilating, or plumbing.

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

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

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

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

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, 5022
township, or county, by any of the following who the board of 5023
building standards certifies: 5024

(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, 5031
or other political subdivision, pursuant to a contract to furnish 5032
architectural, engineering, or other services. 5033

(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, 5050
county, health district, or political subdivision under contract 5051
to furnish work or services pursuant to division (E)(7) of this 5052
section; 5053

(e) The proposed budget for the operation of the building 5054
department. 5055

(10) The board of building standards shall adopt rules 5056
governing all of the following: 5057

(a) The certification of building department personnel and 5058

persons and employees of persons, firms, or corporations 5059
exercising authority pursuant to division (E)(7) of this section. 5060
The rules shall disqualify any employee of the department or 5061
person who contracts for services with the department from 5062
performing services for the department when that employee or 5063
person would have to pass upon, inspect, or otherwise exercise 5064
authority over any labor, material, or equipment the employee or 5065
person furnishes for the construction, alteration, or maintenance 5066
of a building or the preparation of working drawings or 5067
specifications for work within the jurisdictional area of the 5068
department. The department shall provide other similarly qualified 5069
personnel to enforce the residential and nonresidential building 5070
codes as they pertain to that work. 5071

(b) The minimum services to be provided by a certified 5072
building department. 5073

(11) The board of building standards may revoke or suspend 5074
certification to enforce the residential and nonresidential 5075
building codes, on petition to the board by any person affected by 5076
that enforcement or approval of plans, or by the board on its own 5077
motion. Hearings shall be held and appeals permitted on any 5078
proceedings for certification or revocation or suspension of 5079
certification in the same manner as provided in section 3781.101 5080
of the Revised Code for other proceedings of the board of building 5081
standards. 5082

(12) Upon certification, and until that authority is revoked, 5083
any county or township building department shall enforce the 5084
residential and nonresidential building codes for which it is 5085
certified without regard to limitation upon the authority of 5086
boards of county commissioners under Chapter 307. of the Revised 5087
Code or boards of township trustees under Chapter 505. of the 5088
Revised Code. 5089

(F) In addition to hearings sections 3781.06 to 3781.18 and 5090

3791.04 of the Revised Code require, the board of building 5091
standards shall make investigations and tests, and require from 5092
other state departments, officers, boards, and commissions 5093
information the board considers necessary or desirable to assist 5094
it in the discharge of any duty or the exercise of any power 5095
mentioned in this section or in sections 3781.06 to 3781.18, 5096
3791.04, and 4104.43 of the Revised Code. 5097

(G) The board shall adopt rules and establish reasonable fees 5098
for the review of all applications submitted where the applicant 5099
applies for authority to use a new material, assembly, or product 5100
of a manufacturing process. The fee shall bear some reasonable 5101
relationship to the cost of the review or testing of the 5102
materials, assembly, or products and for the notification of 5103
approval or disapproval as provided in section 3781.12 of the 5104
Revised Code. 5105

(H) The residential construction advisory committee shall 5106
provide the board with a proposal for a state residential building 5107
code that the committee recommends pursuant to division (C)(1) of 5108
section 4740.14 of the Revised Code. Upon receiving a 5109
recommendation from the committee that is acceptable to the board, 5110
the board shall adopt rules establishing that code as the state 5111
residential building code. 5112

(I) The board shall cooperate with the director of job and 5113
family services when the director promulgates rules pursuant to 5114
section 5104.05 of the Revised Code regarding safety and 5115
sanitation in type A family ~~day-care~~ child-care homes. 5116

(J) The board shall adopt rules to implement the requirements 5117
of section 3781.108 of the Revised Code. 5118

Sec. 3797.06. (A) As used in this section, "specified 5119
geographical notification area" means the geographic area or areas 5120
within which the attorney general requires by rule adopted under 5121

section 3797.08 of the Revised Code the notice described in 5122
division (B) of this section to be given to the persons identified 5123
in divisions (A)(1) to (9) of this section. If a court enters a 5124
declaratory judgment against a registrant under section 2721.21 of 5125
the Revised Code, the sheriff with whom the registrant has most 5126
recently registered under section 3797.02 or 3797.03 of the 5127
Revised Code and the sheriff to whom the registrant most recently 5128
sent a notice of intent to reside under section 3797.03 of the 5129
Revised Code shall provide within the period of time specified in 5130
division (C) of this section a written notice containing the 5131
information set forth in division (B) of this section to all of 5132
the persons described in divisions (A)(1) to (9) of this section. 5133
If the sheriff has sent a notice to the persons described in those 5134
divisions as a result of receiving a notice of intent to reside 5135
and if the registrant registers a residence address that is the 5136
same residence address described in the notice of intent to 5137
reside, the sheriff is not required to send an additional notice 5138
when the registrant registers. The sheriff shall provide the 5139
notice to all of the following persons: 5140

(1)(a) Any occupant of each residential unit that is located 5141
within one thousand feet of the registrant's residential premises, 5142
that is located within the county served by the sheriff, and that 5143
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 5176
neighbors of the registrant that the attorney general by rule 5177
adopted under section 3797.08 of the Revised Code requires to be 5178
provided the notice and who reside within the county served by the 5179
sheriff. 5180

(2) The executive director of the public children services 5181
agency that has jurisdiction within the specified geographical 5182
notification area and that is located within the county served by 5183
the sheriff; 5184

(3) The superintendent of each board of education of a school 5185

district that has schools within the specified geographical 5186
notification area and that is located within the county served by 5187
the sheriff; 5188

(4) The appointing or hiring officer of each nonpublic school 5189
located within the specified geographical notification area and 5190
within the county served by the sheriff or of each other school 5191
located within the specified geographical notification area and 5192
within the county served by the sheriff and that is not operated 5193
by a board of education described in division (A)(3) of this 5194
section; 5195

(5) The director, head teacher, elementary principal, or site 5196
administrator of each preschool program governed by Chapter 3301. 5197
of the Revised Code that is located within the specified 5198
geographical notification area and within the county served by the 5199
sheriff; 5200

(6) The administrator of each ~~child day-care~~ child-care 5201
center or type A family ~~day-care~~ child-care home that is located 5202
within the specified geographical notification area and within the 5203
county served by the sheriff, and the provider of each licensed 5204
type B family child-care home or certified type B family ~~day-care~~ 5205
child-care home that is located within the specified geographical 5206
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 section to provide notices regarding a registrant 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 not later than five days after the registrant sends the notice of intent to reside to the sheriff, and again not later than five days after the registrant registers with the sheriff or, if the sheriff is required by division (C) to provide the notices, not 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 a registrant 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 registrant registers with the sheriff, or, if the sheriff is required by division (C) to provide the notices, not later than five days after the sheriff is provided the notice described in division (A)(8) of this section.

(2) If a registrant in relation to whom division (A) of this section applies verifies the registrant's current residence address with a sheriff pursuant to section 3797.04 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 may provide, but is not required to provide, a written notice containing the information set forth in division (B) of this section to the persons identified in divisions (A)(1) to (7) and

(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 than nine passengers that is owned by a public, private, or governmental agency or institution of learning and operated for the transportation of children to or from a school session or a school function, or owned by a private person and operated for compensation for the transportation of children to or from a school session or a school function, provided "school bus" does not include a bus operated by a municipally owned transportation system, a mass transit company operating exclusively within the territorial limits of a municipal corporation, or within such limits and the territorial limits of municipal corporations immediately contiguous to such municipal corporation, nor a common passenger carrier certified by the public utilities commission unless such bus is devoted exclusively to the transportation of children to and from a school session or a school function, and "school bus" does not include a van or bus used by a licensed ~~child day care~~ child-care center or type A family ~~day care~~ child-care home to transport children from the ~~child day care~~ child-care center or type A family ~~day care~~ child-care home to a school if the van or bus does not have more than fifteen children in the van or bus at any time.

(G) "Bicycle" means every device, other than a tricycle designed solely for use as a play vehicle by a child, propelled solely by human power upon which any person may ride having either two tandem wheels, or one wheel in the front and two wheels in the rear, any of which is more than fourteen inches in diameter.

(H) "Motorized bicycle" means any vehicle having either two tandem wheels or one wheel in the front and two wheels in the rear, that is capable of being pedaled and is equipped with a helper motor of not more than fifty cubic centimeters piston displacement that produces no more than one brake horsepower and is capable of propelling the vehicle at a speed of no greater than

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 street or highway, including the street or highway, between successive intersections within municipal corporations where fifty per cent or more of the frontage between such successive intersections is occupied by buildings in use for business, or within or outside municipal corporations where fifty per cent or more of the frontage for a distance of three hundred feet or more is occupied by buildings in use for business, and the character of such territory is indicated by official traffic control devices.

(OO) "Residence district" means the territory, not comprising a business district, fronting on a street or highway, including the street or highway, where, for a distance of three hundred feet or more, the frontage is improved with residences or residences and buildings in use for business.

(PP) "Urban district" means the territory contiguous to and including any street or highway which is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than one hundred feet for a distance of a quarter of a mile or more, and the character of such territory is indicated by official traffic control devices.

(QQ) "Traffic control devices" means all flaggers, signs, 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 5622
tracks or the approach of a railroad train. 5623

(TT) "Traffic" means pedestrians, ridden or herded animals, 5624
vehicles, streetcars, trackless trolleys, and other devices, 5625
either singly or together, while using any highway for purposes of 5626
travel. 5627

(UU) "Right-of-way" means either of the following, as the 5628
context requires: 5629

(1) The right of a vehicle, streetcar, trackless trolley, or 5630
pedestrian to proceed uninterruptedly in a lawful manner in the 5631
direction in which it or the individual is moving in preference to 5632
another vehicle, streetcar, trackless trolley, or pedestrian 5633
approaching from a different direction into its or the 5634
individual's path; 5635

(2) A general term denoting land, property, or the interest 5636
therein, usually in the configuration of a strip, acquired for or 5637
devoted to transportation purposes. When used in this context, 5638
right-of-way includes the roadway, shoulders or berm, ditch, and 5639
slopes extending to the right-of-way limits under the control of 5640
the state or local authority. 5641

(VV) "Rural mail delivery vehicle" means every vehicle used 5642
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 traffic with all crossroads separated in grade and with full control of access.

(ZZ) "Expressway" means a divided arterial highway for through traffic with full or partial control of access with an excess of fifty per cent of all crossroads separated in grade.

(AAA) "Thruway" means a through highway whose entire roadway is reserved for through traffic and on which roadway parking is prohibited.

(BBB) "Stop intersection" means any intersection at one or more entrances of which stop signs are erected.

(CCC) "Arterial street" means any United States or state numbered route, controlled access highway, or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways.

(DDD) "Ridesharing arrangement" means the transportation of persons in a motor vehicle where such transportation is incidental to another purpose of a volunteer driver and includes ridesharing arrangements known as carpools, vanpools, and buspools.

