

**As Reported by the Senate Health, Human Services and Aging  
Committee**

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

**Sub. S. B. No. 232**

**Senator Stivers**

**Cosponsors: Senators Smith, Mason**

**—**

**A B I L L**

To amend sections 109.57, 109.572, 121.084, 349.01,	1
921.06, 2151.011, 2151.421, 2151.86, 2907.08,	2
2919.223, 2919.224, 2919.225, 2919.226, 2923.124,	3
2923.126, 2923.1212, 2950.11, 2950.13, 3109.051,	4
3301.52, 3301.53, 3301.58, 3321.01, 3325.07,	5
3701.63, 3701.80, 3714.03, 3717.42, 3737.22,	6
3737.83, 3737.841, 3742.01, 3781.06, 3781.10,	7
3797.06, 4511.01, 4511.81, 4513.182, 5101.29,	8
5103.03, 5104.01, 5104.011, 5104.014, 5104.015,	9
5104.02, 5104.021, 5104.022, 5104.03, 5104.04,	10
5104.05, 5104.051, 5104.052, 5104.053, 5104.054,	11
5104.06, 5104.07, 5104.08, 5104.10, 5104.11,	12
5104.13, 5104.21, 5104.22, 5104.30, 5104.301,	13
5104.31, 5104.32, 5104.34, 5104.341, 5104.35,	14
5104.36, 5104.38, 5104.382, 5104.39, 5104.42,	15
5104.44, 5104.99, 5107.16, 5107.26, 5107.60,	16
5153.175, 5747.35, and 5747.98; to amend, for the	17
purpose of adopting new section numbers as	18
indicated in parentheses, sections 5104.014	19
(5104.012), 5104.015 (5104.30), 5104.02	20
(5104.021), 5104.021 (5104.023), 5104.022	21
(5104.0321), 5104.04 (5104.039), 5104.05	22

(5104.04), 5104.051 (5104.041), 5104.052 23  
(5104.018), 5104.053 (5104.27), 5104.054 24  
(5104.28), 5104.06 (5104.70), 5104.07 (5104.71), 25  
5104.08 (5104.72), 5104.081 (5104.73), 5104.10 26  
(5104.15), 5104.11 (5104.35), 5104.12 (5104.32), 27  
5104.13 (5104.2513), 5104.20 (5104.38), 5104.21 28  
(5104.36), 5104.22 (5104.37), 5104.30 (5104.50), 29  
5104.301 (5104.501), 5104.31 (5104.51), 5104.32 30  
(5104.52), 5104.33 (5104.53), 5104.34 (5104.54), 31  
5104.341 (5104.541), 5104.35 (5104.55), 5104.36 32  
(5104.56), 5104.37 (5104.57), 5104.38 (5104.58), 33  
5104.382 (5104.581), 5104.39 (5104.59), 5104.40 34  
(5104.60), 5104.41 (5104.61), 5104.42 (5104.62), 35  
5104.43 (5104.63), and 5104.44 (5104.40); to enact 36  
new sections 5104.013, 5104.014, 5104.015, 37  
5104.02, 5104.022, 5104.05, 5104.051, 5104.06, 38  
5104.07, 5104.08, 5104.09, 5104.10, 5104.11, 39  
5104.20, 5104.21, 5104.34, and 5104.341 and 40  
sections 5104.016, 5104.017, 5104.019, 5104.0110, 41  
5104.0111, 5104.0112, 5104.0113, 5104.0114, 42  
5104.0115, 5104.0116, 5104.0117, 5104.024, 43  
5104.025, 5104.031, 5104.032, 5104.033, 5104.034, 44  
5104.035, 5104.036, 5104.037, 5104.038, 5104.0310, 45  
5104.0311, 5104.0312, 5104.0313, 5104.0314, 46  
5104.0315, 5104.0316, 5104.0317, 5104.0318, 47  
5104.0319, 5104.0320, 5104.0322, 5104.061, 48  
5104.071, 5104.072, 5104.17, 5104.18, 5104.19, 49  
5104.201, 5104.202, 5104.25, 5104.251, 5104.252, 50  
5104.253, 5104.254, 5104.255, 5104.256, 5104.257, 51  
5104.258, 5104.259, 5104.2510, 5104.2511, 52  
5104.2512, 5104.342, 5104.343, 5104.344, 5104.345, 53  
5104.346, 5104.347, 5104.348, 5104.349, 5104.3410, 54  
5104.3411, 5104.3412, 5104.3413, 5104.502, 55

5104.551, and 5104.74; and to repeal sections 56  
5104.012, 5104.013, and 5104.09 of the Revised 57  
Code to revise the law governing child care. 58

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

**Section 1.** That sections 109.57, 109.572, 121.084, 349.01, 59  
921.06, 2151.011, 2151.421, 2151.86, 2907.08, 2919.223, 2919.224, 60  
2919.225, 2919.226, 2923.124, 2923.126, 2923.1212, 2950.11, 61  
2950.13, 3109.051, 3301.52, 3301.53, 3301.58, 3321.01, 3325.07, 62  
3701.63, 3701.80, 3714.03, 3717.42, 3737.22, 3737.83, 3737.841, 63  
3742.01, 3781.06, 3781.10, 3797.06, 4511.01, 4511.81, 4513.182, 64  
5101.29, 5103.03, 5104.01, 5104.011, 5104.014, 5104.015, 5104.02, 65  
5104.021, 5104.022, 5104.03, 5104.04, 5104.05, 5104.051, 5104.052, 66  
5104.053, 5104.054, 5104.06, 5104.07, 5104.08, 5104.10, 5104.11, 67  
5104.13, 5104.21, 5104.22, 5104.30, 5104.301, 5104.31, 5104.32, 68  
5104.34, 5104.341, 5104.35, 5104.36, 5104.38, 5104.382, 5104.39, 69  
5104.42, 5104.44, 5104.99, 5107.16, 5107.26, 5107.60, 5153.175, 70  
5747.35, and 5747.98 be amended; sections 5104.014 (5104.012), 71  
5104.015 (5104.30), 5104.02 (5104.021), 5104.021 (5104.023), 72  
5104.022 (5104.0321), 5104.04 (5104.039), 5104.05 (5104.04), 73  
5104.051 (5104.041), 5104.052 (5104.018), 5104.053 (5104.27), 74  
5104.054 (5104.28), 5104.06 (5104.70), 5104.07 (5104.71), 5104.08 75  
(5104.72), 5104.081 (5104.73), 5104.10 (5104.15), 5104.11 76  
(5104.35), 5104.12 (5104.32), 5104.13 (5104.2513), 5104.20 77  
(5104.38), 5104.21 (5104.36), 5104.22 (5104.37), 5104.30 78  
(5104.50), 5104.301 (5104.501), 5104.31 (5104.51), 5104.32 79  
(5104.52), 5104.33 (5104.53), 5104.34 (5104.54), 5104.341 80  
(5104.541), 5104.35 (5104.55), 5104.36 (5104.56), 5104.37 81  
(5104.57), 5104.38 (5104.58), 5104.382 (5104.581), 5104.39 82  
(5104.59), 5104.40 (5104.60), 5104.41 (5104.61), 5104.42 83  
(5104.62), 5104.43 (5104.63), and 5104.44 (5104.40) be amended for 84  
the purpose of adopting new section numbers as indicated in 85

parentheses; and new sections 5104.013, 5104.014, 5104.015, 86  
5104.02, 5104.022, 5104.05, 5104.051, 5104.06, 5104.07, 5104.08, 87  
5104.09, 5104.10, 5104.11, 5104.20, 5104.21, 5104.34, and 5104.341 88  
and sections 5104.016, 5104.017, 5104.019, 5104.0110, 5104.0111, 89  
5104.0112, 5104.0113, 5104.0114, 5104.0115, 5104.0116, 5104.0117, 90  
5104.024, 5104.025, 5104.031, 5104.032, 5104.033, 5104.034, 91  
5104.035, 5104.036, 5104.037, 5104.038, 5104.0310, 5104.0311, 92  
5104.0312, 5104.0313, 5104.0314, 5104.0315, 5104.0316, 5104.0317, 93  
5104.0318, 5104.0319, 5104.0320, 5104.0322, 5104.061, 5104.071, 94  
5104.072, 5104.17, 5104.18, 5104.19, 5104.201, 5104.202, 5104.25, 95  
5104.251, 5104.252, 5104.253, 5104.254, 5104.255, 5104.256, 96  
5104.257, 5104.258, 5104.259, 5104.2510, 5104.2511, 5104.2512, 97  
5104.342, 5104.343, 5104.344, 5104.345, 5104.346, 5104.347, 98  
5104.348, 5104.349, 5104.3410, 5104.3411, 5104.3412, 5104.3413, 99  
5104.502, 5104.551, and 5104.74 be enacted to read as follows: 100

**Sec. 109.57.** (A)(1) The superintendent of the bureau of 101  
criminal identification and investigation shall procure from 102  
wherever procurable and file for record photographs, pictures, 103  
descriptions, fingerprints, measurements, and other information 104  
that may be pertinent of all persons who have been convicted of 105  
committing within this state a felony, any crime constituting a 106  
misdemeanor on the first offense and a felony on subsequent 107  
offenses, or any misdemeanor described in division (A)(1)(a), 108  
(A)(8)(a), (A)(9)(a), or (A)(10)(a) of section 109.572 of the 109  
Revised Code, of all children under eighteen years of age who have 110  
been adjudicated delinquent children for committing within this 111  
state an act that would be a felony or an offense of violence if 112  
committed by an adult or who have been convicted of or pleaded 113  
guilty to committing within this state a felony or an offense of 114  
violence, and of all well-known and habitual criminals. The person 115  
in charge of any county, multicounty, municipal, municipal-county, 116

or multicounty-municipal jail or workhouse, community-based 117  
correctional facility, halfway house, alternative residential 118  
facility, or state correctional institution and the person in 119  
charge of any state institution having custody of a person 120  
suspected of having committed a felony, any crime constituting a 121  
misdemeanor on the first offense and a felony on subsequent 122  
offenses, or any misdemeanor described in division (A)(1)(a), 123  
(A)(8)(a), (A)(9)(a), or (A)(10)(a) of section 109.572 of the 124  
Revised Code or having custody of a child under eighteen years of 125  
age with respect to whom there is probable cause to believe that 126  
the child may have committed an act that would be a felony or an 127  
offense of violence if committed by an adult shall furnish such 128  
material to the superintendent of the bureau. Fingerprints, 129  
photographs, or other descriptive information of a child who is 130  
under eighteen years of age, has not been arrested or otherwise 131  
taken into custody for committing an act that would be a felony or 132  
an offense of violence who is not in any other category of child 133  
specified in this division, if committed by an adult, has not been 134  
adjudicated a delinquent child for committing an act that would be 135  
a felony or an offense of violence if committed by an adult, has 136  
not been convicted of or pleaded guilty to committing a felony or 137  
an offense of violence, and is not a child with respect to whom 138  
there is probable cause to believe that the child may have 139  
committed an act that would be a felony or an offense of violence 140  
if committed by an adult shall not be procured by the 141  
superintendent or furnished by any person in charge of any county, 142  
multicounty, municipal, municipal-county, or multicounty-municipal 143  
jail or workhouse, community-based correctional facility, halfway 144  
house, alternative residential facility, or state correctional 145  
institution, except as authorized in section 2151.313 of the 146  
Revised Code. 147

(2) Every clerk of a court of record in this state, other 148  
149

than the supreme court or a court of appeals, shall send to the  
superintendent of the bureau a weekly report containing a summary  
of each case involving a felony, involving any crime constituting  
a misdemeanor on the first offense and a felony on subsequent  
offenses, involving a misdemeanor described in division (A)(1)(a),  
(A)(8)(a), (A)(9)(a), or (A)(10)(a) of section 109.572 of the  
Revised Code, or involving an adjudication in a case in which a  
child under eighteen years of age was alleged to be a delinquent  
child for committing an act that would be a felony or an offense  
of violence if committed by an adult. The clerk of the court of  
common pleas shall include in the report and summary the clerk  
sends under this division all information described in divisions  
(A)(2)(a) to (f) of this section regarding a case before the court  
of appeals that is served by that clerk. The summary shall be  
written on the standard forms furnished by the superintendent  
pursuant to division (B) of this section and shall include the  
following information:

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

(b) The style and number of the case;

(c) The date of arrest, offense, summons, or arraignment;

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

date of any other determination that constitutes final resolution 182  
of the case; 183

(e) A statement of the original charge with the section of 184  
the Revised Code that was alleged to be violated; 185

(f) If the person or child was convicted, pleaded guilty, or 186  
was adjudicated a delinquent child, the sentence or terms of 187  
probation imposed or any other disposition of the offender or the 188  
delinquent child. 189

If the offense involved the disarming of a law enforcement 190  
officer or an attempt to disarm a law enforcement officer, the 191  
clerk shall clearly state that fact in the summary, and the 192  
superintendent shall ensure that a clear statement of that fact is 193  
placed in the bureau's records. 194

(3) The superintendent shall cooperate with and assist 195  
sheriffs, chiefs of police, and other law enforcement officers in 196  
the establishment of a complete system of criminal identification 197  
and in obtaining fingerprints and other means of identification of 198  
all persons arrested on a charge of a felony, any crime 199  
constituting a misdemeanor on the first offense and a felony on 200  
subsequent offenses, or a misdemeanor described in division 201  
(A)(1)(a), (A)(8)(a), (A)(9)(a), or (A)(10)(a) of section 109.572 202  
of the Revised Code and of all children under eighteen years of 203  
age arrested or otherwise taken into custody for committing an act 204  
that would be a felony or an offense of violence if committed by 205  
an adult. The superintendent also shall file for record the 206  
fingerprint impressions of all persons confined in a county, 207  
multicounty, municipal, municipal-county, or multicounty-municipal 208  
jail or workhouse, community-based correctional facility, halfway 209  
house, alternative residential facility, or state correctional 210  
institution for the violation of state laws and of all children 211  
under eighteen years of age who are confined in a county, 212  
multicounty, municipal, municipal-county, or multicounty-municipal 213

jail or workhouse, community-based correctional facility, halfway 214  
house, alternative residential facility, or state correctional 215  
institution or in any facility for delinquent children for 216  
committing an act that would be a felony or an offense of violence 217  
if committed by an adult, and any other information that the 218  
superintendent may receive from law enforcement officials of the 219  
state and its political subdivisions. 220

(4) The superintendent shall carry out Chapter 2950. of the 222  
Revised Code with respect to the registration of persons who are 223  
convicted of or plead guilty to a sexually oriented offense or a 224  
child-victim oriented offense and with respect to all other duties 225  
imposed on the bureau under that chapter. 226

(5) The bureau shall perform centralized recordkeeping 227  
functions for criminal history records and services in this state 228  
for purposes of the national crime prevention and privacy compact 229  
set forth in section 109.571 of the Revised Code and is the 230  
criminal history record repository as defined in that section for 231  
purposes of that compact. The superintendent or the 232  
superintendent's designee is the compact officer for purposes of 233  
that compact and shall carry out the responsibilities of the 234  
compact officer specified in that compact. 235

(B) The superintendent shall prepare and furnish to every 236  
county, multicounty, municipal, municipal-county, or 237  
multicounty-municipal jail or workhouse, community-based 238  
correctional facility, halfway house, alternative residential 239  
facility, or state correctional institution and to every clerk of 240  
a court in this state specified in division (A)(2) of this section 241  
standard forms for reporting the information required under 242  
division (A) of this section. The standard forms that the 243  
superintendent prepares pursuant to this division may be in a 244  
tangible format, in an electronic format, or in both tangible 245



formats and electronic formats. 246

(C)(1) The superintendent may operate a center for 247  
electronic, automated, or other data processing for the storage 248  
and retrieval of information, data, and statistics pertaining to 249  
criminals and to children under eighteen years of age who are 250  
adjudicated delinquent children for committing an act that would 251  
be a felony or an offense of violence if committed by an adult, 252  
criminal activity, crime prevention, law enforcement, and criminal 253  
justice, and may establish and operate a statewide communications 254  
network to gather and disseminate information, data, and 255  
statistics for the use of law enforcement agencies and for other 256  
uses specified in this division. The superintendent may gather, 257  
store, retrieve, and disseminate information, data, and statistics 258  
that pertain to children who are under eighteen years of age and 259  
that are gathered pursuant to sections 109.57 to 109.61 of the 260  
Revised Code together with information, data, and statistics that 261  
pertain to adults and that are gathered pursuant to those 262  
sections. 263

(2) The superintendent or the superintendent's designee shall 264  
gather information of the nature described in division (C)(1) of 265  
this section that pertains to the offense and delinquency history 266  
of a person who has been convicted of, pleaded guilty to, or been 267  
adjudicated a delinquent child for committing a sexually oriented 268  
offense or a child-victim oriented offense for inclusion in the 269  
state registry of sex offenders and child-victim offenders 270  
maintained pursuant to division (A)(1) of section 2950.13 of the 271  
Revised Code and in the internet database operated pursuant to 272  
division (A)(13) of that section and for possible inclusion in the 273  
internet database operated pursuant to division (A)(11) of that 274  
section. 275

(3) In addition to any other authorized use of information, 276  
data, and statistics of the nature described in division (C)(1) of 277

this section, the superintendent or the superintendent's designee 278  
may provide and exchange the information, data, and statistics 279  
pursuant to the national crime prevention and privacy compact as 280  
described in division (A)(5) of this section. 281

(D) The information and materials furnished to the 282  
superintendent pursuant to division (A) of this section and 283  
information and materials furnished to any board or person under 284  
division (F) or (G) of this section are not public records under 285  
section 149.43 of the Revised Code. The superintendent or the 286  
superintendent's designee shall gather and retain information so 287  
furnished under division (A) of this section that pertains to the 288  
offense and delinquency history of a person who has been convicted 289  
of, pleaded guilty to, or been adjudicated a delinquent child for 290  
committing a sexually oriented offense or a child-victim oriented 291  
offense for the purposes described in division (C)(2) of this 292  
section. 293

(E) The attorney general shall adopt rules, in accordance 294  
with Chapter 119. of the Revised Code, setting forth the procedure 295  
by which a person may receive or release information gathered by 296  
the superintendent pursuant to division (A) of this section. A 297  
reasonable fee may be charged for this service. If a temporary 298  
employment service submits a request for a determination of 299  
whether a person the service plans to refer to an employment 300  
position has been convicted of or pleaded guilty to an offense 301  
listed in division (A)(1), (3), (4), (5), or (6) of section 302  
109.572 of the Revised Code, the request shall be treated as a 303  
single request and only one fee shall be charged. 304

(F)(1) As used in division (F)(2) of this section, "head 305  
start agency" means an entity in this state that has been approved 306  
to be an agency for purposes of subchapter II of the "Community 307  
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 308  
as amended. 309

(2)(a) In addition to or in conjunction with any request that  
is required to be made under section 109.572, 2151.86, 3301.32,  
3301.541, 3319.39, 3319.391, 3327.10, 3701.881, ~~5104.012~~ 5104.343,  
~~5104.013~~ 5104.344, 5104.345, 5123.081, 5126.28, 5126.281, or  
5153.111 of the Revised Code, the board of education of any school  
district; the director of mental retardation and developmental  
disabilities; any county board of mental retardation and  
developmental disabilities; any entity under contract with a  
county board of mental retardation and developmental disabilities;  
the chief administrator of any chartered nonpublic school; the  
chief administrator of any home health agency; the chief  
administrator of or person operating any ~~child day-care~~ licensed  
child-care center, licensed type A family ~~day-care~~ child-care  
home, ~~or licensed~~ type B family ~~day-care~~ child-care home ~~licensed~~,  
~~or certified under Chapter 5104. of the Revised Code~~ type B family  
child-care home with limited certification; ~~the administrator of~~  
~~any type C family day-care home certified pursuant to Section 1 of~~  
~~Sub. H.B. 62 of the 121st general assembly or Section 5 of Am.~~  
~~Sub. S.B. 160 of the 121st general assembly~~; the chief  
administrator of any head start agency; the executive director of  
a public children services agency; or an employer described in  
division (A)(2) of section 3319.391 or division (J)(2) of section  
3327.10 of the Revised Code may request that the superintendent of  
the bureau investigate and determine, with respect to any  
individual who has applied for employment in any position after  
October 2, 1989, or any individual wishing to apply for employment  
with a board of education may request, with regard to the  
individual, whether the bureau has any information gathered under  
division (A) of this section that pertains to that individual. On  
receipt of the request, the superintendent shall determine whether  
that information exists and, upon request of the person, board, or  
entity requesting information, also shall request from the federal  
bureau of investigation any criminal records it has pertaining to

that individual. The superintendent or the superintendent's 343  
designee also may request criminal history records from other 344  
states or the federal government pursuant to the national crime 345  
prevention and privacy compact set forth in section 109.571 of the 346  
Revised Code. Within thirty days of the date that the 347  
superintendent receives a request, the superintendent shall send 348  
to the board, entity, or person a report of any information that 349  
the superintendent determines exists, including information 350  
contained in records that have been sealed under section 2953.32 351  
of the Revised Code, and, within thirty days of its receipt, shall 352  
send the board, entity, or person a report of any information 353  
received from the federal bureau of investigation, other than 354  
information the dissemination of which is prohibited by federal 355  
law. 356

357

(b) When a board of education is required to receive 358  
information under this section as a prerequisite to employment of 359  
an individual pursuant to section 3319.39 of the Revised Code, it 360  
may accept a certified copy of records that were issued by the 361  
bureau of criminal identification and investigation and that are 362  
presented by an individual applying for employment with the 363  
district in lieu of requesting that information itself. In such a 364  
case, the board shall accept the certified copy issued by the 365  
bureau in order to make a photocopy of it for that individual's 366  
employment application documents and shall return the certified 367  
copy to the individual. In a case of that nature, a district only 368  
shall accept a certified copy of records of that nature within one 369  
year after the date of their issuance by the bureau. 370

(3) The state board of education may request, with respect to 371  
any individual who has applied for employment after October 2, 372  
1989, in any position with the state board or the department of 373  
education, any information that a school district board of 374

education is authorized to request under division (F)(2) of this 375  
section, and the superintendent of the bureau shall proceed as if 376  
the request has been received from a school district board of 377  
education under division (F)(2) of this section. 378

(4) When the superintendent of the bureau receives a request 379  
for information under section 3319.291 of the Revised Code, the 380  
superintendent shall proceed as if the request has been received 381  
from a school district board of education under division (F)(2) of 382  
this section. 383

(5) When a recipient of a classroom reading improvement grant 384  
paid under section 3301.86 of the Revised Code requests, with 385  
respect to any individual who applies to participate in providing 386  
any program or service funded in whole or in part by the grant, 387  
the information that a school district board of education is 388  
authorized to request under division (F)(2)(a) of this section, 389  
the superintendent of the bureau shall proceed as if the request 390  
has been received from a school district board of education under 391  
division (F)(2)(a) of this section. 392

(G) In addition to or in conjunction with any request that is 393  
required to be made under section 3701.881, 3712.09, 3721.121, or 394  
3722.151 of the Revised Code with respect to an individual who has 395  
applied for employment in a position that involves providing 396  
direct care to an older adult, the chief administrator of a home 397  
health agency, hospice care program, home licensed under Chapter 398  
3721. of the Revised Code, adult day-care program operated 399  
pursuant to rules adopted under section 3721.04 of the Revised 400  
Code, or adult care facility may request that the superintendent 401  
of the bureau investigate and determine, with respect to any 402  
individual who has applied after January 27, 1997, for employment 403  
in a position that does not involve providing direct care to an 404  
older adult, whether the bureau has any information gathered under 405  
division (A) of this section that pertains to that individual. 406

In addition to or in conjunction with any request that is 407  
required to be made under section 173.27 of the Revised Code with 408  
respect to an individual who has applied for employment in a 409  
position that involves providing ombudsperson services to 410  
residents of long-term care facilities or recipients of 411  
community-based long-term care services, the state long-term care 412  
ombudsperson, ombudsperson's designee, or director of health may 413  
request that the superintendent investigate and determine, with 414  
respect to any individual who has applied for employment in a 415  
position that does not involve providing such ombudsperson 416  
services, whether the bureau has any information gathered under 417  
division (A) of this section that pertains to that applicant. 418

In addition to or in conjunction with any request that is 419  
required to be made under section 173.394 of the Revised Code with 420  
respect to an individual who has applied for employment in a 421  
position that involves providing direct care to an individual, the 422  
chief administrator of a community-based long-term care agency may 423  
request that the superintendent investigate and determine, with 424  
respect to any individual who has applied for employment in a 425  
position that does not involve providing direct care, whether the 426  
bureau has any information gathered under division (A) of this 427  
section that pertains to that applicant. 428

On receipt of a request under this division, the 429  
superintendent shall determine whether that information exists 430  
and, on request of the individual requesting information, shall 431  
also request from the federal bureau of investigation any criminal 432  
records it has pertaining to the applicant. The superintendent or 433  
the superintendent's designee also may request criminal history 434  
records from other states or the federal government pursuant to 435  
the national crime prevention and privacy compact set forth in 436  
section 109.571 of the Revised Code. Within thirty days of the 437  
date a request is received, the superintendent shall send to the 438

requester a report of any information determined to exist, 439  
including information contained in records that have been sealed 440  
under section 2953.32 of the Revised Code, and, within thirty days 441  
of its receipt, shall send the requester a report of any 442  
information received from the federal bureau of investigation, 443  
other than information the dissemination of which is prohibited by 444  
federal law. 445

(H) Information obtained by a government entity or person 446  
under this section is confidential and shall not be released or 447  
disseminated. 448

(I) The superintendent may charge a reasonable fee for 449  
providing information or criminal records under division (F)(2) or 450  
(G) of this section. 451

(J) As used in this section, "sexually oriented offense" and 452  
"child-victim oriented offense" have the same meanings as in 453  
section 2950.01 of the Revised Code. 454

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 455  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 456  
a completed form prescribed pursuant to division (C)(1) of this 457  
section, and a set of fingerprint impressions obtained in the 458  
manner described in division (C)(2) of this section, the 459  
superintendent of the bureau of criminal identification and 460  
investigation shall conduct a criminal records check in the manner 461  
described in division (B) of this section to determine whether any 462  
information exists that indicates that the person who is the 463  
subject of the request previously has been convicted of or pleaded 464  
guilty to any of the following: 465

(a) A violation of section 2903.01, 2903.02, 2903.03, 466  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 467  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 468  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 469

2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 470  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 471  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 472  
2925.06, or 3716.11 of the Revised Code, felonious sexual 473  
penetration in violation of former section 2907.12 of the Revised 474  
Code, a violation of section 2905.04 of the Revised Code as it 475  
existed prior to July 1, 1996, a violation of section 2919.23 of 476  
the Revised Code that would have been a violation of section 477  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 478  
had the violation been committed prior to that date, or a 479  
violation of section 2925.11 of the Revised Code that is not a 480  
minor drug possession offense; 481

(b) A violation of an existing or former law of this state, 482  
any other state, or the United States that is substantially 483  
equivalent to any of the offenses listed in division (A)(1)(a) of 484  
this section. 485

(2) On receipt of a request pursuant to section 5123.081 of 486  
the Revised Code with respect to an applicant for employment in 487  
any position with the department of mental retardation and 488  
developmental disabilities, pursuant to section 5126.28 of the 489  
Revised Code with respect to an applicant for employment in any 490  
position with a county board of mental retardation and 491  
developmental disabilities, or pursuant to section 5126.281 of the 492  
Revised Code with respect to an applicant for employment in a 493  
direct services position with an entity contracting with a county 494  
board for employment, a completed form prescribed pursuant to 495  
division (C)(1) of this section, and a set of fingerprint 496  
impressions obtained in the manner described in division (C)(2) of 497  
this section, the superintendent of the bureau of criminal 498  
identification and investigation shall conduct a criminal records 499  
check. The superintendent shall conduct the criminal records check 500  
in the manner described in division (B) of this section to 501



determine whether any information exists that indicates that the 502  
person who is the subject of the request has been convicted of or 503  
pleaded guilty to any of the following: 504

(a) A violation of section 2903.01, 2903.02, 2903.03, 505  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 506  
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 507  
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 508  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 509  
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 510  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 511  
2925.03, or 3716.11 of the Revised Code; 512

(b) An existing or former municipal ordinance or law of this 513  
state, any other state, or the United States that is substantially 514  
equivalent to any of the offenses listed in division (A)(2)(a) of 515  
this section. 516

(3) On receipt of a request pursuant to section 173.27, 517  
173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a 518  
completed form prescribed pursuant to division (C)(1) of this 519  
section, and a set of fingerprint impressions obtained in the 520  
manner described in division (C)(2) of this section, the 521  
superintendent of the bureau of criminal identification and 522  
investigation shall conduct a criminal records check with respect 523  
to any person who has applied for employment in a position for 524  
which a criminal records check is required by those sections. The 525  
superintendent shall conduct the criminal records check in the 526  
manner described in division (B) of this section to determine 527  
whether any information exists that indicates that the person who 528  
is the subject of the request previously has been convicted of or 529  
pleaded guilty to any of the following: 530

(a) A violation of section 2903.01, 2903.02, 2903.03, 531  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 532  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 533

2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 534  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 535  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 536  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 537  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 538  
2925.22, 2925.23, or 3716.11 of the Revised Code; 539

(b) An existing or former law of this state, any other state, 540  
or the United States that is substantially equivalent to any of 541  
the offenses listed in division (A)(3)(a) of this section. 542

(4) On receipt of a request pursuant to section 3701.881 of 543  
the Revised Code with respect to an applicant for employment with 544  
a home health agency as a person responsible for the care, 545  
custody, or control of a child, a completed form prescribed 546  
pursuant to division (C)(1) of this section, and a set of 547  
fingerprint impressions obtained in the manner described in 548  
division (C)(2) of this section, the superintendent of the bureau 549  
of criminal identification and investigation shall conduct a 550  
criminal records check. The superintendent shall conduct the 551  
criminal records check in the manner described in division (B) of 552  
this section to determine whether any information exists that 553  
indicates that the person who is the subject of the request 554  
previously has been convicted of or pleaded guilty to any of the 555  
following: 556

(a) A violation of section 2903.01, 2903.02, 2903.03, 557  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 558  
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 559  
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 560  
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 561  
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 562  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 563  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 564  
violation of section 2925.11 of the Revised Code that is not a 565

minor drug possession offense; 566

(b) An existing or former law of this state, any other state, 567  
or the United States that is substantially equivalent to any of 568  
the offenses listed in division (A)(4)(a) of this section. 569

(5) On receipt of a request pursuant to section 5111.032, 570  
5111.033, or 5111.034 of the Revised Code, a completed form 571  
prescribed pursuant to division (C)(1) of this section, and a set 572  
of fingerprint impressions obtained in the manner described in 573  
division (C)(2) of this section, the superintendent of the bureau 574  
of criminal identification and investigation shall conduct a 575  
criminal records check. The superintendent shall conduct the 576  
criminal records check in the manner described in division (B) of 577  
this section to determine whether any information exists that 578  
indicates that the person who is the subject of the request 579  
previously has been convicted of, has pleaded guilty to, or has 580  
been found eligible for intervention in lieu of conviction for any 581  
of the following: 582

(a) A violation of section 2903.01, 2903.02, 2903.03, 583  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 584  
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 585  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 586  
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 587  
2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 588  
2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 589  
2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 590  
2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 591  
2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 592  
2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 593  
3716.11 of the Revised Code, felonious sexual penetration in 594  
violation of former section 2907.12 of the Revised Code, a 595  
violation of section 2905.04 of the Revised Code as it existed 596  
prior to July 1, 1996, a violation of section 2919.23 of the 597

Revised Code that would have been a violation of section 2905.04 598  
of the Revised Code as it existed prior to July 1, 1996, had the 599  
violation been committed prior to that date; 600

(b) An existing or former law of this state, any other state, 601  
or the United States that is substantially equivalent to any of 602  
the offenses listed in division (A)(5)(a) of this section. 603

(6) On receipt of a request pursuant to section 3701.881 of 604  
the Revised Code with respect to an applicant for employment with 605  
a home health agency in a position that involves providing direct 606  
care to an older adult, a completed form prescribed pursuant to 607  
division (C)(1) of this section, and a set of fingerprint 608  
impressions obtained in the manner described in division (C)(2) of 609  
this section, the superintendent of the bureau of criminal 610  
identification and investigation shall conduct a criminal records 611  
check. The superintendent shall conduct the criminal records check 612  
in the manner described in division (B) of this section to 613  
determine whether any information exists that indicates that the 614  
person who is the subject of the request previously has been 615  
convicted of or pleaded guilty to any of the following: 616

(a) A violation of section 2903.01, 2903.02, 2903.03, 617  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 618  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 619  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 620  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 621  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 622  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 623  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 624  
2925.22, 2925.23, or 3716.11 of the Revised Code; 625

(b) An existing or former law of this state, any other state, 626  
or the United States that is substantially equivalent to any of 627  
the offenses listed in division (A)(6)(a) of this section. 628

(7) When conducting a criminal records check upon a request 629  
pursuant to section 3319.39 of the Revised Code for an applicant 630  
who is a teacher, in addition to the determination made under 631  
division (A)(1) of this section, the superintendent shall 632  
determine whether any information exists that indicates that the 633  
person who is the subject of the request previously has been 634  
convicted of or pleaded guilty to any offense specified in section 635  
3319.31 of the Revised Code. 636

(8) On receipt of a request pursuant to section 2151.86 of 637  
the Revised Code, a completed form prescribed pursuant to division 638  
(C)(1) of this section, and a set of fingerprint impressions 639  
obtained in the manner described in division (C)(2) of this 640  
section, the superintendent of the bureau of criminal 641  
identification and investigation shall conduct a criminal records 642  
check in the manner described in division (B) of this section to 643  
determine whether any information exists that indicates that the 644  
person who is the subject of the request previously has been 645  
convicted of or pleaded guilty to any of the following: 646

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 647  
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 648  
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 649  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 650  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 651  
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 652  
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 653  
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 654  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 655  
of the Revised Code, a violation of section 2905.04 of the Revised 656  
Code as it existed prior to July 1, 1996, a violation of section 657  
2919.23 of the Revised Code that would have been a violation of 658  
section 2905.04 of the Revised Code as it existed prior to July 1, 659  
1996, had the violation been committed prior to that date, a 660

violation of section 2925.11 of the Revised Code that is not a 661  
minor drug possession offense, two or more OVI or OVUAC violations 662  
committed within the three years immediately preceding the 663  
submission of the application or petition that is the basis of the 664  
request, or felonious sexual penetration in violation of former 665  
section 2907.12 of the Revised Code; 666

(b) A violation of an existing or former law of this state, 667  
any other state, or the United States that is substantially 668  
equivalent to any of the offenses listed in division (A)(8)(a) of 669  
this section. 670

(9) Upon receipt of a request pursuant to section ~~5104.012~~ 671  
5104.343, 5104.344, or 5104.013 5104.345 of the Revised Code, a 672  
completed form prescribed pursuant to division (C)(1) of this 673  
section, and a set of fingerprint impressions obtained in the 674  
manner described in division (C)(2) of this section, the 675  
superintendent of the bureau of criminal identification and 676  
investigation shall conduct a criminal records check in the manner 677  
described in division (B) of this section to determine whether any 678  
information exists that indicates that the person who is the 679  
subject of the request has been convicted of or pleaded guilty to 680  
any of the following: 681

(a) A violation of section 2903.01, 2903.02, 2903.03, 682  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 683  
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2907.02, 2907.03, 684  
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 685  
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 686  
2907.323, 2909.02, 2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 687  
2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 688  
2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 689  
2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 690  
2913.46, 2913.47, 2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 691  
2917.31, 2919.12, 2919.22, 2919.24, 2919.25, 2921.03, 2921.11, 692

2921.13, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 693  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 694  
Revised Code, felonious sexual penetration in violation of former 695  
section 2907.12 of the Revised Code, a violation of section 696  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 697  
violation of section 2919.23 of the Revised Code that would have 698  
been a violation of section 2905.04 of the Revised Code as it 699  
existed prior to July 1, 1996, had the violation been committed 700  
prior to that date, a violation of section 2925.11 of the Revised 701  
Code that is not a minor drug possession offense, a violation of 702  
section 2923.02 or 2923.03 of the Revised Code that relates to a 703  
crime specified in this division, or a second violation of section 704  
4511.19 of the Revised Code within five years of the date of 705  
~~application for licensure or certification~~ the superintendent 706  
receives the request for the criminal records check. 707

708

(b) A violation of an existing or former law of this state, 709  
any other state, or the United States that is substantially 710  
equivalent to any of the offenses or violations described in 711  
division (A)(9)(a) of this section. 712

(10) Upon receipt of a request pursuant to section 5153.111 713  
of the Revised Code, a completed form prescribed pursuant to 714  
division (C)(1) of this section, and a set of fingerprint 715  
impressions obtained in the manner described in division (C)(2) of 716  
this section, the superintendent of the bureau of criminal 717  
identification and investigation shall conduct a criminal records 718  
check in the manner described in division (B) of this section to 719  
determine whether any information exists that indicates that the 720  
person who is the subject of the request previously has been 721  
convicted of or pleaded guilty to any of the following: 722

(a) A violation of section 2903.01, 2903.02, 2903.03, 723  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 724

2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 725  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 726  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 727  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 728  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 729  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 730  
felonious sexual penetration in violation of former section 731  
2907.12 of the Revised Code, a violation of section 2905.04 of the 732  
Revised Code as it existed prior to July 1, 1996, a violation of 733  
section 2919.23 of the Revised Code that would have been a 734  
violation of section 2905.04 of the Revised Code as it existed 735  
prior to July 1, 1996, had the violation been committed prior to 736  
that date, or a violation of section 2925.11 of the Revised Code 737  
that is not a minor drug possession offense; 738

(b) A violation of an existing or former law of this state, 739  
any other state, or the United States that is substantially 740  
equivalent to any of the offenses listed in division (A)(10)(a) of 741  
this section. 742

(11) On receipt of a request for a criminal records check 743  
from an individual pursuant to section 4749.03 or 4749.06 of the 744  
Revised Code, accompanied by a completed copy of the form 745  
prescribed in division (C)(1) of this section and a set of 746  
fingerprint impressions obtained in a manner described in division 747  
(C)(2) of this section, the superintendent of the bureau of 748  
criminal identification and investigation shall conduct a criminal 749  
records check in the manner described in division (B) of this 750  
section to determine whether any information exists indicating 751  
that the person who is the subject of the request has been 752  
convicted of or pleaded guilty to a felony in this state or in any 753  
other state. If the individual indicates that a firearm will be 754  
carried in the course of business, the superintendent shall 755  
require information from the federal bureau of investigation as 756



described in division (B)(2) of this section. The superintendent 757  
shall report the findings of the criminal records check and any 758  
information the federal bureau of investigation provides to the 759  
director of public safety. 760

(12) On receipt of a request pursuant to section 1322.03, 761  
1322.031, or 4763.05 of the Revised Code, a completed form 762  
prescribed pursuant to division (C)(1) of this section, and a set 763  
of fingerprint impressions obtained in the manner described in 764  
division (C)(2) of this section, the superintendent of the bureau 765  
of criminal identification and investigation shall conduct a 766  
criminal records check with respect to any person who has applied 767  
for a license, permit, or certification from the department of 768  
commerce or a division in the department. The superintendent shall 769  
conduct the criminal records check in the manner described in 770  
division (B) of this section to determine whether any information 771  
exists that indicates that the person who is the subject of the 772  
request previously has been convicted of or pleaded guilty to any 773  
of the following: a violation of section 2913.02, 2913.11, 774  
2913.31, 2913.51, or 2925.03 of the Revised Code; any other 775  
criminal offense involving theft, receiving stolen property, 776  
embezzlement, forgery, fraud, passing bad checks, money 777  
laundering, or drug trafficking, or any criminal offense involving 778  
money or securities, as set forth in Chapters 2909., 2911., 2913., 779  
2915., 2921., 2923., and 2925. of the Revised Code; or any 780  
existing or former law of this state, any other state, or the 781  
United States that is substantially equivalent to those offenses. 782

(13) On receipt of a request for a criminal records check 783  
from the treasurer of state under section 113.041 of the Revised 784  
Code or from an individual under section 4701.08, 4715.101, 785  
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 786  
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 787  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 788

4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 789  
4762.031, 4762.06, or 4779.091 of the Revised Code, accompanied by 790  
a completed form prescribed under division (C)(1) of this section 791  
and a set of fingerprint impressions obtained in the manner 792  
described in division (C)(2) of this section, the superintendent 793  
of the bureau of criminal identification and investigation shall 794  
conduct a criminal records check in the manner described in 795  
division (B) of this section to determine whether any information 796  
exists that indicates that the person who is the subject of the 797  
request has been convicted of or pleaded guilty to any criminal 798  
offense in this state or any other state. The superintendent shall 799  
send the results of a check requested under section 113.041 of the 800  
Revised Code to the treasurer of state and shall send the results 801  
of a check requested under any of the other listed sections to the 802  
licensing board specified by the individual in the request. 803

804

(14) Not later than thirty days after the date the 805  
superintendent receives a request of a type described in division 806  
(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), or 807  
(12) of this section, the completed form, and the fingerprint 808  
impressions, the superintendent shall send the person, board, or 809  
entity that made the request any information, other than 810  
information the dissemination of which is prohibited by federal 811  
law, the superintendent determines exists with respect to the 812  
person who is the subject of the request that indicates that the 813  
person previously has been convicted of or pleaded guilty to any 814  
offense listed or described in division (A)(1), (2), (3), (4), 815  
(5), (6), (7), (8), (9), (10), (11), or (12) of this section, as 816  
appropriate. The superintendent shall send the person, board, or 817  
entity that made the request a copy of the list of offenses 818  
specified in division (A)(1), (2), (3), (4), (5), (6), (7), (8), 819  
(9), (10), (11), or (12) of this section, as appropriate. If the 820  
request was made under section 3701.881 of the Revised Code with 821

regard to an applicant who may be both responsible for the care, 822  
custody, or control of a child and involved in providing direct 823  
care to an older adult, the superintendent shall provide a list of 824  
the offenses specified in divisions (A)(4) and (6) of this 825  
section. 826

Not later than thirty days after the superintendent receives 827  
a request for a criminal records check pursuant to section 113.041 828  
of the Revised Code, the completed form, and the fingerprint 829  
impressions, the superintendent shall send the treasurer of state 830  
any information, other than information the dissemination of which 831  
is prohibited by federal law, the superintendent determines exist 832  
with respect to the person who is the subject of the request that 833  
indicates that the person previously has been convicted of or 834  
pleaded guilty to any criminal offense in this state or any other 835  
state. 836

(B) The superintendent shall conduct any criminal records 837  
check requested under section 113.041, 121.08, 173.27, 173.394, 838  
1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 839  
3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 4717.061, 840  
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 841  
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 842  
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 843  
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 844  
4762.031, 4762.06, 4763.05, 4779.091, ~~5104.012~~ 5104.343, ~~5104.013~~ 845  
5104.344, 5104.345, 5111.032, 5111.033, 5111.034, 5123.081, 846  
5126.28, 5126.281, or 5153.111 of the Revised Code as follows: 847

(1) The superintendent shall review or cause to be reviewed 849  
any relevant information gathered and compiled by the bureau under 850  
division (A) of section 109.57 of the Revised Code that relates to 851  
the person who is the subject of the request, including any 852  
relevant information contained in records that have been sealed 853

under section 2953.32 of the Revised Code; 854

(2) If the request received by the superintendent asks for 855  
information from the federal bureau of investigation, the 856  
superintendent shall request from the federal bureau of 857  
investigation any information it has with respect to the person 858  
who is the subject of the request, including fingerprint based 859  
checks of national crime information databases as described in 42 860  
U.S.C. 671 if the request is made pursuant to section 2151.86, 861  
~~5104.012~~ 5104.343, 5104.344, or ~~5104.013~~ 5104.345 of the Revised 862  
Code or if any other Revised Code section requires fingerprint 863  
based checks of that nature, and shall review or cause to be 864  
reviewed any information the superintendent receives from that 865  
bureau. 866

(3) The superintendent or the superintendent's designee may 867  
request criminal history records from other states or the federal 868  
government pursuant to the national crime prevention and privacy 869  
compact set forth in section 109.571 of the Revised Code. 870

(C)(1) The superintendent shall prescribe a form to obtain 871  
the information necessary to conduct a criminal records check from 872  
any person for whom a criminal records check is requested under 873  
section 113.041 of the Revised Code or required by section 121.08, 874  
173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 875  
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 876  
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 877  
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 878  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 879  
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 880  
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, ~~5104.012~~ 5104.343, 881  
~~5104.013~~ 5104.344, 5104.345, 5111.032, 5111.033, 5111.034, 882  
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The 883  
form that the superintendent prescribes pursuant to this division 884  
may be in a tangible format, in an electronic format, or in both 885

tangible and electronic formats. 886

(2) The superintendent shall prescribe standard impression 887  
sheets to obtain the fingerprint impressions of any person for 888  
whom a criminal records check is requested under section 113.041 889  
of the Revised Code or required by section 121.08, 173.27, 890  
173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 3319.39, 891  
3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 892  
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 893  
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 894  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 895  
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 896  
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, ~~5104.012~~ 5104.343, 897  
~~5104.013~~ 5104.344, 5104.345, 5111.032, 5111.033, 5111.034, 898  
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. Any 899  
person for whom a records check is requested under or required by 900  
any of those sections shall obtain the fingerprint impressions at 901  
a county sheriff's office, municipal police department, or any 902  
other entity with the ability to make fingerprint impressions on 903  
the standard impression sheets prescribed by the superintendent. 904  
The office, department, or entity may charge the person a 905  
reasonable fee for making the impressions. The standard impression 906  
sheets the superintendent prescribes pursuant to this division may 907  
be in a tangible format, in an electronic format, or in both 908  
tangible and electronic formats. 909

910

(3) Subject to division (D) of this section, the 911  
superintendent shall prescribe and charge a reasonable fee for 912  
providing a criminal records check requested under section 913  
113.041, 121.08, 173.27, 173.394, 1322.03, 1322.031, 2151.86, 914  
3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 915  
4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 916  
4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 917

4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 918  
4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 919  
4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4779.091, ~~5104.012~~ 920  
5104.343, ~~5104.013~~ 5104.344, 5104.345, 5111.032, 5111.033, 921  
5111.034, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 922  
Code. The person making a criminal records request under any of 923  
those sections shall pay the fee prescribed pursuant to this 924  
division. A person making a request under section 3701.881 of the 925  
Revised Code for a criminal records check for an applicant who may 926  
be both responsible for the care, custody, or control of a child 927  
and involved in providing direct care to an older adult shall pay 928  
one fee for the request. In the case of a request under section 929  
5111.032 of the Revised Code, the fee shall be paid in the manner 930  
specified in that section. 931

(4) The superintendent of the bureau of criminal 933  
identification and investigation may prescribe methods of 934  
forwarding fingerprint impressions and information necessary to 935  
conduct a criminal records check, which methods shall include, but 936  
not be limited to, an electronic method. 937

(D) A determination whether any information exists that 938  
indicates that a person previously has been convicted of or 939  
pleaded guilty to any offense listed or described in division 940  
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 941  
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 942  
(A)(9)(a) or (b), (A)(10)(a) or (b), or (A)(12) of this section, 943  
or that indicates that a person previously has been convicted of 944  
or pleaded guilty to any criminal offense in this state or any 945  
other state regarding a criminal records check of a type described 946  
in division (A)(13) of this section, and that is made by the 947  
superintendent with respect to information considered in a 948  
criminal records check in accordance with this section is valid 949

for the person who is the subject of the criminal records check 950  
for a period of one year from the date upon which the 951  
superintendent makes the determination. During the period in which 952  
the determination in regard to a person is valid, if another 953  
request under this section is made for a criminal records check 954  
for that person, the superintendent shall provide the information 955  
that is the basis for the superintendent's initial determination 956  
at a lower fee than the fee prescribed for the initial criminal 957  
records check. 958

(E) As used in this section: 959

(1) "Criminal records check" means any criminal records check 960  
conducted by the superintendent of the bureau of criminal 961  
identification and investigation in accordance with division (B) 962  
of this section. 963

(2) "Minor drug possession offense" has the same meaning as 964  
in section 2925.01 of the Revised Code. 965

(3) "Older adult" means a person age sixty or older. 966

(4) "OVI or OVUAC violation" means a violation of section 967  
4511.19 of the Revised Code or a violation of an existing or 968  
former law of this state, any other state, or the United States 969  
that is substantially equivalent to section 4511.19 of the Revised 970  
Code. 971

**Sec. 121.084.** (A) All moneys collected under sections 972  
3783.05, 3791.07, 4104.07, 4104.18, 4104.44, 4105.17, 4105.20, 973  
4169.03, 4171.04, and ~~5104.051~~ 5104.041 of the Revised Code, and 974  
any other moneys collected by the division of industrial 975  
compliance shall be paid into the state treasury to the credit of 976  
the industrial compliance operating fund, which is hereby created. 977  
The department of commerce shall use the moneys in the fund for 978  
paying the operating expenses of the division and the 979

administrative assessment described in division (B) of this 980  
section. 981

(B) The director of commerce, with the approval of the 982  
director of budget and management, shall prescribe procedures for 983  
assessing the industrial compliance operating fund a proportionate 984  
share of the administrative costs of the department of commerce. 985  
The assessment shall be made in accordance with those procedures 986  
and be paid from the industrial compliance operating fund to the 987  
division of administration fund created in section 121.08 of the 988  
Revised Code. 989

**Sec. 349.01.** As used in this chapter: 990

(A) "New community" means a community or an addition to an 991  
existing community planned pursuant to this chapter so that it 992  
includes facilities for the conduct of industrial, commercial, 993  
residential, cultural, educational, and recreational activities, 994  
and designed in accordance with planning concepts for the 995  
placement of utility, open space, and other supportive facilities. 996

(B) "New community development program" means a program for 997  
the development of a new community characterized by well-balanced 998  
and diversified land use patterns and which includes land 999  
acquisition and land development, the acquisition, construction, 1000  
operation, and maintenance of community facilities, and the 1001  
provision of services authorized in this chapter. 1002

(C) "New community district" means the area of land described 1003  
by the developer in the petition as set forth in division (A) of 1004  
section 349.03 of the Revised Code for development as a new 1005  
community and any lands added to the district by amendment of the 1006  
resolution establishing the community authority. 1007

(D) "New community authority" means a body corporate and 1008  
politic in this state, established pursuant to section 349.03 of 1009



the Revised Code and governed by a board of trustees as provided 1010  
in section 349.04 of the Revised Code. 1011

(E) "Developer" means any person, organized for carrying out 1012  
a new community development program who owns or controls, through 1013  
leases of at least seventy-five years' duration, options, or 1014  
contracts to purchase, the land within a new community district, 1015  
or any municipal corporation, county, or port authority that owns 1016  
the land within a new community district, or has the ability to 1017  
acquire such land, either by voluntary acquisition or condemnation 1018  
in order to eliminate slum, blighted, and deteriorated or 1019  
deteriorating areas and to prevent the recurrence thereof. 1020

(F) "Organizational board of commissioners" means, if the new 1021  
community district is located in only one county, the board of 1022  
county commissioners of such county; if located in more than one 1023  
county, a board consisting of the members of the board of county 1024  
commissioners of each of the counties in which the district is 1025  
located, provided that action of such board shall require a 1026  
majority vote of the members of each separate board of county 1027  
commissioners; or, if more than half of the new community district 1028  
is located within the boundaries of the most populous municipal 1029  
corporation of a county, the legislative authority of the 1030  
municipal corporation. 1031

(G) "Land acquisition" means the acquisition of real property 1032  
and interests in real property as part of a new community 1033  
development program. 1034

(H) "Land development" means the process of clearing and 1035  
grading land, making, installing, or constructing water 1036  
distribution systems, sewers, sewage collection systems, steam, 1037  
gas, and electric lines, roads, streets, curbs, gutters, 1038  
sidewalks, storm drainage facilities, and other installations or 1039  
work, whether within or without the new community district, and 1040  
the construction of community facilities. 1041

(I) "Community facilities" means all real property, 1042  
buildings, structures, or other facilities, including related 1043  
fixtures, equipment, and furnishings, to be owned, operated, 1044  
financed, constructed, and maintained under this chapter, 1045  
including public, community, village, neighborhood, or town 1046  
buildings, centers and plazas, auditoriums, ~~day-care~~ child-care 1047  
centers, recreation halls, educational facilities, hospital 1048  
facilities as defined in section 140.01 of the Revised Code, 1049  
recreational facilities, natural resource facilities, including 1050  
parks and other open space land, lakes and streams, cultural 1051  
facilities, community streets, pathway and bikeway systems, 1052  
pedestrian underpasses and overpasses, lighting facilities, design 1053  
amenities, or other community facilities, and buildings needed in 1054  
connection with water supply or sewage disposal installations or 1055  
steam, gas, or electric lines or installation. 1056

(J) "Cost" as applied to a new community development program 1057  
means all costs related to land acquisition and land development, 1058  
the acquisition, construction, maintenance, and operation of 1059  
community facilities and offices of the community authority, and 1060  
of providing furnishings and equipment therefor, financing charges 1061  
including interest prior to and during construction and for the 1062  
duration of the new community development program, planning 1063  
expenses, engineering expenses, administrative expenses including 1064  
working capital, and all other expenses necessary and incident to 1065  
the carrying forward of the new community development program. 1066

(K) "Income source" means any and all sources of income to 1067  
the community authority, including community development charges 1068  
of which the new community authority is the beneficiary as 1069  
provided in section 349.07 of the Revised Code, rentals, user fees 1070  
and other charges received by the new community authority, any 1071  
gift or grant received, any moneys received from any funds 1072  
invested by or on behalf of the new community authority, and 1073

proceeds from the sale or lease of land and community facilities. 1074

(L) "Community development charge" means a dollar amount 1075  
which shall be determined on the basis of the assessed valuation 1076  
of real property or interests in real property in a new community 1077  
district sold, leased, or otherwise conveyed by the developer or 1078  
the new community authority, the income of the residents of such 1079  
property subject to such charge under section 349.07 of the 1080  
Revised Code, if such property is devoted to residential uses or 1081  
to the profits of any business, a uniform fee on each parcel of 1082  
such real property originally sold, leased, or otherwise conveyed 1083  
by the developer or new community authority, or any combination of 1084  
the foregoing bases. 1085

(M) "Proximate city" means any city that, as of the date of 1086  
filing of the petition under section 349.03 of the Revised Code, 1087  
is the most populous city of the county in which the proposed new 1088  
community district is located, is the most populous city of an 1089  
adjoining county if any portion of such city is within five miles 1090  
of any part of the boundaries of such district, or exercises 1091  
extraterritorial subdivision authority under section 711.09 of the 1092  
Revised Code with respect to any part of such district. 1093

**Sec. 921.06.** (A)(1) No individual shall do any of the 1094  
following without having a commercial applicator license issued by 1095  
the director of agriculture: 1096

(a) Apply pesticides for a pesticide business without direct 1097  
supervision; 1098

(b) Apply pesticides as part of the individual's duties while 1099  
acting as an employee of the United States government, a state, 1100  
county, township, or municipal corporation, or a park district, 1101  
port authority, or sanitary district created under Chapter 1545., 1102  
4582., or 6115. of the Revised Code, respectively; 1103

(c) Apply restricted use pesticides. Division (A)(1)(c) of 1104  
this section does not apply to a private applicator or an 1105  
immediate family member or a subordinate employee of a private 1106  
applicator who is acting under the direct supervision of that 1107  
private applicator. 1108

(d) If the individual is the owner of a business other than a 1109  
pesticide business or an employee of such an owner, apply 1110  
pesticides at any of the following publicly accessible sites that 1111  
are located on the property: 1112

(i) Food service operations that are licensed under Chapter 1113  
3717. of the Revised Code; 1114

(ii) Retail food establishments that are licensed under 1115  
Chapter 3717. of the Revised Code; 1116

(iii) Golf courses; 1117

(iv) Rental properties of more than four apartment units at 1118  
one location; 1119

(v) Hospitals or medical facilities as defined in section 1120  
3701.01 of the Revised Code; 1121

(vi) ~~Child day-care~~ Child-care centers or school ~~child~~ 1122  
~~day-care~~ child-care centers as defined in section 5104.01 of the 1123  
Revised Code; 1124

(vii) Facilities owned or operated by a school district 1125  
established under Chapter 3311. of the Revised Code, including an 1126  
education service center, a community school established under 1127  
Chapter 3314. of the Revised Code, or a chartered or nonchartered 1128  
nonpublic school that meets minimum standards established by the 1129  
state board of education; 1130

(viii) Colleges as defined in section 3365.01 of the Revised 1131  
Code; 1132

(ix) Food processing establishments as defined in section 1133

3715.021 of the Revised Code; 1134

(x) Any other site designated by rule. 1135

(e) Conduct authorized diagnostic inspections. 1136

(2) Divisions (A)(1)(a) to (d) of this section do not apply 1137  
to an individual who is acting as a trained serviceperson under 1138  
the direct supervision of a commercial applicator. 1139

(3) Licenses shall be issued for a period of time established 1140  
by rule and shall be renewed in accordance with deadlines 1141  
established by rule. The fee for each such license shall be 1142  
established by rule. If a license is not issued or renewed, the 1143  
application fee shall be retained by the state as payment for the 1144  
reasonable expense of processing the application. The director 1145  
shall by rule classify by pesticide-use category licenses to be 1146  
issued under this section. A single license may include more than 1147  
one pesticide-use category. No individual shall be required to pay 1148  
an additional license fee if the individual is licensed for more 1149  
than one category. 1150

The fee for each license or renewal does not apply to an 1151  
applicant who is an employee of the department of agriculture 1152  
whose job duties require licensure as a commercial applicator as a 1153  
condition of employment. 1154

(B) Application for a commercial applicator license shall be 1155  
made on a form prescribed by the director. Each application for a 1156  
license shall state the pesticide-use category or categories of 1157  
license for which the applicant is applying and other information 1158  
that the director determines essential to the administration of 1159  
this chapter. 1160

(C) If the director finds that the applicant is competent to 1161  
apply pesticides and conduct diagnostic inspections and that the 1162  
applicant has passed both the general examination and each 1163  
applicable pesticide-use category examination as required under 1164

division (A) of section 921.12 of the Revised Code, the director 1165  
shall issue a commercial applicator license limited to the 1166  
pesticide-use category or categories for which the applicant is 1167  
found to be competent. If the director rejects an application, the 1168  
director may explain why the application was rejected, describe 1169  
the additional requirements necessary for the applicant to obtain 1170  
a license, and return the application. The applicant may resubmit 1171  
the application without payment of any additional fee. 1172

(D)(1) A person who is a commercial applicator shall be 1173  
deemed to hold a private applicator's license for purposes of 1174  
applying pesticides on agricultural commodities that are produced 1175  
by the commercial applicator. 1176

(2) A commercial applicator shall apply pesticides only in 1177  
the pesticide-use category or categories in which the applicator 1178  
is licensed under this chapter. 1179

**Sec. 2151.011.** (A) As used in the Revised Code: 1180

(1) "Juvenile court" means whichever of the following is 1181  
applicable that has jurisdiction under this chapter and Chapter 1182  
2152. of the Revised Code: 1183

(a) The division of the court of common pleas specified in 1184  
section 2101.022 or 2301.03 of the Revised Code as having 1185  
jurisdiction under this chapter and Chapter 2152. of the Revised 1186  
Code or as being the juvenile division or the juvenile division 1187  
combined with one or more other divisions; 1188

(b) The juvenile court of Cuyahoga county or Hamilton county 1189  
that is separately and independently created by section 2151.08 or 1190  
Chapter 2153. of the Revised Code and that has jurisdiction under 1191  
this chapter and Chapter 2152. of the Revised Code; 1192

(c) If division (A)(1)(a) or (b) of this section does not 1193  
apply, the probate division of the court of common pleas. 1194

(2) "Juvenile judge" means a judge of a court having 1195  
jurisdiction under this chapter. 1196

(3) "Private child placing agency" means any association, as 1197  
defined in section 5103.02 of the Revised Code, that is certified 1198  
under section 5103.03 of the Revised Code to accept temporary, 1199  
permanent, or legal custody of children and place the children for 1200  
either foster care or adoption. 1201

(4) "Private noncustodial agency" means any person, 1202  
organization, association, or society certified by the department 1203  
of job and family services that does not accept temporary or 1204  
permanent legal custody of children, that is privately operated in 1205  
this state, and that does one or more of the following: 1206

(a) Receives and cares for children for two or more 1207  
consecutive weeks; 1208

(b) Participates in the placement of children in certified 1209  
foster homes; 1210

(c) Provides adoption services in conjunction with a public 1211  
children services agency or private child placing agency. 1212

(B) As used in this chapter: 1213

(1) "Adequate parental care" means the provision by a child's 1214  
parent or parents, guardian, or custodian of adequate food, 1215  
clothing, and shelter to ensure the child's health and physical 1216  
safety and the provision by a child's parent or parents of 1217  
specialized services warranted by the child's physical or mental 1218  
needs. 1219

(2) "Adult" means an individual who is eighteen years of age 1220  
or older. 1221

(3) "Agreement for temporary custody" means a voluntary 1222  
agreement authorized by section 5103.15 of the Revised Code that 1223  
transfers the temporary custody of a child to a public children 1224

services agency or a private child placing agency. 1225

(4) "Certified foster home" means a foster home, as defined 1226  
in section 5103.02 of the Revised Code, certified under section 1227  
5103.03 of the Revised Code. 1228

(5) "Child" means a person who is under eighteen years of 1229  
age, except that the juvenile court has jurisdiction over any 1230  
person who is adjudicated an unruly child prior to attaining 1231  
eighteen years of age until the person attains twenty-one years of 1232  
age, and, for purposes of that jurisdiction related to that 1233  
adjudication, a person who is so adjudicated an unruly child shall 1234  
be deemed a "child" until the person attains twenty-one years of 1235  
age. 1236

(6) "Child day camp," "child care," "~~child day care~~ 1237  
child-care center," "~~part-time child day care center,~~" "type A 1238  
family ~~day care~~ child-care home," "licensed type B family 1239  
child-care home," "~~certified~~ type B family ~~day care~~ child-care 1240  
home with limited certification," "type B home," "administrator of 1241  
a ~~child day care~~ child-care center," "administrator of a type A 1242  
family ~~day care~~ child-care home," and "in-home aide," and 1243  
~~"authorized provider"~~ have the same meanings as in section 5104.01 1244  
of the Revised Code. 1245

(7) "Child care provider" means an individual who is a 1246  
child-care staff member or administrator of a ~~child day care~~ 1247  
child-care center, a type A family ~~day care~~ child-care home, ~~or~~ a 1248  
type B family ~~day care~~ child-care home, or an in-home aide or an 1249  
individual who is licensed, is regulated, is approved, operates 1250  
under the direction of, or otherwise is certified by the 1251  
department of job and family services, department of mental 1252  
retardation and developmental disabilities, or the early childhood 1253  
programs of the department of education. 1254

(8) "Chronic truant" has the same meaning as in section 1255



2152.02 of the Revised Code.	1256
(9) "Commit" means to vest custody as ordered by the court.	1257
(10) "Counseling" includes both of the following:	1258
(a) General counseling services performed by a public	1259
children services agency or shelter for victims of domestic	1260
violence to assist a child, a child's parents, and a child's	1261
siblings in alleviating identified problems that may cause or have	1262
caused the child to be an abused, neglected, or dependent child.	1263
(b) Psychiatric or psychological therapeutic counseling	1264
services provided to correct or alleviate any mental or emotional	1265
illness or disorder and performed by a licensed psychiatrist,	1266
licensed psychologist, or a person licensed under Chapter 4757. of	1267
the Revised Code to engage in social work or professional	1268
counseling.	1269
(11) "Custodian" means a person who has legal custody of a	1270
child or a public children services agency or private child	1271
placing agency that has permanent, temporary, or legal custody of	1272
a child.	1273
(12) "Delinquent child" has the same meaning as in section	1274
2152.02 of the Revised Code.	1275
(13) "Detention" means the temporary care of children pending	1276
court adjudication or disposition, or execution of a court order,	1277
in a public or private facility designed to physically restrict	1278
the movement and activities of children.	1279
(14) "Developmental disability" has the same meaning as in	1280
section 5123.01 of the Revised Code.	1281
(15) "Foster caregiver" has the same meaning as in section	1282
5103.02 of the Revised Code.	1283
(16) "Guardian" means a person, association, or corporation	1284
that is granted authority by a probate court pursuant to Chapter	1285

2111. of the Revised Code to exercise parental rights over a child 1286  
to the extent provided in the court's order and subject to the 1287  
residual parental rights of the child's parents. 1288

(17) "Habitual truant" means any child of compulsory school 1289  
age who is absent without legitimate excuse for absence from the 1290  
public school the child is supposed to attend for five or more 1291  
consecutive school days, seven or more school days in one school 1292  
month, or twelve or more school days in a school year. 1293

(18) "Juvenile traffic offender" has the same meaning as in 1294  
section 2152.02 of the Revised Code. 1295

(19) "Legal custody" means a legal status that vests in the 1296  
custodian the right to have physical care and control of the child 1297  
and to determine where and with whom the child shall live, and the 1298  
right and duty to protect, train, and discipline the child and to 1299  
provide the child with food, shelter, education, and medical care, 1300  
all subject to any residual parental rights, privileges, and 1301  
responsibilities. An individual granted legal custody shall 1302  
exercise the rights and responsibilities personally unless 1303  
otherwise authorized by any section of the Revised Code or by the 1304  
court. 1305

(20) A "legitimate excuse for absence from the public school 1306  
the child is supposed to attend" includes, but is not limited to, 1307  
any of the following: 1308

(a) The fact that the child in question has enrolled in and 1309  
is attending another public or nonpublic school in this or another 1310  
state; 1311

(b) The fact that the child in question is excused from 1312  
attendance at school for any of the reasons specified in section 1313  
3321.04 of the Revised Code; 1314

(c) The fact that the child in question has received an age 1315  
and schooling certificate in accordance with section 3331.01 of 1316

the Revised Code. 1317

(21) "Mental illness" and "mentally ill person subject to 1318  
hospitalization by court order" have the same meanings as in 1319  
section 5122.01 of the Revised Code. 1320

(22) "Mental injury" means any behavioral, cognitive, 1321  
emotional, or mental disorder in a child caused by an act or 1322  
omission that is described in section 2919.22 of the Revised Code 1323  
and is committed by the parent or other person responsible for the 1324  
child's care. 1325

(23) "Mentally retarded person" has the same meaning as in 1326  
section 5123.01 of the Revised Code. 1327

(24) "Nonsecure care, supervision, or training" means care, 1328  
supervision, or training of a child in a facility that does not 1329  
confine or prevent movement of the child within the facility or 1330  
from the facility. 1331

(25) "Of compulsory school age" has the same meaning as in 1332  
section 3321.01 of the Revised Code. 1333

(26) "Organization" means any institution, public, 1334  
semipublic, or private, and any private association, society, or 1335  
agency located or operating in the state, incorporated or 1336  
unincorporated, having among its functions the furnishing of 1337  
protective services or care for children, or the placement of 1338  
children in certified foster homes or elsewhere. 1339

(27) "Out-of-home care" means detention facilities, shelter 1340  
facilities, certified children's crisis care facilities, certified 1341  
foster homes, placement in a prospective adoptive home prior to 1342  
the issuance of a final decree of adoption, organizations, 1343  
certified organizations, ~~child day care~~ child-care centers, type A 1344  
family ~~day care~~ child-care homes, child care provided by type B 1345  
family ~~day care~~ child-care home providers and by in-home aides, 1346  
group home providers, group homes, institutions, state 1347

institutions, residential facilities, residential care facilities, 1348  
residential camps, day camps, public schools, chartered nonpublic 1349  
schools, educational service centers, hospitals, and medical 1350  
clinics that are responsible for the care, physical custody, or 1351  
control of children. 1352

(28) "Out-of-home care child abuse" means any of the 1353  
following when committed by a person responsible for ~~the~~ a child's 1354  
care ~~of a child~~ in out-of-home care: 1355

(a) Engaging in sexual activity with a child in the person's 1356  
care; 1357

(b) Denial to a child, as a means of punishment, of proper or 1358  
necessary subsistence, education, medical care, or other care 1359  
necessary for a child's health; 1360

(c) Use of restraint procedures on a child that cause injury 1361  
or pain; 1362

(d) Administration of prescription drugs or psychotropic 1363  
medication to the child without the written approval and ongoing 1364  
supervision of a licensed physician; 1365

(e) Commission of any act, other than by accidental means, 1366  
that results in any injury to or death of the child in out-of-home 1367  
care or commission of any act by accidental means that results in 1368  
an injury to or death of a child in out-of-home care and that is 1369  
at variance with the history given of the injury or death. 1370

(29) "Out-of-home care child neglect" means any of the 1371  
following when committed by a person responsible for ~~the~~ a child's 1372  
care ~~of a child~~ in out-of-home care: 1373

(a) Failure to provide reasonable supervision according to 1374  
the standards of care appropriate to the age, mental and physical 1375  
condition, or other special needs of the child; 1376

(b) Failure to provide reasonable supervision according to 1377

the standards of care appropriate to the age, mental and physical 1378  
condition, or other special needs of the child, that results in 1379  
sexual or physical abuse of the child by any person; 1380

(c) Failure to develop a process for all of the following: 1381

(i) Administration of prescription drugs or psychotropic 1382  
drugs for the child; 1383

(ii) Assuring that the instructions of the licensed physician 1384  
who prescribed a drug for the child are followed; 1385

(iii) Reporting to the licensed physician who prescribed the 1386  
drug all unfavorable or dangerous side effects from the use of the 1387  
drug. 1388

(d) Failure to provide proper or necessary subsistence, 1389  
education, medical care, or other individualized care necessary 1390  
for the health or well-being of the child; 1391

(e) Confinement of the child to a locked room without 1392  
monitoring by staff; 1393

(f) Failure to provide ongoing security for all prescription 1394  
and nonprescription medication; 1395

(g) Isolation of a child for a period of time when there is 1396  
substantial risk that the isolation, if continued, will impair or 1397  
retard the mental health or physical well-being of the child. 1398

(30) "Permanent custody" means a legal status that vests in a 1399  
public children services agency or a private child placing agency, 1400  
all parental rights, duties, and obligations, including the right 1401  
to consent to adoption, and divests the natural parents or 1402  
adoptive parents of all parental rights, privileges, and 1403  
obligations, including all residual rights and obligations. 1404

(31) "Permanent surrender" means the act of the parents or, 1405  
if a child has only one parent, of the parent of a child, by a 1406  
voluntary agreement authorized by section 5103.15 of the Revised 1407

Code, to transfer the permanent custody of the child to a public 1408  
children services agency or a private child placing agency. 1409

(32) "Person" means an individual, association, corporation, 1410  
or partnership and the state or any of its political subdivisions, 1411  
departments, or agencies. 1412

(33) "Person responsible for a child's care in out-of-home 1413  
care" means any of the following: 1414

(a) Any foster caregiver, in-home aide, or provider; 1415

(b) Any administrator, employee, or agent of any of the 1416  
following: a public or private detention facility; shelter 1417  
facility; certified children's crisis care facility; organization; 1418  
certified organization; ~~child day-care~~ child-care center; type A 1419  
family ~~day-care~~ child-care home; ~~certified~~ licensed type B family 1420  
child-care home; type B family ~~day-care~~ child-care home with 1421  
limited certification; group home; institution; state institution; 1422  
residential facility; residential care facility; residential camp; 1423  
day camp; school district; community school; chartered nonpublic 1424  
school; educational service center; hospital; or medical clinic; 1425  
1426

(c) Any person who supervises or coaches children as part of 1427  
an extracurricular activity sponsored by a school district, public 1428  
school, or chartered nonpublic school; 1429

(d) Any other person who performs a similar function with 1430  
respect to, or has a similar relationship to, children. 1431

(34) "Physically impaired" means having one or more of the 1432  
following conditions that substantially limit one or more of an 1433  
individual's major life activities, including self-care, receptive 1434  
and expressive language, learning, mobility, and self-direction: 1435

(a) A substantial impairment of vision, speech, or hearing; 1436

(b) A congenital orthopedic impairment; 1437

(c) An orthopedic impairment caused by disease, rheumatic 1438  
fever or any other similar chronic or acute health problem, or 1439  
amputation or another similar cause. 1440

(35) "Placement for adoption" means the arrangement by a 1441  
public children services agency or a private child placing agency 1442  
with a person for the care and adoption by that person of a child 1443  
of whom the agency has permanent custody. 1444

(36) "Placement in foster care" means the arrangement by a 1445  
public children services agency or a private child placing agency 1446  
for the out-of-home care of a child of whom the agency has 1447  
temporary custody or permanent custody. 1448

(37) "Planned permanent living arrangement" means an order of 1449  
a juvenile court pursuant to which both of the following apply: 1450

(a) The court gives legal custody of a child to a public 1451  
children services agency or a private child placing agency without 1452  
the termination of parental rights. 1453

(b) The order permits the agency to make an appropriate 1454  
placement of the child and to enter into a written agreement with 1455  
a foster care provider or with another person or agency with whom 1456  
the child is placed. 1457

(38) "Practice of social work" and "practice of professional 1458  
counseling" have the same meanings as in section 4757.01 of the 1459  
Revised Code. 1460

(39) "Sanction, service, or condition" means a sanction, 1461  
service, or condition created by court order following an 1462  
adjudication that a child is an unruly child that is described in 1463  
division (A)(4) of section 2152.19 of the Revised Code. 1464

(40) "Protective supervision" means an order of disposition 1465  
pursuant to which the court permits an abused, neglected, 1466  
dependent, or unruly child to remain in the custody of the child's 1467

parents, guardian, or custodian and stay in the child's home, 1468  
subject to any conditions and limitations upon the child, the 1469  
child's parents, guardian, or custodian, or any other person that 1470  
the court prescribes, including supervision as directed by the 1471  
court for the protection of the child. 1472

(41) "Psychiatrist" has the same meaning as in section 1473  
5122.01 of the Revised Code. 1474

(42) "Psychologist" has the same meaning as in section 1475  
4732.01 of the Revised Code. 1476

(43) "Residential camp" means a program in which the care, 1477  
physical custody, or control of children is accepted overnight for 1478  
recreational or recreational and educational purposes. 1479

(44) "Residential care facility" means an institution, 1480  
residence, or facility that is licensed by the department of 1481  
mental health under section 5119.22 of the Revised Code and that 1482  
provides care for a child. 1483

(45) "Residential facility" means a home or facility that is 1484  
licensed by the department of mental retardation and developmental 1485  
disabilities under section 5123.19 of the Revised Code and in 1486  
which a child with a developmental disability resides. 1487

(46) "Residual parental rights, privileges, and 1488  
responsibilities" means those rights, privileges, and 1489  
responsibilities remaining with the natural parent after the 1490  
transfer of legal custody of the child, including, but not 1491  
necessarily limited to, the privilege of reasonable visitation, 1492  
consent to adoption, the privilege to determine the child's 1493  
religious affiliation, and the responsibility for support. 1494

(47) "School day" means the school day established by the 1495  
state board of education pursuant to section 3313.48 of the 1496  
Revised Code. 1497



(48) "School month" and "school year" have the same meanings 1498  
as in section 3313.62 of the Revised Code. 1499

(49) "Secure correctional facility" means a facility under 1500  
the direction of the department of youth services that is designed 1501  
to physically restrict the movement and activities of children and 1502  
used for the placement of children after adjudication and 1503  
disposition. 1504

(50) "Sexual activity" has the same meaning as in section 1505  
2907.01 of the Revised Code. 1506

(51) "Shelter" means the temporary care of children in 1507  
physically unrestricted facilities pending court adjudication or 1508  
disposition. 1509

(52) "Shelter for victims of domestic violence" has the same 1510  
meaning as in section 3113.33 of the Revised Code. 1511

(53) "Temporary custody" means legal custody of a child who 1512  
is removed from the child's home, which custody may be terminated 1513  
at any time at the discretion of the court or, if the legal 1514  
custody is granted in an agreement for temporary custody, by the 1515  
person who executed the agreement. 1516

(C) For the purposes of this chapter, a child shall be 1517  
presumed abandoned when the parents of the child have failed to 1518  
visit or maintain contact with the child for more than ninety 1519  
days, regardless of whether the parents resume contact with the 1520  
child after that period of ninety days. 1521

**Sec. 2151.421.** (A)(1)(a) No person described in division 1522  
(A)(1)(b) of this section who is acting in an official or 1523  
professional capacity and knows, or has reasonable cause to 1524  
suspect based on facts that would cause a reasonable person in a 1525  
similar position to suspect, that a child under eighteen years of 1526  
age or a mentally retarded, developmentally disabled, or 1527

physically impaired child under twenty-one years of age has 1528  
suffered or faces a threat of suffering any physical or mental 1529  
wound, injury, disability, or condition of a nature that 1530  
reasonably indicates abuse or neglect of the child shall fail to 1531  
immediately report that knowledge or reasonable cause to suspect 1532  
to the entity or persons specified in this division. Except as 1533  
provided in section 5120.173 of the Revised Code, the person 1534  
making the report shall make it to the public children services 1535  
agency or a municipal or county peace officer in the county in 1536  
which the child resides or in which the abuse or neglect is 1537  
occurring or has occurred. In the circumstances described in 1538  
section 5120.173 of the Revised Code, the person making the report 1539  
shall make it to the entity specified in that section. 1540

(b) Division (A)(1)(a) of this section applies to any person 1541  
who is an attorney; physician, including a hospital intern or 1542  
resident; dentist; podiatrist; practitioner of a limited branch of 1543  
medicine as specified in section 4731.15 of the Revised Code; 1544  
registered nurse; licensed practical nurse; visiting nurse; other 1545  
health care professional; licensed psychologist; licensed school 1546  
psychologist; independent marriage and family therapist or 1547  
marriage and family therapist; speech pathologist or audiologist; 1548  
coroner; administrator or employee of a ~~child day-care~~ child-care 1549  
center; administrator or employee of a residential camp or child 1550  
day camp; administrator or employee of a certified child care 1551  
agency or other public or private children services agency; school 1552  
teacher; school employee; school authority; person engaged in 1553  
social work or the practice of professional counseling; agent of a 1554  
county humane society; person, other than a cleric, rendering 1555  
spiritual treatment through prayer in accordance with the tenets 1556  
of a well-recognized religion; employee of a county department of 1557  
job and family services who is a professional and who works with 1558  
children and families; superintendent, board member, or employee 1559  
of a county board of mental retardation; investigative agent 1560

contracted with by a county board of mental retardation; employee 1561  
of the department of mental retardation and developmental 1562  
disabilities; employee of a facility or home that provides respite 1563  
care in accordance with section 5123.171 of the Revised Code; 1564  
employee of a home health agency; employee of an entity that 1565  
provides homemaker services; a person performing the duties of an 1566  
assessor pursuant to Chapter 3107. or 5103. of the Revised Code; 1567  
or third party employed by a public children services agency to 1568  
assist in providing child or family related services. 1569

(2) Except as provided in division (A)(3) of this section, an 1570  
attorney or a physician is not required to make a report pursuant 1571  
to division (A)(1) of this section concerning any communication 1572  
the attorney or physician receives from a client or patient in an 1573  
attorney-client or physician-patient relationship, if, in 1574  
accordance with division (A) or (B) of section 2317.02 of the 1575  
Revised Code, the attorney or physician could not testify with 1576  
respect to that communication in a civil or criminal proceeding. 1577

(3) The client or patient in an attorney-client or 1578  
physician-patient relationship described in division (A)(2) of 1579  
this section is deemed to have waived any testimonial privilege 1580  
under division (A) or (B) of section 2317.02 of the Revised Code 1581  
with respect to any communication the attorney or physician 1582  
receives from the client or patient in that attorney-client or 1583  
physician-patient relationship, and the attorney or physician 1584  
shall make a report pursuant to division (A)(1) of this section 1585  
with respect to that communication, if all of the following apply: 1586

(a) The client or patient, at the time of the communication, 1587  
is either a child under eighteen years of age or a mentally 1588  
retarded, developmentally disabled, or physically impaired person 1589  
under twenty-one years of age. 1590

(b) The attorney or physician knows, or has reasonable cause 1591  
to suspect based on facts that would cause a reasonable person in 1592

similar position to suspect, as a result of the communication or 1593  
any observations made during that communication, that the client 1594  
or patient has suffered or faces a threat of suffering any 1595  
physical or mental wound, injury, disability, or condition of a 1596  
nature that reasonably indicates abuse or neglect of the client or 1597  
patient. 1598

(c) The abuse or neglect does not arise out of the client's 1599  
or patient's attempt to have an abortion without the notification 1600  
of her parents, guardian, or custodian in accordance with section 1601  
2151.85 of the Revised Code. 1602

(4)(a) No cleric and no person, other than a volunteer, 1603  
designated by any church, religious society, or faith acting as a 1604  
leader, official, or delegate on behalf of the church, religious 1605  
society, or faith who is acting in an official or professional 1606  
capacity, who knows, or has reasonable cause to believe based on 1607  
facts that would cause a reasonable person in a similar position 1608  
to believe, that a child under eighteen years of age or a mentally 1609  
retarded, developmentally disabled, or physically impaired child 1610  
under twenty-one years of age has suffered or faces a threat of 1611  
suffering any physical or mental wound, injury, disability, or 1612  
condition of a nature that reasonably indicates abuse or neglect 1613  
of the child, and who knows, or has reasonable cause to believe 1614  
based on facts that would cause a reasonable person in a similar 1615  
position to believe, that another cleric or another person, other 1616  
than a volunteer, designated by a church, religious society, or 1617  
faith acting as a leader, official, or delegate on behalf of the 1618  
church, religious society, or faith caused, or poses the threat of 1619  
causing, the wound, injury, disability, or condition that 1620  
reasonably indicates abuse or neglect shall fail to immediately 1621  
report that knowledge or reasonable cause to believe to the entity 1622  
or persons specified in this division. Except as provided in 1623  
section 5120.173 of the Revised Code, the person making the report 1624

shall make it to the public children services agency or a 1625  
municipal or county peace officer in the county in which the child 1626  
resides or in which the abuse or neglect is occurring or has 1627  
occurred. In the circumstances described in section 5120.173 of 1628  
the Revised Code, the person making the report shall make it to 1629  
the entity specified in that section. 1630

(b) Except as provided in division (A)(4)(c) of this section, 1631  
a cleric is not required to make a report pursuant to division 1632  
(A)(4)(a) of this section concerning any communication the cleric 1633  
receives from a penitent in a cleric-penitent relationship, if, in 1634  
accordance with division (C) of section 2317.02 of the Revised 1635  
Code, the cleric could not testify with respect to that 1636  
communication in a civil or criminal proceeding. 1637

(c) The penitent in a cleric-penitent relationship described 1638  
in division (A)(4)(b) of this section is deemed to have waived any 1639  
testimonial privilege under division (C) of section 2317.02 of the 1640  
Revised Code with respect to any communication the cleric receives 1641  
from the penitent in that cleric-penitent relationship, and the 1642  
cleric shall make a report pursuant to division (A)(4)(a) of this 1643  
section with respect to that communication, if all of the 1644  
following apply: 1645

(i) The penitent, at the time of the communication, is either 1646  
a child under eighteen years of age or a mentally retarded, 1647  
developmentally disabled, or physically impaired person under 1648  
twenty-one years of age. 1649

(ii) The cleric knows, or has reasonable cause to believe 1650  
based on facts that would cause a reasonable person in a similar 1651  
position to believe, as a result of the communication or any 1652  
observations made during that communication, the penitent has 1653  
suffered or faces a threat of suffering any physical or mental 1654  
wound, injury, disability, or condition of a nature that 1655  
reasonably indicates abuse or neglect of the penitent. 1656

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

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

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

(B) Anyone who knows, or has reasonable cause to suspect  
based on facts that would cause a reasonable person in similar  
circumstances to suspect, that a child under eighteen years of age  
or a mentally retarded, developmentally disabled, or physically  
impaired person under twenty-one years of age has suffered or  
faces a threat of suffering any physical or mental wound, injury,  
disability, or other condition of a nature that reasonably  
indicates abuse or neglect of the child may report or cause  
reports to be made of that knowledge or reasonable cause to  
suspect to the entity or persons specified in this division.  
Except as provided in section 5120.173 of the Revised Code, a  
person making a report or causing a report to be made under this  
division shall make it or cause it to be made to the public  
children services agency or to a municipal or county peace  
officer. In the circumstances described in section 5120.173 of the  
Revised Code, a person making a report or causing a report to be  
made under this division shall make it or cause it to be made to  
the entity specified in that section.