(EEE) "Motorized wheelchair" means any self-propelled vehicle designed for, and used by, a handicapped person and that is incapable of a speed in excess of eight miles per hour.

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

(GGG) "Multi-wheel agricultural tractor" means a type of agricultural tractor that has two or more wheels or tires on each side of one axle at the rear of the tractor, is designed or used for drawing other vehicles or wheeled machinery, has no provision

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 money on behalf of such an institution or association not so certified or whose certificate has been revoked.

(G) The director may delegate by rule any duties imposed on it by this section to inspect and approve family foster homes and specialized foster homes to public children services agencies, private child placing agencies, or private noncustodial agencies.

(H) If the director of job and family services determines that an institution or association that cares for children is operating without a certificate, the director may petition the court of common pleas in the county in which the institution or association is located for an order enjoining its operation. The court shall grant injunctive relief upon a showing that the institution or association is operating without a certificate.

(I) If both of the following are the case, the director of job and family services may petition the court of common pleas of any county in which an institution or association that holds a certificate under this section operates for an order, and the court may issue an order, preventing the institution or association from receiving additional children into its care or an order removing children from its care:

(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. 5929

(B) "Approved child day camp" means a child day camp approved 5930
pursuant to section ~~5104.22~~ 5104.23 of the Revised Code. 5931

(C) ~~"Authorized provider" means a person authorized by a~~ 5932
~~county director of job and family services to operate a certified~~ 5933
~~type B family day care home~~ "BCII" means the bureau of criminal 5934
identification and investigation. 5935

(D) "Border state child care provider" means a child care 5936
provider that is located in a state bordering Ohio and that is 5937
licensed, certified, or otherwise approved by that state to 5938
provide child care. 5939

(E) "Caretaker parent" means the father or mother of a child 5940
whose presence in the home is needed as the caretaker of the 5941
child, a person who has legal custody of a child and whose 5942
presence in the home is needed as the caretaker of the child, a 5943
guardian of a child whose presence in the home is needed as the 5944
caretaker of the child, and any other person who stands in loco 5945
parentis with respect to the child and whose presence in the home 5946
is needed as the caretaker of the child. 5947

(F) "Certified provider" means a person authorized by a 5948
county director of job and family services to operate a certified 5949
type B family child-care home. 5950

(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 Revised Code. 5960
5961

~~(H)~~(I) "Child" includes an infant, toddler, preschool child, or school child. 5962
5963

~~(I)~~(J) "Child care block grant act" means the "Child Care and Development Block Grant Act of 1990," established in section 5082 of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 1388-236 (1990), 42 U.S.C. 9858, as amended. 5964
5965
5966
5967

~~(J)~~(K) "Child day camp" means a program in which only school children attend or participate, that operates for no more than seven hours per day, that operates only during one or more public school district's regular vacation periods or for no more than fifteen weeks during the summer, and that operates outdoor activities for each child who attends or participates in the program for a minimum of fifty per cent of each day that children attend or participate in the program, except for any day when hazardous weather conditions prevent the program from operating outdoor activities for a minimum of fifty per cent of that day. For purposes of this division, the maximum seven hours of operation time does not include transportation time from a child's home to a child day camp and from a child day camp to a child's home. 5968
5969
5970
5971
5972
5973
5974
5975
5976
5977
5978
5979
5980
5981

~~(K)~~ "Child (L)(1) Except as provided by division (L)(2) of this section, "child care" means administering to the needs of infants, toddlers, preschool children, and school children outside of school hours by persons other than their parents or guardians, eustodians, or relatives by blood, marriage, or adoption for any part of the twenty-four-hour day in a place or residence other than a child's own home. 5982
5983
5984
5985
5986
5987
5988

~~(L)~~(2) "Child care" does not include administering to the needs of an infant, toddler, preschool child, or school child by 5989
5990

any of the following: 5991

(a) An individual related to the child by blood, marriage, or adoption as a parent, step-parent, grandparent, sibling, step-sibling, half-sibling, aunt, uncle, or first cousin; 5992
5993
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 6012
Code, and the services are provided only for children who, in the 6013
opinion of the child's parent, guardian, or custodian, are 6014
exhibiting symptoms of a communicable disease or other illness or 6015
are injured; 6016

(2) A child day camp; 6017

(3) A place that provides child care, but not publicly funded 6018
child care, if all of the following apply: 6019

(a) An organized religious body provides the child care; 6020

(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;

(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;

(6) Collection and analysis of data on the supply of and demand for child care in the community;

(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;

(8) Stimulation of employer involvement in making child care 6051
more affordable, more available, safer, and of higher quality for 6052
their employees and for the community; 6053

(9) Provision of written educational materials to caretaker 6054
parents and informational resources to child care providers; 6055

(10) Coordination of services among child care resource and 6056
referral service organizations to assist in developing and 6057
maintaining a statewide system of child care resource and referral 6058
services if required by the department of job and family services; 6059

(11) Cooperation with the county department of job and family 6060
services in encouraging the establishment of parent cooperative 6061
child care centers and parent cooperative type A family ~~day-care~~ 6062
child-care homes. 6063

~~(O)~~(P) "Child-care staff member" means an employee of a ~~child~~ 6064
~~day-care~~ child-care center or type A family ~~day-care~~ child-care 6065
home who is primarily responsible for the care and supervision of 6066
children. The administrator may be a part-time child-care staff 6067
member when not involved in other duties. 6068

~~(P)~~(Q) "Criminal records check form" means the form the 6069
superintendent of BCII prescribes pursuant to division (C)(1) of 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 6101
within five years of the date of application for licensure or 6102
certification or renewal of licensure or certification; 6103

(8) A violation of an existing or former law of this state, 6104
any other state, or the United States that is substantially 6105
equivalent to any of the offenses described in divisions (R)(1) to 6106
(7) of this section. 6107

(S) "Drop-in ~~child day care~~ child-care center," "drop-in 6108
center," "drop-in type A family ~~day care~~ child-care home," and 6109
"drop-in type A home" mean a center or type A home that provides 6110
child care or publicly funded child care for children on a 6111

temporary, irregular basis. 6112

~~(Q)~~(T) "Employee" means a person who either: 6113

(1) Receives compensation for duties performed in a ~~child~~ 6114
~~day-care~~ child-care center or type A family ~~day-care~~ child-care 6115
home; 6116

(2) Is assigned specific working hours or duties in a ~~child~~ 6117
~~day-care~~ child-care center or type A family ~~day-care~~ child-care 6118
home. 6119

~~(R)~~(U) "Employer" means a person, firm, institution, 6120
organization, or agency that operates a ~~child-day-care~~ child-care 6121
center or type A family ~~day-care~~ child-care home subject to 6122
licensure under this chapter. 6123

~~(S)~~(V) "Federal poverty line" means the official poverty 6124
guideline as revised annually in accordance with section 673(2) of 6125
the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 6126
U.S.C. 9902, as amended, for a family size equal to the size of 6127
the family of the person whose income is being determined. 6128

~~(T)~~(W) "Head start program" means a child-care center that is 6129
a comprehensive child development program that receives funds 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 6223
Revised Code; 6224

(2) The child and the child's caretaker either temporarily 6225
reside in a facility providing emergency shelter for homeless 6226
families or are determined by the county department of job and 6227
family services to be homeless, and are otherwise ineligible for 6228
publicly funded child care. 6229

~~(JJ)~~(OO) "Publicly funded child care" means administering to 6230
the needs of infants, toddlers, preschool children, and school 6231
children under age thirteen during any part of the 6232
twenty-four-hour day by persons other than their caretaker parents 6233

for remuneration wholly or in part with federal or state funds, 6234
including funds available under the child care block grant act, 6235
Title IV-A, and Title XX, distributed by the department of job and 6236
family services. 6237

~~(KK)~~(PP) "Religious activities" means any of the following: 6238
worship or other religious services; religious instruction; Sunday 6239
school classes or other religious classes conducted during or 6240
prior to worship or other religious services; youth or adult 6241
fellowship activities; choir or other musical group practices or 6242
programs; meals; festivals; or meetings conducted by an organized 6243
religious group. 6244

~~(LL)~~(QQ) "School child" means a child who is enrolled in or 6245
is eligible to be enrolled in a grade of kindergarten or above but 6246
is less than fifteen years old. 6247

~~(MM)~~(RR) "School ~~child day-care~~ child-care center," "school 6248
child center," "school child type A family ~~day-care~~ child-care 6249
home," and "school child type A family home" mean a center or type 6250
A home that provides child care for school children only and that 6251
does either or both of the following: 6252

(1) Operates only during that part of the day that 6253
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 Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 6266
6267

~~(PP)~~(VV) "Title XX" means Title XX of the "Social Security Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 6268
6269

~~(QQ)~~(WW) "Toddler" means a child who is at least eighteen months of age but less than three years of age. 6270
6271

~~(RR)~~(XX) "Type A family ~~day-care~~ child-care home" and "type A home" mean a permanent residence of the administrator in which child care or publicly funded child care is provided for seven to twelve children at one time or a permanent residence of the administrator in which child care is provided for four to twelve children at one time if four or more children at one time are under two years of age. ~~In counting children for the purposes of this division, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the type A home shall be counted.~~ "Type A family ~~day-care~~ child-care home" and "type A home" do not include any child day camp. 6272
6273
6274
6275
6276
6277
6278
6279
6280
6281
6282
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. 6284
6285
6286
6287
6288
6289
6290
6291
6292

Sec. 5104.011. (A) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code 6293
6294

governing the operation of ~~child-day care~~ child-care centers, 6295
including, but not limited to, parent cooperative centers, 6296
part-time centers, drop-in centers, and school child centers, 6297
which rules shall reflect the various forms of child care and the 6298
needs of children receiving child care or publicly funded child 6299
care and shall include specific rules for school child care 6300
centers that are developed in consultation with the department of 6301
education. The rules shall not require an existing school facility 6302
that is in compliance with applicable building codes to undergo an 6303
additional building code inspection or to have structural 6304
modifications. The rules shall include the requirements set forth 6305
in sections 5104.15 to 5104.20 of the Revised Code and all of the 6306
following: 6307

(1) Submission of a site plan and descriptive plan of 6308
operation to demonstrate how the center proposes to meet the 6309
requirements of this chapter and rules adopted pursuant to this 6310
chapter for the initial license application; 6311

(2) Standards for ensuring that the physical surroundings of 6312
the center are safe and sanitary including, but not limited to, 6313
the physical environment, the physical plant, and the equipment of 6314
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 6347
license that are not otherwise provided for in Chapter 119. of the 6348
Revised Code; 6349

(10) Inspection procedures; 6350

(11) Procedures and standards for setting initial and renewal 6351
license application fees; 6352

(12) Procedures for receiving, recording, and responding to 6353
complaints about centers; 6354

(13) Procedures for enforcing section 5104.04 of the Revised 6355

Code; 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;

(15) Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention. Training requirements for ~~child day-care~~ child-care centers adopted under this division shall be consistent with ~~divisions (B)(6) and (C)(1) of this section~~ sections 5104.161 and 5104.172 of the Revised Code.