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

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

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

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

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

(D) As used in this division, "children's advocacy center" and "sexual abuse of a child" have the same meanings as in section 2151.425 of the Revised Code.

(1) When a municipal or county peace officer receives a 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 1720  
report shall refer the report to the appropriate public children 1721  
services agency. 1722

(2) When a public children services agency receives a report 1723  
pursuant to this division or division (A) or (B) of this section, 1724  
upon receipt of the report, the public children services agency 1725  
shall do both of the following: 1726

(a) Comply with section 2151.422 of the Revised Code; 1727

(b) If the county served by the agency is also served by a 1728  
children's advocacy center and the report alleges sexual abuse of 1729  
a child or another type of abuse of a child that is specified in 1730  
the memorandum of understanding that creates the center as being 1731  
within the center's jurisdiction, comply regarding the report with 1732  
the protocol and procedures for referrals and investigations, with 1733  
the coordinating activities, and with the authority or 1734  
responsibility for performing or providing functions, activities, 1735  
and services stipulated in the interagency agreement entered into 1736  
under section 2151.428 of the Revised Code relative to that 1737  
center. 1738

(E) No township, municipal, or county peace officer shall 1739  
remove a child about whom a report is made pursuant to this 1740  
section from the child's parents, stepparents, or guardian or any 1741  
other persons having custody of the child without consultation 1742  
with the public children services agency, unless, in the judgment 1743  
of the officer, and, if the report was made by physician, the 1744  
physician, immediate removal is considered essential to protect 1745  
the child from further abuse or neglect. The agency that must be 1746  
consulted shall be the agency conducting the investigation of the 1747  
report as determined pursuant to section 2151.422 of the Revised 1748  
Code. 1749

(F)(1) Except as provided in section 2151.422 of the Revised 1750



Code or in an interagency agreement entered into under section 1751  
2151.428 of the Revised Code that applies to the particular 1752  
report, the public children services agency shall investigate, 1753  
within twenty-four hours, each report of child abuse or child 1754  
neglect that is known or reasonably suspected or believed to have 1755  
occurred and of a threat of child abuse or child neglect that is 1756  
known or reasonably suspected or believed to exist that is 1757  
referred to it under this section to determine the circumstances 1758  
surrounding the injuries, abuse, or neglect or the threat of 1759  
injury, abuse, or neglect, the cause of the injuries, abuse, 1760  
neglect, or threat, and the person or persons responsible. The 1761  
investigation shall be made in cooperation with the law 1762  
enforcement agency and in accordance with the memorandum of 1763  
understanding prepared under division (J) of this section. A 1764  
representative of the public children services agency shall, at 1765  
the time of initial contact with the person subject to the 1766  
investigation, inform the person of the specific complaints or 1767  
allegations made against the person. The information shall be 1768  
given in a manner that is consistent with division (H)(1) of this 1769  
section and protects the rights of the person making the report 1770  
under this section. 1771

A failure to make the investigation in accordance with the 1772  
memorandum is not grounds for, and shall not result in, the 1773  
dismissal of any charges or complaint arising from the report or 1774  
the suppression of any evidence obtained as a result of the report 1775  
and does not give, and shall not be construed as giving, any 1776  
rights or any grounds for appeal or post-conviction relief to any 1777  
person. The public children services agency shall report each case 1778  
to the uniform statewide automated child welfare information 1779  
system that the department of job and family services shall 1780  
maintain in accordance with section 5101.13 of the Revised Code. 1781  
The public children services agency shall submit a report of its 1782  
investigation, in writing, to the law enforcement agency. 1783

(2) The public children services agency shall make any 1784  
recommendations to the county prosecuting attorney or city 1785  
director of law that it considers necessary to protect any 1786  
children that are brought to its attention. 1787

(G)(1)(a) Except as provided in division (H)(3) of this 1788  
section, anyone or any hospital, institution, school, health 1789  
department, or agency participating in the making of reports under 1790  
division (A) of this section, anyone or any hospital, institution, 1791  
school, health department, or agency participating in good faith 1792  
in the making of reports under division (B) of this section, and 1793  
anyone participating in good faith in a judicial proceeding 1794  
resulting from the reports, shall be immune from any civil or 1795  
criminal liability for injury, death, or loss to person or 1796  
property that otherwise might be incurred or imposed as a result 1797  
of the making of the reports or the participation in the judicial 1798  
proceeding. 1799

(b) Notwithstanding section 4731.22 of the Revised Code, the 1800  
physician-patient privilege shall not be a ground for excluding 1801  
evidence regarding a child's injuries, abuse, or neglect, or the 1802  
cause of the injuries, abuse, or neglect in any judicial 1803  
proceeding resulting from a report submitted pursuant to this 1804  
section. 1805

(2) In any civil or criminal action or proceeding in which it 1806  
is alleged and proved that participation in the making of a report 1807  
under this section was not in good faith or participation in a 1808  
judicial proceeding resulting from a report made under this 1809  
section was not in good faith, the court shall award the 1810  
prevailing party reasonable attorney's fees and costs and, if a 1811  
civil action or proceeding is voluntarily dismissed, may award 1812  
reasonable attorney's fees and costs to the party against whom the 1813  
civil action or proceeding is brought. 1814

(H)(1) Except as provided in divisions (H)(4) and (M) of this 1815

section, a report made under this section is confidential. The 1816  
information provided in a report made pursuant to this section and 1817  
the name of the person who made the report shall not be released 1818  
for use, and shall not be used, as evidence in any civil action or 1819  
proceeding brought against the person who made the report. In a 1820  
criminal proceeding, the report is admissible in evidence in 1821  
accordance with the Rules of Evidence and is subject to discovery 1822  
in accordance with the Rules of Criminal Procedure. 1823

(2) No person shall permit or encourage the unauthorized 1824  
dissemination of the contents of any report made under this 1825  
section. 1826

(3) A person who knowingly makes or causes another person to 1827  
make a false report under division (B) of this section that 1828  
alleges that any person has committed an act or omission that 1829  
resulted in a child being an abused child or a neglected child is 1830  
guilty of a violation of section 2921.14 of the Revised Code. 1831

(4) If a report is made pursuant to division (A) or (B) of 1832  
this section and the child who is the subject of the report dies 1833  
for any reason at any time after the report is made, but before 1834  
the child attains eighteen years of age, the public children 1835  
services agency or municipal or county peace officer to which the 1836  
report was made or referred, on the request of the child fatality 1837  
review board, shall submit a summary sheet of information 1838  
providing a summary of the report to the review board of the 1839  
county in which the deceased child resided at the time of death. 1840  
On the request of the review board, the agency or peace officer 1841  
may, at its discretion, make the report available to the review 1842  
board. If the county served by the public children services agency 1843  
is also served by a children's advocacy center and the report of 1844  
alleged sexual abuse of a child or another type of abuse of a 1845  
child is specified in the memorandum of understanding that creates 1846  
the center as being within the center's jurisdiction, the agency 1847

or center shall perform the duties and functions specified in this 1848  
division in accordance with the interagency agreement entered into 1849  
under section 2151.428 of the Revised Code relative to that 1850  
advocacy center. 1851

(5) A public children services agency shall advise a person 1852  
alleged to have inflicted abuse or neglect on a child who is the 1853  
subject of a report made pursuant to this section, including a 1854  
report alleging sexual abuse of a child or another type of abuse 1855  
of a child referred to a children's advocacy center pursuant to an 1856  
interagency agreement entered into under section 2151.428 of the 1857  
Revised Code, in writing of the disposition of the investigation. 1858  
The agency shall not provide to the person any information that 1859  
identifies the person who made the report, statements of 1860  
witnesses, or police or other investigative reports. 1861

(I) Any report that is required by this section, other than a 1862  
report that is made to the state highway patrol as described in 1863  
section 5120.173 of the Revised Code, shall result in protective 1864  
services and emergency supportive services being made available by 1865  
the public children services agency on behalf of the children 1866  
about whom the report is made, in an effort to prevent further 1867  
neglect or abuse, to enhance their welfare, and, whenever 1868  
possible, to preserve the family unit intact. The agency required 1869  
to provide the services shall be the agency conducting the 1870  
investigation of the report pursuant to section 2151.422 of the 1871  
Revised Code. 1872

(J)(1) Each public children services agency shall prepare a 1873  
memorandum of understanding that is signed by all of the 1874  
following: 1875

(a) If there is only one juvenile judge in the county, the 1876  
juvenile judge of the county or the juvenile judge's 1877  
representative; 1878

(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 1909  
officials is not grounds for, and shall not result in, the 1910  
dismissal of any charges or complaint arising from any reported 1911  
case of abuse or neglect or the suppression of any evidence 1912  
obtained as a result of any reported child abuse or child neglect 1913  
and does not give, and shall not be construed as giving, any 1914  
rights or any grounds for appeal or post-conviction relief to any 1915  
person. 1916

(3) A memorandum of understanding shall include all of the 1917  
following: 1918

(a) The roles and responsibilities for handling emergency and 1919  
nonemergency cases of abuse and neglect; 1920

(b) Standards and procedures to be used in handling and 1921  
coordinating investigations of reported cases of child abuse and 1922  
reported cases of child neglect, methods to be used in 1923  
interviewing the child who is the subject of the report and who 1924  
allegedly was abused or neglected, and standards and procedures 1925  
addressing the categories of persons who may interview the child 1926  
who is the subject of the report and who allegedly was abused or 1927  
neglected. 1928

(4) If a public children services agency participated in the 1929  
execution of a memorandum of understanding under section 2151.426 1930  
of the Revised Code establishing a children's advocacy center, the 1931  
agency shall incorporate the contents of that memorandum in the 1932  
memorandum prepared pursuant to this section. 1933

(5) The clerk of the court of common pleas in the county may 1934  
sign the memorandum of understanding prepared under division 1935  
(J)(1) of this section. If the clerk signs the memorandum of 1936  
understanding, the clerk shall execute all relevant 1937  
responsibilities as required of officials specified in the 1938  
memorandum. 1939

(K)(1) Except as provided in division (K)(4) of this section, 1940  
a person who is required to make a report pursuant to division (A) 1941  
of this section may make a reasonable number of requests of the 1942  
public children services agency that receives or is referred the 1943  
report, or of the children's advocacy center that is referred the 1944  
report if the report is referred to a children's advocacy center 1945  
pursuant to an interagency agreement entered into under section 1946  
2151.428 of the Revised Code, to be provided with the following 1947  
information: 1948

(a) Whether the agency or center has initiated an 1949  
investigation of the report; 1950

(b) Whether the agency or center is continuing to investigate 1951  
the report; 1952

(c) Whether the agency or center is otherwise involved with 1953  
the child who is the subject of the report; 1954

(d) The general status of the health and safety of the child 1955  
who is the subject of the report; 1956

(e) Whether the report has resulted in the filing of a 1957  
complaint in juvenile court or of criminal charges in another 1958  
court. 1959

(2) A person may request the information specified in 1960  
division (K)(1) of this section only if, at the time the report is 1961  
made, the person's name, address, and telephone number are 1962  
provided to the person who receives the report. 1963

When a municipal or county peace officer or employee of a 1964  
public children services agency receives a report pursuant to 1965  
division (A) or (B) of this section the recipient of the report 1966  
shall inform the person of the right to request the information 1967  
described in division (K)(1) of this section. The recipient of the 1968  
report shall include in the initial child abuse or child neglect 1969  
report that the person making the report was so informed and, if 1970

provided at the time of the making of the report, shall include 1971  
the person's name, address, and telephone number in the report. 1972

Each request is subject to verification of the identity of 1973  
the person making the report. If that person's identity is 1974  
verified, the agency shall provide the person with the information 1975  
described in division (K)(1) of this section a reasonable number 1976  
of times, except that the agency shall not disclose any 1977  
confidential information regarding the child who is the subject of 1978  
the report other than the information described in those 1979  
divisions. 1980

(3) A request made pursuant to division (K)(1) of this 1981  
section is not a substitute for any report required to be made 1982  
pursuant to division (A) of this section. 1983

(4) If an agency other than the agency that received or was 1984  
referred the report is conducting the investigation of the report 1985  
pursuant to section 2151.422 of the Revised Code, the agency 1986  
conducting the investigation shall comply with the requirements of 1987  
division (K) of this section. 1988

(L) The director of job and family services shall adopt rules 1989  
in accordance with Chapter 119. of the Revised Code to implement 1990  
this section. The department of job and family services may enter 1991  
into a plan of cooperation with any other governmental entity to 1992  
aid in ensuring that children are protected from abuse and 1993  
neglect. The department shall make recommendations to the attorney 1994  
general that the department determines are necessary to protect 1995  
children from child abuse and child neglect. 1996

(M)(1) As used in this division: 1997

(a) "Out-of-home care" includes a nonchartered nonpublic 1998  
school if the alleged child abuse or child neglect, or alleged 1999  
threat of child abuse or child neglect, described in a report 2000  
received by a public children services agency allegedly occurred 2001



in or involved the nonchartered nonpublic school and the alleged 2002  
perpetrator named in the report holds a certificate, permit, or 2003  
license issued by the state board of education under section 2004  
3301.071 or Chapter 3319. of the Revised Code. 2005

(b) "Administrator, director, or other chief administrative 2006  
officer" means the superintendent of the school district if the 2007  
out-of-home care entity subject to a report made pursuant to this 2008  
section is a school operated by the district. 2009

(2) No later than the end of the day following the day on 2010  
which a public children services agency receives a report of 2011  
alleged child abuse or child neglect, or a report of an alleged 2012  
threat of child abuse or child neglect, that allegedly occurred in 2013  
or involved an out-of-home care entity, the agency shall provide 2014  
written notice of the allegations contained in and the person 2015  
named as the alleged perpetrator in the report to the 2016  
administrator, director, or other chief administrative officer of 2017  
the out-of-home care entity that is the subject of the report 2018  
unless the administrator, director, or other chief administrative 2019  
officer is named as an alleged perpetrator in the report. If the 2020  
administrator, director, or other chief administrative officer of 2021  
an out-of-home care entity is named as an alleged perpetrator in a 2022  
report of alleged child abuse or child neglect, or a report of an 2023  
alleged threat of child abuse or child neglect, that allegedly 2024  
occurred in or involved the out-of-home care entity, the agency 2025  
shall provide the written notice to the owner or governing board 2026  
of the out-of-home care entity that is the subject of the report. 2027  
The agency shall not provide witness statements or police or other 2028  
investigative reports. 2029

(3) No later than three days after the day on which a public 2030  
children services agency that conducted the investigation as 2031  
determined pursuant to section 2151.422 of the Revised Code makes 2032  
a disposition of an investigation involving a report of alleged 2033

child abuse or child neglect, or a report of an alleged threat of 2034  
child abuse or child neglect, that allegedly occurred in or 2035  
involved an out-of-home care entity, the agency shall send written 2036  
notice of the disposition of the investigation to the 2037  
administrator, director, or other chief administrative officer and 2038  
the owner or governing board of the out-of-home care entity. The 2039  
agency shall not provide witness statements or police or other 2040  
investigative reports. 2041

**Sec. 2151.86.** (A)(1) The appointing or hiring officer of any 2042  
entity that appoints or employs any person responsible for a 2043  
child's care in out-of-home care shall request the superintendent 2044  
of BCII to conduct a criminal records check with respect to any 2045  
person who is under final consideration for appointment or 2046  
employment as a person responsible for a child's care in 2047  
out-of-home care, except that section 3319.39 of the Revised Code 2048  
shall apply instead of this section if the out-of-home care entity 2049  
is a public school, educational service center, or chartered 2050  
nonpublic school. 2051

(2) At the times specified in this division, the 2052  
administrative director of an agency, or attorney, who arranges an 2053  
adoption for a prospective adoptive parent shall request the 2054  
superintendent of BCII to conduct a criminal records check with 2055  
respect to that prospective adoptive parent and a criminal records 2056  
check with respect to all persons eighteen years of age or older 2057  
who reside with the prospective adoptive parent. The 2058  
administrative director or attorney shall request a criminal 2059  
records check pursuant to this division at the time of the initial 2060  
home study, every four years after the initial home study at the 2061  
time of an update, and at the time that an adoptive home study is 2062  
completed as a new home study. 2063

(3) Before a recommending agency submits a recommendation to 2064

the department of job and family services on whether the 2065  
department should issue a certificate to a foster home under 2066  
section 5103.03 of the Revised Code, and every four years 2067  
thereafter prior to a recertification under that section, the 2068  
administrative director of the agency shall request that the 2069  
superintendent of BCII conduct a criminal records check with 2070  
respect to the prospective foster caregiver and a criminal records 2071  
check with respect to all other persons eighteen years of age or 2072  
older who reside with the foster caregiver. 2073

(B)(1) If a person subject to a criminal records check under 2074  
division (A)(1) of this section does not present proof that the 2075  
person has been a resident of this state for the five-year period 2076  
immediately prior to the date upon which the criminal records 2077  
check is requested or does not provide evidence that within that 2078  
five-year period the superintendent of BCII has requested 2079  
information about the person from the federal bureau of 2080  
investigation in a criminal records check, the appointing or 2081  
hiring officer shall request that the superintendent of BCII 2082  
obtain information from the federal bureau of investigation as a 2083  
part of the criminal records check, including fingerprint based 2084  
checks of national crime information databases as described in 42 2085  
U.S.C. 671. If a person subject to a criminal records check under 2086  
division (A)(1) of this section presents proof that the person has 2087  
been a resident of this state for that five-year period, the 2088  
appointing or hiring officer or attorney may request that the 2089  
superintendent of BCII include information from the federal bureau 2090  
of investigation in the criminal records check, including 2091  
fingerprint based checks of national crime information databases 2092  
as described in 42 U.S.C. 671. 2093

When the administrative director of an agency, or attorney, 2094  
who arranges an adoption for a prospective parent requests, at the 2095  
time of the initial home study, a criminal records check for a 2096

person pursuant to division (A)(2) of this section, the 2097  
administrative director or attorney shall request that the 2098  
superintendent of BCII obtain information from the federal bureau 2099  
of investigation as part of the criminal records check, including 2100  
fingerprint based checks of national crime information databases 2101  
as described in 42 U.S.C. 671, for the person subject to the 2102  
criminal records check. In all other cases in which the 2103  
administrative director of an agency, or attorney, who arranges an 2104  
adoption for a prospective parent requests a criminal records 2105  
check for a person pursuant to division (A)(2) of this section, 2106  
the administrative director or attorney may request that the 2107  
superintendent of BCII include information from the federal bureau 2108  
of investigation in the criminal records check, including 2109  
fingerprint based checks of national crime information databases 2110  
as described in 42 U.S.C. 671. 2111

When the administrative director of a recommending agency 2112  
requests, before submitting a recommendation to the department of 2113  
job and family services on whether the department should issue a 2114  
certificate to a foster home under section 5103.03 of the Revised 2115  
Code, a criminal records check for a person pursuant to division 2116  
(A)(3) of this section, the administrative director shall request 2117  
that the superintendent of BCII obtain information from the 2118  
federal bureau of investigation as part of a criminal records 2119  
check, including fingerprint based checks of national crime 2120  
information databases as described in 42 U.S.C. 671, for the 2121  
person subject to the criminal records check. In all other cases 2122  
in which the administrative director of a recommending agency 2123  
requests a criminal records check for a person pursuant to 2124  
division (A)(3) of this section, the administrative director may 2125  
request that the superintendent of BCII include information from 2126  
the federal bureau of investigation in the criminal records check, 2127  
including fingerprint based checks of national crime information 2128  
databases as described in 42 U.S.C. 671. 2129

Prior to a hearing on a final decree of adoption or 2130  
interlocutory order of adoption by a probate court, the 2131  
administrative director of an agency, or an attorney, who arranges 2132  
an adoption for a prospective parent shall provide to the clerk of 2133  
the probate court either of the following: 2134

(a) Any information received pursuant to a request made under 2135  
this division from the superintendent of BCII or the federal 2136  
bureau of investigation as part of the criminal records check, 2137  
including fingerprint-based checks of national crime information 2138  
databases as described in 42 U.S.C. 671, for the person subject to 2139  
the criminal records check; 2140

(b) Written notification that the person subject to a 2141  
criminal records check pursuant to this division failed upon 2142  
request to provide the information necessary to complete the form 2143  
or failed to provide impressions of the person's fingerprints as 2144  
required under division (B)(2) of this section. 2145

(2) An appointing or hiring officer, administrative director, 2146  
or attorney required by division (A) of this section to request a 2147  
criminal records check shall provide to each person subject to a 2148  
criminal records check a copy of the form prescribed pursuant to 2149  
division (C)(1) of section 109.572 of the Revised Code and a 2150  
standard impression sheet to obtain fingerprint impressions 2151  
prescribed pursuant to division (C)(2) of section 109.572 of the 2152  
Revised Code, obtain the completed form and impression sheet from 2153  
the person, and forward the completed form and impression sheet to 2154  
the superintendent of BCII at the time the criminal records check 2155  
is requested. 2156

Any person subject to a criminal records check who receives 2157  
pursuant to this division a copy of the form prescribed pursuant 2158  
to division (C)(1) of section 109.572 of the Revised Code and a 2159  
copy of an impression sheet prescribed pursuant to division (C)(2) 2160  
of that section and who is requested to complete the form and 2161

provide a set of fingerprint impressions shall complete the form 2162  
or provide all the information necessary to complete the form and 2163  
shall provide the impression sheet with the impressions of the 2164  
person's fingerprints. If a person subject to a criminal records 2165  
check, upon request, fails to provide the information necessary to 2166  
complete the form or fails to provide impressions of the person's 2167  
fingerprints, the appointing or hiring officer shall not appoint 2168  
or employ the person as a person responsible for a child's care in 2169  
out-of-home care, a probate court may not issue a final decree of 2170  
adoption or an interlocutory order of adoption making the person 2171  
an adoptive parent, and the department of job and family services 2172  
shall not issue a certificate authorizing the prospective foster 2173  
caregiver to operate a foster home. 2174

(C)(1) No appointing or hiring officer shall appoint or 2175  
employ a person as a person responsible for a child's care in 2176  
out-of-home care, the department of job and family services shall 2177  
not issue a certificate under section 5103.03 of the Revised Code 2178  
authorizing a prospective foster caregiver to operate a foster 2179  
home, and no probate court shall issue a final decree of adoption 2180  
or an interlocutory order of adoption making a person an adoptive 2181  
parent if the person or, in the case of a prospective foster 2182  
caregiver or prospective adoptive parent, any person eighteen 2183  
years of age or older who resides with the prospective foster 2184  
caregiver or prospective adoptive parent previously has been 2185  
convicted of or pleaded guilty to any of the violations described 2186  
in division (A)(8) of section 109.572 of the Revised Code, unless 2187  
the person meets rehabilitation standards established in rules 2188  
adopted under division (F) of this section. 2189

(2) The appointing or hiring officer may appoint or employ a 2190  
person as a person responsible for a child's care in out-of-home 2191  
care conditionally until the criminal records check required by 2192  
this section is completed and the officer receives the results of 2193

the criminal records check. If the results of the criminal records 2194  
check indicate that, pursuant to division (C)(1) of this section, 2195  
the person subject to the criminal records check does not qualify 2196  
for appointment or employment, the officer shall release the 2197  
person from appointment or employment. 2198

(3) Prior to certification or recertification under section 2199  
5103.03 of the Revised Code, the prospective foster caregiver 2200  
subject to a criminal records check under division (A)(3) of this 2201  
section shall notify the recommending agency of the revocation of 2202  
any foster home license, certificate, or other similar 2203  
authorization in another state occurring within the five years 2204  
prior to the date of application to become a foster caregiver in 2205  
this state. The failure of a prospective foster caregiver to 2206  
notify the recommending agency of any revocation of that type in 2207  
another state that occurred within that five-year period shall be 2208  
grounds for denial of the person's foster home application or the 2209  
revocation of the person's foster home certification, whichever is 2210  
applicable. If a person has had a revocation in another state 2211  
within the five years prior to the date of the application, the 2212  
department of job and family services shall not issue a foster 2213  
home certificate to the prospective foster caregiver. 2214

(D) The appointing or hiring officer, administrative 2215  
director, or attorney shall pay to the bureau of criminal 2216  
identification and investigation the fee prescribed pursuant to 2217  
division (C)(3) of section 109.572 of the Revised Code for each 2218  
criminal records check conducted in accordance with that section 2219  
upon a request pursuant to division (A) of this section. The 2220  
officer, director, or attorney may charge the person subject to 2221  
the criminal records check a fee for the costs the officer, 2222  
director, or attorney incurs in obtaining the criminal records 2223  
check. A fee charged under this division shall not exceed the 2224  
amount of fees the officer, director, or attorney pays for the 2225

criminal records check. If a fee is charged under this division, 2226  
the officer, director, or attorney shall notify the person who is 2227  
the applicant at the time of the person's initial application for 2228  
appointment or employment, an adoption to be arranged, or a 2229  
certificate to operate a foster home of the amount of the fee and 2230  
that, unless the fee is paid, the person who is the applicant will 2231  
not be considered for appointment or employment or as an adoptive 2232  
parent or foster caregiver. 2233

(E) The report of any criminal records check conducted by the 2234  
bureau of criminal identification and investigation in accordance 2235  
with section 109.572 of the Revised Code and pursuant to a request 2236  
made under division (A) of this section is not a public record for 2237  
the purposes of section 149.43 of the Revised Code and shall not 2238  
be made available to any person other than the following: 2239

(1) The person who is the subject of the criminal records 2240  
check or the person's representative; 2241

(2) The appointing or hiring officer, administrative 2242  
director, or attorney requesting the criminal records check or the 2243  
officer's, director's, or attorney's representative; 2244

(3) The department of job and family services, a county 2245  
department of job and family services, or a public children 2246  
services agency; 2247

(4) Any court, hearing officer, or other necessary individual 2248  
involved in a case dealing with the denial of employment, a final 2249  
decree of adoption or interlocutory order of adoption, or a foster 2250  
home certificate. 2251

(F) The director of job and family services shall adopt rules 2252  
in accordance with Chapter 119. of the Revised Code to implement 2253  
this section. The rules shall include rehabilitation standards a 2254  
person who has been convicted of or pleaded guilty to an offense 2255  
listed in division (A)(8) of section 109.572 of the Revised Code 2256



must meet for an appointing or hiring officer to appoint or employ 2257  
the person as a person responsible for a child's care in 2258  
out-of-home care, a probate court to issue a final decree of 2259  
adoption or interlocutory order of adoption making the person an 2260  
adoptive parent, or the department to issue a certificate 2261  
authorizing the prospective foster caregiver to operate a foster 2262  
home or not revoke a foster home certificate for a violation 2263  
specified in section 5103.0328 of the Revised Code. 2264

(G) An appointing or hiring officer, administrative director, 2265  
or attorney required by division (A) of this section to request a 2266  
criminal records check shall inform each person who is the 2267  
applicant, at the time of the person's initial application for 2268  
appointment or employment, an adoption to be arranged, or a foster 2269  
home certificate, that the person subject to the criminal records 2270  
check is required to provide a set of impressions of the person's 2271  
fingerprints and that a criminal records check is required to be 2272  
conducted and satisfactorily completed in accordance with section 2273  
109.572 of the Revised Code. 2274

(H) The department of job and family services may waive the 2275  
requirement that a criminal records check based on fingerprints be 2276  
conducted for an adult resident of a prospective adoptive or 2277  
foster home or the home of a foster caregiver if the recommending 2278  
agency documents to the department's satisfaction that the adult 2279  
resident is physically unable to comply with the fingerprinting 2280  
requirement and poses no danger to foster children or adoptive 2281  
children who may be placed in the home. In such cases, the 2282  
recommending or approving agency shall request that the bureau of 2283  
criminal identification and investigation conduct a criminal 2284  
records check using the person's name and social security number. 2285

(I) As used in this section: 2286

(1) "Children's hospital" means any of the following: 2287

(a) A hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age;

(b) A distinct portion of a hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, has a total of at least one hundred fifty registered pediatric special care and pediatric acute care beds, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age;

(c) A distinct portion of a hospital, if the hospital is registered under section 3701.07 of the Revised Code as a children's hospital and the children's hospital meets all the requirements of division (I)(1)(a) of this section.

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

(3) "Person responsible for a child's care in out-of-home care" has the same meaning as in section 2151.011 of the Revised Code, except that it does not include a any of the following:

(a) A prospective employee of the department of youth services or a;

(b) A person responsible for a child's care in a hospital or medical clinic other than a children's hospital;

(c) An in-home aide;

(d) An administrator, employee, or agent of a child-care center, type A family child-care center, licensed type B family child-care home, or type B family child-care home with limited certification.

(4) "Person subject to a criminal records check" means the 2318  
following: 2319

(a) A person who is under final consideration for appointment 2320  
or employment as a person responsible for a child's care in 2321  
out-of-home care; 2322

(b) A prospective adoptive parent; 2323

(c) A prospective foster caregiver; 2324

(d) A person eighteen years old or older who resides with a 2325  
prospective foster caregiver or a prospective adoptive parent. 2326

(5) "Recommending agency" means a public children services 2327  
agency, private child placing agency, or private noncustodial 2328  
agency to which the department of job and family services has 2329  
delegated a duty to inspect and approve foster homes. 2330

(6) "Superintendent of BCII" means the superintendent of the 2331  
bureau of criminal identification and investigation. 2332

**Sec. 2907.08.** (A) No person, for the purpose of sexually 2333  
arousing or gratifying the person's self, shall commit trespass or 2334  
otherwise surreptitiously invade the privacy of another, to spy or 2335  
eavesdrop upon another. 2336

(B) No person, for the purpose of sexually arousing or 2337  
gratifying the person's self, shall commit trespass or otherwise 2338  
surreptitiously invade the privacy of another to videotape, film, 2339  
photograph, or otherwise record the other person in a state of 2340  
nudity. 2341

(C) No person, for the purpose of sexually arousing or 2342  
gratifying the person's self, shall commit trespass or otherwise 2343  
surreptitiously invade the privacy of another to videotape, film, 2344  
photograph, or otherwise record the other person in a state of 2345  
nudity if the other person is a minor. 2346

(D) No person, for the purpose of sexually arousing or 2347  
gratifying the person's self, shall commit trespass or otherwise 2348  
surreptitiously invade the privacy of another to videotape, film, 2349  
photograph, or otherwise record the other person in a state of 2350  
nudity if the other person is a minor and any of the following 2351  
applies: 2352

(1) The offender is the minor's natural or adoptive parent, 2353  
stepparent, guardian, or custodian, or person in loco parentis of 2354  
the minor. 2355

(2) The minor is in custody of law or is a patient in a 2356  
hospital or other institution, and the offender has supervisory or 2357  
disciplinary authority over the minor. 2358

(3) The offender is a teacher, administrator, coach, or other 2359  
person in authority employed by or serving in a school for which 2360  
the state board of education prescribes minimum standards pursuant 2361  
to division (D) of section 3301.07 of the Revised Code, the minor 2362  
is enrolled in or attends that school, and the offender is not 2363  
enrolled in and does not attend that school. 2364

(4) The offender is a teacher, administrator, coach, or other 2365  
person in authority employed by or serving in an institution of 2366  
higher education, and the minor is enrolled in or attends that 2367  
institution. 2368

(5) The offender is a caregiver, administrator, or other 2369  
person in authority employed by or serving in a ~~child-day-care~~ 2370  
child-care center, type A family ~~day-care~~ child-care home, or type 2371  
B family ~~day-care~~ child-care home, and the minor is enrolled in or 2372  
attends that center or home. 2373

(6) The offender is the minor's athletic or other type of 2374  
coach, is the minor's instructor, is the leader of a scouting 2375  
troop of which the minor is a member, provides babysitting care 2376  
for the minor, or is a person with temporary or occasional 2377

disciplinary control over the minor. 2378

(E) No person shall secretly or surreptitiously videotape, 2379  
film, photograph, or otherwise record another person under or 2380  
through the clothing being worn by that other person for the 2381  
purpose of viewing the body of, or the undergarments worn by, that 2382  
other person. 2383

(F)(1) Whoever violates this section is guilty of voyeurism. 2384

(2) A violation of division (A) of this section is a 2385  
misdemeanor of the third degree. 2386

(3) A violation of division (B) of this section is a 2387  
misdemeanor of the second degree. 2388

(4) A violation of division (C) or (E) of this section is a 2389  
misdemeanor of the first degree. 2390

(5) A violation of division (D) of this section is a felony 2391  
of the fifth degree. 2392

(G) As used in this section: 2393

(1) "Institution of higher education" means a state 2394  
institution of higher education as defined in section 3345.031 of 2395  
the Revised Code, a private nonprofit college or university 2396  
located in this state that possesses a certificate of 2397  
authorization issued by the Ohio board of regents pursuant to 2398  
Chapter 1713. of the Revised Code, or a school certified under 2399  
Chapter 3332. of the Revised Code. 2400

(2) "~~Child day-care~~ Child-care center," "type A family 2401  
~~day-care~~ child-care home," and "type B family ~~day-care~~ child-care 2402  
home" have the same meanings as in section 5104.01 of the Revised 2403  
Code. 2404

(3) "Babysitting care" means care provided for a child while 2405  
the parents, guardian, or legal custodian of the child is 2406  
temporarily away. 2407

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

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

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

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

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

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

(2) An in-home aide;

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

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

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

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

receiving child care from the provider; 2437

(2) A parent, guardian, custodian, or other person 2438  
responsible for the care of a child who is considering the 2439  
provider as a child care provider for the child; 2440

(3) A public official responsible for issuing the provider a 2441  
license or certificate to provide child care; 2442

(4) A public official investigating or inquiring about the 2443  
provision of child care by the provider; 2444

(5) A peace officer. 2445

(B) For the purposes of this section, "any factor or 2446  
condition that relates to the provision of child care" includes, 2447  
but is not limited to, the following: 2448

(1) The person or persons who will provide child care to the 2449  
child of the parent, guardian, custodian, or other person 2450  
responsible for the care of the child, or to the children in 2451  
general; 2452

(2) The qualifications to provide child care of the child 2453  
care provider, of a person employed by the provider, or of a 2454  
person who provides child care as a volunteer; 2455

(3) The number of children to whom child care is provided at 2456  
one time or the number of children receiving child care in the 2457  
child care facility at one time; 2458

(4) The conditions or safety features of the child care 2459  
facility; 2460

(5) The area of the child care facility in which ~~child~~ 2461  
~~day-care~~ child-care is provided. 2462

(C) Whoever violates division (A) of this section is guilty 2463  
of misrepresentation by a child care provider, a misdemeanor of 2464  
the first degree. 2465

**Sec. 2919.225.** (A) Subject to division (C) of this section, 2466  
no owner, provider, or administrator of a type A family ~~day-care~~ 2467  
child-care home or type B family ~~day-care~~ child-care home, knowing 2468  
that the event described in division (A)(1) or (2) of this section 2469  
has occurred, shall accept a child into that home without first 2470  
disclosing to the parent, guardian, custodian, or other person 2471  
responsible for the care of that child any of the following that 2472  
has occurred: 2473

(1) A child died while under the care of the home or while 2474  
receiving child care from the owner, provider, or administrator or 2475  
died as a result of injuries suffered while under the care of the 2476  
home or while receiving child care from the owner, provider, or 2477  
administrator. 2478

(2) Within the preceding ten years, a child suffered injuries 2479  
while under the care of the home or while receiving child care 2480  
from the owner, provider, or administrator, and those injuries led 2481  
to the child being hospitalized for more than twenty-four hours. 2482

(B)(1) Subject to division (C) of this section, no owner, 2483  
provider, or administrator of a type A family ~~day-care~~ child-care 2484  
home or type B family ~~day-care~~ child-care home shall fail to 2485  
provide notice in accordance with division (B)(3) of this section 2486  
to the persons and entities specified in division (B)(2) of this 2487  
section, of any of the following that occurs: 2488

(a) A child who is under the care of the home or is receiving 2489  
child care from the owner, provider, or administrator dies while 2490  
under the care of the home or while receiving child care from the 2491  
owner, provider, or administrator or dies as a result of injuries 2492  
suffered while under the care of the home or while receiving child 2493  
~~day-care~~ care from the owner, provider, or administrator. 2494

(b) A child who is under the care of the home or is receiving 2495  
child care from the owner, provider, or administrator is 2496



hospitalized for more than twenty-four hours as a result of 2497  
injuries suffered while under the care of the home or while 2498  
receiving child care from the owner, provider, or administrator. 2499

(2) An owner, provider, or administrator of a home shall 2500  
provide the notices required under division (B)(1) of this section 2501  
to each of the following: 2502

(a) For each child who, at the time of the injury or death 2503  
for which the notice is required, is receiving or is enrolled to 2504  
receive child care at the home or from the owner, provider, or 2505  
administrator, to the parent, guardian, custodian, or other person 2506  
responsible for the care of the child; 2507

(b) If the notice is required as the result of the death of a 2508  
child as described in division (B)(1)(a) of this section, to the 2509  
public children services agency of the county in which the home is 2510  
located or the child care was given, a municipal or county peace 2511  
officer in the county in which the child resides or in which the 2512  
home is located or the child care was given, and the child 2513  
fatality review board appointed under section 307.621 of the 2514  
Revised Code that serves the county in which the home is located 2515  
or the child care was given. 2516

(3) An owner, provider, or administrator of a home shall 2517  
provide the notices required by divisions (B)(1) and (2) of this 2518  
section not later than forty-eight hours after the child dies or, 2519  
regarding a child who is hospitalized for more than twenty-four 2520  
hours as a result of injuries suffered while under the care of the 2521  
home, not later than forty-eight hours after the child suffers the 2522  
injuries. If a child is hospitalized for more than twenty-four 2523  
hours as a result of injuries suffered while under the care of the 2524  
home, and the child subsequently dies as a result of those 2525  
injuries, the owner, provider, or administrator shall provide 2526  
separate notices under divisions (B)(1) and (2) of this section 2527  
regarding both the injuries and the death. All notices provided 2528

under divisions (B)(1) and (2) of this section shall state that 2529  
the death or injury occurred. 2530

(C) Division (A) of this section does not require more than 2531  
one person to make disclosures to the same parent, guardian, 2532  
custodian, or other person responsible for the care of a child 2533  
regarding any single injury or death for which disclosure is 2534  
required under that division. Division (B) of this section does 2535  
not require more than one person to give notices to the same 2536  
parent, guardian, custodian, other person responsible for the care 2537  
of the child, public children services agency, peace officer, or 2538  
child fatality review board regarding any single injury or death 2539  
for which disclosure is required under division (B)(1) of this 2540  
section. 2541

(D) An owner, provider, or administrator of a type A family 2542  
~~day-care~~ child-care home or type B family ~~day-care~~ child-care home 2543  
is not subject to civil liability solely for making a disclosure 2544  
required by this section. 2545

(E) Whoever violates division (A) or (B) of this section is 2546  
guilty of failure of a type A or type B family ~~day-care~~ child-care 2547  
home to disclose the death or serious injury of a child, a 2548  
misdemeanor of the fourth degree. 2549

**Sec. 2919.226.** (A) If a child care provider accurately 2550  
answers the questions on a child care disclosure form that is in 2551  
substantially the form set forth in division (B) of this section, 2552  
presents the form to a person identified in division (A)(1) or (2) 2553  
of section 2919.224 of the Revised Code, and obtains the person's 2554  
signature on the acknowledgement in the form, to the extent that 2555  
the information set forth on the form is accurate, the provider 2556  
who presents the form is not subject to prosecution under division 2557  
(A) of section 2919.224 of the Revised Code regarding presentation 2558  
of that information to that person. 2559

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

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

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

"CHILD CARE DISCLOSURE FORM

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

other than those provided in this form unless the child care 2592  
provider has acknowledged the other representations in writing. 2593

1. What are the names and qualifications to provide child 2594  
care of: (a) the child care provider, (b) the employee who will 2595  
provide child care to the applicant child, (c) the volunteer who 2596  
will provide child care to the applicant child, and (d) any other 2597  
employees or volunteers of the child care provider? (attach 2598  
additional sheets if necessary): 2599

..... 2600  
..... 2601  
..... 2602

2. What is the maximum number of children to whom you provide 2603  
child care at one time? (If children are divided into groups or 2604  
classes, please describe the maximum number of children in each 2605  
group or class and indicate the group or class in which the 2606  
applicant child will be placed.): 2607

..... 2608  
..... 2609  
..... 2610

3. Where in the home will you provide child care to the 2611  
applicant child?: 2612

..... 2613  
..... 2614  
..... 2615

4. Has a child died while in the care of, or receiving child 2616  
care from, the child care provider? (Yes/No) 2617

Description/explanation (attach additional sheets if 2618  
necessary) 2619

..... 2620  
..... 2621  
..... 2622

5. Has a child died as a result of injuries suffered while 2623  
under the care of, or receiving child care from, the ~~child~~ 2624  
~~day-care~~ child-care provider? (Yes/No) 2625

Description/explanation (attach additional sheets if 2626  
necessary) 2627  
..... 2628  
..... 2629  
..... 2630

6. Within the preceding ten years, has a child suffered 2631  
injuries while under the care of, or receiving child care from, 2632  
the child care provider that led to the child being hospitalized 2633  
for more than 24 hours? (Yes/No) 2634

Description/explanation (attach additional sheets if 2635  
necessary) 2636  
..... 2637  
..... 2638  
..... 2639  
..... 2640

Signature of person completing form                      Date 2641  
..... 2642

Name of person completing form 2643  
(Typed or printed) 2644  
..... 2645

Title of person completing form 2646  
(Typed or printed) 2647

Acknowledgement: 2648

I hereby acknowledge that I have been given a copy of the 2649  
preceding document and have read and understood its contents. I 2650  
further acknowledge that I am not relying on any other 2651  
representations in selecting the child care provider unless the 2652  
child care provider has acknowledged the other representations in 2653

writing. 2654

..... 2655

Person receiving the form Date" 2656

(C) If a child care provider accurately answers the questions 2657  
on a disclosure form that is substantially similar to the form 2658  
described in division (B) of this section, presents the form to a 2659  
person identified in division (A)(1) or (2) of section 2919.224 of 2660  
the Revised Code, and obtains the person's signature on the 2661  
acknowledgement in the form, to the extent that the information 2662  
set forth on the form is accurate, the form is sufficient for the 2663  
purposes described in division (A) of this section. 2664

An owner, provider, or administrator of a type A family 2665  
~~day-care~~ child-care home or a type B family ~~day-care~~ child-care 2666  
home who accurately answers the questions on a disclosure form 2667  
that is substantially similar to the form described in division 2668  
(B) of this section, provides a copy of the completed form to the 2669  
parent, guardian, custodian, or other person who is responsible 2670  
for the care of a child and to whom disclosure is to be made under 2671  
division (A) of section 2919.225 of the Revised Code, and obtains 2672  
the person's signature on the acknowledgement in the form complies 2673  
with the requirements of that division. If the owner, provider, or 2674  
administrator uses the disclosure form, leaving a portion of the 2675  
disclosure form blank does not constitute a misrepresentation for 2676  
the purposes of section 2919.224 of the Revised Code but may 2677  
constitute a violation of section 2919.225 of the Revised Code. 2678  
The owner, provider, or administrator of a type A family ~~day-care~~ 2679  
child-care home or type B family ~~day-care~~ child-care home who 2680  
completes the disclosure form and provides a copy of the form to 2681  
any person described in section 2919.224 or 2919.225 of the 2682  
Revised Code may retain a copy of the completed form. 2683

**Sec. 2923.124.** As used in sections 2923.124 to 2923.1213 of 2684

the Revised Code: 2685

(A) "Application form" means the application form prescribed 2686  
pursuant to division (A)(1) of section 109.731 of the Revised Code 2687  
and includes a copy of that form. 2688

(B) "Competency certification" and "competency certificate" 2689  
mean a document of the type described in division (B)(3) of 2690  
section 2923.125 of the Revised Code. 2691

(C) "Detention facility" has the same meaning as in section 2692  
2921.01 of the Revised Code. 2693

(D) "Licensee" means a person to whom a license to carry a 2694  
concealed handgun has been issued under section 2923.125 of the 2695  
Revised Code and, except when the context clearly indicates 2696  
otherwise, includes a person to whom a temporary emergency license 2697  
to carry a concealed handgun has been issued under section 2698  
2923.1213 of the Revised Code. 2699

(E) "License fee" or "license renewal fee" means the fee for 2700  
a license to carry a concealed handgun or the fee to renew that 2701  
license that is prescribed pursuant to division (C) of section 2702  
109.731 of the Revised Code and that is to be paid by an applicant 2703  
for a license of that type. 2704

(F) "Peace officer" has the same meaning as in section 2705  
2935.01 of the Revised Code. 2706

(G) "State correctional institution" has the same meaning as 2707  
in section 2967.01 of the Revised Code. 2708

(H) "Valid license" means a license or temporary emergency 2709  
license to carry a concealed handgun that has been issued under 2710  
section 2923.125 or 2923.1213 of the Revised Code, that is 2711  
currently valid, that is not under a suspension under division 2712  
(A)(1) of section 2923.128 or under section 2923.1213 of the 2713  
Revised Code, and that has not been revoked under division (B)(1) 2714

of section 2923.128 or under section 2923.1213 of the Revised Code. 2715  
2716

(I) "Civil protection order" means a protection order issued, 2717  
or consent agreement approved, under section 2903.214 or 3113.31 2718  
of the Revised Code. 2719

(J) "Temporary protection order" means a protection order 2720  
issued under section 2903.213 or 2919.26 of the Revised Code. 2721

(K) "Protection order issued by a court of another state" has 2722  
the same meaning as in section 2919.27 of the Revised Code. 2723

(L) "~~Child day care~~ Child-care center," "type A family 2724  
~~day care~~ child-care home" and "type B family ~~day care~~ child-care 2725  
home" have the same meanings as in section 5104.01 of the Revised 2726  
Code. 2727

(M) "~~Type C family day care home~~" means a family day care 2728  
~~home authorized to provide child care by Sub. H.B. 62 of the 121st~~ 2729  
~~general assembly, as amended by Am. Sub. S.B. 160 of the 121st~~ 2730  
~~general assembly and Sub. H.B. 407 of the 123rd general assembly.~~ 2731

~~(N)~~ "Foreign air transportation," "interstate air 2732  
transportation," and "intrastate air transportation" have the same 2733  
meanings as in 49 U.S.C. 40102, as now or hereafter amended. 2734

~~(O)~~ (N) "Commercial motor vehicle" has the same meaning as in 2735  
division (A) of section 4506.25 of the Revised Code. 2736

~~(P)~~ (O) "Motor carrier enforcement unit" has the same meaning 2737  
as in section 2923.16 of the Revised Code. 2738

**Sec. 2923.126.** (A) A license to carry a concealed handgun 2739  
that is issued under section 2923.125 of the Revised Code on or 2740  
after ~~the effective date of this amendment~~ March 14, 2007, shall 2741  
expire five years after the date of issuance, and a license that 2742  
is so issued prior to ~~the effective date of this amendment~~ March 2743  
14, 2007, shall expire four years after the date of issuance. A 2744



licensee who has been issued a license under that section shall be 2745  
granted a grace period of thirty days after the licensee's license 2746  
expires during which the licensee's license remains valid. Except 2747  
as provided in divisions (B) and (C) of this section, a licensee 2748  
who has been issued a license under section 2923.125 or 2923.1213 2749  
of the Revised Code may carry a concealed handgun anywhere in this 2750  
state if the licensee also carries a valid license and valid 2751  
identification when the licensee is in actual possession of a 2752  
concealed handgun. The licensee shall give notice of any change in 2753  
the licensee's residence address to the sheriff who issued the 2754  
license within forty-five days after that change. 2755

If a licensee is the driver or an occupant of a motor vehicle 2756  
that is stopped as the result of a traffic stop or a stop for 2757  
another law enforcement purpose and if the licensee is 2758  
transporting or has a loaded handgun in the motor vehicle at that 2759  
time, the licensee shall promptly inform any law enforcement 2760  
officer who approaches the vehicle while stopped that the licensee 2761  
has been issued a license or temporary emergency license to carry 2762  
a concealed handgun and that the licensee currently possesses or 2763  
has a loaded handgun; the licensee shall not knowingly disregard 2764  
or fail to comply with lawful orders of a law enforcement officer 2765  
given while the motor vehicle is stopped, knowingly fail to remain 2766  
in the motor vehicle while stopped, or knowingly fail to keep the 2767  
licensee's hands in plain sight after any law enforcement officer 2768  
begins approaching the licensee while stopped and before the 2769  
officer leaves, unless directed otherwise by a law enforcement 2770  
officer; and the licensee shall not knowingly remove, attempt to 2771  
remove, grasp, or hold the loaded handgun or knowingly have 2772  
contact with the loaded handgun by touching it with the licensee's 2773  
hands or fingers, in any manner in violation of division (E) of 2774  
section 2923.16 of the Revised Code, after any law enforcement 2775  
officer begins approaching the licensee while stopped and before 2776  
the officer leaves. Additionally, if a licensee is the driver or 2777

an occupant of a commercial motor vehicle that is stopped by an 2778  
employee of the motor carrier enforcement unit for the purposes 2779  
defined in section 5503.04 of the Revised Code and if the licensee 2780  
is transporting or has a loaded handgun in the commercial motor 2781  
vehicle at that time, the licensee shall promptly inform the 2782  
employee of the unit who approaches the vehicle while stopped that 2783  
the licensee has been issued a license or temporary emergency 2784  
license to carry a concealed handgun and that the licensee 2785  
currently possesses or has a loaded handgun. 2786

If a licensee is stopped for a law enforcement purpose and if 2787  
the licensee is carrying a concealed handgun at the time the 2788  
officer approaches, the licensee shall promptly inform any law 2789  
enforcement officer who approaches the licensee while stopped that 2790  
the licensee has been issued a license or temporary emergency 2791  
license to carry a concealed handgun and that the licensee 2792  
currently is carrying a concealed handgun; the licensee shall not 2793  
knowingly disregard or fail to comply with lawful orders of a law 2794  
enforcement officer given while the licensee is stopped or 2795  
knowingly fail to keep the licensee's hands in plain sight after 2796  
any law enforcement officer begins approaching the licensee while 2797  
stopped and before the officer leaves, unless directed otherwise 2798  
by a law enforcement officer; and the licensee shall not knowingly 2799  
remove, attempt to remove, grasp, or hold the loaded handgun or 2800  
knowingly have contact with the loaded handgun by touching it with 2801  
the licensee's hands or fingers, in any manner in violation of 2802  
division (B) of section 2923.12 of the Revised Code, after any law 2803  
enforcement officer begins approaching the licensee while stopped 2804  
and before the officer leaves. 2805

(B) A valid license issued under section 2923.125 or 2806  
2923.1213 of the Revised Code does not authorize the licensee to 2807  
carry a concealed handgun in any manner prohibited under division 2808  
(B) of section 2923.12 of the Revised Code or in any manner 2809

prohibited under section 2923.16 of the Revised Code. A valid 2810  
license does not authorize the licensee to carry a concealed 2811  
handgun into any of the following places: 2812

(1) A police station, sheriff's office, or state highway 2813  
patrol station, premises controlled by the bureau of criminal 2814  
identification and investigation, a state correctional 2815  
institution, jail, workhouse, or other detention facility, an 2816  
airport passenger terminal, or an institution that is maintained, 2817  
operated, managed, and governed pursuant to division (A) of 2818  
section 5119.02 of the Revised Code or division (A)(1) of section 2819  
5123.03 of the Revised Code; 2820

(2) A school safety zone, in violation of section 2923.122 of 2821  
the Revised Code; 2822

(3) A courthouse or another building or structure in which a 2823  
courtroom is located, in violation of section 2923.123 of the 2824  
Revised Code; 2825

(4) Any room or open air arena in which liquor is being 2826  
dispensed in premises for which a D permit has been issued under 2827  
Chapter 4303. of the Revised Code, in violation of section 2828  
2923.121 of the Revised Code; 2829

(5) Any premises owned or leased by any public or private 2830  
college, university, or other institution of higher education, 2831  
unless the handgun is in a locked motor vehicle or the licensee is 2832  
in the immediate process of placing the handgun in a locked motor 2833  
vehicle; 2834

(6) Any church, synagogue, mosque, or other place of worship, 2835  
unless the church, synagogue, mosque, or other place of worship 2836  
posts or permits otherwise; 2837

(7) A ~~child day care~~ child-care center, a type A family 2838  
~~day care~~ child-care home, or a type B family ~~day care~~ child-care 2839  
home, ~~or a type C family day care home~~, except that this division 2840

does not prohibit a licensee who resides in a type A family 2841  
~~day-care~~ child-care home, ~~or~~ a type B family ~~day-care~~ child-care 2842  
~~home, or a type C family day-care home~~ from carrying a concealed 2843  
handgun at any time in any part of the home that is not dedicated 2844  
or used for ~~day-care~~ child-care purposes, or from carrying a 2845  
concealed handgun in a part of the home that is dedicated or used 2846  
for ~~day-care~~ child-care purposes at any time during which no 2847  
children, other than children of that licensee, are in the home; 2848

(8) An aircraft that is in, or intended for operation in, 2849  
foreign air transportation, interstate air transportation, 2850  
intrastate air transportation, or the transportation of mail by 2851  
aircraft; 2852

(9) Any building that is owned by this state or any political 2853  
subdivision of this state, and all portions of any building that 2854  
is not owned by any governmental entity listed in this division 2855  
but that is leased by such a governmental entity listed in this 2856  
division; 2857

(10) A place in which federal law prohibits the carrying of 2858  
handguns. 2859

(C)(1) Nothing in this section shall negate or restrict a 2860  
rule, policy, or practice of a private employer that is not a 2861  
private college, university, or other institution of higher 2862  
education concerning or prohibiting the presence of firearms on 2863  
the private employer's premises or property, including motor 2864  
vehicles owned by the private employer. Nothing in this section 2865  
shall require a private employer of that nature to adopt a rule, 2866  
policy, or practice concerning or prohibiting the presence of 2867  
firearms on the private employer's premises or property, including 2868  
motor vehicles owned by the private employer. 2869

(2)(a) A private employer shall be immune from liability in a 2870  
civil action for any injury, death, or loss to person or property 2871

that allegedly was caused by or related to a licensee bringing a  
handgun onto the premises or property of the private employer,  
including motor vehicles owned by the private employer, unless the  
private employer acted with malicious purpose. A private employer  
is immune from liability in a civil action for any injury, death,  
or loss to person or property that allegedly was caused by or  
related to the private employer's decision to permit a licensee to  
bring, or prohibit a licensee from bringing, a handgun onto the  
premises or property of the private employer. As used in this  
division, "private employer" includes a private college,  
university, or other institution of higher education.

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

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

(D) A person who holds a license to carry a concealed handgun  
that was issued pursuant to the law of another state that is  
recognized by the attorney general pursuant to a reciprocity

agreement entered into pursuant to section 109.69 of the Revised Code has the same right to carry a concealed handgun in 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.

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

(F)(1) 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 has the same right to carry a concealed handgun in 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: 2936

(i) The person retired in good standing from service as a 2937  
peace officer with the public agency, and the retirement was not 2938  
for reasons of mental instability. 2939

(ii) Before retiring from service as a peace officer with 2940  
that agency, the person was authorized to engage in or supervise 2941  
the prevention, detection, investigation, or prosecution of, or 2942  
the incarceration of any person for, any violation of law and the 2943  
person had statutory powers of arrest. 2944

(iii) At the time of the person's retirement as a peace 2945  
officer with that agency, the person was trained and qualified to 2946  
carry firearms in the performance of the peace officer's duties. 2947

(iv) Before retiring from service as a peace officer with 2948  
that agency, the person was regularly employed as a peace officer 2949  
for an aggregate of fifteen years or more, or, in the alternative, 2950  
the person retired from service as a peace officer with that 2951  
agency, after completing any applicable probationary period of 2952  
that service, due to a service-connected disability, as determined 2953  
by the agency. 2954

(v) The person has a nonforfeitable right to benefits under 2955  
the retirement plan of that agency. 2956

(b) A retired peace officer identification card issued to a 2957  
person under division (F)(2)(a) of this section shall identify the 2958  
person by name, contain a photograph of the person, identify the 2959  
public agency of this state or of the political subdivision of 2960  
this state from which the person retired as a peace officer and 2961  
that is issuing the identification card, and specify that the 2962  
person retired in good standing from service as a peace officer 2963  
with the issuing public agency and satisfies the criteria set 2964  
forth in divisions (F)(2)(a)(i) to (v) of this section. In 2965  
addition to the required content specified in this division, a 2966

retired peace officer identification card issued to a person under 2967  
division (F)(2)(a) of this section may include the firearms 2968  
requalification certification described in division (F)(3) of this 2969  
section, and if the identification card includes that 2970  
certification, the identification card shall serve as the firearms 2971  
requalification certification for the retired peace officer. If 2972  
the issuing public agency issues credentials to active law 2973  
enforcement officers who serve the agency, the agency may comply 2974  
with division (F)(2)(a) of this section by issuing the same 2975  
credentials to persons who retired from service as a peace officer 2976  
with the agency and who satisfy the criteria set forth in 2977  
divisions (F)(2)(a)(i) to (v) of this section, provided that the 2978  
credentials so issued to retired peace officers are stamped with 2979  
the word "RETIRED." 2980

(c) A public agency of this state or of a political 2981  
subdivision of this state may charge persons who retired from 2982  
service as a peace officer with the agency a reasonable fee for 2983  
issuing to the person a retired peace officer identification card 2984  
pursuant to division (F)(2)(a) of this section. 2985

(3) If a person retired from service as a peace officer with 2986  
a public agency of this state or of a political subdivision of 2987  
this state and the person satisfies the criteria set forth in 2988  
divisions (F)(2)(a)(i) to (v) of this section, the public agency 2989  
may provide the retired peace officer with the opportunity to 2990  
attend a firearms requalification program that is approved for 2991  
purposes of firearms requalification required under section 2992  
109.801 of the Revised Code. The retired peace officer may be 2993  
required to pay the cost of the course. 2994

If a retired peace officer who satisfies the criteria set 2995  
forth in divisions (F)(2)(a)(i) to (v) of this section attends a 2996  
firearms requalification program that is approved for purposes of 2997  
firearms requalification required under section 109.801 of the 2998



Revised Code, the retired peace officer's successful completion of 2999  
the firearms requalification program requalifies the retired peace 3000  
officer for purposes of division (F) of this section for one year 3001  
from the date on which the program was successfully completed, and 3002  
the requalification is valid during that one-year period. If a 3003  
retired peace officer who satisfies the criteria set forth in 3004  
divisions (F)(2)(a)(i) to (v) of this section satisfactorily 3005  
completes such a firearms requalification program, the retired 3006  
peace officer shall be issued a firearms requalification 3007  
certification that identifies the retired peace officer by name, 3008  
identifies the entity that taught the program, specifies that the 3009  
retired peace officer successfully completed the program, 3010  
specifies the date on which the course was successfully completed, 3011  
and specifies that the requalification is valid for one year from 3012  
that date of successful completion. The firearms requalification 3013  
certification for a retired peace officer may be included in the 3014  
retired peace officer identification card issued to the retired 3015  
peace officer under division (F)(2) of this section. 3016

A retired peace officer who attends a firearms 3017  
requalification program that is approved for purposes of firearms 3018  
requalification required under section 109.801 of the Revised Code 3019  
may be required to pay the cost of the program. 3020

(4) As used in division (F) of this section: 3021

(a) "Qualified retired peace officer" means a person who 3022  
satisfies all of the following: 3023

(i) The person satisfies the criteria set forth in divisions 3024  
(F)(2)(a)(i) to (v) of this section. 3025

(ii) The person is not under the influence of alcohol or 3026  
another intoxicating or hallucinatory drug or substance. 3027

(iii) The person is not prohibited by federal law from 3028  
receiving firearms. 3029

(b) "Retired peace officer identification card" means an 3030  
identification card that is issued pursuant to division (F)(2) of 3031  
this section to a person who is a retired peace officer. 3032

**Sec. 2923.1212.** (A) The following persons, boards, and 3033  
entities, or designees, shall post in the following locations a 3034  
sign that contains a statement in substantially the following 3035  
form: "Unless otherwise authorized by law, pursuant to the Ohio 3036  
Revised Code, no person shall knowingly possess, have under the 3037  
person's control, convey, or attempt to convey a deadly weapon or 3038  
dangerous ordnance onto these premises.": 3039

(1) The director of public safety or the person or board 3040  
charged with the erection, maintenance, or repair of police 3041  
stations, municipal jails, and the municipal courthouse and 3042  
courtrooms in a conspicuous location at all police stations, 3043  
municipal jails, and municipal courthouses and courtrooms; 3044

(2) The sheriff or sheriff's designee who has charge of the 3045  
sheriff's office in a conspicuous location in that office; 3046

(3) The superintendent of the state highway patrol or the 3047  
superintendent's designee in a conspicuous location at all state 3048  
highway patrol stations; 3049

(4) Each sheriff, chief of police, or person in charge of 3050  
every county, multicounty, municipal, municipal-county, or 3051  
multicounty-municipal jail or workhouse, community-based 3052  
correctional facility, halfway house, alternative residential 3053  
facility, or other local or state correctional institution or 3054  
detention facility within the state, or that person's designee, in 3055  
a conspicuous location at that facility under that person's 3056  
charge; 3057

(5) The board of trustees of a regional airport authority, 3058  
chief administrative officer of an airport facility, or other 3059

person in charge of an airport facility in a conspicuous location 3060  
at each airport facility under that person's control; 3061

(6) The officer or officer's designee who has charge of a 3062  
courthouse or the building or structure in which a courtroom is 3063  
located in a conspicuous location in that building or structure; 3064

(7) The superintendent of the bureau of criminal 3065  
identification and investigation or the superintendent's designee 3066  
in a conspicuous location in all premises controlled by that 3067  
bureau; 3068

(8) The owner, administrator, or operator of a ~~child-day-care~~ 3069  
child-care center, a type A family ~~day-care~~ child-care home, or a 3070  
type B family ~~day-care~~ child-care home, ~~or a type C family~~ 3071  
~~day-care home;~~ 3072

(9) The officer of this state or of the political subdivision 3073  
of this state, or the officer's designee, who has charge of a 3074  
building that is owned by this state or the political subdivision 3075  
of this state, or who has charge of the portion of a building that 3076  
is not owned by any governmental entity listed in this division 3077  
but that is leased by a governmental entity listed in this 3078  
division. 3079

(B) The following boards, bodies, and persons, or designees, 3080  
shall post in the following locations a sign that contains a 3081  
statement in substantially the following form: "Unless otherwise 3082  
authorized by law, pursuant to Ohio Revised Code section 2923.122, 3083  
no person shall knowingly possess, have under the person's 3084  
control, convey, or attempt to convey a deadly weapon or dangerous 3085  
ordnance into a school safety zone.": 3086

(1) A board of education of a city, local, exempted village, 3087  
or joint vocational school district or that board's designee in a 3088  
conspicuous location in each building and on each parcel of real 3089  
property owned or controlled by the board; 3090

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

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

**Sec. 2950.11.** (A) Regardless of when the sexually oriented  
offense or child-victim oriented offense was committed, if a  
person is convicted of, pleads guilty to, has been convicted of,  
or has pleaded guilty to a sexually oriented offense or a  
child-victim oriented offense or a person is or has been  
adjudicated a delinquent child for committing a 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 in any category specified in  
division (F)(1)(a), (b), or (c) of this section, the sheriff with  
whom the offender or delinquent child has most recently registered  
under section 2950.04, 2950.041, or 2950.05 of the Revised Code  
and the sheriff to whom the offender or delinquent child most  
recently sent a notice of intent to reside under section 2950.04  
or 2950.041 of the Revised Code, within the period of time  
specified in division (C) of this section, shall provide a written  
notice containing the information set forth in division (B) of  
this section to all of the persons described in divisions (A)(1)  
to (10) of this section. If the sheriff has sent a notice to the  
persons described in those divisions as a result of receiving a  
notice of intent to reside and if the offender or delinquent child  
registers a residence address that is the same residence address  
described in the notice of intent to reside, the sheriff is not

required to send an additional notice when the offender or 3123  
delinquent child registers. The sheriff shall provide the notice 3124  
to all of the following persons: 3125

(1)(a) Any occupant of each residential unit that is located 3126  
within one thousand feet of the offender's or delinquent child's 3127  
residential premises, that is located within the county served by 3128  
the sheriff, and that is not located in a multi-unit building. 3129  
Division (D)(3) of this section applies regarding notices required 3130  
under this division. 3131

(b) If the offender or delinquent child resides in a 3132  
multi-unit building, any occupant of each residential unit that is 3133  
located in that multi-unit building and that shares a common 3134  
hallway with the offender or delinquent child. For purposes of 3135  
this division, an occupant's unit shares a common hallway with the 3136  
offender or delinquent child if the entrance door into the 3137  
occupant's unit is located on the same floor and opens into the 3138  
same hallway as the entrance door to the unit the offender or 3139  
delinquent child occupies. Division (D)(3) of this section applies 3140  
regarding notices required under this division. 3141

(c) The building manager, or the person the building owner or 3142  
condominium unit owners association authorizes to exercise 3143  
management and control, of each multi-unit building that is 3144  
located within one thousand feet of the offender's or delinquent 3145  
child's residential premises, including a multi-unit building in 3146  
which the offender or delinquent child resides, and that is 3147  
located within the county served by the sheriff. In addition to 3148  
notifying the building manager or the person authorized to 3149  
exercise management and control in the multi-unit building under 3150  
this division, the sheriff shall post a copy of the notice 3151  
prominently in each common entryway in the building and any other 3152  
location in the building the sheriff determines appropriate. The 3153  
manager or person exercising management and control of the 3154

building shall permit the sheriff to post copies of the notice 3155  
under this division as the sheriff determines appropriate. In lieu 3156  
of posting copies of the notice as described in this division, a 3157  
sheriff may provide notice to all occupants of the multi-unit 3158  
building by mail or personal contact; if the sheriff so notifies 3159  
all the occupants, the sheriff is not required to post copies of 3160  
the notice in the common entryways to the building. Division 3161  
(D)(3) of this section applies regarding notices required under 3162  
this division. 3163

(d) All additional persons who are within any category of 3164  
neighbors of the offender or delinquent child that the attorney 3165  
general by rule adopted under section 2950.13 of the Revised Code 3166  
requires to be provided the notice and who reside within the 3167  
county served by the sheriff; 3168

(2) The executive director of the public children services 3169  
agency that has jurisdiction within the specified geographical 3170  
notification area and that is located within the county served by 3171  
the sheriff; 3172

(3)(a) The superintendent of each board of education of a 3173  
school district that has schools within the specified geographical 3174  
notification area and that is located within the county served by 3175  
the sheriff; 3176

(b) The principal of the school within the specified 3177  
geographical notification area and within the county served by the 3178  
sheriff that the delinquent child attends; 3179

(c) If the delinquent child attends a school outside of the 3180  
specified geographical notification area or outside of the school 3181  
district where the delinquent child resides, the superintendent of 3182  
the board of education of a school district that governs the 3183  
school that the delinquent child attends and the principal of the 3184  
school that the delinquent child attends. 3185

(4)(a) The appointing or hiring officer of each chartered 3186  
nonpublic school located within the specified geographical 3187  
notification area and within the county served by the sheriff or 3188  
of each other school located within the specified geographical 3189  
notification area and within the county served by the sheriff and 3190  
that is not operated by a board of education described in division 3191  
(A)(3) of this section; 3192

(b) Regardless of the location of the school, the appointing 3193  
or hiring officer of a chartered nonpublic school that the 3194  
delinquent child attends. 3195

(5) The director, head teacher, elementary principal, or site 3196  
administrator of each preschool program governed by Chapter 3301. 3197  
of the Revised Code that is located within the specified 3198  
geographical notification area and within the county served by the 3199  
sheriff; 3200

(6) The administrator of each ~~child day-care~~ child-care 3201  
center or type A ~~family day-care~~ child-care home that is located 3202  
within the specified geographical notification area and within the 3203  
county served by the sheriff, and the provider of each ~~certified~~ 3204  
licensed type B family ~~day-care~~ child-care home or type B family 3205  
child-care home with limited certification that is located within 3206  
the specified geographical notification area and within the county 3207  
served by the sheriff. As used in this division, "~~child day-care~~ 3208  
child-care center," "type A family ~~day-care~~ child-care home," and 3209  
"~~certified~~ licensed type B family ~~day-care~~ child-care home," and 3210  
"type B family child-care home with limited certification" have 3211  
the same meanings as in section 5104.01 of the Revised Code. 3212

(7) The president or other chief administrative officer of 3213  
each institution of higher education, as defined in section 3214  
2907.03 of the Revised Code, that is located within the specified 3215  
geographical notification area and within the county served by the 3216  
sheriff, and the chief law enforcement officer of the state 3217

university law enforcement agency or campus police department 3218  
established under section 3345.04 or 1713.50 of the Revised Code, 3219  
if any, that serves that institution; 3220

(8) The sheriff of each county that includes any portion of 3221  
the specified geographical notification area; 3222

(9) If the offender or delinquent child resides within the 3223  
county served by the sheriff, the chief of police, marshal, or 3224  
other chief law enforcement officer of the municipal corporation 3225  
in which the offender or delinquent child resides or, if the 3226  
offender or delinquent child resides in an unincorporated area, 3227  
the constable or chief of the police department or police district 3228  
police force of the township in which the offender or delinquent 3229  
child resides; 3230

(10) Volunteer organizations in which contact with minors or 3231  
other vulnerable individuals might occur or any organization, 3232  
company, or individual who requests notification as provided in 3233  
division (J) of this section. 3234

(B) The notice required under division (A) of this section 3235  
shall include all of the following information regarding the 3236  
subject offender or delinquent child: 3237

(1) The offender's or delinquent child's name; 3238

(2) The address or addresses of the offender's or public 3239  
registry-qualified juvenile offender registrant's residence, 3240  
school, institution of higher education, or place of employment, 3241  
as applicable, or the residence address or addresses of a 3242  
delinquent child who is not a public registry-qualified juvenile 3243  
offender registrant; 3244

(3) The sexually oriented offense or child-victim oriented 3245  
offense of which the offender was convicted, to which the offender 3246  
pleaded guilty, or for which the child was adjudicated a 3247  
delinquent child; 3248



(4) A statement that identifies the category specified in 3249  
division (F)(1)(a), (b), or (c) of this section that includes the 3250  
offender or delinquent child and that subjects the offender or 3251  
delinquent child to this section; 3252

(5) The offender's or delinquent child's photograph. 3253

(C) If a sheriff with whom an offender or delinquent child 3254  
registers under section 2950.04, 2950.041, or 2950.05 of the 3255  
Revised Code or to whom the offender or delinquent child most 3256  
recently sent a notice of intent to reside under section 2950.04 3257  
or 2950.041 of the Revised Code is required by division (A) of 3258  
this section to provide notices regarding an offender or 3259  
delinquent child and if, pursuant to that requirement, the sheriff 3260  
provides a notice to a sheriff of one or more other counties in 3261  
accordance with division (A)(8) of this section, the sheriff of 3262  
each of the other counties who is provided notice under division 3263  
(A)(8) of this section shall provide the notices described in 3264  
divisions (A)(1) to (7) and (A)(9) and (10) of this section to 3265  
each person or entity identified within those divisions that is 3266  
located within the specified geographical notification area and 3267  
within the county served by the sheriff in question. 3268

(D)(1) A sheriff required by division (A) or (C) of this 3269  
section to provide notices regarding an offender or delinquent 3270  
child shall provide the notice to the neighbors that are described 3271  
in division (A)(1) of this section and the notices to law 3272  
enforcement personnel that are described in divisions (A)(8) and 3273  
(9) of this section as soon as practicable, but no later than five 3274  
days after the offender sends the notice of intent to reside to 3275  
the sheriff and again no later than five days after the offender 3276  
or delinquent child registers with the sheriff or, if the sheriff 3277  
is required by division (C) of this section to provide the 3278  
notices, no later than five days after the sheriff is provided the 3279  
notice described in division (A)(8) of this section. 3280

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) and (A)(10) 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 (10) 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) and (10) 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  
(A)(1)(a) and (b) of this section, and the portion of division

(A)(1)(c) of this section relating to the provision of notice to 3313  
occupants of a multi-unit building by mail or personal contact, 3314  
the provision of one written notice per unit is deemed as 3315  
providing notice to all occupants of that unit. 3316

(E) All information that a sheriff possesses regarding an 3317  
offender or delinquent child who is in a category specified in 3318  
division (F)(1)(a), (b), or (c) of this section that is described 3319  
in division (B) of this section and that must be provided in a 3320  
notice required under division (A) or (C) of this section or that 3321  
may be provided in a notice authorized under division (D)(2) of 3322  
this section is a public record that is open to inspection under 3323  
section 149.43 of the Revised Code. 3324

The sheriff shall not cause to be publicly disseminated by 3325  
means of the internet any of the information described in this 3326  
division that is provided by a delinquent child unless that child 3327  
is in a category specified in division (F)(1)(a), (b), or (c) of 3328  
this section. 3329

(F)(1) Except as provided in division (F)(2) of this section, 3330  
the duties to provide the notices described in divisions (A) and 3331  
(C) of this section apply regarding any offender or delinquent 3332  
child who is in any of the following categories: 3333

(a) The offender is a tier III sex offender/child-victim 3334  
offender, or the delinquent child is a public registry-qualified 3335  
juvenile offender registrant, and a juvenile court has not removed 3336  
pursuant to section 2950.15 of the Revised Code the delinquent 3337  
child's duty to comply with sections 2950.04, 2950.041, 2950.05, 3338  
and 2950.06 of the Revised Code. 3339

(b) The delinquent child is a tier III sex 3340  
offender/child-victim offender who is not a ~~public registry~~ 3341  
~~qualified~~ public registry-qualified juvenile offender registrant, 3342  
the delinquent child was subjected to this section prior to the 3343

~~effective date of this amendment January 1, 2008,~~ as a sexual 3344  
predator, habitual sex offender, child-victim predator, or 3345  
habitual child-victim offender, as those terms were defined in 3346  
section 2950.01 of the Revised Code as it existed prior to ~~the~~ 3347  
~~effective date of this amendment January 1, 2008,~~ and a juvenile 3348  
court has not removed pursuant to section 2152.84 or 2152.85 of 3349  
the Revised Code the delinquent child's duty to comply with 3350  
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 3351  
Code. 3352

(c) The delinquent child is a tier III sex 3353  
offender/child-victim offender who is not a public 3354  
registry-qualified juvenile offender registrant, the delinquent 3355  
child was classified a juvenile offender registrant on or after 3356  
~~the effective date of this amendment January 1, 2008,~~ the court 3357  
has imposed a requirement under section 2152.82, 2152.83, or 3358  
2152.84 of the Revised Code subjecting the delinquent child to 3359  
this section, and a juvenile court has not removed pursuant to 3360  
section 2152.84 or 2152.85 of the Revised Code the delinquent 3361  
child's duty to comply with sections 2950.04, 2950.041, 2950.05, 3362  
and 2950.06 of the Revised Code. 3363

(2) The notification provisions of this section do not apply 3364  
to a person described in division (F)(1)(a), (b), or (c) of this 3365  
section if a court finds at a hearing after considering the 3366  
factors described in this division that the person would not be 3367  
subject to the notification provisions of this section that were 3368  
in the version of this section that existed immediately prior to 3369  
~~the effective date of this amendment January 1, 2008.~~ In making 3370  
the determination of whether a person would have been subject to 3371  
the notification provisions under prior law as described in this 3372  
division, the court shall consider the following factors: 3373

(a) The offender's or delinquent child's age; 3374

(b) The offender's or delinquent child's prior criminal or 3375

delinquency record regarding all offenses, including, but not 3376  
limited to, all sexual offenses; 3377

(c) The age of the victim of the sexually oriented offense 3378  
for which sentence is to be imposed or the order of disposition is 3379  
to be made; 3380

(d) Whether the sexually oriented offense for which sentence 3381  
is to be imposed or the order of disposition is to be made 3382  
involved multiple victims; 3383

(e) Whether the offender or delinquent child used drugs or 3384  
alcohol to impair the victim of the sexually oriented offense or 3385  
to prevent the victim from resisting; 3386

(f) If the offender or delinquent child previously has been 3387  
convicted of or pleaded guilty to, or been adjudicated a 3388  
delinquent child for committing an act that if committed by an 3389  
adult would be, a criminal offense, whether the offender or 3390  
delinquent child completed any sentence or dispositional order 3391  
imposed for the prior offense or act and, if the prior offense or 3392  
act was a sex offense or a sexually oriented offense, whether the 3393  
offender or delinquent child participated in available programs 3394  
for sexual offenders; 3395

(g) Any mental illness or mental disability of the offender 3396  
or delinquent child; 3397

(h) The nature of the offender's or delinquent child's sexual 3398  
conduct, sexual contact, or interaction in a sexual context with 3399  
the victim of the sexually oriented offense and whether the sexual 3400  
conduct, sexual contact, or interaction in a sexual context was 3401  
part of a demonstrated pattern of abuse; 3402

(i) Whether the offender or delinquent child, during the 3403  
commission of the sexually oriented offense for which sentence is 3404  
to be imposed or the order of disposition is to be made, displayed 3405  
cruelty or made one or more threats of cruelty; 3406

(j) Whether the offender or delinquent child would have been 3407  
a habitual sex offender or a habitual child victim offender under 3408  
the definitions of those terms set forth in section 2950.01 of the 3409  
Revised Code as that section existed prior to ~~the effective date~~ 3410  
~~of this amendment~~ January 1, 2008; 3411

(k) Any additional behavioral characteristics that contribute 3412  
to the offender's or delinquent child's conduct. 3413

(G)(1) The department of job and family services shall 3414  
compile, maintain, and update in January and July of each year, a 3415  
list of all agencies, centers, or homes of a type described in 3416  
division (A)(2) or (6) of this section that contains the name of 3417  
each agency, center, or home of that type, the county in which it 3418  
is located, its address and telephone number, and the name of an 3419  
administrative officer or employee of the agency, center, or home. 3420

(2) The department of education shall compile, maintain, and 3421  
update in January and July of each year, a list of all boards of 3422  
education, schools, or programs of a type described in division 3423  
(A)(3), (4), or (5) of this section that contains the name of each 3424  
board of education, school, or program of that type, the county in 3425  
which it is located, its address and telephone number, the name of 3426  
the superintendent of the board or of an administrative officer or 3427  
employee of the school or program, and, in relation to a board of 3428  
education, the county or counties in which each of its schools is 3429  
located and the address of each such school. 3430

(3) The Ohio board of regents shall compile, maintain, and 3431  
update in January and July of each year, a list of all 3432  
institutions of a type described in division (A)(7) of this 3433  
section that contains the name of each such institution, the 3434  
county in which it is located, its address and telephone number, 3435  
and the name of its president or other chief administrative 3436  
officer. 3437

(4) A sheriff required by division (A) or (C) of this 3438  
section, or authorized by division (D)(2) of this section, to 3439  
provide notices regarding an offender or delinquent child, or a 3440  
designee of a sheriff of that type, may request the department of 3441  
job and family services, department of education, or Ohio board of 3442  
regents, by telephone, in person, or by mail, to provide the 3443  
sheriff or designee with the names, addresses, and telephone 3444  
numbers of the appropriate persons and entities to whom the 3445  
notices described in divisions (A)(2) to (7) of this section are 3446  
to be provided. Upon receipt of a request, the department or board 3447  
shall provide the requesting sheriff or designee with the names, 3448  
addresses, and telephone numbers of the appropriate persons and 3449  
entities to whom those notices are to be provided. 3450