(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;

(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 center;

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

(19) Any other procedures and standards necessary to carry out this chapter regarding child-care centers.

~~(B)(1) The child day care center shall have, for each child for whom the center is licensed, at least thirty five square feet of usable indoor floor space wall to wall regularly available for the child care operation exclusive of any parts of the structure in which the care of children is prohibited by law or by rules adopted by the board of building standards. The minimum of~~

~~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 6407
outdoor play each day in suitable weather. The director may exempt 6408
a center from the requirement of this division, if an outdoor play 6409
space is not available and if all of the following are met: 6410~~

~~(a) The center provides an indoor recreation area that has 6411
not less than sixty square feet per child using the space at any 6412
one time, that has a minimum of one thousand four hundred forty 6413
square feet of space, and that is separate from the indoor space 6414
required under division (B)(1) of this section. 6415~~

~~(b) The director has determined that there is regularly 6416
available and scheduled for use a conveniently accessible and safe 6417~~

~~park, playground, or similar outdoor play area for play or recreation.~~ 6418
6419

~~(c) The children are closely supervised during play and while traveling to and from the area.~~ 6420
6421

~~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
6423
6424
6425
6426
6427
6428
6429
6430
6431
6432
6433

~~(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 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:~~ 6434
6435
6436
6437
6438
6439
6440
6441
6442
6443

	Maximum Number of		
	Children Per	Maximum	
Age Category	Child Care	Group	
of Children	Staff Member	Size	

~~(a) Infants:~~ 6448

~~(i) Less than twelve~~ 6449

months old	5:1, or		6450
	12:2 if two		6451
	child care		6452
	staff members		6453
	are in the room	12	6454
(ii) At least twelve			6455
months old, but			6456
less than eighteen			6457
months old	6:1	12	6458
(b) Toddlers:			6459
(i) At least eighteen			6460
months old, but			6461
less than thirty			6462
months old	7:1	14	6463
(ii) At least thirty months			6464
old, but less than			6465
three years old	8:1	16	6466
(c) Preschool			6467
children:			6468
(i) Three years old	12:1	24	6469
(ii) Four years old and			6470
five years old who			6471
are not school			6472
children	14:1	28	6473
(d) School children:			6474
(i) A child who is			6475
enrolled in or is			6476
eligible to be			6477
enrolled in a grade			6478
of kindergarten			6479
or above, but			6480
is less than			6481
eleven years old	18:1	36	6482

~~(ii) Eleven through fourteen years old~~ 6483
~~20:1 40~~ 6484

~~Except as otherwise provided in division (E) of this section, the maximum number of children per child care staff member and maximum group size requirements of the younger age group shall apply when age groups are combined.~~ 6485
6486
6487
6488

~~(4)(a) The child day care center administrator shall show the director both of the following:~~ 6489
6490

~~(i) Evidence of at least high school graduation or certification of high school equivalency by the state board of education or the appropriate agency of another state;~~ 6491
6492
6493

~~(ii) Evidence of having completed at least two years of training in an accredited college, university, or technical college, including courses in child development or early childhood education, or at least two years of experience in supervising and giving daily care to children attending an organized group program.~~ 6494
6495
6496
6497
6498
6499

~~(b) In addition to the requirements of division (B)(4)(a) of this section, any administrator employed or designated on or after September 1, 1986, shall show evidence of, and any administrator employed or designated prior to September 1, 1986, shall show evidence within six years after such date of, at least one of the following:~~ 6500
6501
6502
6503
6504
6505

~~(i) Two years of experience working as a child care staff member in a center and at least four courses in child development or early childhood education from an accredited college, university, or technical college, except that a person who has two years of experience working as a child care staff member in a particular center and who has been promoted to or designated as administrator of that center shall have one year from the time the person was promoted to or designated as administrator to complete~~ 6506
6507
6508
6509
6510
6511
6512
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 educational requirements of this division if the staff member:~~ 6546
6547

~~(i) Prior to January 1, 1972, was employed or designated by a child day care center and has been continuously employed since either by the same child day care center employer or at the same child day care center; or~~ 6548
6549
6550
6551

~~(ii) Is a student enrolled in the second year of a vocational child care training program approved by the state board of education which leads to high school graduation, provided that the student performs the student's duties in the child day care center under the continuous supervision of an experienced child care staff member, receives periodic supervision from the vocational child care training program teacher coordinator in the student's high school, and meets all other requirements of this chapter and rules adopted pursuant to this chapter.~~ 6552
6553
6554
6555
6556
6557
6558
6559
6560

~~(6) Every child care staff member of a child day care center annually shall complete fifteen hours of inservice training in child development or early childhood education, child abuse recognition and prevention, first aid, and in prevention, recognition, and management of communicable diseases, until a total of forty five hours of training has been completed, unless the staff member furnishes one of the following to the director:~~ 6561
6562
6563
6564
6565
6566
6567

~~(a) Evidence of an associate or higher degree in child development or early childhood education from an accredited college, university, or technical college;~~ 6568
6569
6570

~~(b) A license designated for teaching in an associate teaching position in a preschool setting issued by the state board of education;~~ 6571
6572
6573

~~(c) Evidence of a child development associate credential;~~ 6574

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

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

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

~~(2) The administrator of each child day care center shall maintain enrollment, health, and attendance records for all children attending the center and health and employment records for all center employees. The records shall be confidential,~~

~~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 6628
that child is permitted access to the center for those purposes. 6629
However, the access of the parent who is not the residential 6630
parent is subject to any agreement between the parents and, to the 6631
extent described in division (C)(3)(b) of this section, is subject 6632
to any terms and conditions limiting the right of access of the 6633
parent who is not the residential parent, as described in division 6634
(I) of section 3109.051 of the Revised Code, that are contained in 6635
a parenting time order or decree issued under that section, 6636
section 3109.12 of the Revised Code, or any other provision of the 6637
Revised Code. 6638~~

~~(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 child-care centers. The rules shall include, but not be limited to, the requirements set forth in ~~divisions (B) and (C) of this section~~ sections 5104.15 to 5104.20 of the Revised Code. Except as provided in section ~~5104.07~~ 5104.014 of the Revised Code, the rules shall not change the square footage requirements of ~~division (B)(1) or (2) of this section~~ 5104.15 or 5104.151 of the Revised Code; the maximum number of children per child-care staff member and maximum group size requirements of ~~division (B)(3) of this section~~ 5104.16 of the Revised Code; the educational and experience requirements of ~~division (B)(4) of this section~~ 5104.17~~

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 children are resting or sleeping on cots.~~ 6702
6703

~~(d) The maximum number established under division (E)(2) of this section is in effect for no more than one and one half hours during a twenty four hour day.~~ 6704
6705
6706

~~(F) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code governing the operation of type A family day care homes, including, but not limited to, parent cooperative type A homes, part time type A homes, drop in type A homes, and school child type A homes, which shall reflect the various forms of child care and the needs of children receiving child care. The rules shall include the following:~~ 6707
6708
6709
6710
6711
6712
6713
6714

~~(1) Submission of a site plan and descriptive plan of operation to demonstrate how the type A home proposes to meet the requirements of this chapter and rules adopted pursuant to this chapter for the initial license application;~~ 6715
6716
6717
6718

~~(2) Standards for ensuring that the physical surroundings of the type A home are safe and sanitary, including, but not limited to, the physical environment, the physical plant, and the equipment of the type A home;~~ 6719
6720
6721
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
6724
6725

~~(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
6727
6728
6729
6730
6731

~~(5) Admissions policies and procedures, health care policies~~ 6732

~~and procedures, including, but not limited to, procedures for the 6733
isolation of children with communicable diseases, first aid and 6734
emergency procedures, procedures for discipline and supervision of 6735
children, standards for the provision of nutritious meals and 6736
snacks, and procedures for screening children and employees, 6737
including, but not limited to, any necessary physical examinations 6738
and immunizations; 6739~~

~~(6) Methods for encouraging parental participation in the 6740
type A home and methods for ensuring that the rights of children, 6741
parents, and employees are protected and that the responsibilities 6742
of parents and employees are met; 6743~~

~~(7) Procedures for ensuring the safety and adequate 6744
supervision of children traveling off the premises of the type A 6745
home while under the care of a type A home employee; 6746~~

~~(8) Procedures for record keeping, organization, and 6747
administration; 6748~~

~~(9) Procedures for issuing, renewing, denying, and revoking a 6749
license that are not otherwise provided for in Chapter 119. of the 6750
Revised Code; 6751~~

~~(10) Inspection procedures; 6752~~

~~(11) Procedures and standards for setting initial and renewal 6753
license application fees; 6754~~

~~(12) Procedures for receiving, recording, and responding to 6755
complaints about type A homes; 6756~~

~~(13) Procedures for enforcing section 5104.04 of the Revised 6757
Code; 6758~~

~~(14) A standard requiring the inclusion, on or after July 1, 6759
1987, of a current department of job and family services toll free 6760
telephone number on each type A home provisional license or 6761
license which any person may use to report a suspected violation 6762~~

by the type A home of this chapter or rules adopted pursuant this	6763
chapter;	6764
(15) Requirements for the training of administrators and	6765
child care staff members in first aid, in prevention, recognition,	6766
and management of communicable diseases, and in child abuse	6767
recognition and prevention;	6768
(16) Procedures to be used by licensees for checking the	6769
references of potential employees of type A homes and procedures	6770
to be used by the director for checking the references of	6771
applicants for licenses to operate type A homes;	6772
(17) Standards providing for the special needs of children	6773
who are handicapped or who require treatment for health conditions	6774
while the child is receiving child care or publicly funded child	6775
care in the type A home;	6776
(18) Standards for the maximum number of children per	6777
child care staff member;	6778
(19) Requirements for the amount of usable indoor floor space	6779
for each child;	6780
(20) Requirements for safe outdoor play space;	6781
(21) Qualifications and training requirements for	6782
administrators and for child care staff members;	6783
(22) Procedures for granting a parent who is the residential	6784
parent and legal custodian, or a custodian or guardian access to	6785
the type A home during its hours of operation;	6786
(23) Standards for the preparation and distribution of a	6787
roster of parents, custodians, and guardians;	6788
(24) Any other procedures and standards necessary to carry	6789
out this chapter.	6790
(G) The director of job and family services shall adopt rules	6791
pursuant to Chapter 119. of the Revised Code governing the	6792