(H)(1) Upon the motion of the offender or the prosecuting 3451  
attorney of the county in which the offender was convicted of or 3452  
pleaded guilty to the sexually oriented offense or child-victim 3453  
oriented offense for which the offender is subject to community 3454  
notification under this section, or upon the motion of the 3455  
sentencing judge or that judge's successor in office, the judge 3456  
may schedule a hearing to determine whether the interests of 3457  
justice would be served by suspending the community notification 3458  
requirement under this section in relation to the offender. The 3459  
judge may dismiss the motion without a hearing but may not issue 3460  
an order suspending the community notification requirement without 3461  
a hearing. At the hearing, all parties are entitled to be heard, 3462  
and the judge shall consider all of the factors set forth in 3463  
division (K) of this section. If, at the conclusion of the 3464  
hearing, the judge finds that the offender has proven by clear and 3465  
convincing evidence that the offender is unlikely to commit in the 3466  
future a sexually oriented offense or a child-victim oriented 3467  
offense and if the judge finds that suspending the community 3468  
notification requirement is in the interests of justice, the judge 3469  
may suspend the application of this section in relation to the 3470

offender. The order shall contain both of these findings. 3471  
3472

The judge promptly shall serve a copy of the order upon the 3473  
sheriff with whom the offender most recently registered under 3474  
section 2950.04, 2950.041, or 2950.05 of the Revised Code and upon 3475  
the bureau of criminal identification and investigation. 3476

An order suspending the community notification requirement 3477  
does not suspend or otherwise alter an offender's duties to comply 3478  
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 3479  
Revised Code and does not suspend the victim notification 3480  
requirement under section 2950.10 of the Revised Code. 3481

(2) A prosecuting attorney, a sentencing judge or that 3482  
judge's successor in office, and an offender who is subject to the 3483  
community notification requirement under this section may 3484  
initially make a motion under division (H)(1) of this section upon 3485  
the expiration of twenty years after the offender's duty to comply 3486  
with division (A)(2), (3), or (4) of section 2950.04, division 3487  
(A)(2), (3), or (4) of section 2950.041 and sections 2950.05 and 3488  
2950.06 of the Revised Code begins in relation to the offense for 3489  
which the offender is subject to community notification. After the 3490  
initial making of a motion under division (H)(1) of this section, 3491  
thereafter, the prosecutor, judge, and offender may make a 3492  
subsequent motion under that division upon the expiration of five 3493  
years after the judge has entered an order denying the initial 3494  
motion or the most recent motion made under that division. 3495  
3496

(3) The offender and the prosecuting attorney have the right 3497  
to appeal an order approving or denying a motion made under 3498  
division (H)(1) of this section. 3499

(4) Divisions (H)(1) to (3) of this section do not apply to 3500  
any of the following types of offender: 3501



(a) A person who is convicted of or pleads guilty to a 3502  
violent sex offense or designated homicide, assault, or kidnapping 3503  
offense and who, in relation to that offense, is adjudicated a 3504  
sexually violent predator; 3505

(b) A person who is convicted of or pleads guilty to a 3506  
sexually oriented offense that is a violation of division 3507  
(A)(1)(b) of section 2907.02 of the Revised Code committed on or 3508  
after January 2, 2007, and either who is sentenced under section 3509  
2971.03 of the Revised Code or upon whom a sentence of life 3510  
without parole is imposed under division (B) of section 2907.02 of 3511  
the Revised Code; 3512

(c) A person who is convicted of or pleads guilty to a 3513  
sexually oriented offense that is attempted rape committed on or 3514  
after January 2, 2007, and who also is convicted of or pleads 3515  
guilty to a specification of the type described in section 3516  
2941.1418, 2941.1419, or 2941.1420 of the Revised Code; 3517

(d) A person who is convicted of or pleads guilty to an 3518  
offense described in division (B)(3)(a), (b), (c), or (d) of 3519  
section 2971.03 of the Revised Code and who is sentenced for that 3520  
offense pursuant to that division; 3521

(e) An offender who is in a category specified in division 3522  
(F)(1)(a), (b), or (c) of this section and who, subsequent to 3523  
being subjected to community notification, has pleaded guilty to 3524  
or been convicted of a sexually oriented offense or child-victim 3525  
oriented offense. 3526

(I) If a person is convicted of, pleads guilty to, has been 3527  
convicted of, or has pleaded guilty to a sexually oriented offense 3528  
or a child-victim oriented offense or a person is or has been 3529  
adjudicated a delinquent child for committing a sexually oriented 3530  
offense or a child-victim oriented offense and is classified a 3531  
juvenile offender registrant or is an out-of-state juvenile 3532

offender registrant based on that adjudication, and if the 3533  
offender or delinquent child is not in any category specified in 3534  
division (F)(1)(a), (b), or (c) of this section, the sheriff with 3535  
whom the offender or delinquent child has most recently registered 3536  
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 3537  
and the sheriff to whom the offender or delinquent child most 3538  
recently sent a notice of intent to reside under section 2950.04 3539  
or 2950.041 of the Revised Code, within the period of time 3540  
specified in division (D) of this section, shall provide a written 3541  
notice containing the information set forth in division (B) of 3542  
this section to the executive director of the public children 3543  
services agency that has jurisdiction within the specified 3544  
geographical notification area and that is located within the 3545  
county served by the sheriff. 3546

(J) Each sheriff shall allow a volunteer organization or 3547  
other organization, company, or individual who wishes to receive 3548  
the notice described in division (A)(10) of this section regarding 3549  
a specific offender or delinquent child or notice regarding all 3550  
offenders and delinquent children who are located in the specified 3551  
geographical notification area to notify the sheriff by electronic 3552  
mail or through the sheriff's web site of this election. The 3553  
sheriff shall promptly inform the bureau of criminal 3554  
identification and investigation of these requests in accordance 3555  
with the forwarding procedures adopted by the attorney general 3556  
pursuant to section 2950.13 of the Revised Code. 3557

(K) In making a determination under division (H)(1) of this 3558  
section as to whether to suspend the community notification 3559  
requirement under this section for an offender, the judge shall 3560  
consider all relevant factors, including, but not limited to, all 3561  
of the following: 3562

(1) The offender's age; 3563

(2) The offender's prior criminal or delinquency record 3564

regarding all offenses, including, but not limited to, all 3565  
sexually oriented offenses or child-victim oriented offenses; 3566

(3) The age of the victim of the sexually oriented offense or 3567  
child-victim oriented offense the offender committed; 3568

(4) Whether the sexually oriented offense or child-victim 3569  
oriented offense the offender committed involved multiple victims; 3570

(5) Whether the offender used drugs or alcohol to impair the 3571  
victim of the sexually oriented offense or child-victim oriented 3572  
offense the offender committed or to prevent the victim from 3573  
resisting; 3574

(6) If the offender previously has been convicted of, pleaded 3575  
guilty to, or been adjudicated a delinquent child for committing 3576  
an act that if committed by an adult would be a criminal offense, 3577  
whether the offender completed any sentence or dispositional order 3578  
imposed for the prior offense or act and, if the prior offense or 3579  
act was a sexually oriented offense or a child-victim oriented 3580  
offense, whether the offender or delinquent child participated in 3581  
available programs for sex offenders or child-victim offenders; 3582

(7) Any mental illness or mental disability of the offender; 3583

(8) The nature of the offender's sexual conduct, sexual 3584  
contact, or interaction in a sexual context with the victim of the 3585  
sexually oriented offense the offender committed or the nature of 3586  
the offender's interaction in a sexual context with the victim of 3587  
the child-victim oriented offense the offender committed, 3588  
whichever is applicable, and whether the sexual conduct, sexual 3589  
contact, or interaction in a sexual context was part of a 3590  
demonstrated pattern of abuse; 3591

(9) Whether the offender, during the commission of the 3592  
sexually oriented offense or child-victim oriented offense the 3593  
offender committed, displayed cruelty or made one or more threats 3594  
of cruelty; 3595

(10) Any additional behavioral characteristics that 3596  
contribute to the offender's conduct. 3597

(L) As used in this section, "specified geographical 3598  
notification area" means the geographic area or areas within which 3599  
the attorney general, by rule adopted under section 2950.13 of the 3600  
Revised Code, requires the notice described in division (B) of 3601  
this section to be given to the persons identified in divisions 3602  
(A)(2) to (8) of this section. 3603

**Sec. 2950.13.** (A) The attorney general shall do all of the 3604  
following: 3605

(1) No later than July 1, 1997, establish and maintain a 3606  
state registry of sex offenders and child-victim offenders that is 3607  
housed at the bureau of criminal identification and investigation 3608  
and that contains all of the registration, change of residence, 3609  
school, institution of higher education, or place of employment 3610  
address, and verification information the bureau receives pursuant 3611  
to sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 3612  
Code regarding each person who is convicted of, pleads guilty to, 3613  
has been convicted of, or has pleaded guilty to a sexually 3614  
oriented offense or a child-victim oriented offense and each 3615  
person who is or has been adjudicated a delinquent child for 3616  
committing a sexually oriented offense or a child-victim oriented 3617  
offense and is classified a juvenile offender registrant or is an 3618  
out-of-state juvenile offender registrant based on that 3619  
adjudication, all of the information the bureau receives pursuant 3620  
to section 2950.14 of the Revised Code, and any notice of an order 3621  
terminating or modifying an offender's or delinquent child's duty 3622  
to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 3623  
the Revised Code the bureau receives pursuant to section 2152.84, 3624  
2152.85, or 2950.15 of the Revised Code. For a person who was 3625  
convicted of or pleaded guilty to the sexually oriented offense or 3626

child-victim related offense, the registry also shall indicate 3627  
whether the person was convicted of or pleaded guilty to the 3628  
offense in a criminal prosecution or in a serious youthful 3629  
offender case. The registry shall not be open to inspection by the 3630  
public or by any person other than a person identified in division 3631  
(A) of section 2950.08 of the Revised Code. In addition to the 3632  
information and material previously identified in this division, 3633  
the registry shall include all of the following regarding each 3634  
person who is listed in the registry: 3635

3636

(a) A citation for, and the name of, all sexually oriented 3637  
offenses or child-victim oriented offenses of which the person was 3638  
convicted, to which the person pleaded guilty, or for which the 3639  
person was adjudicated a delinquent child and that resulted in a 3640  
registration duty, and the date on which those offenses were 3641  
committed; 3642

(b) The text of the sexually oriented offenses or 3643  
child-victim oriented offenses identified in division (A)(1)(a) of 3644  
this section as those offenses existed at the time the person was 3645  
convicted of, pleaded guilty to, or was adjudicated a delinquent 3646  
child for committing those offenses, or a link to a database that 3647  
sets forth the text of those offenses; 3648

(c) A statement as to whether the person is a tier I sex 3649  
offender/child-victim offender, a tier II sex 3650  
offender/child-victim offender, or a tier III sex 3651  
offender/child-victim offender for the sexually oriented offenses 3652  
or child-victim oriented offenses identified in division (A)(1)(a) 3653  
of this section; 3654

(d) The community supervision status of the person, 3655  
including, but not limited to, whether the person is serving a 3656  
community control sanction and the nature of any such sanction, 3657  
whether the person is under supervised release and the nature of 3658

the release, or regarding a juvenile, whether the juvenile is 3659  
under any type of release authorized under Chapter 2152. or 5139. 3660  
of the Revised Code and the nature of any such release; 3661

(e) The offense and delinquency history of the person, as 3662  
determined from information gathered or provided under sections 3663  
109.57 and 2950.14 of the Revised Code; 3664

(f) The bureau of criminal identification and investigation 3665  
tracking number assigned to the person if one has been so 3666  
assigned, the federal bureau of investigation number assigned to 3667  
the person if one has been assigned and the bureau of criminal 3668  
identification and investigation is aware of the number, and any 3669  
other state identification number assigned to the person of which 3670  
the bureau is aware; 3671

(g) Fingerprints and palmprints of the person; 3672

(h) A DNA specimen, as defined in section 109.573 of the 3673  
Revised Code, from the person; 3674

(i) Whether the person has any outstanding arrest warrants; 3675

(j) Whether the person is in compliance with the person's 3676  
duties under this chapter. 3677

(2) In consultation with local law enforcement 3678  
representatives and no later than July 1, 1997, adopt rules that 3679  
contain guidelines necessary for the implementation of this 3680  
chapter; 3681

(3) In consultation with local law enforcement 3682  
representatives, adopt rules for the implementation and 3683  
administration of the provisions contained in section 2950.11 of 3684  
the Revised Code that pertain to the notification of neighbors of 3685  
an offender or a delinquent child who has committed a sexually 3686  
oriented offense or a child-victim oriented offense and ~~and~~ is in 3687  
a category specified in division (F)(1) of that section and rules 3688

that prescribe a manner in which victims of a sexually oriented 3689  
offense or a child-victim oriented offense committed by an 3690  
offender or a delinquent child who is in a category specified in 3691  
division (B)(1) of section 2950.10 of the Revised Code may make a 3692  
request that specifies that the victim would like to be provided 3693  
the notices described in divisions (A)(1) and (2) of section 3694  
2950.10 of the Revised Code; 3695

(4) In consultation with local law enforcement 3696  
representatives and through the bureau of criminal identification 3697  
and investigation, prescribe the forms to be used by judges and 3698  
officials pursuant to section 2950.03 or 2950.032 of the Revised 3699  
Code to advise offenders and delinquent children of their duties 3700  
of filing a notice of intent to reside, registration, notification 3701  
of a change of residence, school, institution of higher education, 3702  
or place of employment address and registration of the new<sup>7</sup> 3703  
school, institution of higher education, or place of employment 3704  
address, as applicable, and address verification under sections 3705  
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code, and 3706  
prescribe the forms to be used by sheriffs relative to those 3707  
duties of filing a notice of intent to reside, registration, 3708  
change of residence, school, institution of higher education, or 3709  
place of employment address notification, and address 3710  
verification; 3711

(5) Make copies of the forms prescribed under division (A)(4) 3712  
of this section available to judges, officials, and sheriffs; 3713

(6) Through the bureau of criminal identification and 3714  
investigation, provide the notifications, the information and 3715  
materials, and the documents that the bureau is required to 3716  
provide to appropriate law enforcement officials and to the 3717  
federal bureau of investigation pursuant to sections 2950.04, 3718  
2950.041, 2950.05, and 2950.06 of the Revised Code; 3719

(7) Through the bureau of criminal identification and 3720

investigation, maintain the verification forms returned under the 3721  
address verification mechanism set forth in section 2950.06 of the 3722  
Revised Code; 3723

(8) In consultation with representatives of the officials, 3724  
judges, and sheriffs, adopt procedures for officials, judges, and 3725  
sheriffs to use to forward information, photographs, and 3726  
fingerprints to the bureau of criminal identification and 3727  
investigation pursuant to the requirements of sections 2950.03, 3728  
2950.04, 2950.041, 2950.05, 2950.06, and 2950.11 of the Revised 3729  
Code; 3730

(9) In consultation with the director of education, the 3731  
director of job and family services, and the director of 3732  
rehabilitation and correction, adopt rules that contain guidelines 3733  
to be followed by boards of education of a school district, 3734  
chartered nonpublic schools or other schools not operated by a 3735  
board of education, preschool programs, ~~child day-care~~ child-care 3736  
centers, type A family ~~day-care~~ child-care homes, ~~certified~~ 3737  
licensed type B family ~~day-care~~ child-care homes, type B family 3738  
child-care homes with limited certification, and institutions of 3739  
higher education regarding the proper use and administration of 3740  
information received pursuant to section 2950.11 of the Revised 3741  
Code relative to an offender or delinquent child who has committed 3742  
a sexually oriented offense or a child-victim oriented offense and 3743  
is in a category specified in division (F)(1) of that section; 3744

(10) In consultation with local law enforcement 3746  
representatives and no later than July 1, 1997, adopt rules that 3747  
designate a geographic area or areas within which the notice 3748  
described in division (B) of section 2950.11 of the Revised Code 3749  
must be given to the persons identified in divisions (A)(2) to (8) 3750  
and (A)(10) of that section; 3751

(11) Through the bureau of criminal identification and 3752



investigation, not later than January 1, 2004, establish and 3753  
operate on the internet a sex offender and child-victim offender 3754  
database that contains information for every offender who has 3755  
committed a sexually oriented offense or a child-victim oriented 3756  
offense and registers in any county in this state pursuant to 3757  
section 2950.04 or 2950.041 of the Revised Code and for every 3758  
delinquent child who has committed a sexually oriented offense, is 3759  
a public registry-qualified juvenile offender registrant, and 3760  
registers in any county in this state pursuant to either such 3761  
section. The bureau shall not include on the database the identity 3762  
of any offender's or public registry-qualified juvenile offender 3763  
registrant's victim, any offender's or public registry-qualified 3764  
juvenile offender registrant's social security number, the name of 3765  
any school or institution of higher education attended by any 3766  
offender or public registry-qualified juvenile offender 3767  
registrant, the name of the place of employment of any offender or 3768  
public registry-qualified juvenile offender registrant, any 3769  
tracking or identification number described in division (A)(1)(f) 3770  
of this section, or any information described in division (C)(7) 3771  
of section 2950.04 or 2950.041 of the Revised Code. The bureau 3772  
shall provide on the database, for each offender and each public 3773  
registry-qualified juvenile offender registrant, at least the 3774  
information specified in divisions (A)(11)(a) to (h) of this 3775  
section. Otherwise, the bureau shall determine the information to 3776  
be provided on the database for each offender and public 3777  
registry-qualified juvenile offender registrant and shall obtain 3778  
that information from the information contained in the state 3779  
registry of sex offenders and child-victim offenders described in 3780  
division (A)(1) of this section, which information, while in the 3781  
possession of the sheriff who provided it, is a public record open 3782  
for inspection as described in section 2950.081 of the Revised 3783  
Code. The database is a public record open for inspection under 3784  
section 149.43 of the Revised Code, and it shall be searchable by 3785

offender or public registry-qualified juvenile offender registrant 3786  
name, by county, by zip code, and by school district. The database 3787  
shall provide a link to the web site of each sheriff who has 3788  
established and operates on the internet a sex offender and 3789  
child-victim offender database that contains information for 3790  
offenders and public registry-qualified juvenile offender 3791  
registrants who register in that county pursuant to section 3792  
2950.04 or 2950.041 of the Revised Code, with the link being a 3793  
direct link to the sex offender and child-victim offender database 3794  
for the sheriff. The bureau shall provide on the database, for 3795  
each offender and public registry-qualified juvenile offender 3796  
registrant, at least the following information: 3797  
3798

(a) The information described in divisions (A)(1)(a), (b), 3799  
(c), and (d) of this section relative to the offender or public 3800  
registry-qualified juvenile offender registrant; 3801

(b) The address of the offender's or public 3802  
registry-qualified juvenile offender registrant's school, 3803  
institution of higher education, or place of employment provided 3804  
in a registration form; 3805

(c) The information described in division (C)(6) of section 3806  
2950.04 or 2950.041 of the Revised Code; 3807

(d) A chart describing which sexually oriented offenses and 3808  
child-victim oriented offenses are included in the definitions of 3809  
tier I sex offender/child-victim offender, tier II sex 3810  
offender/child-victim offender, and tier III sex 3811  
offender/child-victim offender; 3812

(e) Fingerprints and ~~palm-prints~~ palmpoints of the offender 3813  
or public registry-qualified juvenile offender registrant and a 3814  
DNA specimen from the offender or public registry-qualified 3815  
juvenile offender registrant; 3816

(f) The information set forth in division (B) of section 3817  
2950.11 of the Revised Code; 3818

(g) Any outstanding arrest warrants for the offender or 3819  
public registry-qualified juvenile offender registrant; 3820

(h) The offender's or public registry-qualified juvenile 3821  
offender registrant's compliance status with duties under this 3822  
chapter. 3823

(12) Develop software to be used by sheriffs in establishing 3824  
on the internet a sex offender and child-victim offender database 3825  
for the public dissemination of some or all of the information and 3826  
materials described in division (A) of section 2950.081 of the 3827  
Revised Code that are public records under that division, that are 3828  
not prohibited from inclusion by division (B) of that section, and 3829  
that pertain to offenders and public registry-qualified juvenile 3830  
offender registrants who register in the sheriff's county pursuant 3831  
to section 2950.04 or 2950.041 of the Revised Code and for the 3832  
public dissemination of information the sheriff receives pursuant 3833  
to section 2950.14 of the Revised Code and, upon the request of 3834  
any sheriff, provide technical guidance to the requesting sheriff 3835  
in establishing on the internet such a database; 3836  
3837

(13) Through the bureau of criminal identification and 3838  
investigation, not later than January 1, 2004, establish and 3839  
operate on the internet a database that enables local law 3840  
enforcement representatives to remotely search by electronic means 3841  
the state registry of sex offenders and child-victim offenders 3842  
described in division (A)(1) of this section and any information 3843  
and materials the bureau receives pursuant to sections 2950.04, 3844  
2950.041, 2950.05, 2950.06, and 2950.14 of the Revised Code. The 3845  
database shall enable local law enforcement representatives to 3846  
obtain detailed information regarding each offender and delinquent 3847  
child who is included in the registry, including, but not limited 3848

to the offender's or delinquent child's name, aliases, residence 3849  
address, name and address of any place of employment, school, 3850  
institution of higher education, if applicable, license plate 3851  
number of each vehicle identified in division (C)(5) of section 3852  
2950.04 or 2950.041 of the Revised Code to the extent applicable, 3853  
victim preference if available, date of most recent release from 3854  
confinement if applicable, fingerprints, and palmprints, all of 3855  
the information and material described in ~~division~~ divisions 3856  
(A)(1)(a) to (h) of this section regarding the offender or 3857  
delinquent child, and other identification parameters the bureau 3858  
considers appropriate. The database is not a public record open 3859  
for inspection under section 149.43 of the Revised Code and shall 3860  
be available only to law enforcement representatives as described 3861  
in this division. Information obtained by local law enforcement 3862  
representatives through use of this database is not open to 3863  
inspection by the public or by any person other than a person 3864  
identified in division (A) of section 2950.08 of the Revised Code. 3865

3866

(14) Through the bureau of criminal identification and 3867  
investigation, maintain a list of requests for notice about a 3868  
specified offender or delinquent child or specified geographical 3869  
notification area made pursuant to division (J) of section 2950.11 3870  
of the Revised Code and, when an offender or delinquent child 3871  
changes residence to another county, forward any requests for 3872  
information about that specific offender or delinquent child to 3873  
the appropriate sheriff; 3874

(15) Through the bureau of criminal identification and 3875  
investigation, establish and operate a system for the immediate 3876  
notification by electronic means of the appropriate officials in 3877  
other states specified in this division each time an offender or 3878  
delinquent child registers a residence, school, institution of 3879  
higher education, or place of employment address under section 3880

2950.04 or 2950.041 of the ~~revised~~ Revised Code or provides a 3881  
notice of a change of address or registers a new address under 3882  
division (A) or (B) of section 2950.05 of the Revised Code. The 3883  
immediate notification by electronic means shall be provided to 3884  
the appropriate officials in each state in which the offender or 3885  
delinquent child is required to register a residence, school, 3886  
institution of higher education, or place of employment address. 3887  
The notification shall contain the offender's or delinquent 3888  
child's name and all of the information the bureau receives from 3889  
the sheriff with whom the offender or delinquent child registered 3890  
the address or provided the notice of change of address or 3891  
registered the new address. 3892

(B) The attorney general in consultation with local law 3893  
enforcement representatives, may adopt rules that establish one or 3894  
more categories of neighbors of an offender or delinquent child 3895  
who, in addition to the occupants of residential premises and 3896  
other persons specified in division (A)(1) of section 2950.11 of 3897  
the Revised Code, must be given the notice described in division 3898  
(B) of that section. 3899

(C) No person, other than a local law enforcement 3900  
representative, shall knowingly do any of the following: 3901

(1) Gain or attempt to gain access to the database 3902  
established and operated by the attorney general, through the 3903  
bureau of criminal identification and investigation, pursuant to 3904  
division (A)(13) of this section. 3905

(2) Permit any person to inspect any information obtained 3906  
through use of the database described in division (C)(1) of this 3907  
section, other than as permitted under that division. 3908

(D) As used in this section, "local law enforcement 3909  
representatives" means representatives of the sheriffs of this 3910  
state, representatives of the municipal chiefs of police and 3911

marshals of this state, and representatives of the township 3912  
constables and chiefs of police of the township police departments 3913  
or police district police forces of this state. 3914

**Sec. 3109.051.** (A) If a divorce, dissolution, legal 3915  
separation, or annulment proceeding involves a child and if the 3916  
court has not issued a shared parenting decree, the court shall 3917  
consider any mediation report filed pursuant to section 3109.052 3918  
of the Revised Code and, in accordance with division (C) of this 3919  
section, shall make a just and reasonable order or decree 3920  
permitting each parent who is not the residential parent to have 3921  
parenting time with the child at the time and under the conditions 3922  
that the court directs, unless the court determines that it would 3923  
not be in the best interest of the child to permit that parent to 3924  
have parenting time with the child and includes in the journal its 3925  
findings of fact and conclusions of law. Whenever possible, the 3926  
order or decree permitting the parenting time shall ensure the 3927  
opportunity for both parents to have frequent and continuing 3928  
contact with the child, unless frequent and continuing contact by 3929  
either parent with the child would not be in the best interest of 3930  
the child. The court shall include in its final decree a specific 3931  
schedule of parenting time for that parent. Except as provided in 3932  
division (E)(6) of section 3113.31 of the Revised Code, if the 3933  
court, pursuant to this section, grants parenting time to a parent 3934  
or companionship or visitation rights to any other person with 3935  
respect to any child, it shall not require the public children 3936  
services agency to provide supervision of or other services 3937  
related to that parent's exercise of parenting time or that 3938  
person's exercise of companionship or visitation rights with 3939  
respect to the child. This section does not limit the power of a 3940  
juvenile court pursuant to Chapter 2151. of the Revised Code to 3941  
issue orders with respect to children who are alleged to be 3942  
abused, neglected, or dependent children or to make dispositions 3943

of children who are adjudicated abused, neglected, or dependent 3944  
children or of a common pleas court to issue orders pursuant to 3945  
section 3113.31 of the Revised Code. 3946

(B)(1) In a divorce, dissolution of marriage, legal 3947  
separation, annulment, or child support proceeding that involves a 3948  
child, the court may grant reasonable companionship or visitation 3949  
rights to any grandparent, any person related to the child by 3950  
consanguinity or affinity, or any other person other than a 3951  
parent, if all of the following apply: 3952

(a) The grandparent, relative, or other person files a motion 3953  
with the court seeking companionship or visitation rights. 3954

(b) The court determines that the grandparent, relative, or 3955  
other person has an interest in the welfare of the child. 3956

(c) The court determines that the granting of the 3957  
companionship or visitation rights is in the best interest of the 3958  
child. 3959

(2) A motion may be filed under division (B)(1) of this 3960  
section during the pendency of the divorce, dissolution of 3961  
marriage, legal separation, annulment, or child support proceeding 3962  
or, if a motion was not filed at that time or was filed at that 3963  
time and the circumstances in the case have changed, at any time 3964  
after a decree or final order is issued in the case. 3965

(C) When determining whether to grant parenting time rights 3966  
to a parent pursuant to this section or section 3109.12 of the 3967  
Revised Code or to grant companionship or visitation rights to a 3968  
grandparent, relative, or other person pursuant to this section or 3969  
section 3109.11 or 3109.12 of the Revised Code, when establishing 3970  
a specific parenting time or visitation schedule, and when 3971  
determining other parenting time matters under this section or 3972  
section 3109.12 of the Revised Code or visitation matters under 3973

this section or section 3109.11 or 3109.12 of the Revised Code, 3974  
the court shall consider any mediation report that is filed 3975  
pursuant to section 3109.052 of the Revised Code and shall 3976  
consider all other relevant factors, including, but not limited 3977  
to, all of the factors listed in division (D) of this section. In 3978  
considering the factors listed in division (D) of this section for 3979  
purposes of determining whether to grant parenting time or 3980  
visitation rights, establishing a specific parenting time or 3981  
visitation schedule, determining other parenting time matters 3982  
under this section or section 3109.12 of the Revised Code or 3983  
visitation matters under this section or under section 3109.11 or 3984  
3109.12 of the Revised Code, and resolving any issues related to 3985  
the making of any determination with respect to parenting time or 3986  
visitation rights or the establishment of any specific parenting 3987  
time or visitation schedule, the court, in its discretion, may 3988  
interview in chambers any or all involved children regarding their 3989  
wishes and concerns. If the court interviews any child concerning 3990  
the child's wishes and concerns regarding those parenting time or 3991  
visitation matters, the interview shall be conducted in chambers, 3992  
and no person other than the child, the child's attorney, the 3993  
judge, any necessary court personnel, and, in the judge's 3994  
discretion, the attorney of each parent shall be permitted to be 3995  
present in the chambers during the interview. No person shall 3996  
obtain or attempt to obtain from a child a written or recorded 3997  
statement or affidavit setting forth the wishes and concerns of 3998  
the child regarding those parenting time or visitation matters. A 3999  
court, in considering the factors listed in division (D) of this 4000  
section for purposes of determining whether to grant any parenting 4001  
time or visitation rights, establishing a parenting time or 4002  
visitation schedule, determining other parenting time matters 4003  
under this section or section 3109.12 of the Revised Code or 4004  
visitation matters under this section or under section 3109.11 or 4005  
3109.12 of the Revised Code, or resolving any issues related to 4006



the making of any determination with respect to parenting time or 4007  
visitation rights or the establishment of any specific parenting 4008  
time or visitation schedule, shall not accept or consider a 4009  
written or recorded statement or affidavit that purports to set 4010  
forth the child's wishes or concerns regarding those parenting 4011  
time or visitation matters. 4012

(D) In determining whether to grant parenting time to a 4013  
parent pursuant to this section or section 3109.12 of the Revised 4014  
Code or companionship or visitation rights to a grandparent, 4015  
relative, or other person pursuant to this section or section 4016  
3109.11 or 3109.12 of the Revised Code, in establishing a specific 4017  
parenting time or visitation schedule, and in determining other 4018  
parenting time matters under this section or section 3109.12 of 4019  
the Revised Code or visitation matters under this section or 4020  
section 3109.11 or 3109.12 of the Revised Code, the court shall 4021  
consider all of the following factors: 4022

(1) The prior interaction and interrelationships of the child 4023  
with the child's parents, siblings, and other persons related by 4024  
consanguinity or affinity, and with the person who requested 4025  
companionship or visitation if that person is not a parent, 4026  
sibling, or relative of the child; 4027

(2) The geographical location of the residence of each parent 4028  
and the distance between those residences, and if the person is 4029  
not a parent, the geographical location of that person's residence 4030  
and the distance between that person's residence and the child's 4031  
residence; 4032

(3) The child's and parents' available time, including, but 4033  
not limited to, each parent's employment schedule, the child's 4034  
school schedule, and the child's and the parents' holiday and 4035  
vacation schedule; 4036

(4) The age of the child; 4037

- (5) The child's adjustment to home, school, and community; 4038
- (6) If the court has interviewed the child in chambers, 4039  
pursuant to division (C) of this section, regarding the wishes and 4040  
concerns of the child as to parenting time by the parent who is 4041  
not the residential parent or companionship or visitation by the 4042  
grandparent, relative, or other person who requested companionship 4043  
or visitation, as to a specific parenting time or visitation 4044  
schedule, or as to other parenting time or visitation matters, the 4045  
wishes and concerns of the child, as expressed to the court; 4046  
4047
- (7) The health and safety of the child; 4048
- (8) The amount of time that will be available for the child 4049  
to spend with siblings; 4050
- (9) The mental and physical health of all parties; 4051
- (10) Each parent's willingness to reschedule missed parenting 4052  
time and to facilitate the other parent's parenting time rights, 4053  
and with respect to a person who requested companionship or 4054  
visitation, the willingness of that person to reschedule missed 4055  
visitation; 4056
- (11) In relation to parenting time, whether either parent 4057  
previously has been convicted of or pleaded guilty to any criminal 4058  
offense involving any act that resulted in a child being an abused 4059  
child or a neglected child; whether either parent, in a case in 4060  
which a child has been adjudicated an abused child or a neglected 4061  
child, previously has been determined to be the perpetrator of the 4062  
abusive or neglectful act that is the basis of the adjudication; 4063  
and whether there is reason to believe that either parent has 4064  
acted in a manner resulting in a child being an abused child or a 4065  
neglected child; 4066
- (12) In relation to requested companionship or visitation by 4067  
a person other than a parent, whether the person previously has 4068

been convicted of or pleaded guilty to any criminal offense 4069  
involving any act that resulted in a child being an abused child 4070  
or a neglected child; whether the person, in a case in which a 4071  
child has been adjudicated an abused child or a neglected child, 4072  
previously has been determined to be the perpetrator of the 4073  
abusive or neglectful act that is the basis of the adjudication; 4074  
whether either parent previously has been convicted of or pleaded 4075  
guilty to a violation of section 2919.25 of the Revised Code 4076  
involving a victim who at the time of the commission of the 4077  
offense was a member of the family or household that is the 4078  
subject of the current proceeding; whether either parent 4079  
previously has been convicted of an offense involving a victim who 4080  
at the time of the commission of the offense was a member of the 4081  
family or household that is the subject of the current proceeding 4082  
and caused physical harm to the victim in the commission of the 4083  
offense; and whether there is reason to believe that the person 4084  
has acted in a manner resulting in a child being an abused child 4085  
or a neglected child; 4086

(13) Whether the residential parent or one of the parents 4087  
subject to a shared parenting decree has continuously and 4088  
willfully denied the other parent's right to parenting time in 4089  
accordance with an order of the court; 4090

(14) Whether either parent has established a residence or is 4091  
planning to establish a residence outside this state; 4092

(15) In relation to requested companionship or visitation by 4093  
a person other than a parent, the wishes and concerns of the 4094  
child's parents, as expressed by them to the court; 4095

(16) Any other factor in the best interest of the child. 4096

(E) The remarriage of a residential parent of a child does 4097  
not affect the authority of a court under this section to grant 4098  
parenting time rights with respect to the child to the parent who 4099

is not the residential parent or to grant reasonable companionship 4100  
or visitation rights with respect to the child to any grandparent, 4101  
any person related by consanguinity or affinity, or any other 4102  
person. 4103

(F)(1) If the court, pursuant to division (A) of this 4104  
section, denies parenting time to a parent who is not the 4105  
residential parent or denies a motion for reasonable companionship 4106  
or visitation rights filed under division (B) of this section and 4107  
the parent or movant files a written request for findings of fact 4108  
and conclusions of law, the court shall state in writing its 4109  
findings of fact and conclusions of law in accordance with Civil 4110  
Rule 52. 4111

(2) On or before July 1, 1991, each court of common pleas, by 4112  
rule, shall adopt standard parenting time guidelines. A court 4113  
shall have discretion to deviate from its standard parenting time 4114  
guidelines based upon factors set forth in division (D) of this 4115  
section. 4116

(G)(1) If the residential parent intends to move to a 4117  
residence other than the residence specified in the parenting time 4118  
order or decree of the court, the parent shall file a notice of 4119  
intent to relocate with the court that issued the order or decree. 4120  
Except as provided in divisions (G)(2), (3), and (4) of this 4121  
section, the court shall send a copy of the notice to the parent 4122  
who is not the residential parent. Upon receipt of the notice, the 4123  
court, on its own motion or the motion of the parent who is not 4124  
the residential parent, may schedule a hearing with notice to both 4125  
parents to determine whether it is in the best interest of the 4126  
child to revise the parenting time schedule for the child. 4127  
4128

(2) When a court grants parenting time rights to a parent who 4129  
is not the residential parent, the court shall determine whether 4130  
that parent has been convicted of or pleaded guilty to a violation 4131

of section 2919.25 of the Revised Code involving a victim who at 4132  
the time of the commission of the offense was a member of the 4133  
family or household that is the subject of the proceeding, has 4134  
been convicted of or pleaded guilty to any other offense involving 4135  
a victim who at the time of the commission of the offense was a 4136  
member of the family or household that is the subject of the 4137  
proceeding and caused physical harm to the victim in the 4138  
commission of the offense, or has been determined to be the 4139  
perpetrator of the abusive act that is the basis of an 4140  
adjudication that a child is an abused child. If the court 4141  
determines that that parent has not been so convicted and has not 4142  
been determined to be the perpetrator of an abusive act that is 4143  
the basis of a child abuse adjudication, the court shall issue an 4144  
order stating that a copy of any notice of relocation that is 4145  
filed with the court pursuant to division (G)(1) of this section 4146  
will be sent to the parent who is given the parenting time rights 4147  
in accordance with division (G)(1) of this section. 4148

If the court determines that the parent who is granted the 4149  
parenting time rights has been convicted of or pleaded guilty to a 4150  
violation of section 2919.25 of the Revised Code involving a 4151  
victim who at the time of the commission of the offense was a 4152  
member of the family or household that is the subject of the 4153  
proceeding, has been convicted of or pleaded guilty to any other 4154  
offense involving a victim who at the time of the commission of 4155  
the offense was a member of the family or household that is the 4156  
subject of the proceeding and caused physical harm to the victim 4157  
in the commission of the offense, or has been determined to be the 4158  
perpetrator of the abusive act that is the basis of an 4159  
adjudication that a child is an abused child, it shall issue an 4160  
order stating that that parent will not be given a copy of any 4161  
notice of relocation that is filed with the court pursuant to 4162  
division (G)(1) of this section unless the court determines that 4163  
it is in the best interest of the children to give that parent a 4164

copy of the notice of relocation, issues an order stating that 4165  
that parent will be given a copy of any notice of relocation filed 4166  
pursuant to division (G)(1) of this section, and issues specific 4167  
written findings of fact in support of its determination. 4168

(3) If a court, prior to April 11, 1991, issued an order 4169  
granting parenting time rights to a parent who is not the 4170  
residential parent and did not require the residential parent in 4171  
that order to give the parent who is granted the parenting time 4172  
rights notice of any change of address and if the residential 4173  
parent files a notice of relocation pursuant to division (G)(1) of 4174  
this section, the court shall determine if the parent who is 4175  
granted the parenting time rights has been convicted of or pleaded 4176  
guilty to a violation of section 2919.25 of the Revised Code 4177  
involving a victim who at the time of the commission of the 4178  
offense was a member of the family or household that is the 4179  
subject of the proceeding, has been convicted of or pleaded guilty 4180  
to any other offense involving a victim who at the time of the 4181  
commission of the offense was a member of the family or household 4182  
that is the subject of the proceeding and caused physical harm to 4183  
the victim in the commission of the offense, or has been 4184  
determined to be the perpetrator of the abusive act that is the 4185  
basis of an adjudication that a child is an abused child. If the 4186  
court determines that the parent who is granted the parenting time 4187  
rights has not been so convicted and has not been determined to be 4188  
the perpetrator of an abusive act that is the basis of a child 4189  
abuse adjudication, the court shall issue an order stating that a 4190  
copy of any notice of relocation that is filed with the court 4191  
pursuant to division (G)(1) of this section will be sent to the 4192  
parent who is granted parenting time rights in accordance with 4193  
division (G)(1) of this section. 4194

If the court determines that the parent who is granted the 4195  
parenting time rights has been convicted of or pleaded guilty to a 4196

violation of section 2919.25 of the Revised Code involving a 4197  
victim who at the time of the commission of the offense was a 4198  
member of the family or household that is the subject of the 4199  
proceeding, has been convicted of or pleaded guilty to any other 4200  
offense involving a victim who at the time of the commission of 4201  
the offense was a member of the family or household that is the 4202  
subject of the proceeding and caused physical harm to the victim 4203  
in the commission of the offense, or has been determined to be the 4204  
perpetrator of the abusive act that is the basis of an 4205  
adjudication that a child is an abused child, it shall issue an 4206  
order stating that that parent will not be given a copy of any 4207  
notice of relocation that is filed with the court pursuant to 4208  
division (G)(1) of this section unless the court determines that 4209  
it is in the best interest of the children to give that parent a 4210  
copy of the notice of relocation, issues an order stating that 4211  
that parent will be given a copy of any notice of relocation filed 4212  
pursuant to division (G)(1) of this section, and issues specific 4213  
written findings of fact in support of its determination. 4214