~~certification of type B family day care homes.~~ 6793

~~(1) The rules shall include procedures, standards, and other 6794
necessary provisions for granting limited certification to type B 6795
family day care homes that are operated by the following adult 6796
providers:~~ 6797

~~(a) Persons who provide child care for eligible children who 6798
are great grandchildren, grandchildren, nieces, nephews, or 6799
siblings of the provider or for eligible children whose caretaker 6800
parent is a grandchild, child, niece, nephew, or sibling of the 6801
provider:~~ 6802

~~(b) Persons who provide child care for eligible children all 6803
of whom are the children of the same caretaker parent.~~ 6804

~~The rules shall require, and shall include procedures for the 6805
director to ensure, that type B family day care homes that receive 6806
a limited certification provide child care to children in a safe 6807
and sanitary manner. With regard to providers who apply for 6808
limited certification, a provider shall be granted a provisional 6809
limited certification on signing a declaration under oath 6810
attesting that the provider meets the standards for limited 6811
certification. Such provisional limited certifications shall 6812
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 (G)(1)(a) of 6826
this section or a person described in division (G)(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 6845
home; 6846~~

~~(c) Standards for a program of activities, and for play 6847
equipment, materials, and supplies to enhance the development of 6848
each child; however, any educational curricula, philosophies, and 6849
methodologies that are developmentally appropriate and that 6850
enhance the social, emotional, intellectual, and physical 6851
development of each child shall be permissible; 6852~~

~~(d) Admission policies and procedures, health care, first aid 6853
and emergency procedures, procedures for the care of sick 6854
children, procedures for discipline and supervision of children, 6855~~

nutritional standards, and procedures for screening children and	6856
authorized providers, including, but not limited to, any necessary	6857
physical examinations and immunizations;	6858
(e) Methods of encouraging parental participation and	6859
ensuring that the rights of children, parents, and authorized	6860
providers are protected and the responsibilities of parents and	6861
authorized providers are met;	6862
(f) Standards for the safe transport of children when under	6863
the care of authorized providers;	6864
(g) Procedures for issuing, renewing, denying, refusing to	6865
renew, or revoking certificates;	6866
(h) Procedures for the inspection of type B family day care	6867
homes that require, at a minimum, that each type B family day care	6868
home be inspected prior to certification to ensure that the home	6869
is safe and sanitary;	6870
(i) Procedures for record keeping and evaluation;	6871
(j) Procedures for receiving, recording, and responding to	6872
complaints;	6873
(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 this chapter.~~ 6886
6887

~~(H) The director shall adopt rules pursuant to Chapter 119 of the Revised Code governing the certification of in-home aides. The rules shall include procedures, standards, and other necessary provisions for granting limited certification to in-home aides who provide child care for eligible children who are great grandchildren, grandchildren, nieces, nephews, or siblings of the in-home aide or for eligible children whose caretaker parent is a grandchild, child, niece, nephew, or sibling of the in-home aide. The rules shall require, and shall include procedures for the director to ensure, that in-home aides that receive a limited certification provide child care to children in a safe and sanitary manner. The rules shall provide for safeguarding the health, safety, and welfare of children receiving publicly funded child care in their own home and shall include the following:~~ 6888
6889
6890
6891
6892
6893
6894
6895
6896
6897
6898
6899
6900
6901
6902

~~(1) Standards for ensuring that the child's home and the physical surroundings of the child's home are safe and sanitary, including, but not limited to, physical environment, physical plant, and equipment;~~ 6903
6904
6905
6906

~~(2) Standards for the supervision, care, and discipline of children receiving publicly funded child care in their own home;~~ 6907
6908

~~(3) Standards for a program of activities, and for play equipment, materials, and supplies to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;~~ 6909
6910
6911
6912
6913
6914

~~(4) Health care, first aid, and emergency procedures, procedures for the care of sick children, procedures for~~ 6915
6916

discipline and supervision of children, nutritional standards, and	6917
procedures for screening children and in home aides, including,	6918
but not limited to, any necessary physical examinations and	6919
immunizations;	6920
(5) Methods of encouraging parental participation and	6921
ensuring that the rights of children, parents, and in home aides	6922
are protected and the responsibilities of parents and in home	6923
aides are met;	6924
(6) Standards for the safe transport of children when under	6925
the care of in home aides;	6926
(7) Procedures for issuing, renewing, denying, refusing to	6927
renew, or revoking certificates;	6928
(8) Procedures for inspection of homes of children receiving	6929
publicly funded child care in their own homes;	6930
(9) Procedures for record keeping and evaluation;	6931
(10) Procedures for receiving, recording, and responding to	6932
complaints;	6933
(11) Qualifications and training requirements for in home	6934
aides;	6935
(12) Standards providing for the special needs of children	6936
who are handicapped or who receive treatment for health conditions	6937
while the child is receiving publicly funded child care in the	6938
child's own home;	6939
(13) Any other procedures and standards necessary to carry	6940
out this chapter.	6941
(I) To the extent that any rules adopted for the purposes of	6942
this section require a health care professional to perform a	6943
physical examination, the rules shall include as a health care	6944
professional a physician assistant, a clinical nurse specialist, a	6945
certified nurse practitioner, or a certified nurse midwife.	6946

~~(J)(1) The director of job and family services shall do all of the following:~~ 6947
6948

~~(a) Send to each licensee notice of proposed rules governing the licensure of child day care centers and type A homes;~~ 6949
6950

~~(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;~~ 6951
6952
6953

~~(c) At least thirty days before the effective date of a rule, provide, in either paper or electronic form, a copy of the adopted rule to each licensee.~~ 6954
6955
6956

~~(2) The director shall do all of the following:~~ 6957

~~(a) Send to each county director of job and family services a notice of proposed rules governing the certification of type B family homes and in-home aides that includes an internet web site address where the proposed rules can be viewed;~~ 6958
6959
6960
6961

~~(b) Give public notice of hearings regarding the proposed rules not less than thirty days in advance;~~ 6962
6963

~~(c) 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.~~ 6964
6965
6966

~~(3) The county director of job and family services shall send copies of proposed rules to each authorized provider and in-home aide and shall give public notice of hearings regarding the rules to each authorized provider and in-home aide 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, the county director of job and family services shall provide, in either paper or electronic form, copies of the adopted rule to each authorized provider and in-home aide.~~ 6967
6968
6969
6970
6971
6972
6973
6974
6975
6976

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

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

~~(6) 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 day 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 division.~~

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

~~(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.~~

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~~ 7008
child-care centers for children with short-term illnesses and 7009
other temporary medical conditions. 7010

Sec. 5104.013. The director of job and family services shall 7011
adopt rules pursuant to Chapter 119. of the Revised Code governing 7012
the operation of type A family child-care homes, including, but 7013
not limited to, parent cooperative type A homes, part-time type A 7014
homes, drop-in type A homes, and school child type A homes, which 7015
shall reflect the various forms of child care and the needs of 7016
children receiving child care. The rules shall include the 7017
following: 7018

(A) Submission of a site plan and descriptive plan of 7019
operation to demonstrate how the type A home proposes to meet the 7020
requirements of this chapter and rules adopted pursuant to this 7021
chapter for the initial license application; 7022

(B) Standards for ensuring that the physical surroundings of 7023
the type A home are safe and sanitary, including, but not limited 7024
to, the physical environment, the physical plant, and the 7025
equipment of the type A home; 7026

(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
license application fees; 7058

(L) Procedures for receiving, recording, and responding to 7059
complaints about type A homes; 7060

(M) Procedures for enforcing section 5104.04 of the Revised 7061
Code; 7062

(N) A standard requiring the inclusion, on or after July 1, 7063
1987, of a current department of job and family services toll-free 7064
telephone number on each type A home provisional license or 7065
license which any person may use to report a suspected violation 7066
by the type A home of this chapter or rules adopted pursuant this 7067

<u>chapter;</u>	7068
<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 7070 7071 7072
<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 7074 7075 7076
<u>(O) 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 7078 7079 7080
<u>(R) Standards for the maximum number of children per child-care staff member;</u>	7081 7082
<u>(S) Requirements for the amount of usable indoor floor space for each child;</u>	7083 7084
<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
<u>(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;</u>	7088 7089 7090
<u>(W) Standards for the preparation and distribution of a roster of parents, custodians, and guardians;</u>	7091 7092
<u>(X) Any other procedures and standards necessary to carry out this chapter regarding type A homes.</u>	7093 7094
<u>Sec. 5104.014. The director of job and family services may prescribe additional requirements for licensing child-care centers</u>	7095 7096

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. 7097
7098
7099
7100
7101

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
7103
7104
7105
7106

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
7108
7109
7110
7111

(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
7113
7114
7115

(B) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the home; 7116
7117
7118

(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; 7119
7120
7121
7122
7123
7124

(D) Admission policies and procedures, health care, first aid and emergency procedures, procedures for the care of sick 7125
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>(Q) 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
<u>Sec. 5104.016. The director of job and family services shall</u>	7167
<u>adopt rules pursuant to Chapter 119. of the Revised Code governing</u>	7168
<u>the certification of type B family child-care homes that seek</u>	7169
<u>certification pursuant to section 5104.11 of the Revised Code. The</u>	7170
<u>rules shall provide for safeguarding the health, safety, and</u>	7171
<u>welfare of children receiving child care or publicly funded child</u>	7172
<u>care in a certified type B home and shall include the following:</u>	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</u>	7178
<u>children receiving child care or publicly funded child care in the</u>	7179
<u>home;</u>	7180
<u>(C) Standards for a program of activities, and for play</u>	7181
<u>equipment, materials, and supplies to enhance the development of</u>	7182
<u>each child; however, any educational curricula, philosophies, and</u>	7183
<u>methodologies that are developmentally appropriate and that</u>	7184
<u>enhance the social, emotional, intellectual, and physical</u>	7185
<u>development of each child shall be permissible;</u>	7186

<u>(D) Admission policies and procedures, health care, first aid</u>	7187
<u>and emergency procedures, procedures for the care of sick</u>	7188
<u>children, procedures for discipline and supervision of children,</u>	7189
<u>nutritional standards, and procedures for screening children and</u>	7190
<u>certified providers, including, but not limited to, any necessary</u>	7191
<u>physical examinations and immunizations;</u>	7192
<u>(E) Methods of encouraging parental participation and</u>	7193
<u>ensuring that the rights of children, parents, and certified</u>	7194
<u>providers are protected and the responsibilities of parents and</u>	7195
<u>certified providers are met;</u>	7196
<u>(F) Standards for the safe transport of children when under</u>	7197
<u>the care of certified providers;</u>	7198
<u>(G) Procedures for issuing, renewing, denying, refusing to</u>	7199
<u>renew, or revoking certificates;</u>	7200
<u>(H) Procedures for the inspection of type B homes that</u>	7201
<u>require, at a minimum, that each type B home be inspected prior to</u>	7202
<u>certification to ensure that the home is safe and sanitary;</u>	7203
<u>(I) Procedures for record keeping and evaluation;</u>	7204
<u>(J) Procedures for receiving, recording, and responding to</u>	7205
<u>complaints;</u>	7206
<u>(K) Standards providing for the special needs of children who</u>	7207
<u>are handicapped or who receive treatment for health conditions</u>	7208
<u>while the child is receiving child care or publicly funded child</u>	7209
<u>care in the type B home;</u>	7210
<u>(L) Requirements for the amount of usable indoor floor space</u>	7211
<u>for each child;</u>	7212
<u>(M) Requirements for safe outdoor play space;</u>	7213
<u>(N) Qualification and training requirements for certified</u>	7214
<u>providers;</u>	7215
<u>(O) Procedures for granting a parent who is the residential</u>	7216

parent and legal custodian, or a custodian or guardian access to 7217
the type B home during its hours of operation; 7218

(P) Any other procedures and standards necessary to carry out 7219
this chapter regarding certified type B homes. 7220

Sec. 5104.017. The director of job and family services shall 7221
adopt rules pursuant to Chapter 119. of the Revised Code that 7222
establish standards for the training of individuals whom any 7223
county department of job and family services employs, with whom 7224
any county department of job and family services contracts, or 7225
with whom the director of job and family services contracts, to 7226
inspect or investigate type B family child-care homes pursuant to 7227
section 5104.11 of the Revised Code. The department shall provide 7228
training in accordance with those standards for individuals in the 7229
categories described in this section. 7230

Sec. 5104.052 5104.018. The director of job and family 7231
services, in cooperation with the fire marshal pursuant to section 7232
3737.22 of the Revised Code, shall promulgate rules regarding fire 7233
prevention and fire safety in licensed type B family child-care 7234
homes and certified type B family ~~day-care~~ child-care homes. 7235

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

(C) Standards for a program of activities, and for play 7267
equipment, materials, and supplies to enhance the development of 7268
each child; however, any educational curricula, philosophies, and 7269
methodologies that are developmentally appropriate and that 7270
enhance the social, emotional, intellectual, and physical 7271
development of each child shall be permissible; 7272

(D) Health care, first aid, and emergency procedures, 7273
procedures for the care of sick children, procedures for 7274
discipline and supervision of children, nutritional standards, and 7275
procedures for screening children and in-home aides, including, 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</u>	7298
<u>this chapter regarding in-home aides.</u>	7299
<u>Sec. 5104.0111.</u> <u>The director of job and family services shall</u>	7300
<u>adopt rules in accordance with Chapter 119. of the Revised Code to</u>	7301
<u>implement sections 5104.09 through 5104.0913 of the Revised Code,</u>	7302
<u>including rules that establish rehabilitation standards for the</u>	7303
<u>purpose of sections 5104.09, 5104.091, and 5104.092 of the Revised</u>	7304
<u>Code.</u>	7305

Sec. 5104.0112. To the extent that any rules adopted for the 7306
purposes of sections 5104.011 to 5104.0110 of the Revised Code 7307
require a health care professional to perform a physical 7308
examination, the rules shall include as a health care professional 7309
a physician assistant, a clinical nurse specialist, a certified 7310
nurse practitioner, or a certified nurse-midwife. 7311

Sec. 5104.0113. Notwithstanding any provision of the Revised 7312
Code, the director of job and family services shall not regulate 7313
in any way under this chapter or rules adopted pursuant to this 7314
chapter, instruction in religious or moral doctrines, beliefs, or 7315
values. 7316

Sec. 5104.0114. The director of job and family services shall 7317
do all of the following: 7318

(A) Make proposed rules governing the licensure of child-care 7319
centers, type A family child-care homes, and type B family 7320
child-care homes available to each licensee; 7321

(B) Give public notice of hearings regarding the rules to 7322
each licensee at least thirty days prior to the date of the public 7323
hearing, in accordance with section 119.03 of the Revised Code; 7324

(C) At least thirty days before the effective date of a rule, 7325
provide, in electronic form, a copy of the adopted rule to each 7326
licensee. 7327

Sec. 5104.0115. (A) The director of job and family services 7328
shall do all of the following: 7329

(1) Send to each county director of job and family services a 7330
notice of proposed rules governing the certification of type B 7331
family child-care homes and in-home aides that includes an 7332
internet web site address where the proposed rules can be viewed; 7333

(2) Give public notice of hearings regarding the proposed rules not less than thirty days in advance; 7334
7335

(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
7337
7338

(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
7340
7341
7342
7343
7344
7345
7346
7347
7348
7349
7350

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
7352
7353
7354

Sec. 5104.0117. The director of job and family services shall review all rules adopted pursuant to this chapter at least once every seven years. 7355
7356
7357

Sec. 5104.02. Except as provided in sections 5104.021 and 5104.022 of the Revised Code, no person or government entity shall do any of the following: 7358
7359
7360

(A) Operate a child-care center, including a head start program, without a valid child-care center license or provisional 7361
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~~ 7384
~~employees of the center or type A home at all times when the~~ 7385
~~center or type A home is in operation.~~ 7386

~~(B) A person, firm, institution, organization, or agency~~ 7387
~~operating any of the following programs is exempt from the~~ 7388
~~requirements of this chapter Section 5104.02 of the Revised Code~~ 7389
~~does not apply to any of the following:~~ 7390

~~(1)(A) A program of child care that operates for two or less~~ 7391
~~consecutive weeks;~~ 7392

~~(2)~~(B) Child care in places of worship during religious 7393
activities during which children are cared for while at least one 7394
parent, guardian, or custodian of each child is participating in 7395
such activities and is readily available; 7396

~~(3)~~(C) Religious activities which do not provide child care; 7397

~~(4)~~(D) Supervised training, instruction, or activities of 7398
children in specific areas, including, but not limited to: art; 7399
drama; dance; music; gymnastics, swimming, or another athletic 7400
skill or sport; computers; or an educational subject conducted on 7401
an organized or periodic basis no more than one day a week and for 7402
no more than six hours duration; 7403

~~(5)~~(E) Programs in which the director determines that at 7404
least one parent, custodian, or guardian of each child is on the 7405
premises of the facility offering child care and is readily 7406
accessible at all times, except that child care provided on the 7407
premises at which a parent, custodian, or guardian is employed 7408
more than two and one-half hours a day ~~shall be licensed in~~ 7409
~~accordance with division (A) of this~~ is subject to section 5104.02 7410
of the Revised Code; 7411

~~(6)~~(a)(F)(1) Programs that provide child care funded and 7412
regulated or operated and regulated by state departments other 7413
than the department of job and family services or the state board 7414
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 7445
Revised Code. 7446

~~(8)~~(H) Any program providing child care that meets all of the 7447
following requirements and, on October 20, 1987, was being 7448
operated by a nonpublic school that holds a charter issued by the 7449
state board of education for kindergarten only: 7450

~~(a)~~(1) The nonpublic school has given the notice to the state 7451
board and the director of job and family services required by 7452
Section 4 of Substitute House Bill No. 253 of the 117th general 7453

assembly; 7454

~~(b)~~(2) The nonpublic school continues to be chartered by the 7455
state board for kindergarten, or receives and continues to hold a 7456
charter from the state board for kindergarten through grade five; 7457

~~(e)~~(3) The program is conducted in a school building; 7458

~~(d)~~(4) The program is operated in accordance with rules 7459
promulgated by the state board under sections 3301.52 to 3301.57 7460
of the Revised Code. 7461

~~(9)~~(1) A youth development program operated outside of school 7462
hours by a community-based center to which all of the following 7463
apply: 7464

~~(a)~~(1) The children enrolled in the program are under 7465
nineteen years of age and enrolled in or eligible to be enrolled 7466
in a grade of kindergarten or above. 7467

~~(b)~~(2) The program provides informal child care and at least 7468
two of the following supervised activities: educational, 7469
recreational, culturally enriching, social, and personal 7470
development activities. 7471

~~(e)~~(3) The state board of education has approved the 7472
program's participation in the child and adult care food program 7473
as an outside-school-hours care center pursuant to standards 7474
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)~~ of section ~~5104.02~~ 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 center ~~or~~, type A home, or type B home, and the license capacity for each age category of children. After July 1, 1987, the provisional license or license shall include thereon, in accordance with ~~section~~ rules adopted under sections 5104.011, 5104.013, and 5104.015 of the Revised Code, the toll-free telephone number to be used by persons suspecting that the center ~~or~~, type A home, or type B home has violated a provision of Chapter 5104., or rules adopted pursuant to Chapter 5104. of the Revised Code. A license or provisional license is valid only for the licensee, administrator, address, and license capacity for each age category of children designated on the license. The license capacity specified on the license or provisional license is the maximum number of children in each age category that may be cared for in the center ~~or~~, type A home, or type B home at one time.

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

(F) If the director revokes a license or refuses to renew a license to a center ~~or~~, a type A home, or a type B home, the director shall not issue a license to the owner of the center ~~or~~, type A home, or type B home within two years from the date of the revocation of a license or refusal to renew a license. If during the application for licensure or renewal of licensure process the director determines that the license of the owner has been revoked or renewal of licensure has been denied, the investigation of the

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
child-care homes. 7638
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 7722
license to the department or the withdrawal of an application for 7723
licensure by the owner or administrator of the center ~~or~~, type A 7724
home, or type B home shall not prohibit the department from 7725
instituting any of the actions set forth in this section. 7726

(G) Whenever the department receives a complaint, is advised, 7727
or otherwise has any reason to believe that a center ~~or~~, type A 7728
home, or type B home is providing child care without a license 7729
issued or renewed pursuant to section 5104.03 and is not exempt 7730
from licensing pursuant to section ~~5104.02~~ 5104.021 or 5104.022 of 7731
the Revised Code, the department shall investigate the center ~~or~~, 7732

type A home, or type B home and may inspect the areas children 7733
have access to or areas necessary for the care of children in the 7734
center ~~or~~, type A home, or type B home during suspected hours of 7735
operation to determine whether the center ~~or~~, type A home, or type 7736
B home is ~~subject to the requirements of Chapter 5104. or rules~~ 7737
~~adopted pursuant to Chapter 5104. of the Revised Code~~ in violation 7738
of section 5104.02 of the Revised Code. 7739

(H) The department, upon determining that the center ~~or~~, type 7740
A home, or type B home is operating without a required license, 7741
shall notify the attorney general, the prosecuting attorney of the 7742
county in which the center ~~or~~, type A home, or type B home is 7743
located, or the city attorney, village solicitor, or other chief 7744
legal officer of the municipal corporation in which the center ~~or~~, 7745
type A home, or type B home is located, that the center ~~or~~, type A 7746
home, or type B home is operating without a required license. Upon 7747
receipt of the notification, the attorney general, prosecuting 7748
attorney, city attorney, village solicitor, or other chief legal 7749
officer of a municipal corporation shall file a complaint in the 7750
court of common pleas of the county in which the center ~~or~~, type A 7751
home, or type B home is located requesting that the court grant an 7752
order enjoining the owner from operating the center ~~or~~, type A 7753
home, or type B home in violation of section 5104.02 of the 7754
Revised Code. The court shall grant such injunctive relief upon a 7755
showing that the respondent named in the complaint is operating a 7756
center ~~or~~, type A home, or type B home and is doing so without a 7757
required license. 7758