(4) If a parent who is granted parenting time rights pursuant 4215  
to this section or any other section of the Revised Code is 4216  
authorized by an order issued pursuant to this section or any 4217  
other court order to receive a copy of any notice of relocation 4218  
that is filed pursuant to division (G)(1) of this section or 4219  
pursuant to court order, if the residential parent intends to move 4220  
to a residence other than the residence address specified in the 4221  
parenting time order, and if the residential parent does not want 4222  
the parent who is granted the parenting time rights to receive a 4223  
copy of the relocation notice because the parent with parenting 4224  
time rights has been convicted of or pleaded guilty to a violation 4225  
of section 2919.25 of the Revised Code involving a victim who at 4226  
the time of the commission of the offense was a member of the 4227  
family or household that is the subject of the proceeding, has 4228  
been convicted of or pleaded guilty to any other offense involving 4229

a victim who at the time of the commission of the offense was a 4230  
member of the family or household that is the subject of the 4231  
proceeding and caused physical harm to the victim in the 4232  
commission of the offense, or has been determined to be the 4233  
perpetrator of the abusive act that is the basis of an 4234  
adjudication that a child is an abused child, the residential 4235  
parent may file a motion with the court requesting that the parent 4236  
who is granted the parenting time rights not receive a copy of any 4237  
notice of relocation. Upon the filing of the motion, the court 4238  
shall schedule a hearing on the motion and give both parents 4239  
notice of the date, time, and location of the hearing. If the 4240  
court determines that the parent who is granted the parenting time 4241  
rights has been so convicted or has been determined to be the 4242  
perpetrator of an abusive act that is the basis of a child abuse 4243  
adjudication, the court shall issue an order stating that the 4244  
parent who is granted the parenting time rights will not be given 4245  
a copy of any notice of relocation that is filed with the court 4246  
pursuant to division (G)(1) of this section or that the 4247  
residential parent is no longer required to give that parent a 4248  
copy of any notice of relocation unless the court determines that 4249  
it is in the best interest of the children to give that parent a 4250  
copy of the notice of relocation, issues an order stating that 4251  
that parent will be given a copy of any notice of relocation filed 4252  
pursuant to division (G)(1) of this section, and issues specific 4253  
written findings of fact in support of its determination. If it 4254  
does not so find, it shall dismiss the motion. 4255

(H)(1) Subject to section 3125.16 and division (F) of section 4256  
3319.321 of the Revised Code, a parent of a child who is not the 4257  
residential parent of the child is entitled to access, under the 4258  
same terms and conditions under which access is provided to the 4259  
residential parent, to any record that is related to the child and 4260  
to which the residential parent of the child legally is provided 4261  
access, unless the court determines that it would not be in the 4262



best interest of the child for the parent who is not the 4263  
residential parent to have access to the records under those same 4264  
terms and conditions. If the court determines that the parent of a 4265  
child who is not the residential parent should not have access to 4266  
records related to the child under the same terms and conditions 4267  
as provided for the residential parent, the court shall specify 4268  
the terms and conditions under which the parent who is not the 4269  
residential parent is to have access to those records, shall enter 4270  
its written findings of facts and opinion in the journal, and 4271  
shall issue an order containing the terms and conditions to both 4272  
the residential parent and the parent of the child who is not the 4273  
residential parent. The court shall include in every order issued 4274  
pursuant to this division notice that any keeper of a record who 4275  
knowingly fails to comply with the order or division (H) of this 4276  
section is in contempt of court. 4277

(2) Subject to section 3125.16 and division (F) of section 4278  
3319.321 of the Revised Code, subsequent to the issuance of an 4279  
order under division (H)(1) of this section, the keeper of any 4280  
record that is related to a particular child and to which the 4281  
residential parent legally is provided access shall permit the 4282  
parent of the child who is not the residential parent to have 4283  
access to the record under the same terms and conditions under 4284  
which access is provided to the residential parent, unless the 4285  
residential parent has presented the keeper of the record with a 4286  
copy of an order issued under division (H)(1) of this section that 4287  
limits the terms and conditions under which the parent who is not 4288  
the residential parent is to have access to records pertaining to 4289  
the child and the order pertains to the record in question. If the 4290  
residential parent presents the keeper of the record with a copy 4291  
of that type of order, the keeper of the record shall permit the 4292  
parent who is not the residential parent to have access to the 4293  
record only in accordance with the most recent order that has been 4294  
issued pursuant to division (H)(1) of this section and presented 4295

to the keeper by the residential parent or the parent who is not 4296  
the residential parent. Any keeper of any record who knowingly 4297  
fails to comply with division (H) of this section or with any 4298  
order issued pursuant to division (H)(1) of this section is in 4299  
contempt of court. 4300

(3) The prosecuting attorney of any county may file a 4301  
complaint with the court of common pleas of that county requesting 4302  
the court to issue a protective order preventing the disclosure 4303  
pursuant to division (H)(1) or (2) of this section of any 4304  
confidential law enforcement investigatory record. The court shall 4305  
schedule a hearing on the motion and give notice of the date, 4306  
time, and location of the hearing to all parties. 4307

(I) A court that issues a parenting time order or decree 4308  
pursuant to this section or section 3109.12 of the Revised Code 4309  
shall determine whether the parent granted the right of parenting 4310  
time is to be permitted access, in accordance with section 4311  
~~5104.011~~ 5104.10 of the Revised Code, to any ~~child-day-care~~ 4312  
child-care center that is, or that in the future may be, attended 4313  
by the children with whom the right of parenting time is granted. 4314  
Unless the court determines that the parent who is not the 4315  
residential parent should not have access to the center to the 4316  
same extent that the residential parent is granted access to the 4317  
center, the parent who is not the residential parent and who is 4318  
granted parenting time rights is entitled to access to the center 4319  
to the same extent that the residential parent is granted access 4320  
to the center. If the court determines that the parent who is not 4321  
the residential parent should not have access to the center to the 4322  
same extent that the residential parent is granted such access 4323  
under ~~division (C) of section 5104.011~~ 5104.10 of the Revised 4324  
Code, the court shall specify the terms and conditions under which 4325  
the parent who is not the residential parent is to have access to 4326  
the center, provided that the access shall not be greater than the 4327

access that is provided to the residential parent under ~~division~~ 4328  
(C) of section ~~5104.011~~ 5104.10 of the Revised Code, the court 4329  
shall enter its written findings of fact and opinions in the 4330  
journal, and the court shall include the terms and conditions of 4331  
access in the parenting time order or decree. 4332

(J)(1) Subject to division (F) of section 3319.321 of the 4333  
Revised Code, when a court issues an order or decree allocating 4334  
parental rights and responsibilities for the care of a child, the 4335  
parent of the child who is not the residential parent of the child 4336  
is entitled to access, under the same terms and conditions under 4337  
which access is provided to the residential parent, to any student 4338  
activity that is related to the child and to which the residential 4339  
parent of the child legally is provided access, unless the court 4340  
determines that it would not be in the best interest of the child 4341  
to grant the parent who is not the residential parent access to 4342  
the student activities under those same terms and conditions. If 4343  
the court determines that the parent of the child who is not the 4344  
residential parent should not have access to any student activity 4345  
that is related to the child under the same terms and conditions 4346  
as provided for the residential parent, the court shall specify 4347  
the terms and conditions under which the parent who is not the 4348  
residential parent is to have access to those student activities, 4349  
shall enter its written findings of facts and opinion in the 4350  
journal, and shall issue an order containing the terms and 4351  
conditions to both the residential parent and the parent of the 4352  
child who is not the residential parent. The court shall include 4353  
in every order issued pursuant to this division notice that any 4354  
school official or employee who knowingly fails to comply with the 4355  
order or division (J) of this section is in contempt of court. 4356

(2) Subject to division (F) of section 3319.321 of the 4357  
Revised Code, subsequent to the issuance of an order under 4358  
division (J)(1) of this section, all school officials and 4359

employees shall permit the parent of the child who is not the 4360  
residential parent to have access to any student activity under 4361  
the same terms and conditions under which access is provided to 4362  
the residential parent of the child, unless the residential parent 4363  
has presented the school official or employee, the board of 4364  
education of the school, or the governing body of the chartered 4365  
nonpublic school with a copy of an order issued under division 4366  
(J)(1) of this section that limits the terms and conditions under 4367  
which the parent who is not the residential parent is to have 4368  
access to student activities related to the child and the order 4369  
pertains to the student activity in question. If the residential 4370  
parent presents the school official or employee, the board of 4371  
education of the school, or the governing body of the chartered 4372  
nonpublic school with a copy of that type of order, the school 4373  
official or employee shall permit the parent who is not the 4374  
residential parent to have access to the student activity only in 4375  
accordance with the most recent order that has been issued 4376  
pursuant to division (J)(1) of this section and presented to the 4377  
school official or employee, the board of education of the school, 4378  
or the governing body of the chartered nonpublic school by the 4379  
residential parent or the parent who is not the residential 4380  
parent. Any school official or employee who knowingly fails to 4381  
comply with division (J) of this section or with any order issued 4382  
pursuant to division (J)(1) of this section is in contempt of 4383  
court. 4384

(K) If any person is found in contempt of court for failing 4385  
to comply with or interfering with any order or decree granting 4386  
parenting time rights issued pursuant to this section or section 4387  
3109.12 of the Revised Code or companionship or visitation rights 4388  
issued pursuant to this section, section 3109.11 or 3109.12 of the 4389  
Revised Code, or any other provision of the Revised Code, the 4390  
court that makes the finding, in addition to any other penalty or 4391  
remedy imposed, shall assess all court costs arising out of the 4392

contempt proceeding against the person and require the person to 4393  
pay any reasonable attorney's fees of any adverse party, as 4394  
determined by the court, that arose in relation to the act of 4395  
contempt, and may award reasonable compensatory parenting time or 4396  
visitation to the person whose right of parenting time or 4397  
visitation was affected by the failure or interference if such 4398  
compensatory parenting time or visitation is in the best interest 4399  
of the child. Any compensatory parenting time or visitation 4400  
awarded under this division shall be included in an order issued 4401  
by the court and, to the extent possible, shall be governed by the 4402  
same terms and conditions as was the parenting time or visitation 4403  
that was affected by the failure or interference. 4404

(L) Any parent who requests reasonable parenting time rights 4405  
with respect to a child under this section or section 3109.12 of 4406  
the Revised Code or any person who requests reasonable 4407  
companionship or visitation rights with respect to a child under 4408  
this section, section 3109.11 or 3109.12 of the Revised Code, or 4409  
any other provision of the Revised Code may file a motion with the 4410  
court requesting that it waive all or any part of the costs that 4411  
may accrue in the proceedings. If the court determines that the 4412  
movant is indigent and that the waiver is in the best interest of 4413  
the child, the court, in its discretion, may waive payment of all 4414  
or any part of the costs of those proceedings. 4415

(M) The juvenile court has exclusive jurisdiction to enter 4416  
the orders in any case certified to it from another court. 4417

(N) As used in this section: 4418

(1) "Abused child" has the same meaning as in section 4419  
2151.031 of the Revised Code, and "neglected child" has the same 4420  
meaning as in section 2151.03 of the Revised Code. 4421

(2) "Record" means any record, document, file, or other 4422  
material that contains information directly related to a child, 4423

including, but not limited to, any of the following: 4424

(a) Records maintained by public and nonpublic schools; 4425

(b) Records maintained by facilities that provide child care, 4426  
as defined in section 5104.01 of the Revised Code, publicly funded 4427  
child care, as defined in section 5104.01 of the Revised Code, or 4428  
pre-school services operated by or under the supervision of a 4429  
school district board of education or a nonpublic school; 4430

(c) Records maintained by hospitals, other facilities, or 4431  
persons providing medical or surgical care or treatment for the 4432  
child; 4433

(d) Records maintained by agencies, departments, 4434  
instrumentalities, or other entities of the state or any political 4435  
subdivision of the state, other than a child support enforcement 4436  
agency. Access to records maintained by a child support 4437  
enforcement agency is governed by section 3125.16 of the Revised 4438  
Code. 4439

(3) "Confidential law enforcement investigatory record" has 4440  
the same meaning as in section 149.43 of the Revised Code. 4441

**Sec. 3301.52.** As used in sections 3301.52 to 3301.59 of the 4442  
Revised Code: 4443

(A) "Preschool program" means either of the following: 4444

(1) A child care program for preschool children that is 4445  
operated by a school district board of education or an eligible 4446  
nonpublic school. 4447

(2) A child care program for preschool children age three or 4448  
older that is operated by a county MR/DD board. 4449

(B) "Preschool child" or "child" means a child who has not 4450  
entered kindergarten and is not of compulsory school age. 4451

(C) "Parent, guardian, or custodian" means the person or 4452

government agency that is or will be responsible for a child's 4453  
school attendance under section 3321.01 of the Revised Code. 4454

(D) "Superintendent" means the superintendent of a school 4455  
district or the chief administrative officer of an eligible 4456  
nonpublic school. 4457

(E) "Director" means the director, head teacher, elementary 4458  
principal, or site administrator who is the individual on site and 4459  
responsible for supervision of a preschool program. 4460

(F) "Preschool staff member" means a preschool employee whose 4461  
primary responsibility is care, teaching, or supervision of 4462  
preschool children. 4463

(G) "Nonteaching employee" means a preschool program or 4464  
school child program employee whose primary responsibilities are 4465  
duties other than care, teaching, and supervision of preschool 4466  
children or school children. 4467

(H) "Eligible nonpublic school" means a nonpublic school 4468  
chartered as described in division ~~(B)(8)(H)~~ of section ~~5104.02~~ 4469  
5104.021 of the Revised Code or chartered by the state board of 4470  
education for any combination of grades one through twelve, 4471  
regardless of whether it also offers kindergarten. 4472

(I) "County MR/DD board" means a county board of mental 4473  
retardation and developmental disabilities. 4474

(J) "School child program" means a child care program for 4475  
only school children that is operated by a school district board 4476  
of education, county MR/DD board, or eligible nonpublic school. 4477

(K) "School child" and "child care" have the same meanings as 4478  
in section 5104.01 of the Revised Code. 4479

(L) "School child program staff member" means an employee 4480  
whose primary responsibility is the care, teaching, or supervision 4481  
of children in a school child program. 4482

**Sec. 3301.53.** (A) The state board of education, in 4483  
consultation with the director of job and family services, shall 4484  
formulate and prescribe by rule adopted under Chapter 119. of the 4485  
Revised Code minimum standards to be applied to preschool programs 4486  
operated by school district boards of education, county MR/DD 4487  
boards, or eligible nonpublic schools. The rules shall include the 4488  
following: 4489

(1) Standards ensuring that the preschool program is located 4490  
in a safe and convenient facility that accommodates the enrollment 4491  
of the program, is of the quality to support the growth and 4492  
development of the children according to the program objectives, 4493  
and meets the requirements of section 3301.55 of the Revised Code; 4494

(2) Standards ensuring that supervision, discipline, and 4495  
programs will be administered according to established objectives 4496  
and procedures; 4497

(3) Standards ensuring that preschool staff members and 4498  
nonteaching employees are recruited, employed, assigned, 4499  
evaluated, and provided inservice education without discrimination 4500  
on the basis of age, color, national origin, race, or sex; and 4501  
that preschool staff members and nonteaching employees are 4502  
assigned responsibilities in accordance with written position 4503  
descriptions commensurate with their training and experience; 4504

(4) A requirement that boards of education intending to 4505  
establish a preschool program demonstrate a need for a preschool 4506  
program prior to establishing the program; 4507

(5) Requirements that children participating in preschool 4508  
programs have been immunized to the extent considered appropriate 4509  
by the state board to prevent the spread of communicable disease; 4510

(6) Requirements that the parents of preschool children 4511  
complete the emergency medical authorization form specified in 4512



section 3313.712 of the Revised Code. 4513

(B) The state board of education in consultation with the 4514  
director of job and family services shall ensure that the rules 4515  
adopted by the state board under sections 3301.52 to 3301.58 of 4516  
the Revised Code are consistent with and meet or exceed the 4517  
requirements of Chapter 5104. of the Revised Code with regard to 4518  
~~child-day-care~~ child-care centers. The state board and the 4519  
director of job and family services shall review all such rules at 4520  
least once every five years. 4521

(C) The state board of education, in consultation with the 4522  
director of job and family services, shall adopt rules for school 4523  
child programs that are consistent with and meet or exceed the 4524  
requirements of the rules adopted for school ~~child-day-care~~ 4525  
child-care centers under Chapter 5104. of the Revised Code. 4526

**Sec. 3301.58.** (A) The department of education is responsible 4527  
for the licensing of preschool programs and school child programs 4528  
and for the enforcement of sections 3301.52 to 3301.59 of the 4529  
Revised Code and of any rules adopted under those sections. No 4530  
school district board of education, county MR/DD board, or 4531  
eligible nonpublic school shall operate, establish, manage, 4532  
conduct, or maintain a preschool program without a license issued 4533  
under this section. A school district board of education, county 4534  
MR/DD board, or eligible nonpublic school may obtain a license 4535  
under this section for a school child program. The school district 4536  
board of education, county MR/DD board, or eligible nonpublic 4537  
school shall post the current license for each preschool program 4538  
and licensed school child program it operates, establishes, 4539  
manages, conducts, or maintains in a conspicuous place in the 4540  
preschool program or licensed school child program that is 4541  
accessible to parents, custodians, or guardians and employees and 4542  
staff members of the program at all times when the program is in 4543

operation. 4544

(B) Any school district board of education, county MR/DD 4545  
board, or eligible nonpublic school that desires to operate, 4546  
establish, manage, conduct, or maintain a preschool program shall 4547  
apply to the department of education for a license on a form that 4548  
the department shall prescribe by rule. Any school district board 4549  
of education, county MR/DD board, or eligible nonpublic school 4550  
that desires to obtain a license for a school child program shall 4551  
apply to the department for a license on a form that the 4552  
department shall prescribe by rule. The department shall provide 4553  
at no charge to each applicant for a license under this section a 4554  
copy of the requirements under sections 3301.52 to 3301.59 of the 4555  
Revised Code and any rules adopted under those sections. The 4556  
department shall mail application forms for the renewal of a 4557  
license at least one hundred twenty days prior to the date of the 4558  
expiration of the license, and the application for renewal of a 4559  
license shall be filed with the department at least sixty days 4560  
before the date of the expiration of the existing license. The 4561  
department may establish application fees by rule adopted under 4562  
Chapter 119. of the Revised Code, and all applicants for a license 4563  
shall pay any fee established by the department at the time of 4564  
making an application for a license. All fees collected pursuant 4565  
to this section shall be paid into the state treasury to the 4566  
credit of the general revenue fund. 4567

(C) Upon the filing of an application for a license, the 4568  
department of education shall investigate and inspect the 4569  
preschool program or school child program to determine the license 4570  
capacity for each age category of children of the program and to 4571  
determine whether the program complies with sections 3301.52 to 4572  
3301.59 of the Revised Code and any rules adopted under those 4573  
sections. When, after investigation and inspection, the department 4574  
of education is satisfied that sections 3301.52 to 3301.59 of the 4575

Revised Code and any rules adopted under those sections are 4576  
complied with by the applicant, the department of education shall 4577  
issue the program a provisional license as soon as practicable in 4578  
the form and manner prescribed by the rules of the department. The 4579  
provisional license shall be valid for six months from the date of 4580  
issuance unless revoked. 4581

(D) The department of education shall investigate and inspect 4582  
a preschool program or school child program that has been issued a 4583  
provisional license at least once during operation under the 4584  
provisional license. If, after the investigation and inspection, 4585  
the department of education determines that the requirements of 4586  
sections 3301.52 to 3301.59 of the Revised Code and any rules 4587  
adopted under those sections are met by the provisional licensee, 4588  
the department of education shall issue a license that is 4589  
effective for two years from the date of the issuance of the 4590  
provisional license. 4591

(E) Upon the filing of an application for the renewal of a 4592  
license by a preschool program or school child program, the 4593  
department of education shall investigate and inspect the 4594  
preschool program or school child program. If the department of 4595  
education determines that the requirements of sections 3301.52 to 4596  
3301.59 of the Revised Code and any rules adopted under those 4597  
sections are met by the applicant, the department of education 4598  
shall renew the license for two years from the date of the 4599  
expiration date of the previous license. 4600

(F) The license or provisional license shall state the name 4601  
of the school district board of education, county MR/DD board, or 4602  
eligible nonpublic school that operates the preschool program or 4603  
school child program and the license capacity of the program. The 4604  
license shall include any other information required by ~~section~~ 4605  
~~5104.03~~ sections 5104.037 and 5104.0310 of the Revised Code for 4606  
the license of a ~~child-day-care~~ child-care center. 4607

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

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

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

A child between six and eighteen years of age is "of compulsory school age" for the purpose of sections 3321.01 to 3321.13 of the Revised Code. A child under six years of age who has been enrolled in kindergarten also shall be considered "of compulsory school age" for the purpose of sections 3321.01 to 3321.13 of the Revised Code unless at any time the child's parent or guardian, at the parent's or guardian's discretion and in consultation with the child's teacher and principal, formally withdraws the child from kindergarten. The compulsory school age

of a child shall not commence until the beginning of the term of 4639  
such schools, or other time in the school year fixed by the rules 4640  
of the board of the district in which the child resides. 4641

(2) No child shall be admitted to a kindergarten or a first 4642  
grade of a public school in a district in which all children are 4643  
admitted to kindergarten and the first grade in August or 4644  
September unless the child is five or six years of age, 4645  
respectively, by the thirtieth day of September of the year of 4646  
admittance, or by the first day of a term or semester other than 4647  
one beginning in August or September in school districts granting 4648  
admittance at the beginning of such term or semester, except that 4649  
in those school districts using or obtaining educationally 4650  
accepted standardized testing programs for determining entrance, 4651  
as approved by the board of education of such districts, the board 4652  
shall admit a child to kindergarten or the first grade who fails 4653  
to meet the age requirement, provided the child meets necessary 4654  
standards as determined by such standardized testing programs. If 4655  
the board of education has not established a standardized testing 4656  
program, the board shall designate the necessary standards and a 4657  
testing program it will accept for the purpose of admitting a 4658  
child to kindergarten or first grade who fails to meet the age 4659  
requirement. Each child who will be the proper age for entrance to 4660  
kindergarten or first grade by the first day of January of the 4661  
school year for which admission is requested shall be so tested 4662  
upon the request of the child's parent. 4663

(3) Notwithstanding divisions (A)(2) and (D) of this section, 4664  
beginning with the school year that starts in 2001 and continuing 4665  
thereafter the board of education of any district may adopt a 4666  
resolution establishing the first day of August in lieu of the 4667  
thirtieth day of September as the required date by which students 4668  
must have attained the age specified in those divisions. 4669

(B) As used in divisions (C) and (D) of this section, 4670

"successfully completed kindergarten" and "successful completion  
of kindergarten" mean that the child has completed the  
kindergarten requirements at one of the following:

(1) A public or chartered nonpublic school;

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

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

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

(i) A valid educator license issued under section 3319.22 of  
the Revised Code;

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

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

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

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

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

The board of education of each city, local, and exempted

village school district shall establish a pupil personnel services 4701  
committee. The committee shall be composed of all of the following 4702  
to the extent such personnel are either employed by the district 4703  
or employed by the governing board of the educational service 4704  
center within whose territory the district is located and the 4705  
educational service center generally furnishes the services of 4706  
such personnel to the district: 4707

- (1) The director of pupil personnel services; 4708
- (2) An elementary school counselor; 4709
- (3) An elementary school principal; 4710
- (4) A school psychologist; 4711
- (5) A teacher assigned to teach first grade; 4712
- (6) A gifted coordinator. 4713

The responsibilities of the pupil personnel services 4714  
committee shall be limited to the issuing of waivers allowing 4715  
admittance to the first grade without the successful completion of 4716  
kindergarten. The committee shall have no other authority except 4717  
as specified in this section. 4718

(E) The scheduling of times for kindergarten classes and 4719  
length of the school day for kindergarten shall be determined by 4720  
the board of education of a city, exempted village, or local 4721  
school district. 4722

(F) Any kindergarten class offered by a ~~day-care~~ child-care 4723  
provider or school described by division (B)(1) or (B)(2)(a) of 4724  
this section shall be developmentally appropriate. 4725

(G) Upon written request of a ~~day-care~~ child-care provider 4726  
described by division (B)(2)(a) of this section, the department of 4727  
education shall determine whether certification held by a teacher 4728  
employed by the provider meets the requirement of division 4729  
(B)(2)(b)(iii) of this section and, if so, shall furnish the 4730

provider a statement to that effect. 4731

(H) As used in this division, "all-day kindergarten" has the 4732  
same meaning as in section 3317.029 of the Revised Code. 4733

(1) Any school district that is not eligible to receive 4734  
poverty-based assistance for all-day kindergarten under division 4735  
(D) of section 3317.029 of the Revised Code may charge fees or 4736  
tuition for students enrolled in all-day kindergarten. If a 4737  
district charges fees or tuition for all-day kindergarten under 4738  
this division, the district shall develop a sliding fee scale 4739  
based on family incomes. 4740

(2) The department of education shall conduct an annual 4741  
survey of each school district described in division (H)(1) of 4742  
this section to determine the following: 4743

(a) Whether the district charges fees or tuition for students 4744  
enrolled in all-day kindergarten; 4745

(b) The amount of the fees or tuition charged; 4746

(c) How many of the students for whom tuition is charged are 4747  
eligible for free lunches under the "National School Lunch Act," 4748  
60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child 4749  
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, 4750  
and how many of the students for whom tuition is charged are 4751  
eligible for reduced price lunches under those acts; 4752

(d) How many students are enrolled in traditional half-day 4753  
kindergarten rather than all-day kindergarten. 4754

Each district shall report to the department, in the manner 4755  
prescribed by the department, the information described in 4756  
divisions (H)(2)(a) to (d) of this section. 4757

The department shall issue an annual report on the results of 4758  
the survey and shall post the report on its web site. The 4759  
department shall issue the first report not later than April 30, 4760



2008, and shall issue a report not later than the thirtieth day of 4761  
April each year thereafter. 4762

**Sec. 3325.07.** The state board of education in carrying out 4763  
this section and section 3325.06 of the Revised Code shall, 4764  
insofar as practicable, plan, present, and carry into effect an 4765  
educational program by means of any of the following methods of 4766  
instruction: 4767

(A) Classes for parents of deaf or hard of hearing children 4768  
of preschool age; 4769

(B) A nursery school where parent and child would enter the 4770  
nursery school as a unit; 4771

(C) Correspondence course; 4772

(D) Personal consultations and interviews; 4773

(E) ~~Day-care~~ Child-care or child development courses; 4774

(F) Summer enrichment courses; 4775

(G) By such other means or methods as the superintendent of 4776  
the state school for the deaf deems advisable that would permit a 4777  
deaf or hard of hearing child of preschool age to construct a 4778  
pattern of communication at an early age. 4779

The superintendent may allow children who are not deaf or 4780  
hard of hearing to participate in the methods of instruction 4781  
described in divisions (A) to (G) of this section as a means to 4782  
assist deaf or hard of hearing children to construct a pattern of 4783  
communication. The superintendent shall establish policies and 4784  
procedures regarding the participation of children who are not 4785  
deaf or hard of hearing. 4786

The superintendent may establish reasonable fees for 4787  
participation in the methods of instruction described in divisions 4788  
(A) to (G) of this section to defray the costs of carrying them 4789

out. The superintendent shall determine the manner by which any 4790  
such fees shall be collected. All fees shall be deposited in the 4791  
even start fees and gifts fund, which is hereby created in the 4792  
state treasury. The money in the fund shall be used to implement 4793  
this section. 4794

**Sec. 3701.63.** (A) As used in this section and section 3701.64 4795  
of the Revised Code: 4796

(1) "~~Child day care~~ Child-care center," "type A family 4797  
~~day care~~ child-care home," "licensed type B family child-care 4798  
home," and "~~certified~~ type B family ~~day care~~ child-care home with 4799  
limited certification" have the same meanings as in section 4800  
5104.01 of the Revised Code. 4801

(2) "Child care facility" means a ~~child day care~~ child-care 4802  
center, a type A family ~~day care~~ child-care home, a licensed type 4803  
B family child-care home, or a ~~certified~~ type B family ~~day care~~ 4804  
child-care home with limited certification. 4805

(3) "Freestanding birthing center" has the same meaning as in 4806  
section 3702.51 of the Revised Code. 4807

(4) "Hospital" means a hospital classified pursuant to rules 4808  
adopted under section 3701.07 of the Revised Code as a general 4809  
hospital or children's hospital. 4810

(5) "Maternity unit" means any unit or place in a hospital 4811  
where women are regularly received and provided care during all or 4812  
part of the maternity cycle, except that "maternity unit" does not 4813  
include an emergency department or similar place dedicated to 4814  
providing emergency health care. 4815

(6) "Parent" means either parent, unless the parents are 4816  
separated or divorced or their marriage has been dissolved or 4817  
annulled, in which case "parent" means the parent who is the 4818  
residential parent and legal custodian of the child. "Parent" also 4819

means a prospective adoptive parent with whom a child is placed. 4820

(7) "Shaken Baby Syndrome" means signs and symptoms, 4821  
including, but not limited to, retinal hemorrhages in one or both 4822  
eyes, subdural hematoma, or brain swelling, resulting from the 4823  
violent shaking or the shaking and impacting of the head of an 4824  
infant or small child. 4825

(B) The director of health shall establish the shaken baby 4826  
syndrome education program by doing all of the following: 4827

(1) By not later than one year after ~~the effective date of~~ 4828  
~~this section~~ February 29, 2008, with the advice of the work group 4829  
appointed under division (D) of this section, developing 4830  
educational materials that present readily comprehensible 4831  
information on shaken baby syndrome; 4832

(2) Making available on the department of health web site in 4833  
an easily accessible format the educational materials developed 4834  
under division (B)(1) of this section; 4835

(3) Beginning in 2009, annually assessing the effectiveness 4836  
of the shaken baby syndrome education program by evaluating the 4837  
reports received pursuant to section 5101.135 of the Revised Code. 4838

(C) In meeting the requirements under division (B) of this 4839  
section, the director shall not develop educational materials that 4840  
will impose an administrative or financial burden on any of the 4841  
entities or persons listed in section 3701.64 of the Revised Code. 4842

(D) The director of health shall appoint and convene a work 4843  
group to advise the director on the shaken baby syndrome 4844  
educational materials the director is required to develop under 4845  
division (B) of this section. The work group shall include at 4846  
least one representative of each of the following: 4847

(1) Child abuse prevention advocates; 4848

(2) The staff of the "help me grow" program established 4849

pursuant to section 3701.61 of the Revised Code; 4850

(3) Experts in the field of infant care, particularly in the 4851  
area of infant calming methods; 4852

(4) Maternity unit directors; 4853

(5) Parenting skills educators; 4854

(6) Child care facilities. 4855

The work group may also include, at the director's 4856  
discretion, representatives of other professions whose members 4857  
have practical experience regarding shaken baby syndrome and 4858  
representatives of citizens' organizations whose members are 4859  
knowledgeable about shaken baby syndrome. 4860

**Sec. 3701.80.** The department of health shall cooperate with 4861  
the director of job and family services when the director 4862  
promulgates rules pursuant to Chapter 5104. of the Revised Code 4863  
governing the health and sanitary practices of meal preparation 4864  
and service for type A family ~~day-care~~ child-care homes, as 4865  
defined in section 5104.01 of the Revised Code, recommend 4866  
procedures for inspecting type A family ~~day-care~~ child-care homes 4867  
to determine whether they are in compliance with those rules, and 4868  
provide training and technical assistance to the director on the 4869  
procedures for determining compliance with those rules. 4870

**Sec. 3714.03.** (A) As used in this section: 4871

(1) "Aquifer system" means one or more geologic units or 4872  
formations that are wholly or partially saturated with water and 4873  
are capable of storing, transmitting, and yielding significant 4874  
amounts of water to wells or springs. 4875

(2) "Category 3 wetland" means a wetland that supports 4876  
superior habitat or hydrological or recreational functions as 4877  
determined by an appropriate wetland evaluation methodology 4878

acceptable to the director of environmental protection. "Category 3 wetland" includes a wetland with high levels of diversity, a high proportion of native species, and high functional values and includes, but is not limited to, a wetland that contains or provides habitat for threatened or endangered species. "Category 3 wetland" may include high quality forested wetlands, including old growth forested wetlands, mature forested riparian wetlands, vernal pools, bogs, fens, and wetlands that are scarce regionally.

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

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

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

(4) "Occupied dwelling" means a residential dwelling and also includes a place of worship as defined in section 5104.01 of the Revised Code, a ~~child day care~~ child-care center as defined in that section, a hospital as defined in section 3727.01 of the Revised Code, a nursing home as defined in that section, a school, and a restaurant or other eating establishment. "Occupied dwelling" does not include a dwelling owned or controlled by the owner or operator of a construction and demolition debris facility to which the siting criteria established under this section are being applied.

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

(B) Neither the director of environmental protection nor any board of health shall issue a permit to install under section

3714.051 of the Revised Code to establish a new construction and 4910  
demolition debris facility when any portion of the facility is 4911  
proposed to be located in either of the following locations: 4912

(1) Within the boundaries of a one-hundred-year flood plain, 4913  
as those boundaries are shown on the applicable maps prepared 4914  
under the "National Flood Insurance Act of 1968," 82 Stat. 572, 42 4915  
U.S.C.A. 4001, as amended, unless the owner or operator has 4916  
obtained an exemption from division (B)(1) of this section in 4917  
accordance with section 3714.04 of the Revised Code. If no such 4918  
maps have been prepared, the boundaries of a one-hundred-year 4919  
flood plain shall be determined by the applicant for a permit 4920  
based upon standard methodologies set forth in "urban hydrology 4921  
for small watersheds" (soil conservation service technical release 4922  
number 55) and section 4 of the "national engineering hydrology 4923  
handbook" of the soil conservation service of the United States 4924  
department of agriculture. 4925

(2) Within the boundaries of a sole source aquifer designated 4926  
by the administrator of the United States environmental protection 4927  
agency under the "Safe Drinking Water Act," 88 Stat. 1660 (1974), 4928  
42 U.S.C.A. 300f, as amended. 4929

(C) Neither the director nor any board shall issue a permit 4930  
to install under section 3714.051 of the Revised Code to establish 4931  
a new construction and demolition debris facility when the 4932  
horizontal limits of construction and demolition debris placement 4933  
at the new facility are proposed to be located in any of the 4934  
following locations: 4935

(1) Within one hundred feet of a perennial stream as defined 4936  
by the United States geological survey seven and one-half minute 4937  
quadrangle map or a category 3 wetland; 4938

(2) Within one hundred feet of the facility's property line; 4939

(3)(a) Except as provided in division (C)(3)(b) of this 4940

section, within five hundred feet of a residential or public water 4941  
supply well. 4942

(b) Division (C)(3)(a) of this section does not apply to a 4943  
residential well under any of the circumstances specified in 4944  
divisions (C)(3)(b)(i) to (iii) of this section as follows: 4945

(i) The well is controlled by the owner or operator of the 4946  
construction and demolition debris facility. 4947

(ii) The well is hydrologically separated from the horizontal 4948  
limits of construction and demolition debris placement. 4949

(iii) The well is at least three hundred feet upgradient from 4950  
the horizontal limits of construction and demolition debris 4951  
placement and division (D) of this section does not prohibit the 4952  
issuance of the permit to install. 4953

(4) Within five hundred feet of a park created or operated 4954  
pursuant to section 301.26, 511.18, 755.08, 1545.04, or 1545.041 4955  
of the Revised Code, a state park established or dedicated under 4956  
Chapter 1541. of the Revised Code, a state park purchase area 4957  
established under section 1541.02 of the Revised Code, a national 4958  
recreation area, any unit of the national park system, or any 4959  
property that lies within the boundaries of a national park or 4960  
recreation area, but that has not been acquired or is not 4961  
administered by the secretary of the United States department of 4962  
the interior, located in this state, or any area located in this 4963  
state that is recommended by the secretary for study for potential 4964  
inclusion in the national park system in accordance with "The Act 4965  
of August 18, 1970," 84 Stat. 825, 16 U.S.C.A. 1a-5, as amended; 4966

(5) Within five hundred feet of a natural area, any area 4967  
established by the department of natural resources as a state 4968  
wildlife area under Chapter 1531. of the Revised Code and rules 4969  
adopted under it, any area that is formally dedicated as a nature 4970  
preserve under section 1517.05 of the Revised Code, or any area 4971

designated by the United States department of the interior as a 4972  
national wildlife refuge; 4973

(6) Within five hundred feet of a lake or reservoir of one 4974  
acre or more that is hydrogeologically connected to ground water. 4975  
For purposes of division (C)(6) of this section, a lake or 4976  
reservoir does not include a body of water constructed and used 4977  
for purposes of surface water drainage or sediment control. 4978

(7) Within five hundred feet of a state forest purchased or 4979  
otherwise acquired under Chapter 1503. of the Revised Code; 4980

(8) Within five hundred feet of land that is placed on the 4981  
state registry of historic landmarks under section 149.55 of the 4982  
Revised Code; 4983

(9) Within five hundred feet of an occupied dwelling unless 4984  
written permission is given by the owner of the dwelling. 4985

(D) Neither the director nor any board shall issue a permit 4986  
to install under section 3714.051 of the Revised Code to establish 4987  
a new construction and demolition debris facility when the limits 4988  
of construction and demolition debris placement at the new 4989  
facility are proposed to have an isolation distance of less than 4990  
five feet from the uppermost aquifer system that consists of 4991  
material that has a maximum hydraulic conductivity of  $1 \times 10^{-5}$  4992  
cm/sec and all of the geologic material comprising the isolation 4993  
distance has a hydraulic conductivity equivalent to or less than  $1$  4994  
 $\times 10^{-6}$  cm/sec. 4995

(E) Neither the director nor any board shall issue a permit 4996  
to install under section 3714.051 of the Revised Code to establish 4997  
a new construction and demolition debris facility when the road 4998  
that is designated by the owner or operator as the main hauling 4999  
road at the facility to and from the limits of construction and 5000  
demolition debris placement is proposed to be located within five 5001  
hundred feet of an occupied dwelling unless written permission is 5002



given by the owner of the occupied dwelling. 5003

(F) Neither the director nor any board shall issue a permit 5004  
to install under section 3714.051 of the Revised Code to establish 5005  
a new construction and demolition debris facility unless the new 5006  
facility will have all of the following: 5007

(1) Access roads that shall be constructed in a manner that 5008  
allows use in all weather conditions and will withstand the 5009  
anticipated degree of use and minimize erosion and generation of 5010  
dust; 5011

(2) Surface water drainage and sediment controls that are 5012  
required by the director; 5013

(3) If the facility is proposed to be located in an area in 5014  
which an applicable zoning resolution allows residential 5015  
construction, vegetated earthen berms or an equivalent barrier 5016  
with a minimum height of six feet separating the facility from 5017  
adjoining property. 5018

(G)(1) The siting criteria established in this section shall 5019  
be applied to an application for a permit to install at the time 5020  
that the application is submitted to the director or a board of 5021  
health, as applicable. Circumstances related to the siting 5022  
criteria that change after the application is submitted shall not 5023  
be considered in approving or disapproving the application. 5024

(2) The siting criteria established in this section by this 5025  
amendment do not apply to an expansion of a construction and 5026  
demolition debris facility that was in operation prior to ~~the~~ 5027  
~~effective date of this amendment~~ December 22, 2005, onto property 5028  
within the property boundaries identified in the application for 5029  
the initial license for that facility or any subsequent license 5030  
issued for that facility up to and including the license issued 5031  
for that facility for calendar year 2005. The siting criteria 5032  
established in this section prior to ~~the effective date of this~~ 5033

~~amendment~~ December 22, 2005, apply to such an expansion. 5034

**Sec. 3717.42.** (A) The following are not food service 5035  
operations: 5036

(1) A retail food establishment licensed under this chapter, 5037  
including a retail food establishment that provides the services 5038  
of a food service operation pursuant to an endorsement issued 5039  
under section 3717.24 of the Revised Code; 5040

(2) An entity exempt from the requirement to be licensed as a 5041  
retail food establishment under division (B) of section 3717.22 of 5042  
the Revised Code; 5043

(3) A business or that portion of a business that is 5044  
regulated by the federal government or the department of 5045  
agriculture as a food manufacturing or food processing business, 5046  
including a business or that portion of a business regulated by 5047  
the department of agriculture under Chapter 911., 913., 915., 5048  
917., 918., or 925. of the Revised Code. 5049

(B) All of the following are exempt from the requirement to 5050  
be licensed as a food service operation: 5051

(1) A private home in which individuals related by blood, 5052  
marriage, or law reside and in which the food that is prepared or 5053  
served is intended only for those individuals and their nonpaying 5054  
guests; 5055

(2) A private home operated as a bed-and-breakfast that 5056  
prepares and offers food to guests, if the home is owner-occupied, 5057  
the number of available guest bedrooms does not exceed six, 5058  
breakfast is the only meal offered, and the number of guests 5059  
served does not exceed sixteen; 5060

(3) A stand operated on the premises of a private home by one 5061  
or more children under the age of twelve, if the food served is 5062  
not potentially hazardous; 5063

(4) A residential facility that accommodates not more than 5064  
sixteen residents; is licensed, certified, registered, or 5065  
otherwise regulated by the federal government or by the state or a 5066  
political subdivision of the state; and prepares food for or 5067  
serves food to only the residents of the facility, the staff of 5068  
the facility, and any nonpaying guests of residents or staff; 5069

(5) A church, school, fraternal or veterans' organization, 5070  
volunteer fire organization, or volunteer emergency medical 5071  
service organization preparing or serving food intended for 5072  
individual portion service on its premises for not more than seven 5073  
consecutive days or not more than fifty-two separate days during a 5074  
licensing period. This exemption extends to any individual or 5075  
group raising all of its funds during the time periods specified 5076  
in division (B)(5) of this section for the benefit of the church, 5077  
school, or organization by preparing or serving food intended for 5078  
individual portion service under the same conditions. 5079

(6) A common carrier that prepares or serves food, if the 5080  
carrier is regulated by the federal government; 5081

(7) A food service operation serving thirteen or fewer 5082  
individuals daily; 5083

(8) A type A ~~or type B~~ family ~~day-care~~ child-care home ~~or~~ 5084  
type B family child-care home, as defined in section 5104.01 of 5085  
the Revised Code, that prepares or serves food for the children 5086  
receiving ~~day-care~~ child care; 5087

(9) A vending machine location where the only foods dispensed 5088  
are foods from one or both of the following categories: 5089

(a) Prepackaged foods that are not potentially hazardous; 5090

(b) Nuts, panned or wrapped bulk chewing gum, or panned or 5091  
wrapped bulk candies. 5092

(10) A place servicing the vending machines at a vending 5093

machine location described in division (B)(9) of this section; 5094

(11) A commissary servicing vending machines that dispense 5095  
only milk, milk products, or frozen desserts that are under a 5096  
state or federal inspection and analysis program; 5097

(12) A "controlled location vending machine location," which 5098  
means a vending machine location at which all of the following 5099  
apply: 5100

(a) The vending machines dispense only foods that are not 5101  
potentially hazardous; 5102

(b) The machines are designed to be filled and maintained in 5103  
a sanitary manner by untrained persons; 5104

(c) Minimal protection is necessary to ensure against 5105  
contamination of food and equipment. 5106

(13) A private home that prepares and offers food to guests, 5107  
if the home is owner-occupied, meals are served on the premises of 5108  
that home, the number of meals served does not exceed one hundred 5109  
fifteen per week, and the home displays a notice in a place 5110  
conspicuous to all of its guests informing them that the home is 5111  
not required to be licensed as a food service operation; 5112

(14) An individual who prepares full meals or meal 5113  
components, such as pies or baked goods, in the individual's home 5114  
to be served off the premises of that home, if the number of meals 5115  
or meal components prepared for that purpose does not exceed 5116  
twenty in a seven-day period. 5117

**Sec. 3737.22.** (A) The fire marshal shall do all of the 5118  
following: 5119

(1) Adopt the state fire code under sections 3737.82 to 5120  
3737.86 of the Revised Code; 5121

(2) Enforce the state fire code; 5122

(3) Appoint assistant fire marshals who are authorized to	5123
enforce the state fire code;	5124
(4) Conduct investigations into the cause, origin, and	5125
circumstances of fires and explosions, and assist in the	5126
prosecution of persons believed to be guilty of arson or a similar	5127
crime;	5128
(5) Compile statistics concerning loss due to fire and	5129
explosion as the fire marshal considers necessary, and consider	5130
the compatibility of the fire marshal's system of compilation with	5131
the systems of other state and federal agencies and fire marshals	5132
of other states;	5133
(6) Engage in research on the cause and prevention of losses	5134
due to fire and explosion;	5135
(7) Engage in public education and informational activities	5136
which will inform the public of fire safety information;	5137
(8) Operate a fire training academy and forensic laboratory;	5138
(9) Conduct other fire safety and fire fighting training	5139
activities for the public and groups as will further the cause of	5140
fire safety;	5141
(10) Conduct licensing examinations, and issue permits,	5142
licenses, and certificates, as authorized by the Revised Code;	5143
(11) Conduct tests of fire protection systems and devices,	5144
and fire fighting equipment to determine compliance with the state	5145
fire code, unless a building is insured against the hazard of	5146
fire, in which case such tests may be performed by the company	5147
insuring the building;	5148
(12) Establish and collect fees for conducting licensing	5149
examinations and for issuing permits, licenses, and certificates;	5150
(13) Make available for the prosecuting attorney and an	5151
assistant prosecuting attorney from each county of this state, in	5152

accordance with section 3737.331 of the Revised Code, a seminar 5153  
program, attendance at which is optional, that is designed to 5154  
provide current information, data, training, and techniques 5155  
relative to the prosecution of arson cases; 5156

(14) Administer and enforce Chapter 3743. of the Revised 5157  
Code; 5158

(15) Develop a uniform standard for the reporting of 5159  
information required to be filed under division (E)(4) of section 5160  
2921.22 of the Revised Code, and accept the reports of the 5161  
information when they are filed. 5162

(B) The fire marshal shall appoint a chief deputy fire 5163  
marshal, and shall employ professional and clerical assistants as 5164  
the fire marshal considers necessary. The chief deputy shall be a 5165  
competent former or current member of a fire agency and possess 5166  
five years of recent, progressively more responsible experience in 5167  
fire inspection, fire code enforcement, and fire code management. 5168  
The chief deputy, with the approval of the director of commerce, 5169  
shall temporarily assume the duties of the fire marshal when the 5170  
fire marshal is absent or temporarily unable to carry out the 5171  
duties of the office. When there is a vacancy in the office of 5172  
fire marshal, the chief deputy, with the approval of the director 5173  
of commerce, shall temporarily assume the duties of the fire 5174  
marshal until a new fire marshal is appointed under section 5175  
3737.21 of the Revised Code. 5176

All employees, other than the fire marshal; the chief deputy 5177  
fire marshal; the superintendent of the Ohio fire academy; the 5178  
grants administrator; the fiscal officer; the executive secretary 5179  
to the fire marshal; legal counsel; the pyrotechnics 5180  
administrator, the chief of the forensic laboratory; the person 5181  
appointed by the fire marshal to serve as administrator over 5182  
functions concerning testing, license examinations, and the 5183  
issuance of permits and certificates; and the chiefs of the 5184

bureaus of fire prevention, of fire and explosion investigation, 5185  
of code enforcement, and of underground storage tanks shall be in 5186  
the classified civil service. The fire marshal shall authorize the 5187  
chief deputy and other employees under the fire marshal's 5188  
supervision to exercise powers granted to the fire marshal by law 5189  
as may be necessary to carry out the duties of the fire marshal's 5190  
office. 5191

(C) The fire marshal shall create, in and as a part of the 5192  
office of fire marshal, a fire and explosion investigation bureau 5193  
consisting of a chief of the bureau and additional assistant fire 5194  
marshals as the fire marshal determines necessary for the 5195  
efficient administration of the bureau. The chief shall be 5196  
experienced in the investigation of the cause, origin, and 5197  
circumstances of fires, and in administration, including the 5198  
supervision of subordinates. The chief, among other duties 5199  
delegated to the chief by the fire marshal, shall be responsible, 5200  
under the direction of the fire marshal, for the investigation of 5201  
the cause, origin, and circumstances of fires and explosions in 5202  
the state, and for assistance in the prosecution of persons 5203  
believed to be guilty of arson or a similar crime. 5204

(D)(1) The fire marshal shall create, as part of the office 5205  
of fire marshal, a bureau of code enforcement consisting of a 5206  
chief of the bureau and additional assistant fire marshals as the 5207  
fire marshal determines necessary for the efficient administration 5208  
of the bureau. The chief shall be qualified, by education or 5209  
experience, in fire inspection, fire code development, fire code 5210  
enforcement, or any other similar field determined by the fire 5211  
marshal, and in administration, including the supervision of 5212  
subordinates. The chief is responsible, under the direction of the 5213  
fire marshal, for fire inspection, fire code development, fire 5214  
code enforcement, and any other duties delegated to the chief by 5215  
the fire marshal. 5216

(2) The fire marshal, the chief deputy fire marshal, the 5217  
chief of the bureau of code enforcement, or any assistant fire 5218  
marshal under the direction of the fire marshal, the chief deputy 5219  
fire marshal, or the chief of the bureau of code enforcement may 5220  
cause to be conducted the inspection of all buildings, structures, 5221  
and other places, the condition of which may be dangerous from a 5222  
fire safety standpoint to life or property, or to property 5223  
adjacent to the buildings, structures, or other places. 5224

(E) The fire marshal shall create, as a part of the office of 5225  
fire marshal, a bureau of fire prevention consisting of a chief of 5226  
the bureau and additional assistant fire marshals as the fire 5227  
marshal determines necessary for the efficient administration of 5228  
the bureau. The chief shall be qualified, by education or 5229  
experience, to promote programs for rural and urban fire 5230  
prevention and protection. The chief, among other duties delegated 5231  
to the chief by the fire marshal, is responsible, under the 5232  
direction of the fire marshal, for the promotion of rural and 5233  
urban fire prevention and protection through public information 5234  
and education programs. 5235

(F) The fire marshal shall cooperate with the director of job 5236  
and family services when the director adopts rules under section 5237  
~~5104.052~~ 5104.018 of the Revised Code regarding fire prevention 5238  
and fire safety in ~~certified~~ licensed type B family child-care 5239  
homes and type B family ~~day-care~~ child-care homes with limited 5240  
certification, as defined in section 5104.01 of the Revised Code, 5241  
recommend procedures for inspecting type B homes to determine 5242  
whether they are in compliance with those rules, and provide 5243  
training and technical assistance to the director and, in the case 5244  
of type B family child-care homes with limited certification, 5245  
county directors of job and family services on the procedures for 5246  
determining compliance with those rules. 5247

(G) The fire marshal, upon request of a provider of child 5248



care in a type B home that is not ~~certified by the county director~~ 5249  
~~of job and family services~~ a licensed type B home or type B home 5250  
with limited certification, as a precondition of approval by the 5251  
state board of education under section 3313.813 of the Revised 5252  
Code for receipt of United States department of agriculture child 5253  
and adult care food program funds established under the "National 5254  
School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as 5255  
amended, shall inspect the type B home to determine compliance 5256  
with rules adopted under section ~~5104.052~~ 5104.018 of the Revised 5257  
Code regarding fire prevention and fire safety in ~~certified~~ type B 5258  
family child-care homes with limited certification. In municipal 5259  
corporations and in townships where there is a certified fire 5260  
safety inspector, the inspections shall be made by that inspector 5261  
under the supervision of the fire marshal, according to rules 5262  
adopted under section ~~5104.052~~ 5104.018 of the Revised Code. In 5263  
townships outside municipal corporations where there is no 5264  
certified fire safety inspector, inspections shall be made by the 5265  
fire marshal. 5266

**Sec. 3737.83.** The fire marshal shall, as part of the state 5267  
fire code, adopt rules to: 5268

(A) Establish minimum standards of performance for fire 5269  
protection equipment and firefighting equipment; 5270

(B) Establish minimum standards of training, fix minimum 5271  
qualifications, and require certificates for all persons who 5272  
engage in the business for profit of installing, testing, 5273  
repairing, or maintaining fire protection equipment; 5274

(C) Provide for the issuance of certificates required under 5275  
division (B) of this section and establish the fees to be charged 5276  
for such certificates. A certificate shall be granted, renewed, or 5277  
revoked according to rules the fire marshal shall adopt. 5278

(D) Establish minimum standards of flammability for consumer 5279

goods in any case where the federal government or any department 5280  
or agency thereof has established, or may from time to time 5281  
establish standards of flammability for consumer goods. The 5282  
standards established by the fire marshal shall be identical to 5283  
the minimum federal standards. 5284

In any case where the federal government or any department or 5285  
agency thereof, establishes standards of flammability for consumer 5286  
goods subsequent to the adoption of a flammability standard by the 5287  
fire marshal, standards previously adopted by the fire marshal 5288  
shall not continue in effect to the extent such standards are not 5289  
identical to the minimum federal standards. 5290

With respect to the adoption of minimum standards of 5291  
flammability, this division shall supersede any authority granted 5292  
a political subdivision by any other section of the Revised Code. 5293

(E) Establish minimum standards pursuant to section ~~5104.05~~ 5294  
5104.04 of the Revised Code for fire prevention and fire safety in 5295  
~~child day care~~ child-care centers and in type A family ~~day care~~ 5296  
child-care homes, as defined in section 5104.01 of the Revised 5297  
Code. 5298

(F) Establish minimum standards for fire prevention and 5299  
safety an adult group home seeking licensure as an adult care 5300  
facility must meet under section 3722.02 of the Revised Code. The 5301  
fire marshal shall adopt the rules under this division in 5302  
consultation with the directors of health and aging and interested 5303  
parties designated by the directors of health and aging. 5304

**Sec. 3737.841.** As used in this section and section 3737.842 5305  
of the Revised Code: 5306

(A) "Public occupancy" means all of the following: 5307

(1) Any state correctional institution as defined in section 5308  
2967.01 of the Revised Code and any county, multicounty, 5309

municipal, or municipal-county jail or workhouse; 5310

(2) Any hospital as defined in section 3727.01 of the Revised 5311  
Code, any hospital licensed by the department of mental health 5312  
under section 5119.20 of the Revised Code, and any institution, 5313  
hospital, or other place established, controlled, or supervised by 5314  
the department of mental health under Chapter 5119. of the Revised 5315  
Code; 5316

(3) Any nursing home, residential care facility, or home for 5317  
the aging as defined in section 3721.01 of the Revised Code and 5318  
any adult care facility as defined in section 3722.01 of the 5319  
Revised Code; 5320

(4) Any ~~child day-care~~ child-care center and any type A 5321  
family ~~day-care~~ child-care home as defined in section 5104.01 of 5322  
the Revised Code; 5323

(5) Any public auditorium or stadium; 5324

(6) Public assembly areas of hotels and motels containing 5325  
more than ten articles of seating furniture. 5326

(B) "Sell" includes sell, offer or expose for sale, barter, 5327  
trade, deliver, give away, rent, consign, lease, possess for sale, 5328  
or dispose of in any other commercial manner. 5329

(C) Except as provided in division (D) of this section, 5330  
"seating furniture" means any article of furniture, including 5331  
children's furniture, that can be used as a support for an 5332  
individual, or ~~his~~ an individual's limbs or feet, when sitting or 5333  
resting in an upright or reclining position and that either: 5334

(1) Is made with loose or attached cushions or pillows; 5335

(2) Is stuffed or filled in whole or in part with any filling 5336  
material; 5337

(3) Is or can be stuffed or filled in whole or in part with 5338  
any substance or material, concealed by fabric or any other 5339

covering. 5340

"Seating furniture" includes the cushions or pillows 5341  
belonging to or forming a part of the furniture, the structural 5342  
unit, and the filling material and its container or covering. 5343

(D) "Seating furniture" does not include, except if intended 5344  
for use by children or in facilities designed for the care or 5345  
treatment of humans, any of the following: 5346

(1) Cushions or pads intended solely for outdoor use; 5347

(2) Any article with a smooth surface that contains no more 5348  
than one-half inch of filling material, if that article does not 5349  
have an upholstered horizontal surface meeting an upholstered 5350  
vertical surface; 5351

(3) Any article manufactured solely for recreational use or 5352  
physical fitness purposes, including weight-lifting benches, 5353  
gymnasium mats or pads, and sidehorses. 5354

(E) "Filling material" means cotton, wool, kapok, feathers, 5355  
down, hair, liquid, or any other natural or ~~manmade~~ artificial 5356  
material or substance that is used or can be used as stuffing in 5357  
seating furniture. 5358

**Sec. 3742.01.** As used in this chapter: 5359

(A) "Board of health" means the board of health of a city or 5360  
general health district or the authority having the duties of a 5361  
board of health under section 3709.05 of the Revised Code. 5362

(B) "Child care facility" means each area of any of the 5363  
following in which child care, as defined in section 5104.01 of 5364  
the Revised Code, is provided to children under six years of age: 5365

(1) A ~~child day-care~~ child-care center, type A family 5366  
~~day-care~~ child-care home, or type B family ~~day-care~~ child-care 5367  
home as defined in section 5104.01 of the Revised Code; 5368

~~(2) A type C family day care home authorized to provide child~~ 5369  
~~care by Sub. H.B. 62 of the 121st general assembly, as amended by~~ 5370  
~~Am. Sub. S.B. 160 of the 121st general assembly and Sub. H.B. 407~~ 5371  
~~of the 123rd general assembly;~~ 5372

~~(3)~~ A preschool program or school child program as defined in 5373  
section 3301.52 of the Revised Code. 5374

(C) "Clearance examination" means an examination to determine 5375  
whether the lead hazards in a residential unit, child care 5376  
facility, or school have been sufficiently controlled. A clearance 5377  
examination includes a visual assessment, collection, and analysis 5378  
of environmental samples. 5379

(D) "Clearance technician" means a person, other than a 5380  
licensed lead inspector or licensed lead risk assessor, who 5381  
performs a clearance examination. 5382

(E) "Clinical laboratory" means a facility for the 5383  
biological, microbiological, serological, chemical, 5384  
immunohematological, hematological, biophysical, cytological, 5385  
pathological, or other examination of substances derived from the 5386  
human body for the purpose of providing information for the 5387  
diagnosis, prevention, or treatment of any disease, or in the 5388  
assessment or impairment of the health of human beings. "Clinical 5389  
laboratory" does not include a facility that only collects or 5390  
prepares specimens, or serves as a mailing service, and does not 5391  
perform testing. 5392

(F) "Encapsulation" means the coating and sealing of surfaces 5393  
with durable surface coating specifically formulated to be 5394  
elastic, able to withstand sharp and blunt impacts, long-lasting, 5395  
and resilient, while also resistant to cracking, peeling, algae, 5396  
fungus, and ultraviolet light, so as to prevent any part of 5397  
lead-containing paint from becoming part of house dust or 5398  
otherwise accessible to children. 5399

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

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

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

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

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

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

with lead abatement.	5430
(2) "Lead abatement" does not include any of the following:	5431
(a) Preventive treatments performed pursuant to section	5432
3742.41 of the Revised Code;	5433
(b) Implementation of interim controls;	5434
(c) Activities performed by a property owner on a residential	5435
unit to which both of the following apply:	5436
(i) It is a freestanding single-family home used as the	5437
property owner's private residence.	5438
(ii) No child under six years of age who has lead poisoning	5439
resides in the unit.	5440
(L) "Lead abatement contractor" means any individual who	5441
engages in or intends to engage in lead abatement and employs or	5442
supervises one or more lead abatement workers, including on-site	5443
supervision of lead abatement projects, or prepares	5444
specifications, plans, or documents for a lead abatement project.	5445
(M) "Lead abatement project" means one or more lead abatement	5446
activities that are conducted by a lead abatement contractor and	5447
are reasonably related to each other.	5448
(N) "Lead abatement project designer" means a person who is	5449
responsible for designing lead abatement projects and preparing a	5450
pre-abatement plan for all designed projects.	5451
(O) "Lead abatement worker" means an individual who is	5452
responsible in a nonsupervisory capacity for the performance of	5453
lead abatement.	5454
(P) "Lead-based paint" means any paint or other similar	5455
surface-coating substance containing lead at or in excess of the	5456
level that is hazardous to human health as established by rule of	5457
the public health council under section 3742.50 of the Revised	5458
Code.	5459

(Q) "Lead-contaminated dust" means dust that contains an area 5460  
or mass concentration of lead at or in excess of the level that is 5461  
hazardous to human health as established by rule of the public 5462  
health council under section 3742.50 of the Revised Code. 5463

(R) "Lead-contaminated soil" means soil that contains lead at 5464  
or in excess of the level that is hazardous to human health as 5465  
established by rule of the public health council under section 5466  
3742.50 of the Revised Code. 5467

(S) "Lead hazard" means material that is likely to cause lead 5468  
exposure and endanger an individual's health as determined by the 5469  
public health council in rules adopted under section 3742.50 of 5470  
the Revised Code. "Lead hazard" includes lead-based paint, 5471  
lead-contaminated dust, lead-contaminated soil, and 5472  
lead-contaminated water pipes. 5473

(T) "Lead inspection" means a surface-by-surface 5474  
investigation to determine the presence of lead-based paint. The 5475  
inspection shall use a sampling or testing technique approved by 5476  
the public health council in rules adopted by the council under 5477  
section 3742.03 of the Revised Code. A licensed lead inspector or 5478  
laboratory approved under section 3742.09 of the Revised Code 5479  
shall certify in writing the precise results of the inspection. 5480

(U) "Lead inspector" means any individual who conducts a lead 5481  
inspection, provides professional advice regarding a lead 5482  
inspection, or prepares a report explaining the results of a lead 5483  
inspection. 5484

(V) "Lead poisoning" means the level of lead in human blood 5485  
that is hazardous to human health, as specified in rules adopted 5486  
under section 3742.50 of the Revised Code. 5487

(W) "Lead risk assessment" means an on-site investigation to 5488  
determine and report the existence, nature, severity, and location 5489  
of lead hazards in a residential unit, child care facility, or 5490



school, including information gathering from the unit, facility, 5491  
or school's current owner's knowledge regarding the age and 5492  
painting history of the unit, facility, or school and occupancy by 5493  
children under six years of age, visual inspection, limited wipe 5494  
sampling or other environmental sampling techniques, and any other 5495  
activity as may be appropriate. 5496

(X) "Lead risk assessor" means a person who is responsible 5497  
for developing a written inspection, risk assessment, and analysis 5498  
plan; conducting inspections for lead hazards in a residential 5499  
unit, child care facility, or school; interpreting results of 5500  
inspections and risk assessments; identifying hazard control 5501  
strategies to reduce or eliminate lead exposures; and completing a 5502  
risk assessment report. 5503

(Y) "Lead-safe renovation" means the supervision or 5504  
performance of services for the general improvement of all or part 5505  
of an existing structure, including a residential unit, child care 5506  
facility, or school, when the services are supervised or performed 5507  
by a lead-safe renovator. 5508

(Z) "Lead-safe renovator" means a person who has successfully 5509  
completed a training program in lead-safe renovation approved 5510  
under section 3742.47 of the Revised Code. 5511

(AA) "Manager" means a person, who may be the same person as 5512  
the owner, responsible for the daily operation of a residential 5513  
unit, child care facility, or school. 5514

(BB) "Permanent" means an expected design life of at least 5515  
twenty years. 5516

(CC) "Replacement" means an activity that entails removing 5517  
components such as windows, doors, and trim that have lead hazards 5518  
on their surfaces and installing components free of lead hazards. 5519

(DD) "Residential unit" means a dwelling or any part of a 5520  
building being used as an individual's private residence. 5521

(EE) "School" means a public or nonpublic school in which 5522  
children under six years of age receive education. 5523

**Sec. 3781.06.** (A)(1) Any building that may be used as a place 5524  
of resort, assembly, education, entertainment, lodging, dwelling, 5525  
trade, manufacture, repair, storage, traffic, or occupancy by the 5526  
public, any residential building, and all other buildings or parts 5527  
and appurtenances of those buildings erected within this state, 5528  
shall be so constructed, erected, equipped, and maintained that 5529  
they shall be safe and sanitary for their intended use and 5530  
occupancy. 5531

(2) Nothing in sections 3781.06 to 3781.18 and 3791.04 of the 5532  
Revised Code shall be construed to limit the power of the public 5533  
health council to adopt rules of uniform application governing 5534  
manufactured home parks pursuant to section 3733.02 of the Revised 5535  
Code. 5536

(B) Sections 3781.06 to 3781.18 and 3791.04 of the Revised 5537  
Code do not apply to either of the following: 5538

(1) Buildings or structures that are incident to the use for 5539  
agricultural purposes of the land on which the buildings or 5540  
structures are located, provided those buildings or structures are 5541  
not used in the business of retail trade. For purposes of this 5542  
division, a building or structure is not considered used in the 5543  
business of retail trade if fifty per cent or more of the gross 5544  
income received from sales of products in the building or 5545  
structure by the owner or operator is from sales of products 5546  
produced or raised in a normal crop year on farms owned or 5547  
operated by the seller. 5548

(2) Existing single-family, two-family, and three-family 5549  
detached dwelling houses for which applications have been 5550  
submitted to the director of job and family services pursuant to 5551  
section 5104.03 of the Revised Code for the purposes of operating 5552

type A family ~~day-care~~ child-care homes as defined in section 5553  
5104.01 of the Revised Code. 5554

(C) As used in sections 3781.06 to 3781.18 and 3791.04 of the 5555  
Revised Code: 5556

(1) "Agricultural purposes" include agriculture, farming, 5557  
dairying, pasturage, apiculture, horticulture, floriculture, 5558  
viticulture, ornamental horticulture, olericulture, pomiculture, 5559  
and animal and poultry husbandry. 5560

(2) "Building" means any structure consisting of foundations, 5561  
walls, columns, girders, beams, floors, and roof, or a combination 5562  
of any number of these parts, with or without other parts or 5563  
appurtenances. 5564

(3) "Industrialized unit" means a building unit or assembly 5565  
of closed construction fabricated in an off-site facility, that is 5566  
substantially self-sufficient as a unit or as part of a greater 5567  
structure, and that requires transportation to the site of 5568  
intended use. "Industrialized unit" includes units installed on 5569  
the site as independent units, as part of a group of units, or 5570  
incorporated with standard construction methods to form a 5571  
completed structural entity. "Industrialized unit" does not 5572  
include a manufactured home as defined by division (C)(4) of this 5573  
section or a mobile home as defined by division (O) of section 5574  
4501.01 of the Revised Code. 5575

(4) "Manufactured home" means a building unit or assembly of 5576  
closed construction that is fabricated in an off-site facility and 5577  
constructed in conformance with the federal construction and 5578  
safety standards established by the secretary of housing and urban 5579  
development pursuant to the "Manufactured Housing Construction and 5580  
Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5581  
5403, and that has a permanent label or tag affixed to it, as 5582  
specified in 42 U.S.C.A. 5415, certifying compliance with all 5583

applicable federal construction and safety standards. 5584

(5) "Permanent foundation" means permanent masonry, concrete, 5585  
or a footing or foundation approved by the manufactured homes 5586  
commission pursuant to Chapter 4781. of the Revised Code, to which 5587  
a manufactured or mobile home may be affixed. 5588

(6) "Permanently sited manufactured home" means a 5589  
manufactured home that meets all of the following criteria: 5590

(a) The structure is affixed to a permanent foundation and is 5591  
connected to appropriate facilities; 5592

(b) The structure, excluding any addition, has a width of at 5593  
least twenty-two feet at one point, a length of at least 5594  
twenty-two feet at one point, and a total living area, excluding 5595  
garages, porches, or attachments, of at least nine hundred square 5596  
feet; 5597

(c) The structure has a minimum 3:12 residential roof pitch, 5598  
conventional residential siding, and a six-inch minimum eave 5599  
overhang, including appropriate guttering; 5600

(d) The structure was manufactured after January 1, 1995; 5601

(e) The structure is not located in a manufactured home park 5602  
as defined by section 3733.01 of the Revised Code. 5603

(7) "Safe," with respect to a building, means it is free from 5604  
danger or hazard to the life, safety, health, or welfare of 5605  
persons occupying or frequenting it, or of the public and from 5606  
danger of settlement, movement, disintegration, or collapse, 5607  
whether such danger arises from the methods or materials of its 5608  
construction or from equipment installed therein, for the purpose 5609  
of lighting, heating, the transmission or utilization of electric 5610  
current, or from its location or otherwise. 5611

(8) "Sanitary," with respect to a building, means it is free 5612  
from danger or hazard to the health of persons occupying or 5613

frequenting it or to that of the public, if such danger arises 5614  
from the method or materials of its construction or from any 5615  
equipment installed therein, for the purpose of lighting, heating, 5616  
ventilating, or plumbing. 5617

(9) "Residential building" means a one-family, two-family, or 5618  
three-family dwelling house, and any accessory structure 5619  
incidental to that dwelling house. "Residential building" includes 5620  
a one-family, two-family, or three-family dwelling house that is 5621  
used as a model to promote the sale of a similar dwelling house. 5622  
"Residential building" does not include an industrialized unit as 5623  
defined by division (C)(3) of this section, a manufactured home as 5624  
defined by division (C)(4) of this section, or a mobile home as 5625  
defined by division (O) of section 4501.01 of the Revised Code. 5626

(10) "Nonresidential building" means any building that is not 5627  
a residential building or a manufactured or mobile home. 5628

(11) "Accessory structure" means a structure that is attached 5629  
to a residential building and serves the principal use of the 5630  
residential building. "Accessory structure" includes, but is not 5631  
limited to, a garage, porch, or screened-in patio. 5632

**Sec. 3781.10.** (A)(1) The board of building standards shall 5633  
formulate and adopt rules governing the erection, construction, 5634  
repair, alteration, and maintenance of all buildings or classes of 5635  
buildings specified in section 3781.06 of the Revised Code, 5636  
including land area incidental to those buildings, the 5637  
construction of industrialized units, the installation of 5638  
equipment, and the standards or requirements for materials used in 5639  
connection with those buildings. The board shall incorporate those 5640  
rules into separate residential and nonresidential building codes. 5641  
The standards shall relate to the conservation of energy and the 5642  
safety and sanitation of those buildings. 5643

(2) The rules governing nonresidential buildings are the 5644

lawful minimum requirements specified for those buildings and 5645  
industrialized units, except that no rule other than as provided 5646  
in division (C) of section 3781.108 of the Revised Code that 5647  
specifies a higher requirement than is imposed by any section of 5648  
the Revised Code is enforceable. The rules governing residential 5649  
buildings are uniform requirements for residential buildings in 5650  
any area with a building department certified to enforce the state 5651  
residential building code. In no case shall any local code or 5652  
regulation differ from the state residential building code unless 5653  
that code or regulation addresses subject matter not addressed by 5654  
the state residential building code or is adopted pursuant to 5655  
section 3781.01 of the Revised Code. 5656

(3) The rules adopted pursuant to this section are complete, 5657  
lawful alternatives to any requirements specified for buildings or 5658  
industrialized units in any section of the Revised Code. The board 5659  
shall, on its own motion or on application made under sections 5660  
3781.12 and 3781.13 of the Revised Code, formulate, propose, 5661  
adopt, modify, amend, or repeal the rules to the extent necessary 5662  
or desirable to effectuate the purposes of sections 3781.06 to 5663  
3781.18 of the Revised Code. 5664

(B) The board shall report to the general assembly proposals 5665  
for amendments to existing statutes relating to the purposes 5666  
declared in section 3781.06 of the Revised Code that public health 5667  
and safety and the development of the arts require and shall 5668  
recommend any additional legislation to assist in carrying out 5669  
fully, in statutory form, the purposes declared in that section. 5670  
The board shall prepare and submit to the general assembly a 5671  
summary report of the number, nature, and disposition of the 5672  
petitions filed under sections 3781.13 and 3781.14 of the Revised 5673  
Code. 5674

(C) On its own motion or on application made under sections 5675  
3781.12 and 3781.13 of the Revised Code, and after thorough 5676

testing and evaluation, the board shall determine by rule that any 5677  
particular fixture, device, material, process of manufacture, 5678  
manufactured unit or component, method of manufacture, system, or 5679  
method of construction complies with performance standards adopted 5680  
pursuant to section 3781.11 of the Revised Code. The board shall 5681  
make its determination with regard to adaptability for safe and 5682  
sanitary erection, use, or construction, to that described in any 5683  
section of the Revised Code, wherever the use of a fixture, 5684  
device, material, method of manufacture, system, or method of 5685  
construction described in that section of the Revised Code is 5686  
permitted by law. The board shall amend or annul any rule or issue 5687  
an authorization for the use of a new material or manufactured 5688  
unit on any like application. No department, officer, board, or 5689  
commission of the state other than the board of building standards 5690  
or the board of building appeals shall permit the use of any 5691  
fixture, device, material, method of manufacture, newly designed 5692  
product, system, or method of construction at variance with what 5693  
is described in any rule the board of building standards adopts or 5694  
issues or that is authorized by any section of the Revised Code. 5695  
Nothing in this section shall be construed as requiring approval, 5696  
by rule, of plans for an industrialized unit that conforms with 5697  
the rules the board of building standards adopts pursuant to 5698  
section 3781.11 of the Revised Code. 5699

(D) The board shall recommend rules, codes, and standards to 5700  
help carry out the purposes of section 3781.06 of the Revised Code 5701  
and to help secure uniformity of state administrative rulings and 5702  
local legislation and administrative action to the bureau of 5703  
workers' compensation, the director of commerce, any other 5704  
department, officer, board, or commission of the state, and to 5705  
legislative authorities and building departments of counties, 5706  
townships, and municipal corporations, and shall recommend that 5707  
they audit those recommended rules, codes, and standards by any 5708  
appropriate action that they are allowed pursuant to law or the 5709

constitution. 5710

(E)(1) The board shall certify municipal, township, and 5711  
county building departments and the personnel of those building 5712  
departments, and persons and employees of individuals, firms, or 5713  
corporations as described in division (E)(7) of this section to 5714  
exercise enforcement authority, to accept and approve plans and 5715  
specifications, and to make inspections, pursuant to sections 5716  
3781.03, 3791.04, and 4104.43 of the Revised Code. 5717

(2) The board shall certify departments, personnel, and 5718  
persons to enforce the state residential building code, to enforce 5719  
the nonresidential building code, or to enforce both the 5720  
residential and the nonresidential building codes. Any department, 5721  
personnel, or person may enforce only the type of building code 5722  
for which certified. 5723

(3) The board shall not require a building department, its 5724  
personnel, or any persons that it employs to be certified for 5725  
residential building code enforcement if that building department 5726  
does not enforce the state residential building code. The board 5727  
shall specify, in rules adopted pursuant to Chapter 119. of the 5728  
Revised Code, the requirements for certification for residential 5729  
and nonresidential building code enforcement, which shall be 5730  
consistent with this division. The requirements for residential 5731  
and nonresidential certification may differ. Except as otherwise 5732  
provided in this division, the requirements shall include, but are 5733  
not limited to, the satisfactory completion of an initial 5734  
examination and, to remain certified, the completion of a 5735  
specified number of hours of continuing building code education 5736  
within each three-year period following the date of certification 5737  
which shall be not less than thirty hours. The rules shall provide 5738  
that continuing education credits and certification issued by the 5739  
council of American building officials, national model code 5740  
organizations, and agencies or entities the board recognizes are 5741



acceptable for purposes of this division. The rules shall specify 5742  
requirements that are compatible, to the extent possible, with 5743  
requirements the council of American building officials and 5744  
national model code organizations establish. 5745

(4) The board shall establish and collect a certification and 5746  
renewal fee for building department personnel, and persons and 5747  
employees of persons, firms, or corporations as described in this 5748  
section, who are certified pursuant to this division. 5749

(5) Any individual certified pursuant to this division shall 5750  
complete the number of hours of continuing building code education 5751  
that the board requires or, for failure to do so, forfeit 5752  
certification. 5753

(6) This division does not require or authorize the board to 5754  
certify personnel of municipal, township, and county building 5755  
departments, and persons and employees of persons, firms, or 5756  
corporations as described in this section, whose responsibilities 5757  
do not include the exercise of enforcement authority, the approval 5758  
of plans and specifications, or making inspections under the state 5759  
residential and nonresidential building codes. 5760

(7) Enforcement authority for approval of plans and 5761  
specifications and enforcement authority for inspections may be 5762  
exercised, and plans and specifications may be approved and 5763  
inspections may be made on behalf of a municipal corporation, 5764  
township, or county, by any of the following who the board of 5765  
building standards certifies: 5766

(a) Officers or employees of the municipal corporation, 5767  
township, or county; 5768

(b) Persons, or employees of persons, firms, or corporations, 5769  
pursuant to a contract to furnish architectural, engineering, or 5770  
other services to the municipal corporation, township, or county; 5771

(c) Officers or employees of, and persons under contract 5772

with, a municipal corporation, township, county, health district, 5773  
or other political subdivision, pursuant to a contract to furnish 5774  
architectural, engineering, or other services. 5775

(8) Municipal, township, and county building departments have 5776  
jurisdiction within the meaning of sections 3781.03, 3791.04, and 5777  
4104.43 of the Revised Code, only with respect to the types of 5778  
buildings and subject matters for which they are certified under 5779  
this section. 5780

(9) Certification shall be granted upon application by the 5781  
municipal corporation, the board of township trustees, or the 5782  
board of county commissioners and approval of that application by 5783  
the board of building standards. The application shall set forth: 5784

(a) Whether the certification is requested for residential or 5785  
nonresidential buildings, or both; 5786

(b) The number and qualifications of the staff composing the 5787  
building department; 5788

(c) The names, addresses, and qualifications of persons, 5789  
firms, or corporations contracting to furnish work or services 5790  
pursuant to division (E)(7)(b) of this section; 5791

(d) The names of any other municipal corporation, township, 5792  
county, health district, or political subdivision under contract 5793  
to furnish work or services pursuant to division (E)(7) of this 5794  
section; 5795

(e) The proposed budget for the operation of the building 5796  
department. 5797

(10) The board of building standards shall adopt rules 5798  
governing all of the following: 5799

(a) The certification of building department personnel and 5800  
persons and employees of persons, firms, or corporations 5801  
exercising authority pursuant to division (E)(7) of this section. 5802

The rules shall disqualify any employee of the department or 5803  
person who contracts for services with the department from 5804  
performing services for the department when that employee or 5805  
person would have to pass upon, inspect, or otherwise exercise 5806  
authority over any labor, material, or equipment the employee or 5807  
person furnishes for the construction, alteration, or maintenance 5808  
of a building or the preparation of working drawings or 5809  
specifications for work within the jurisdictional area of the 5810  
department. The department shall provide other similarly qualified 5811  
personnel to enforce the residential and nonresidential building 5812  
codes as they pertain to that work. 5813

(b) The minimum services to be provided by a certified 5814  
building department. 5815

(11) The board of building standards may revoke or suspend 5816  
certification to enforce the residential and nonresidential 5817  
building codes, on petition to the board by any person affected by 5818  
that enforcement or approval of plans, or by the board on its own 5819  
motion. Hearings shall be held and appeals permitted on any 5820  
proceedings for certification or revocation or suspension of 5821  
certification in the same manner as provided in section 3781.101 5822  
of the Revised Code for other proceedings of the board of building 5823  
standards. 5824

(12) Upon certification, and until that authority is revoked, 5825  
any county or township building department shall enforce the 5826  
residential and nonresidential building codes for which it is 5827  
certified without regard to limitation upon the authority of 5828  
boards of county commissioners under Chapter 307. of the Revised 5829  
Code or boards of township trustees under Chapter 505. of the 5830  
Revised Code. 5831

(F) In addition to hearings sections 3781.06 to 3781.18 and 5832  
3791.04 of the Revised Code require, the board of building 5833  
standards shall make investigations and tests, and require from 5834

other state departments, officers, boards, and commissions 5835  
information the board considers necessary or desirable to assist 5836  
it in the discharge of any duty or the exercise of any power 5837  
mentioned in this section or in sections 3781.06 to 3781.18, 5838  
3791.04, and 4104.43 of the Revised Code. 5839

(G) The board shall adopt rules and establish reasonable fees 5840  
for the review of all applications submitted where the applicant 5841  
applies for authority to use a new material, assembly, or product 5842  
of a manufacturing process. The fee shall bear some reasonable 5843  
relationship to the cost of the review or testing of the 5844  
materials, assembly, or products and for the notification of 5845  
approval or disapproval as provided in section 3781.12 of the 5846  
Revised Code. 5847

(H) The residential construction advisory committee shall 5848  
provide the board with a proposal for a state residential building 5849  
code that the committee recommends pursuant to division (C)(1) of 5850  
section 4740.14 of the Revised Code. Upon receiving a 5851  
recommendation from the committee that is acceptable to the board, 5852  
the board shall adopt rules establishing that code as the state 5853  
residential building code. 5854

(I) The board shall cooperate with the director of job and 5855  
family services when the director promulgates rules pursuant to 5856  
section ~~5104.05~~ 5104.013 of the Revised Code regarding safety and 5857  
sanitation in type A family ~~day-care~~ child-care homes. 5858

(J) The board shall adopt rules to implement the requirements 5859  
of section 3781.108 of the Revised Code. 5860

**Sec. 3797.06.** (A) As used in this section, "specified 5861  
geographical notification area" means the geographic area or areas 5862  
within which the attorney general requires by rule adopted under 5863  
section 3797.08 of the Revised Code the notice described in 5864  
division (B) of this section to be given to the persons identified 5865

in divisions (A)(1) to (9) of this section. If a court enters a  
declaratory judgment against a registrant under section 2721.21 of  
the Revised Code, the sheriff with whom the registrant has most  
recently registered under section 3797.02 or 3797.03 of the  
Revised Code and the sheriff to whom the registrant most recently  
sent a notice of intent to reside under section 3797.03 of the  
Revised Code shall provide within the period of time specified in  
division (C) of this section a written notice containing the  
information set forth in division (B) of this section to all of  
the persons described in divisions (A)(1) to (9) of this section.  
If the sheriff has sent a notice to the persons described in those  
divisions as a result of receiving a notice of intent to reside  
and if the registrant registers a residence address that is the  
same residence address described in the notice of intent to  
reside, the sheriff is not required to send an additional notice  
when the registrant registers. The sheriff shall provide the  
notice to all of the following persons:

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

(b) If the registrant resides in a multi-unit building, any  
occupant of each residential unit that is located in that  
multi-unit building and that shares a common hallway with the  
registrant. For purposes of this division, an occupant's unit  
shares a common hallway with the registrant if the entrance door  
into the occupant's unit is located on the same floor and opens  
into the same hallway as the entrance door to the unit the  
registrant occupies. Division (D)(3) of this section applies  
regarding notices required under this division.