(I) The department shall prepare an annual report on 7759
inspections conducted under this section. The report shall include 7760
the number of inspections conducted, the number and types of 7761
violations found, and the steps taken to address the violations. 7762
The department shall file the report with the governor, the 7763
president and minority leader of the senate, and the speaker and 7764

minority leader of the house of representatives on or before the 7765
first day of January of each year, beginning in 1999. 7766

Sec. 5104.041. No person shall make a false statement on an 7767
application for a license to operate a child-care center, type A 7768
family child-care home, or type B family child-care home or other 7769
document used in the process of issuing such a license or as part 7770
of an investigation or inspection of a center, type A home, or 7771
type B home. 7772

Sec. 5104.05. (A) The director of job and family services 7773
shall ~~may not~~ issue a provisional license or license to a 7774
child-care center or renew a child-care center's license for the 7775
operation of a child day care center, if unless the director 7776
finds, after investigation of the applicant and inspection of the 7777
center, that other requirements of Chapter 5104. of the Revised 7778
Code, rules promulgated pursuant to Chapter 5104. of the Revised 7779
Code, and the child-care center meets all of the following 7780
requirements are met: 7781

(1) The buildings in which the center is housed, subsequent 7782
to any major modification, have been approved by the department of 7783
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 7939
and family services shall develop a statewide plan for child care 7940
resource and referral services. The plan shall be based upon the 7941
experiences of other states with respect to child care resource 7942
and referral services, the experiences of communities in this 7943
state that have child care resource and referral service 7944
organizations, and the needs of communities in this state that do 7945
not have child care resource and referral service organizations. 7946
The plan shall be designed to ensure that child care resource and 7947
referral services are available in each county in the state to 7948
families who need child care. The department shall consider the 7949
special needs of migrant workers when it develops the plan and 7950

shall include in the plan procedures designed to accommodate the 7951
needs of migrant workers. 7952

(2) The director of job and family services shall adopt rules 7953
for funding child care resource and referral service 7954
organizations. The rules shall include all of the following: 7955

(a) A description of the services that a child care resource 7956
and referral service organization is required to provide to 7957
families who need child care; 7958

(b) The qualifications for a child care resource and referral 7959
service organization; 7960

(c) A description of the procedures for providing federal and 7961
state funding for county or multicounty child care resource and 7962
referral service organizations; 7963

(d) A timetable for providing child care resource and 7964
referral services to all communities in the state; 7965

(e) Uniform information gathering and reporting procedures 7966
that are designed to be used in compatible computer systems; 7967

(f) Procedures for establishing statewide nonprofit technical 7968
assistance services to coordinate uniform data collection and to 7969
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 8093
or an individual eighteen years of age or older who resides in the 8094
type A home fails to complete the criminal records check form, or 8095
provide all the information necessary to complete the form, or to 8096
provide the standard fingerprint impression sheet with impressions 8097
of the owner's, licensee's, administrator's, or individual's 8098
fingerprints after receiving the form and impression sheet under 8099
section 5104.096 of the Revised Code; 8100

(3) The owner, licensee, or administrator of the type A home 8101
or an individual eighteen years of age or older who resides in the 8102
type A home has had a child removed from the owner's, licensee's, 8103
administrator's, or individual's home pursuant to section 2151.353 8104
of the Revised Code; 8105

(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
8107
8108
8109
8110

(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 B 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 individual's fingerprints after receiving the form and impression sheet under section 5104.096 of the Revised Code; 8122
8123
8124
8125
8126
8127
8128

(3) The individual seeking the license or renewal or an individual eighteen years of age or older who resides in the type B home has had a child removed from the individual's home pursuant to section 2151.353 of the Revised Code; 8129
8130
8131
8132

(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 B home, unless the individual meets rehabilitation standards established in rules adopted under 8133
8134
8135
8136

<u>section 5104.0111 of the Revised Code.</u>	8137
<u>Sec. 5104.091. No county director of job and family services</u>	8138
<u>shall do either of the following:</u>	8139
<u>(A) Issue or renew a certificate for a type B family</u>	8140
<u>child-care home if any of the following applies:</u>	8141
<u>(1) Either of the following have been convicted of or pleaded</u>	8142
<u>guilty to a disqualifying offense:</u>	8143
<u>(a) The individual seeking the certificate or renewal, unless</u>	8144
<u>the individual meets rehabilitation standards established in rules</u>	8145
<u>adopted under section 5104.0111 of the Revised Code;</u>	8146
<u>(b) An individual eighteen years of age or older who resides</u>	8147
<u>in the type B home, unless the individual meets rehabilitation</u>	8148
<u>standards established in rules adopted under section 5104.0111 of</u>	8149
<u>the Revised Code.</u>	8150
<u>(2) The individual seeking the certificate or renewal or an</u>	8151
<u>individual eighteen years of age or older who resides in the type</u>	8152
<u>B home fails to complete the criminal records check form, or</u>	8153
<u>provide all the information necessary to complete the form, or to</u>	8154
<u>provide the standard fingerprint impression sheet with impressions</u>	8155
<u>of the individual's fingerprints after receiving the form and</u>	8156
<u>impression sheet under section 5104.096 of the Revised Code;</u>	8157
<u>(3) The individual seeking the certificate or renewal or an</u>	8158
<u>individual eighteen years of age or older who resides in the type</u>	8159
<u>B home has had a child removed from the individual's home pursuant</u>	8160
<u>to section 2151.353 of the Revised Code;</u>	8161
<u>(4) An individual who is under eighteen years of age and has</u>	8162
<u>been adjudicated a delinquent child for committing a disqualifying</u>	8163
<u>offense resides in the type B home, unless the individual meets</u>	8164
<u>rehabilitation standards established in rules adopted under</u>	8165
<u>section 5104.0111 of the Revised Code.</u>	8166

(B) Issue or renew an in-home aide certificate if any of the following applies: 8167
8168

(1) The individual seeking the certificate or renewal has been convicted of or pleaded guilty to a disqualifying offense, unless the individual meets rehabilitation standards established in rules adopted under section 5104.0111 of the Revised Code; 8169
8170
8171
8172

(2) The individual seeking the certificate or renewal 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 individual's fingerprints after receiving the form and impression sheet under section 5104.096 of the Revised Code; 8173
8174
8175
8176
8177
8178

(3) The individual has had a child removed from the individual's home pursuant to section 2151.353 of the Revised Code. 8179
8180
8181

Sec. 5104.092. No child-care center or type A family child-care home shall employ, directly or pursuant to a contract between the center or type A home and another entity, an individual 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 if any of the following applies: 8182
8183
8184
8185
8186
8187

(A) The individual has been convicted of or pleaded guilty to a disqualifying offense, unless the individual meets rehabilitation standards established in rules adopted under section 5104.0111 of the Revised Code; 8188
8189
8190
8191

(B) The individual 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 individual's fingerprints after receiving the form and impression sheet under section 5104.096 of the 8192
8193
8194
8195
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 8214
a certificate for a type B family child-care home or in-home aide, 8215
a county director of job and family services shall request that 8216
the superintendent of BCII conduct a criminal records check under 8217
section 109.572 of the Revised Code with respect to all of the 8218
following: 8219

(A) Each individual seeking certification or certificate 8220
renewal of the type B home and each individual eighteen years of 8221
age or older who resides in the type B home; 8222

(B) Each individual seeking an in-home aide certificate or 8223
renewal of such a certificate. 8224

Sec. 5104.095. (A) The administrator of a child-care center 8225
or type A family child-care home shall request that the 8226
superintendent of BCII conduct a criminal records check under 8227
section 109.572 of the Revised Code with respect to all of the 8228
following: 8229

(1) Each individual who is under final consideration for 8230
employment directly with the center or type A home in a position 8231
in which the individual would be responsible for the care, 8232
custody, or control of a child at the center or type A home; 8233

(2) Each individual who, pursuant to a contract between the 8234
center or type A home and another entity, would be employed in a 8235
position in which the individual is responsible for the care, 8236
custody, or control of a child at the center or type A home; 8237

(3) Each individual who, directly or pursuant to a contract 8238
between the center or type A home and another entity, is employed 8239
in a position in which the individual is responsible for the care, 8240
custody, or control of a child at the center or type A home. 8241

(B) A criminal records check required by division (A)(1) or 8242
(2) of this section shall be requested and completed before the 8243
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

<u>(A) The individual who is the subject of the criminal records check or the individual's representative;</u>	8317
	8318
<u>(B) The individual who requested the criminal records check or the individual's representative;</u>	8319
	8320
<u>(C) In the case of a criminal records check of an owner, licensee, or administrator of a child-care center or type A family child-care home, any owner, licensee, or administrator of the center or type A home;</u>	8321
	8322
	8323
	8324
<u>(D) In the case of a criminal records check of an individual eighteen years of age or older who resides in a type A family child-care home, the owner, licensee, or administrator of the type A home;</u>	8325
	8326
	8327
	8328
<u>(E) In the case of a criminal records check of an individual eighteen years of age or older who resides in a type B family child-care home, the individual who seeks the license, license renewal, certificate, or certificate renewal for the type B home;</u>	8329
	8330
	8331
	8332
<u>(F) The department of job and family services;</u>	8333
<u>(G) A county department of job and family services;</u>	8334
<u>(H) A court, hearing officer, or other necessary individual involved in a case dealing with either of the following:</u>	8335
	8336
<u>(1) The denial of employment to the subject of the criminal records check;</u>	8337
	8338
<u>(2) The denial of a license, license renewal, certificate, or certificate renewal that is related to criminal records check.</u>	8339
	8340
<u>Sec. 5104.0911.</u> <u>(A) Except as provided by division (B) of this section, each of the following shall sign a statement prescribed by the director of job and family services attesting to the fact that the individual has not been convicted of or pleaded guilty to a disqualifying offense and no child has been removed</u>	8341
	8342
	8343
	8344
	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
<u>in a type A family child-care home, licensed type B family</u>	8363
<u>child-care home, or certified type B family child-care home.</u>	8364
<u>(B) An individual who has been convicted of or pleaded guilty</u>	8365
<u>to a disqualifying offense but meets rehabilitation standards</u>	8366
<u>established in rules adopted under section 5104.0111 of the</u>	8367
<u>Revised Code shall, instead of signing the statement required by</u>	8368
<u>division (A) of this section, sign a statement prescribed by the</u>	8369
<u>director of job and family services attesting to the fact that the</u>	8370
<u>individual has been convicted of or pleaded guilty to a</u>	8371
<u>disqualifying offense but meets the rehabilitation standards.</u>	8372
<u>(C) The statements required by this section of individuals</u>	8373
<u>associated with a child-care center, type A family child-care</u>	8374
<u>home, or licensed type B family child-care home shall be kept on</u>	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 8425
certificate for the type B home. 8426

(2) ~~Except as provided in division (C)(1) of section 5104.011~~ 8427
~~of the Revised Code, after~~ After receipt of an application for 8428
certification from a type B family ~~day-care~~ child-care home, the 8429
county director of job and family services shall inspect the home. 8430
~~If it complies with this chapter and any applicable rules adopted~~ 8431
~~under this chapter, the county department shall certify the type B~~ 8432
~~family day-care home to provide publicly funded child care~~ 8433
~~pursuant to this chapter and any rules adopted under it.~~ The 8434
director of job and family services or a county director of job 8435
and family services may contract with a government entity or a 8436
private nonprofit entity for that entity to inspect and certify 8437

type B family ~~day-care~~ child-care homes pursuant to this section. 8438
The county department of job and family services, government 8439
entity, or nonprofit entity shall conduct the inspection prior to 8440
the issuance of a certificate for the type B home and, as part of 8441
that inspection, ensure that the type B home is safe and sanitary. 8442

(3)(a) On receipt of an application for certification for a 8443
type B family ~~day-care~~ child-care home to provide publicly funded 8444
child care or for renewal of such certification, the county 8445
department shall request from both of the following information 8446
concerning any abuse or neglect report made pursuant to section 8447
2151.421 of the Revised Code of which the applicant, any other 8448
adult residing in the applicant's home, or a person designated by 8449
the applicant to be an emergency or substitute caregiver for the 8450
applicant is the subject: 8451

(i) The public children services agency, until the county 8452
department is notified by the department of job and family 8453
services that the uniform statewide automated child welfare 8454
information system has been finalized statewide; 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 children services agency" means either an entity separate from the county department or the part of the county department that serves as the county's public children services agency, as appropriate.~~

(4) Except as provided in division (A)(5) of this section, ~~an authorized~~ a certified provider of a type B family ~~day-care~~ child-care home that receives a certificate pursuant to this section to provide publicly funded child care is an independent contractor and is not an employee of the county department of job and family services that issues the certificate.

(5) For purposes of Chapter 4141. of the Revised Code, determinations concerning the employment of ~~an authorized~~ a certified provider of a type B family ~~day-care~~ child-care home that receives a certificate pursuant to this section shall be determined under Chapter 4141. of the Revised Code.

~~(B) If the county director of job and family services determines that the type B family day care home complies with this chapter and any rules adopted under it, the~~ The county director ~~of job and family services~~ shall issue ~~to the provider~~ a certificate for a type B family child-care home to provide publicly funded child care, ~~which~~ unless the county director determines that the type B home is not in compliance with this chapter or the rules adopted under it or that the applicant has violated a prohibition of this chapter. The certificate is valid for twelve months, unless revoked earlier. The county director may revoke the certificate after determining that the certified provider has violated a prohibition of this chapter or revocation is otherwise necessary. The ~~authorized~~ certified provider shall post the certificate in a conspicuous place in the certified type B home that is accessible to parents, custodians, or guardians at all times. The certificate shall state the name and address of the ~~authorized~~ certified provider, the maximum number of children who

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 8551
application for a certificate for a type B family child-care home 8552
or other document used in the process of issuing such a 8553
certificate or as part of an investigation or inspection of a type 8554
B home. 8555

Sec. 5104.13. No later than July 1, 1998, and at reasonable 8556
intervals thereafter, the department of job and family services 8557
shall publish a guide describing state statutes and rules 8558
governing the certification of type B family ~~day-care~~ child-care 8559
homes. The department shall distribute the guide to county 8560
departments of job and family services in sufficient number that a 8561
copy is available to each certified type B home provider. 8562

~~Sec. 5104.015~~ 5104.14. (A) Except as otherwise provided in 8563
division (C) of this section, no ~~child-day-care~~ child-care center 8564
shall permit any person to smoke in any indoor or outdoor space 8565
that is part of the center. 8566

The administrator of a ~~child-day-care~~ child-care center shall 8567
post in a conspicuous place at the main entrance of the center a 8568
notice stating that smoking is prohibited in any indoor or outdoor 8569
space that is part of the center, except under the conditions 8570
described in division (C) of this section. 8571

(B) Except as otherwise provided in division (C) of this 8572
section, no type A family ~~day-care~~ child-care home ~~or~~, certified 8573
type B family ~~day-care~~ child-care home, or licensed type B family 8574
child-care home shall permit any person to smoke in any indoor or 8575
outdoor space that is part of the home during the hours the home 8576
is in operation. Smoking may be permitted during hours other than 8577
the hours of operation if the administrator ~~or authorized~~, 8578
certified provider, or licensed provider of the home has provided 8579
to a parent, custodian, or guardian of each child receiving child 8580
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>			
<u>or above but less than</u>			
<u>eleven years old</u>			
<u>At least eleven years</u>	<u>20:1</u>	<u>40</u>	8687
<u>old but less than</u>			
<u>fifteen years old</u>			
<u>(B)(1) Except as provided in division (B)(2) of this section,</u>			8688
<u>the maximum number of children per child-care staff member</u>			8689
<u>requirements of the younger age group and the maximum group size</u>			8690
<u>requirements of the younger age group shall apply when age groups</u>			8691
<u>are combined.</u>			8692
<u>(2) When not more than one child thirty months of age or</u>			8693
<u>older receives child care in a group in which all the other</u>			8694
<u>children are in the next older age group, the maximum number of</u>			8695
<u>children per child-care staff member and maximum group size</u>			8696

requirements of the older age group established under division (A) of this section shall apply. 8697
8698

(C)(1) Subject to the limitation established by division (C)(2) of this section, the maximum number of toddlers or preschool children per child-care staff member in a room where children are napping shall be twice the maximum number of children per child-care staff member established under division (A) of this section if all of the following criteria are met: 8699
8700
8701
8702
8703
8704

(a) At least one child-care staff member is present in the room. 8705
8706

(b) Sufficient child-care staff members are on the child-care center premises to meet the maximum number of children per child-care staff member requirements established under division (A) of this section. 8707
8708
8709
8710

(c) Naptime preparations are complete and all napping children are resting or sleeping on cots. 8711
8712

(2) The maximum number established under division (C)(1) of this section is in effect for not more than one and one-half hours during a twenty-four-hour day. 8713
8714
8715

Sec. 5104.161. Each child-care center shall have on the center premises and readily available at all times at least one child-care staff member who has completed a course in first aid and in prevention, recognition, and management of communicable diseases that is approved by the state department of health and a staff member who has completed a course in child abuse recognition and prevention training which is approved by the department of job and family services. 8716
8717
8718
8719
8720
8721
8722
8723

Sec. 5104.17. (A) The administrator of each child-care center shall show the director of job and family services evidence of both of the following: 8724
8725
8726

(1) At least high school graduation or certification of high school equivalency by the state board of education or the appropriate agency of another state; 8727
8728
8729

(2) Completion of at least two years of training in an accredited college, university, or technical college, including courses in child development or early childhood education, or at least two years of experience in supervising and giving daily care to children attending an organized group program. 8730
8731
8732
8733
8734

(B) In addition to the requirements of division (A) of this section, any administrator employed or designated on or after September 1, 1986, shall show evidence of, and any administrator employed or designated prior to September 1, 1986, shall show evidence within six years after such date of, at least one of the following: 8735
8736
8737
8738
8739
8740

(1) Two years of experience working as a child-care staff member in a center and at least four courses in child development or early childhood education from an accredited college, university, or technical college, except that a person who has two years of experience working as a child-care staff member in a particular center and who has been promoted to or designated as administrator of that center shall have one year from the time the person was promoted to or designated as administrator to complete the required four courses; 8741
8742
8743
8744
8745
8746
8747
8748
8749

(2) Two years of training, including at least four courses in child development or early childhood education from an accredited college, university, or technical college; 8750
8751
8752

(3) A child development associate credential issued by the national child development associate credentialing commission; 8753
8754

(4) An associate or higher degree in child development or early childhood education from an accredited college, technical college, or university, or a license designated for teaching in an 8755
8756
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 8774
child-care training program approved by the state board of 8775
education that leads to high school graduation, provided that the 8776
student performs the student's duties in the child-care center 8777
under the continuous supervision of an experienced child-care 8778
staff member, receives periodic supervision from the vocational 8779
child-care training program teacher-coordinator in the student's 8780
high school, and meets all other requirements of this chapter and 8781
rules adopted pursuant to this chapter. 8782

(C) A child-care staff member is exempt from the educational 8783
requirements of division (A) of this section if either one applies 8784
to the staff member: 8785

(1) Prior to January 1, 1972, the staff member was employed 8786
or designated by a child-care center and has been continuously 8787

employed since either by the same child-care center employer or at 8788
the same child-care center. 8789

(2) The staff member is a student enrolled in the second year 8790
of a vocational child-care training program approved by the state 8791
board of education that leads to high school graduation, provided 8792
that the student performs the student's duties in the child-care 8793
center under the continuous supervision of an experienced 8794
child-care staff member, receives periodic supervision from the 8795
vocational child-care training program teacher-coordinator in the 8796
student's high school, and meets all other requirements of this 8797
chapter and rules adopted pursuant to this chapter. 8798

Sec. 5104.172. (A) As used in this section, "hour" means 8799
sixty minutes. 8800

(B) Except as provided in division (C) of this section, every 8801
child care staff member of each child-care center annually shall 8802
complete fifteen hours of in-service training in child development 8803
or early childhood education, child abuse recognition and 8804
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 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 (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.

Sec. 5104.21. No administrator, licensee, or child-care staff member of a child-care center shall discriminate in the enrollment of children in the center on the basis of race, color, religion, sex, or national origin.

~~Sec. 5104.21~~ 5104.22. (A) The department of job and family services shall register child day camps and enforce this section and section ~~5104.22~~ 5104.23 of the Revised Code and the rules adopted pursuant to those sections. No person, firm, organization, institution, or agency shall operate a child day camp without annually registering with the department.

(B) A person, firm, institution, organization, or agency operating any of the following programs is exempt from the provisions of this section and section ~~5104.22~~ 5104.23 of the Revised Code:

(1) A child day camp that operates for two or less consecutive weeks and for no more than a total of two weeks during each calendar year;

(2) Supervised training, instruction, or activities of children that is conducted on an organized or periodic basis no

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 9019
Revised Code and who continue to participate in a work activity, 9020
developmental activity, or alternative work activity pursuant to 9021
an assignment under section 5107.42 of the Revised Code; 9022

(4) A family receiving publicly funded child care on October 9023
1, 1997, until the family's income reaches one hundred fifty per 9024
cent of the federal poverty line; 9025

(5) Subject to available funds, other individuals determined 9026
eligible in accordance with rules adopted under section 5104.38 of 9027
the Revised Code. 9028

The department shall apply to the United States department of 9029
health and human services for authority to operate a coordinated 9030
program for publicly funded child care, if the director of job and 9031
family services determines that the application is necessary. For 9032
purposes of this section, the department of job and family 9033

services may enter into agreements with other state agencies that 9034
are involved in regulation or funding of child care. The 9035
department shall consider the special needs of migrant workers 9036
when it administers and coordinates publicly funded child care and 9037
shall develop appropriate procedures for accommodating the needs 9038
of migrant workers for publicly funded child care. 9039

(B) The department of job and family services shall 9040
distribute state and federal funds for publicly funded child care, 9041
including appropriations of state funds for publicly funded child 9042
care and appropriations of federal funds available under the child 9043
care block grant act, Title IV-A, and Title XX. The department may 9044
use any state funds appropriated for publicly funded child care as 9045
the state share required to match any federal funds appropriated 9046
for publicly funded child care. 9047

(C) In the use of federal funds available under the child 9048
care block grant act, all of the following apply: 9049

(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 child care;	9095 9096
(b) A procedure for reimbursing and paying providers of publicly funded child care.	9097 9098
(2) In establishing reimbursement ceilings under division (E)(1)(a) of this section, the director shall do all <u>both</u> of the following:	9099 9100 9101
(a) Use the information obtained under division (B)(3) of section 5104.04 of the Revised Code;	9102 9103
(b) Establish an enhanced reimbursement ceiling for providers who provide child care for caretaker parents who work nontraditional hours;	9104 9105 9106
(c) For a type B family day care home provider that has received limited certification pursuant to rules adopted under division (C)(1) of section 5104.011 of the Revised Code, establish a reimbursement ceiling that is the following:	9107 9108 9109 9110
(i) If the provider is a person described in division (C)(1)(a) of section 5104.011 of the Revised Code, seventy five per cent of the reimbursement ceiling that applies to a type B family day care home certified by the same county department of job and family services pursuant to section 5104.11 of the Revised Code;	9111 9112 9113 9114 9115 9116
(ii) If the provider is a person described in division (C)(1)(b) of section 5104.011 of the Revised Code, sixty per cent of the reimbursement ceiling that applies to a type B family day care home certified by the same county department pursuant to section 5104.11 of the Revised Code.	9117 9118 9119 9120 9121
(3) In establishing reimbursement ceilings under division (E)(1)(a) of this section, the director may establish different reimbursement ceilings based on any of the following:	9122 9123 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 requirements of state statutes and rules governing child care; 9131
- (h) Any other factors the director considers appropriate. 9132

Sec. 5104.301. A county department of job and family services may establish a program to encourage the organization of parent cooperative ~~child day-care~~ child-care centers and parent cooperative type A family ~~day-care~~ child-care homes for recipients of publicly funded child care. A program established under this section may include any of the following: 9134

(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

(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

(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

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 9150

cooperative type A family ~~day-care~~ child-care home organized 9154
pursuant to this section. 9155

Parents of children enrolled in a parent cooperative ~~child~~ 9156
~~day-care~~ child-care center or parent cooperative type A family 9157
~~day-care~~ child-care home pursuant to this section shall be 9158
required to work in the center or home a minimum of four hours per 9159
week. 9160

The director of job and family services shall adopt rules 9161
governing the establishment and operation of programs under this 9162
section. 9163

Sec. 5104.31. (A) Publicly funded child care may be provided 9164
only by the following: 9165

(1) A ~~child-day-care~~ child-care center or type A family 9166
~~day-care~~ child-care home, including a parent cooperative ~~child~~ 9167
~~day-care~~ child-care center or parent cooperative type A family 9168
~~day-care~~ child-care home, licensed by the department of job and 9169
family services pursuant to section 5104.03 of the Revised Code; 9170

(2) A type B family child-care home licensed by the 9171
department of job and family services pursuant to section 5104.03 9172
of the Revised Code; 9173

(3) A type B family ~~day-care~~ child-care home certified by the 9174
county department of job and family services pursuant to section 9175
5104.11 of the Revised Code; 9176

~~(3) A type B family day-care home that has received a limited~~ 9177
~~certification pursuant to rules adopted under division (G)(1) of~~ 9178
~~section 5104.011 of the Revised Code;~~ 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 ~~5104.22~~ 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 state child care provider may provide publicly funded child care only to an individual who resides in an Ohio county that borders the state in which the provider is located.	9187 9188 9189 9190
(B) Publicly funded child day care <u>child-care</u> may be provided in a child's own home only by an in-home aide.	9191 9192
Sec. 5104.32. (A) Except as provided in division (C) of this section, all purchases of publicly funded child care shall be made under a contract entered into by a licensed child day care <u>child-care</u> center, licensed type A family day care <u>child-care</u> home, <u>licensed type B family child-care home</u> , certified type B family day care <u>child-care</u> home, certified in-home aide, approved child day camp, licensed preschool program, licensed school child program, or border state child care provider and the county department of job and family services. A county department of job and family services may enter into a contract with a provider for publicly funded child care for a specified period of time or upon a continuous basis for an unspecified period of time. All contracts for publicly funded child care shall be contingent upon the availability of state and federal funds. The department of job and family services shall prescribe a standard form to be used for all contracts for the purchase of publicly funded child care, regardless of the source of public funds used to purchase the child care. To the extent permitted by federal law and notwithstanding any other provision of the Revised Code that regulates state or county contracts or contracts involving the expenditure of state, county, or federal funds, all contracts for publicly funded child care shall be entered into in accordance	9193 9194 9195 9196 9197 9198 9199 9200 9201 9202 9203 9204 9205 9206 9207 9208 9209 9210 9211 9212 9213 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 employment or program of education or training; 9498
9499

(D) The hours for which child care services have been provided for the child; 9500
9501

(E) Any other information required by the county department of job and family services or the state department of job and family services. 9502
9503
9504

Sec. 5104.38. In addition to any other rules adopted under this chapter, the director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code governing financial and administrative requirements for publicly funded child care and establishing all of the following: 9505
9506
9507
9508
9509

(A) Procedures and criteria to be used in making determinations of eligibility for publicly funded child care that give priority to children of families with lower incomes and procedures and criteria for eligibility for publicly funded protective child care. The rules shall specify the maximum amount of income a family may have for initial and continued eligibility. The maximum amount shall not exceed two hundred per cent of the federal poverty line. 9510
9511
9512
9513
9514
9515
9516
9517

(B) Procedures under which a county department of job and family services may, if the department, under division (A) of this section, specifies a maximum amount of income a family may have for eligibility for publicly funded child care that is less than the maximum amount specified in that division, specify a maximum amount of income a family residing in the county the county department serves may have for initial and continued eligibility for publicly funded child care that is higher than the amount specified by the department but does not exceed the maximum amount specified in division (A) of this section; 9518
9519
9520
9521
9522
9523
9524
9525
9526
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 9668
department shall deny or terminate the assistance group's 9669
eligibility to participate in Ohio works first for six payment 9670
months or until the failure or refusal ceases, whichever is 9671
longer. 9672

(B) Each county department of job and family services shall 9673
establish standards for the determination of good cause for 9674
failure or refusal to comply in full with a provision of a 9675
self-sufficiency contract. 9676

(1) In the case of a failure or refusal to participate in a 9677
work activity, developmental activity, or alternative work 9678
activity under sections 5107.40 to 5107.69 of the Revised Code, 9679
good cause shall include, except as provided in division (B)(2) of 9680
this section, the following: 9681

(a) Failure of the county department to place the member in an activity; 9682
9683

(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: 9684
9685
9686
9687
9688
9689
9690
9691
9692

(i) Unavailability of appropriate child care within a reasonable distance from the parent's home or work site; 9693
9694

(ii) Unavailability or unsuitability of informal child care by a relative or under other arrangements; 9695
9696

(iii) Unavailability of appropriate and affordable formal child care arrangements. 9697
9698

(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. 9699
9700
9701
9702

(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. 9703
9704
9705
9706
9707
9708
9709
9710
9711
9712

(D) After sanctioning an assistance group under division (A) 9713
of this section, a county department of job and family services 9714
shall continue to work with the assistance group to provide the 9715
member of the assistance group who caused the sanction an 9716
opportunity to demonstrate to the county department a willingness 9717
to cease the failure or refusal to comply with the 9718
self-sufficiency contract. 9719

(E) An adult eligible for medical assistance pursuant to 9720
division (A)(1)(a) of section 5111.01 of the Revised Code who is 9721
sanctioned under division (A)(3) of this section for a failure or 9722
refusal, without good cause, to comply in full with a provision of 9723
a self-sufficiency contract related to work responsibilities under 9724
sections 5107.40 to 5107.69 of the Revised Code loses eligibility 9725
for medical assistance unless the adult is otherwise eligible for 9726
medical assistance pursuant to another division of section 5111.01 9727
of the Revised Code. 9728

(F) An assistance group that would be participating in Ohio 9729
works first if not for a sanction under this section shall 9730
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) of section 5747.055 of the Revised Code;	9867 9868
(6) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;	9869 9870
(7) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;	9871 9872
(8) The low-income credit under section 5747.056 of the Revised Code;	9873 9874
(9) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	9875 9876
(10) The campaign contribution credit under section 5747.29 of the Revised Code;	9877 9878
(11) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	9879 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	9895

5747.058 of the Revised Code;	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 child day-care <u>child-care</u> centers under section 5747.35 of the Revised Code;	9909 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	9924

building under section 5747.76 of the Revised Code;	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 divisions (A)(32) to (37) of this section and the credit granted under division (I) of section 5747.08 of the Revised Code, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year.	9938 9939 9940 9941 9942 9943 9944 9945 9946 9947
Section 2. That existing sections 109.57, 109.572, 349.01, 921.06, 2151.011, 2151.421, 2907.08, 2919.223, 2919.224, 2919.225, 2919.226, 2923.124, 2923.126, 2923.1212, 2950.11, 2950.13, 3109.051, 3301.52, 3301.53, 3301.58, 3321.01, 3325.07, 3701.80, 3714.03, 3717.42, 3737.22, 3737.83, 3737.841, 3742.01, 3781.06, 3781.10, 3797.06, 4511.01, 4511.81, 4513.182, 5101.29, 5103.03, 5104.01, 5104.011, 5104.014, 5104.015, 5104.02, 5104.021, 5104.03,	9948 9949 9950 9951 9952 9953 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