(c) The building manager, or the person the building owner or condominium unit owners association authorizes to exercise management and control, of each multi-unit building that is located within one thousand feet of the registrant's residential premises, including a multi-unit building in which the registrant resides, and that is located within the county served by the sheriff. In addition to notifying the building manager or the person authorized to exercise management and control in the multi-unit building under this division, the sheriff shall post a copy of the notice prominently in each common entryway in the building and any other location in the building the sheriff determines appropriate. The manager or person exercising management and control of the building shall permit the sheriff to post copies of the notice under this division as the sheriff determines appropriate. In lieu of posting copies of the notice as described in this division, a sheriff may provide notice to all occupants of the multi-unit building by mail or personal contact. If the sheriff so notifies all the occupants, the sheriff is not required to post copies of the notice in the common entryways to the building. Division (D)(3) of this section applies regarding notices required under this division.

(d) All additional persons who are within any category of neighbors of the registrant that the attorney general by rule adopted under section 3797.08 of the Revised Code requires to be provided the notice and who reside within the county served by the sheriff.

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

(3) The superintendent of each board of education of a school district that has schools within the specified geographical

notification area and that is located within the county served by 5929  
the sheriff; 5930

(4) The appointing or hiring officer of each nonpublic school 5931  
located within the specified geographical notification area and 5932  
within the county served by the sheriff or of each other school 5933  
located within the specified geographical notification area and 5934  
within the county served by the sheriff and that is not operated 5935  
by a board of education described in division (A)(3) of this 5936  
section; 5937

(5) The director, head teacher, elementary principal, or site 5938  
administrator of each preschool program governed by Chapter 3301. 5939  
of the Revised Code that is located within the specified 5940  
geographical notification area and within the county served by the 5941  
sheriff; 5942

(6) The administrator of each ~~child-day-care~~ child-care 5943  
center or type A family ~~day-care~~ child-care home that is located 5944  
within the specified geographical notification area and within the 5945  
county served by the sheriff, and the provider of each ~~certified~~ 5946  
licensed type B family child-care home or type B family day-care 5947  
child-care home with limited certification that is located within 5948  
the specified geographical notification area and within the county 5949  
served by the sheriff. As used in this division, "~~child-day-care~~ 5950  
child-care center," "type A family ~~day-care~~ child-care home," 5951  
"licensed type B family child-care home," and "~~certified~~ type B 5952  
family ~~day-care~~ child-care home with limited certification" have 5953  
the same meanings as in section 5104.01 of the Revised Code. 5954

5955

(7) The president or other chief administrative officer of 5956  
each institution of higher education, as defined in section 5957  
2907.03 of the Revised Code, that is located within the specified 5958  
geographical notification area and within the county served by the 5959  
sheriff and the chief law enforcement officer of any state 5960

university law enforcement agency or campus police department 5961  
established under section 3345.04 or 1713.50 of the Revised Code 5962  
that serves that institution; 5963

(8) The sheriff of each county that includes any portion of 5964  
the specified geographical notification area; 5965

(9) If the registrant resides within the county served by the 5966  
sheriff, the chief of police, marshal, or other chief law 5967  
enforcement officer of the municipal corporation in which the 5968  
registrant resides or, if the registrant resides in an 5969  
unincorporated area, the constable or chief of the police 5970  
department or police district police force of the township in 5971  
which the registrant resides. 5972

(B) The notice required under division (A) of this section 5973  
shall include the registrant's name, residence or employment 5974  
address, as applicable, and a statement that the registrant has 5975  
been found liable for childhood sexual abuse in a civil action and 5976  
is listed on the civil registry established by the attorney 5977  
general pursuant to section 3797.08 of the Revised Code. 5978

(C) If a sheriff with whom a registrant registers under 5979  
section 3797.02 or 3797.03 of the Revised Code or to whom the 5980  
registrant most recently sent a notice of intent to reside under 5981  
section 3797.03 of the Revised Code is required by division (A) of 5982  
this section to provide notices regarding a registrant and if the 5983  
sheriff provides a notice pursuant to that requirement the sheriff 5984  
provides a notice to a sheriff of one or more other counties in 5985  
accordance with division (A)(8) of this section, the sheriff of 5986  
each of the other counties who is provided notice under division 5987  
(A)(8) of this section shall provide the notices described in 5988  
divisions (A)(1) to (7) and (A)(9) of this section to each person 5989  
or entity identified within those divisions that is located within 5990  
the specified geographical notification area and within the county 5991  
served by the sheriff in question. 5992



(D)(1) A sheriff required by division (A) or (C) of this 5993  
section to provide notices regarding a registrant shall provide 5994  
the notice to the neighbors that are described in division (A)(1) 5995  
of this section and the notices to law enforcement personnel that 5996  
are described in divisions (A)(8) and (9) of this section as soon 5997  
as practicable, but not later than five days after the registrant 5998  
sends the notice of intent to reside to the sheriff, and again not 5999  
later than five days after the registrant registers with the 6000  
sheriff or, if the sheriff is required by division (C) to provide 6001  
the notices, not later than five days after the sheriff is 6002  
provided the notice described in division (A)(8) of this section. 6003

A sheriff required by division (A) or (C) of this section to 6004  
provide notices regarding a registrant shall provide the notices 6005  
to all other specified persons that are described in divisions 6006  
(A)(2) to (7) of this section as soon as practicable, but not 6007  
later than seven days after the registrant registers with the 6008  
sheriff, or, if the sheriff is required by division (C) to provide 6009  
the notices, not later than five days after the sheriff is 6010  
provided the notice described in division (A)(8) of this section. 6011

(2) If a registrant in relation to whom division (A) of this 6012  
section applies verifies the registrant's current residence 6013  
address with a sheriff pursuant to section 3797.04 of the Revised 6014  
Code, the sheriff may provide a written notice containing the 6015  
information set forth in division (B) of this section to the 6016  
persons identified in divisions (A)(1) to (9) of this section. If 6017  
a sheriff provides a notice pursuant to this division to the 6018  
sheriff of one or more other counties in accordance with division 6019  
(A)(8) of this section, the sheriff of each of the other counties 6020  
who is provided the notice under division (A)(8) of this section 6021  
may provide, but is not required to provide, a written notice 6022  
containing the information set forth in division (B) of this 6023  
section to the persons identified in divisions (A)(1) to (7) and 6024

(A)(9) of this section. 6025

(3) A sheriff may provide notice under division (A)(1)(a) or 6026  
(b) of this section, and may provide notice under division 6027  
(A)(1)(c) of this section to a building manager or person 6028  
authorized to exercise management and control of a building, by 6029  
mail, by personal contact, or by leaving the notice at or under 6030  
the entry door to a residential unit. For purposes of divisions 6031  
(A)(1)(a) and (b) of this section and of the portion of division 6032  
(A)(1)(c) of this section relating to the provision of notice to 6033  
occupants of a multi-unit building by mail or personal contact, 6034  
the provision of one written notice per unit is deemed providing 6035  
notice to all occupants of that unit. 6036

(E) All information that a sheriff possesses regarding a 6037  
registrant that is described in division (B) of this section and 6038  
that must be provided in a notice required under division (A) or 6039  
(C) of this section or that may be provided in a notice authorized 6040  
under division (D)(2) of this section is a public record that is 6041  
open to inspection under section 149.43 of the Revised Code. 6042

(F) A sheriff required by division (A) or (C) of this 6043  
section, or authorized by division (D)(2) of this section, to 6044  
provide notices regarding a registrant may request the department 6045  
of job and family services, department of education, or Ohio board 6046  
of regents, by telephone, in registrant, or by mail, to provide 6047  
the sheriff with the names, addresses, and telephone numbers of 6048  
the appropriate persons and entities to whom the notices described 6049  
in divisions (A)(2) to (7) of this section are to be provided. 6050  
Upon receipt of a request, the department or board shall provide 6051  
the requesting sheriff with the names, addresses, and telephone 6052  
numbers of the appropriate persons and entities to whom those 6053  
notices are to be provided. 6054

(G)(1) Upon the motion of the registrant or the judge that 6055  
entered a declaratory judgment pursuant to section 2721.21 of the 6056

Revised Code or that judge's successor in office, the judge may  
schedule a hearing to determine whether the interests of justice  
would be served by suspending the community notification  
requirement under this section in relation to the registrant. The  
judge may dismiss the motion without a hearing but may not issue  
an order suspending the community notification requirement without  
a hearing. At the hearing, all parties are entitled to be heard.  
If, at the conclusion of the hearing, the judge finds that the  
registrant has proven by clear and convincing evidence that the  
registrant is unlikely to commit childhood sexual abuse in the  
future and that suspending the community notification requirement  
is in the interests of justice, the judge may issue an order  
suspending the application of this section in relation to the  
registrant. The order shall contain both of these findings.

The judge promptly shall serve a copy of the order upon the  
sheriff with whom the registrant most recently registered a  
residence address and the sheriff with whom the registrant most  
recently registered an employment address under section 3797.02 of  
the Revised Code.

An order suspending the community notification requirement  
does not suspend or otherwise alter a registrant's duties to  
comply with sections 3797.02, 3797.03, and 3797.04 of the Revised  
Code.

(2) A registrant has the right to appeal an order denying a  
motion made under division (G)(1) of this section.

**Sec. 4511.01.** As used in this chapter and in Chapter 4513. of  
the Revised Code:

(A) "Vehicle" means every device, including a motorized  
bicycle, in, upon, or by which any person or property may be  
transported or drawn upon a highway, except that "vehicle" does  
not include any motorized wheelchair, any electric personal

assistive mobility device, any device that is moved by power 6088  
collected from overhead electric trolley wires or that is used 6089  
exclusively upon stationary rails or tracks, or any device, other 6090  
than a bicycle, that is moved by human power. 6091

(B) "Motor vehicle" means every vehicle propelled or drawn by 6092  
power other than muscular power or power collected from overhead 6093  
electric trolley wires, except motorized bicycles, road rollers, 6094  
traction engines, power shovels, power cranes, and other equipment 6095  
used in construction work and not designed for or employed in 6096  
general highway transportation, hole-digging machinery, 6097  
well-drilling machinery, ditch-digging machinery, farm machinery, 6098  
and trailers designed and used exclusively to transport a boat 6099  
between a place of storage and a marina, or in and around a 6100  
marina, when drawn or towed on a street or highway for a distance 6101  
of no more than ten miles and at a speed of twenty-five miles per 6102  
hour or less. 6103

(C) "Motorcycle" means every motor vehicle, other than a 6104  
tractor, having a saddle for the use of the operator and designed 6105  
to travel on not more than three wheels in contact with the 6106  
ground, including, but not limited to, motor vehicles known as 6107  
"motor-driven cycle," "motor scooter," or "motorcycle" without 6108  
regard to weight or brake horsepower. 6109

(D) "Emergency vehicle" means emergency vehicles of 6110  
municipal, township, or county departments or public utility 6111  
corporations when identified as such as required by law, the 6112  
director of public safety, or local authorities, and motor 6113  
vehicles when commandeered by a police officer. 6114

(E) "Public safety vehicle" means any of the following: 6115

(1) Ambulances, including private ambulance companies under 6116  
contract to a municipal corporation, township, or county, and 6117  
private ambulances and nontransport vehicles bearing license 6118

plates issued under section 4503.49 of the Revised Code; 6119

(2) Motor vehicles used by public law enforcement officers or 6120  
other persons sworn to enforce the criminal and traffic laws of 6121  
the state; 6122

(3) Any motor vehicle when properly identified as required by 6123  
the director of public safety, when used in response to fire 6124  
emergency calls or to provide emergency medical service to ill or 6125  
injured persons, and when operated by a duly qualified person who 6126  
is a member of a volunteer rescue service or a volunteer fire 6127  
department, and who is on duty pursuant to the rules or directives 6128  
of that service. The state fire marshal shall be designated by the 6129  
director of public safety as the certifying agency for all public 6130  
safety vehicles described in division (E)(3) of this section. 6131

(4) Vehicles used by fire departments, including motor 6132  
vehicles when used by volunteer fire fighters responding to 6133  
emergency calls in the fire department service when identified as 6134  
required by the director of public safety. 6135

Any vehicle used to transport or provide emergency medical 6136  
service to an ill or injured person, when certified as a public 6137  
safety vehicle, shall be considered a public safety vehicle when 6138  
transporting an ill or injured person to a hospital regardless of 6139  
whether such vehicle has already passed a hospital. 6140

(5) Vehicles used by the motor carrier enforcement unit for 6141  
the enforcement of orders and rules of the public utilities 6142  
commission as specified in section 5503.34 of the Revised Code. 6143

(F) "School bus" means every bus designed for carrying more 6144  
than nine passengers that is owned by a public, private, or 6145  
governmental agency or institution of learning and operated for 6146  
the transportation of children to or from a school session or a 6147  
school function, or owned by a private person and operated for 6148  
compensation for the transportation of children to or from a 6149

school session or a school function, provided "school bus" does 6150  
not include a bus operated by a municipally owned transportation 6151  
system, a mass transit company operating exclusively within the 6152  
territorial limits of a municipal corporation, or within such 6153  
limits and the territorial limits of municipal corporations 6154  
immediately contiguous to such municipal corporation, nor a common 6155  
passenger carrier certified by the public utilities commission 6156  
unless such bus is devoted exclusively to the transportation of 6157  
children to and from a school session or a school function, and 6158  
"school bus" does not include a van or bus used by a licensed 6159  
~~child day-care~~ child-care center or type A family ~~day-care~~ 6160  
child-care home to transport children from the child day-care 6161  
center or type A family day-care home to a school if the van or 6162  
bus does not have more than fifteen children in the van or bus at 6163  
any time. 6164

(G) "Bicycle" means every device, other than a tricycle 6165  
designed solely for use as a play vehicle by a child, propelled 6166  
solely by human power upon which any person may ride having either 6167  
two tandem wheels, or one wheel in the front and two wheels in the 6168  
rear, any of which is more than fourteen inches in diameter. 6169

(H) "Motorized bicycle" means any vehicle having either two 6170  
tandem wheels or one wheel in the front and two wheels in the 6171  
rear, that is capable of being pedaled and is equipped with a 6172  
helper motor of not more than fifty cubic centimeters piston 6173  
displacement that produces no more than one brake horsepower and 6174  
is capable of propelling the vehicle at a speed of no greater than 6175  
twenty miles per hour on a level surface. 6176

(I) "Commercial tractor" means every motor vehicle having 6177  
motive power designed or used for drawing other vehicles and not 6178  
so constructed as to carry any load thereon, or designed or used 6179  
for drawing other vehicles while carrying a portion of such other 6180  
vehicles, or load thereon, or both. 6181

(J) "Agricultural tractor" means every self-propelling 6182  
vehicle designed or used for drawing other vehicles or wheeled 6183  
machinery but having no provision for carrying loads independently 6184  
of such other vehicles, and used principally for agricultural 6185  
purposes. 6186

(K) "Truck" means every motor vehicle, except trailers and 6187  
semitrailers, designed and used to carry property. 6188

(L) "Bus" means every motor vehicle designed for carrying 6189  
more than nine passengers and used for the transportation of 6190  
persons other than in a ridesharing arrangement, and every motor 6191  
vehicle, automobile for hire, or funeral car, other than a taxicab 6192  
or motor vehicle used in a ridesharing arrangement, designed and 6193  
used for the transportation of persons for compensation. 6194

(M) "Trailer" means every vehicle designed or used for 6195  
carrying persons or property wholly on its own structure and for 6196  
being drawn by a motor vehicle, including any such vehicle when 6197  
formed by or operated as a combination of a "semitrailer" and a 6198  
vehicle of the dolly type, such as that commonly known as a 6199  
"trailer dolly," a vehicle used to transport agricultural produce 6200  
or agricultural production materials between a local place of 6201  
storage or supply and the farm when drawn or towed on a street or 6202  
highway at a speed greater than twenty-five miles per hour, and a 6203  
vehicle designed and used exclusively to transport a boat between 6204  
a place of storage and a marina, or in and around a marina, when 6205  
drawn or towed on a street or highway for a distance of more than 6206  
ten miles or at a speed of more than twenty-five miles per hour. 6207

(N) "Semitrailer" means every vehicle designed or used for 6208  
carrying persons or property with another and separate motor 6209  
vehicle so that in operation a part of its own weight or that of 6210  
its load, or both, rests upon and is carried by another vehicle. 6211

(O) "Pole trailer" means every trailer or semitrailer 6212

attached to the towing vehicle by means of a reach, pole, or by 6213  
being boomed or otherwise secured to the towing vehicle, and 6214  
ordinarily used for transporting long or irregular shaped loads 6215  
such as poles, pipes, or structural members capable, generally, of 6216  
sustaining themselves as beams between the supporting connections. 6217

(P) "Railroad" means a carrier of persons or property 6218  
operating upon rails placed principally on a private right-of-way. 6219

(Q) "Railroad train" means a steam engine or an electric or 6220  
other motor, with or without cars coupled thereto, operated by a 6221  
railroad. 6222

(R) "Streetcar" means a car, other than a railroad train, for 6223  
transporting persons or property, operated upon rails principally 6224  
within a street or highway. 6225

(S) "Trackless trolley" means every car that collects its 6226  
power from overhead electric trolley wires and that is not 6227  
operated upon rails or tracks. 6228

(T) "Explosives" means any chemical compound or mechanical 6229  
mixture that is intended for the purpose of producing an explosion 6230  
that contains any oxidizing and combustible units or other 6231  
ingredients in such proportions, quantities, or packing that an 6232  
ignition by fire, by friction, by concussion, by percussion, or by 6233  
a detonator of any part of the compound or mixture may cause such 6234  
a sudden generation of highly heated gases that the resultant 6235  
gaseous pressures are capable of producing destructive effects on 6236  
contiguous objects, or of destroying life or limb. Manufactured 6237  
articles shall not be held to be explosives when the individual 6238  
units contain explosives in such limited quantities, of such 6239  
nature, or in such packing, that it is impossible to procure a 6240  
simultaneous or a destructive explosion of such units, to the 6241  
injury of life, limb, or property by fire, by friction, by 6242  
concussion, by percussion, or by a detonator, such as fixed 6243



ammunition for small arms, firecrackers, or safety fuse matches. 6244

(U) "Flammable liquid" means any liquid that has a flash 6245  
point of seventy degrees fahrenheit, or less, as determined by a 6246  
tagliabue or equivalent closed cup test device. 6247

(V) "Gross weight" means the weight of a vehicle plus the 6248  
weight of any load thereon. 6249

(W) "Person" means every natural person, firm, 6250  
co-partnership, association, or corporation. 6251

(X) "Pedestrian" means any natural person afoot. 6252

(Y) "Driver or operator" means every person who drives or is 6253  
in actual physical control of a vehicle, trackless trolley, or 6254  
streetcar. 6255

(Z) "Police officer" means every officer authorized to direct 6256  
or regulate traffic, or to make arrests for violations of traffic 6257  
regulations. 6258

(AA) "Local authorities" means every county, municipal, and 6259  
other local board or body having authority to adopt police 6260  
regulations under the constitution and laws of this state. 6261

(BB) "Street" or "highway" means the entire width between the 6262  
boundary lines of every way open to the use of the public as a 6263  
thoroughfare for purposes of vehicular travel. 6264

(CC) "Controlled-access highway" means every street or 6265  
highway in respect to which owners or occupants of abutting lands 6266  
and other persons have no legal right of access to or from the 6267  
same except at such points only and in such manner as may be 6268  
determined by the public authority having jurisdiction over such 6269  
street or highway. 6270

(DD) "Private road or driveway" means every way or place in 6271  
private ownership used for vehicular travel by the owner and those 6272  
having express or implied permission from the owner but not by 6273

other persons. 6274

(EE) "Roadway" means that portion of a highway improved, 6275  
designed, or ordinarily used for vehicular travel, except the berm 6276  
or shoulder. If a highway includes two or more separate roadways 6277  
the term "roadway" means any such roadway separately but not all 6278  
such roadways collectively. 6279

(FF) "Sidewalk" means that portion of a street between the 6280  
curb lines, or the lateral lines of a roadway, and the adjacent 6281  
property lines, intended for the use of pedestrians. 6282

(GG) "Laned highway" means a highway the roadway of which is 6283  
divided into two or more clearly marked lanes for vehicular 6284  
traffic. 6285

(HH) "Through highway" means every street or highway as 6286  
provided in section 4511.65 of the Revised Code. 6287

(II) "State highway" means a highway under the jurisdiction 6288  
of the department of transportation, outside the limits of 6289  
municipal corporations, provided that the authority conferred upon 6290  
the director of transportation in section 5511.01 of the Revised 6291  
Code to erect state highway route markers and signs directing 6292  
traffic shall not be modified by sections 4511.01 to 4511.79 and 6293  
4511.99 of the Revised Code. 6294

(JJ) "State route" means every highway that is designated 6295  
with an official state route number and so marked. 6296

(KK) "Intersection" means: 6297

(1) The area embraced within the prolongation or connection 6298  
of the lateral curb lines, or, if none, then the lateral boundary 6299  
lines of the roadways of two highways which join one another at, 6300  
or approximately at, right angles, or the area within which 6301  
vehicles traveling upon different highways joining at any other 6302  
angle may come in conflict. 6303

(2) Where a highway includes two roadways thirty feet or more  
apart, then every crossing of each roadway of such divided highway  
by an intersecting highway shall be regarded as a separate  
intersection. If an intersecting highway also includes two  
roadways thirty feet or more apart, then every crossing of two  
roadways of such highways shall be regarded as a separate  
intersection.

(3) The junction of an alley with a street or highway, or  
with another alley, shall not constitute an intersection.

(LL) "Crosswalk" means:

(1) That part of a roadway at intersections ordinarily  
included within the real or projected prolongation of property  
lines and curb lines or, in the absence of curbs, the edges of the  
traversable roadway;

(2) Any portion of a roadway at an intersection or elsewhere,  
distinctly indicated for pedestrian crossing by lines or other  
markings on the surface;

(3) Notwithstanding divisions (LL)(1) and (2) of this  
section, there shall not be a crosswalk where local authorities  
have placed signs indicating no crossing.

(MM) "Safety zone" means the area or space officially set  
apart within a roadway for the exclusive use of pedestrians and  
protected or marked or indicated by adequate signs as to be  
plainly visible at all times.

(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 6335  
such territory is indicated by official traffic control devices. 6336

(OO) "Residence district" means the territory, not comprising 6337  
a business district, fronting on a street or highway, including 6338  
the street or highway, where, for a distance of three hundred feet 6339  
or more, the frontage is improved with residences or residences 6340  
and buildings in use for business. 6341

(PP) "Urban district" means the territory contiguous to and 6342  
including any street or highway which is built up with structures 6343  
devoted to business, industry, or dwelling houses situated at 6344  
intervals of less than one hundred feet for a distance of a 6345  
quarter of a mile or more, and the character of such territory is 6346  
indicated by official traffic control devices. 6347

(QQ) "Traffic control devices" means all flaggers, signs, 6348  
signals, markings, and devices placed or erected by authority of a 6349  
public body or official having jurisdiction, for the purpose of 6350  
regulating, warning, or guiding traffic, including signs denoting 6351  
names of streets and highways. 6352

(RR) "Traffic control signal" means any device, whether 6353  
manually, electrically, or mechanically operated, by which traffic 6354  
is alternately directed to stop, to proceed, to change direction, 6355  
or not to change direction. 6356

(SS) "Railroad sign or signal" means any sign, signal, or 6357  
device erected by authority of a public body or official or by a 6358  
railroad and intended to give notice of the presence of railroad 6359  
tracks or the approach of a railroad train. 6360

(TT) "Traffic" means pedestrians, ridden or herded animals, 6361  
vehicles, streetcars, trackless trolleys, and other devices, 6362  
either singly or together, while using any highway for purposes of 6363  
travel. 6364

(UU) "Right-of-way" means either of the following, as the 6365

context requires: 6366

(1) The right of a vehicle, streetcar, trackless trolley, or 6367  
pedestrian to proceed uninterruptedly in a lawful manner in the 6368  
direction in which it or the individual is moving in preference to 6369  
another vehicle, streetcar, trackless trolley, or pedestrian 6370  
approaching from a different direction into its or the 6371  
individual's path; 6372

(2) A general term denoting land, property, or the interest 6373  
therein, usually in the configuration of a strip, acquired for or 6374  
devoted to transportation purposes. When used in this context, 6375  
right-of-way includes the roadway, shoulders or berm, ditch, and 6376  
slopes extending to the right-of-way limits under the control of 6377  
the state or local authority. 6378

(VV) "Rural mail delivery vehicle" means every vehicle used 6379  
to deliver United States mail on a rural mail delivery route. 6380

(WW) "Funeral escort vehicle" means any motor vehicle, 6381  
including a funeral hearse, while used to facilitate the movement 6382  
of a funeral procession. 6383

(XX) "Alley" means a street or highway intended to provide 6384  
access to the rear or side of lots or buildings in urban districts 6385  
and not intended for the purpose of through vehicular traffic, and 6386  
includes any street or highway that has been declared an "alley" 6387  
by the legislative authority of the municipal corporation in which 6388  
such street or highway is located. 6389

(YY) "Freeway" means a divided multi-lane highway for through 6390  
traffic with all crossroads separated in grade and with full 6391  
control of access. 6392

(ZZ) "Expressway" means a divided arterial highway for 6393  
through traffic with full or partial control of access with an 6394  
excess of fifty per cent of all crossroads separated in grade. 6395

(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 machinery, and is used principally for agricultural purposes.

(HHH) "Operate" means to cause or have caused movement of a vehicle, streetcar, or trackless trolley.

(III) "Predicate motor vehicle or traffic offense" means any of the following:

(1) A violation of section 4511.03, 4511.051, 4511.12, 6426  
4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 6427  
4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 6428  
4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 6429  
4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 6430  
4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 6431  
4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 6432  
4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 6433  
4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 6434  
4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 6435  
4511.763, 4511.771, 4511.78, or 4511.84 of the Revised Code; 6436

(2) A violation of division (A)(2) of section 4511.17, 6437  
divisions (A) to (D) of section 4511.51, or division (A) of 6438  
section 4511.74 of the Revised Code; 6439

(3) A violation of any provision of sections 4511.01 to 6440  
4511.76 of the Revised Code for which no penalty otherwise is 6441  
provided in the section that contains the provision violated; 6442

(4) A violation of a municipal ordinance that is 6443  
substantially similar to any section or provision set forth or 6444  
described in division (III)(1), (2), or (3) of this section. 6445

**Sec. 4511.81.** (A) When any child who is in either or both of 6446  
the following categories is being transported in a motor vehicle, 6447  
other than a taxicab or public safety vehicle as defined in 6448  
section 4511.01 of the Revised Code, that is required by the 6449  
United States department of transportation to be equipped with 6450  
seat belts at the time of manufacture or assembly, the operator of 6451  
the motor vehicle shall have the child properly secured in 6452  
accordance with the manufacturer's instructions in a child 6453  
restraint system that meets federal motor vehicle safety 6454  
standards: 6455

(1) A child who is less than four years of age; 6456

(2) A child who weighs less than forty pounds. 6457

(B) When any child who is in either or both of the following 6458  
categories is being transported in a motor vehicle, other than a 6459  
taxicab, that is owned, leased, or otherwise under the control of 6460  
a nursery school, kindergarten, or ~~day-care~~ child-care center, the 6461  
operator of the motor vehicle shall have the child properly 6462  
secured in accordance with the manufacturer's instructions in a 6463  
child restraint system that meets federal motor vehicle safety 6464  
standards: 6465

(1) A child who is less than four years of age; 6466

(2) A child who weighs less than forty pounds. 6467

(C) When any child who is at least four years of age but not 6468  
older than fifteen years of age is being transported in a motor 6469  
vehicle, other than a taxicab or public safety vehicle as defined 6470  
in section 4511.01 of the Revised Code, that is required by the 6471  
United States department of transportation to be equipped with 6472  
seat belts at the time of manufacture or assembly, the operator of 6473  
the motor vehicle shall have the child properly restrained either 6474  
in accordance with the manufacturer's instructions in a child 6475  
restraint system that meets federal motor vehicle safety standards 6476  
or in an occupant restraining device as defined in section 6477  
4513.263 of the Revised Code. 6478

(D) Notwithstanding any provision of law to the contrary, no 6479  
law enforcement officer shall cause an operator of a motor vehicle 6480  
being operated on any street or highway to stop the motor vehicle 6481  
for the sole purpose of determining whether a violation of 6482  
division (C) of this section has been or is being committed or for 6483  
the sole purpose of issuing a ticket, citation, or summons for a 6484  
violation of that nature or causing the arrest of or commencing a 6485  
prosecution of a person for a violation of that nature, and no law 6486  
enforcement officer shall view the interior or visually inspect 6487



any automobile being operated on any street or highway for the 6488  
sole purpose of determining whether a violation of that nature has 6489  
been or is being committed. 6490

(E) The director of public safety shall adopt such rules as 6491  
are necessary to carry out this section. 6492

(F) The failure of an operator of a motor vehicle to secure a 6493  
child in a child restraint system or in an occupant restraining 6494  
device as required by this section is not negligence imputable to 6495  
the child, is not admissible as evidence in any civil action 6496  
involving the rights of the child against any other person 6497  
allegedly liable for injuries to the child, is not to be used as a 6498  
basis for a criminal prosecution of the operator of the motor 6499  
vehicle other than a prosecution for a violation of this section, 6500  
and is not admissible as evidence in any criminal action involving 6501  
the operator of the motor vehicle other than a prosecution for a 6502  
violation of this section. 6503

(G) This section does not apply when an emergency exists that 6504  
threatens the life of any person operating a motor vehicle and to 6505  
whom this section otherwise would apply or the life of any child 6506  
who otherwise would be required to be restrained under this 6507  
section. 6508

(H) There is hereby created in the state treasury the "child 6509  
highway safety fund," consisting of fines imposed pursuant to 6510  
division (J)(1) of this section for violations of divisions (A), 6511  
(B), and (C) of this section. The money in the fund shall be used 6512  
by the department of health only to defray the cost of designating 6513  
hospitals as pediatric trauma centers under section 3727.081 of 6514  
the Revised Code and to establish and administer a child highway 6515  
safety program. The purpose of the program shall be to educate the 6516  
public about child restraint systems generally and the importance 6517  
of their proper use. The program also shall include a process for 6518  
providing child restraint systems to persons who meet the 6519

eligibility criteria established by the department, and a 6520  
toll-free telephone number the public may utilize to obtain 6521  
information about child restraint systems and their proper use. 6522

(I) The director of health, in accordance with Chapter 119. 6523  
of the Revised Code, shall adopt any rules necessary to carry out 6524  
this section, including rules establishing the criteria a person 6525  
must meet in order to receive a child restraint system under the 6526  
department's child restraint system program; provided that rules 6527  
relating to the verification of pediatric trauma centers shall not 6528  
be adopted under this section. 6529

(J)(1) Whoever violates division (A), (B), or (C) of this 6530  
section shall be punished as follows: 6531

(a) Except as otherwise provided in division (J)(1)(b) of 6532  
this section, the offender is guilty of a minor misdemeanor and 6533  
shall be fined not less than twenty-five dollars. 6534

(b) If the offender previously has been convicted of or 6535  
pleaded guilty to a violation of division (A), (B), or (C) of this 6536  
section or of a municipal ordinance that is substantially similar 6537  
to any of those divisions, the offender is guilty of a misdemeanor 6538  
of the fourth degree. 6539

(2) All fines imposed pursuant to division (J)(1) of this 6540  
section shall be forwarded to the treasurer of state for deposit 6541  
in the "child highway safety fund" created by division (H) of this 6542  
section. 6543

**Sec. 4513.182.** (A) No person shall operate any motor vehicle 6544  
owned, leased, or hired by a nursery school, kindergarten, or 6545  
~~day-care~~ child-care center, while transporting preschool children 6546  
to or from such an institution unless the motor vehicle is 6547  
equipped with and displaying two amber flashing lights mounted on 6548  
a bar attached to the top of the vehicle, and a sign bearing the 6549

designation "caution--children," which shall be attached to the 6550  
bar carrying the amber flashing lights in such a manner as to be 6551  
legible to persons both in front of and behind the vehicle. The 6552  
lights and sign shall meet standards and specifications adopted by 6553  
the director of public safety. The director, subject to Chapter 6554  
119. of the Revised Code, shall adopt standards and specifications 6555  
for the lights and sign, which shall include, but are not limited 6556  
to, requirements for the color and size of lettering to be used on 6557  
the sign, the type of material to be used for the sign, and the 6558  
method of mounting the lights and sign so that they can be removed 6559  
from a motor vehicle being used for purposes other than those 6560  
specified in this section. 6561

(B) No person shall operate a motor vehicle displaying the 6562  
lights and sign required by this section for any purpose other 6563  
than the transportation of preschool children as provided in this 6564  
section. 6565

(C) Whoever violates this section shall be punished as 6566  
provided in section 4513.99 of the Revised Code. 6567

**Sec. 5101.29.** When contained in a record held by the 6568  
department of job and family services or a county agency, the 6569  
following are not public records for purposes of section 149.43 of 6570  
the Revised Code: 6571

(A) Names and other identifying information regarding 6572  
children enrolled in or attending a ~~child-day-care~~ child-care 6573  
center or home subject to licensure, limited certification, 6574  
certification, or registration under Chapter 5104. of the Revised 6575  
Code; 6576

(B) Names and other identifying information regarding 6577  
children placed with an institution or association certified under 6578  
section 5103.03 of the Revised Code; 6579

(C) Names and other identifying information regarding a 6580  
person who makes an oral or written complaint regarding an 6581  
institution, association, ~~child-day-care~~ child-care center, or 6582  
home subject to licensure, limited certification, certification, 6583  
or registration to the department or other state or county entity 6584  
responsible for enforcing Chapter 5103. or 5104. of the Revised 6585  
Code; 6586

(D)(1) Except as otherwise provided in division (D)(2) of 6587  
this section, names, documentation, and other identifying 6588  
information regarding a foster caregiver or a prospective foster 6589  
caregiver, including the foster caregiver application for 6590  
certification under section 5103.03 of the Revised Code and the 6591  
home study conducted pursuant to section 5103.0324 of the Revised 6592  
Code. 6593

(2) Notwithstanding division (D)(1) of this section, the 6594  
following are public records for the purposes of section 149.43 of 6595  
the Revised Code, when contained in a record held by the 6596  
department of job and family services, a county agency, or other 6597  
governmental entity: 6598

(a) All of the following information regarding a currently 6599  
certified foster caregiver who has had a foster care certificate 6600  
revoked pursuant to Chapter 5103. of the Revised Code or, after 6601  
receiving a current or current renewed certificate has been 6602  
convicted of, pleaded guilty to, or indicted or otherwise charged 6603  
with any offense described in division (C)(1) of section 2151.86 6604  
of the Revised Code: 6605

(i) The foster caregiver's name, date of birth, and county of 6606  
residence; 6607

(ii) The date of the foster caregiver's certification; 6608

(iii) The date of each placement of a foster child into the 6609  
foster caregiver's home; 6610

(iv) If applicable, the date of the removal of a foster child 6611  
from the foster caregiver's home and the reason for the foster 6612  
child's removal unless release of such information would be 6613  
detrimental to the foster child or other children residing in the 6614  
foster caregiver's home; 6615

(v) If applicable, the date of the foster care certificate 6616  
revocation and all documents related to the revocation unless 6617  
otherwise not a public record pursuant to section 149.43 of the 6618  
Revised Code. 6619

(b) Nonidentifying foster care statistics including, but not 6620  
limited to, the number of foster caregivers and foster care 6621  
certificate revocations. 6622

**Sec. 5103.03.** (A) The director of job and family services 6623  
shall adopt rules as necessary for the adequate and competent 6624  
management of institutions or associations. 6625

(B)(1) Except for facilities under the control of the 6626  
department of youth services, places of detention for children 6627  
established and maintained pursuant to sections 2152.41 to 2152.44 6628  
of the Revised Code, and ~~child-day-care~~ child-care centers subject 6629  
to Chapter 5104. of the Revised Code, the department of job and 6630  
family services every two years shall pass upon the fitness of 6631  
every institution and association that receives, or desires to 6632  
receive and care for children, or places children in private 6633  
homes. 6634

(2) When the department of job and family services is 6635  
satisfied as to the care given such children, and that the 6636  
requirements of the statutes and rules covering the management of 6637  
such institutions and associations are being complied with, it 6638  
shall issue to the institution or association a certificate to 6639  
that effect. A certificate is valid for two years, unless sooner 6640  
revoked by the department. When determining whether an institution 6641

or association meets a particular requirement for certification, 6642  
the department may consider the institution or association to have 6643  
met the requirement if the institution or association shows to the 6644  
department's satisfaction that it has met a comparable requirement 6645  
to be accredited by a nationally recognized accreditation 6646  
organization. 6647

(3) The department may issue a temporary certificate valid 6648  
for less than one year authorizing an institution or association 6649  
to operate until minimum requirements have been met. 6650

(4) An institution or association that knowingly makes a 6651  
false statement that is included as a part of certification under 6652  
this section is guilty of the offense of falsification under 6653  
section 2921.13 of the Revised Code and the department shall not 6654  
certify that institution or association. 6655

(5) The department shall not issue a certificate to a 6656  
prospective foster home or prospective specialized foster home 6657  
pursuant to this section if the prospective foster home or 6658  
prospective specialized foster home operates as a type A family 6659  
day-care home pursuant to Chapter 5104. of the Revised Code. The 6660  
department shall not issue a certificate to a prospective 6661  
specialized foster home if the prospective specialized foster home 6662  
operates a type B family day-care home pursuant to Chapter 5104. 6663  
of the Revised Code. 6664

(C) The department may revoke a certificate if it finds that 6665  
the institution or association is in violation of law or rule. No 6666  
juvenile court shall commit a child to an association or 6667  
institution that is required to be certified under this section if 6668  
its certificate has been revoked or, if after revocation, the date 6669  
of reissue is less than fifteen months prior to the proposed 6670  
commitment. 6671

(D) Every two years, on a date specified by the department, 6672

each institution or association desiring certification or 6673  
recertification shall submit to the department a report showing 6674  
its condition, management, competency to care adequately for the 6675  
children who have been or may be committed to it or to whom it 6676  
provides care or services, the system of visitation it employs for 6677  
children placed in private homes, and other information the 6678  
department requires. 6679

(E) The department shall, not less than once each year, send 6680  
a list of certified institutions and associations to each juvenile 6681  
court and certified association or institution. 6682

(F) No person shall receive children or receive or solicit 6683  
money on behalf of such an institution or association not so 6684  
certified or whose certificate has been revoked. 6685

(G)(1) The director may delegate by rule any duties imposed 6686  
on it by this section to inspect and approve family foster homes 6687  
and specialized foster homes to public children services agencies, 6688  
private child placing agencies, or private noncustodial agencies. 6689

(2) The director shall adopt rules that require a foster 6690  
caregiver or other individual certified to operate a foster home 6691  
under this section to notify the recommending agency that the 6692  
foster caregiver or other individual is certified to operate a 6693  
type B family day-care home under Chapter 5104. of the Revised 6694  
Code. 6695

(H) If the director of job and family services determines 6696  
that an institution or association that cares for children is 6697  
operating without a certificate, the director may petition the 6698  
court of common pleas in the county in which the institution or 6699  
association is located for an order enjoining its operation. The 6700  
court shall grant injunctive relief upon a showing that the 6701  
institution or association is operating without a certificate. 6702

(I) If both of the following are the case, the director of 6703

job and family services may petition the court of common pleas of 6704  
any county in which an institution or association that holds a 6705  
certificate under this section operates for an order, and the 6706  
court may issue an order, preventing the institution or 6707  
association from receiving additional children into its care or an 6708  
order removing children from its care: 6709

(1) The department has evidence that the life, health, or 6710  
safety of one or more children in the care of the institution or 6711  
association is at imminent risk. 6712

(2) The department has issued a proposed adjudication order 6713  
pursuant to Chapter 119. of the Revised Code to deny renewal of or 6714  
revoke the certificate of the institution or association. 6715

**Sec. 5104.01.** As used in this chapter: 6716

(A) "Administrator" means the person responsible for the 6717  
daily operation of a child-care center or type A family child-care 6718  
home. The administrator and the owner may be the same person. 6719

(B) "Approved child day camp" means a child day camp approved 6720  
pursuant to section ~~5104.22~~ 5104.37 of the Revised Code. 6721

(C) ~~"Authorized provider" means a person authorized by a~~ 6722  
~~county director of job and family services to operate a certified~~ 6723  
~~type B family day care home~~ "BCII" means the bureau of criminal 6724  
identification and investigation. 6725

(D) "Border state child care provider" means a child care 6726  
provider that is located in a state bordering Ohio and that is 6727  
licensed, certified, or otherwise approved by that state to 6728  
provide child care. 6729

(E) "Caretaker parent" means the father or mother of a child 6730  
whose presence in the home is needed as the caretaker of the 6731  
child, a person who has legal custody of a child and whose 6732  
presence in the home is needed as the caretaker of the child, a 6733



guardian of a child whose presence in the home is needed as the 6734  
caretaker of the child, and any other person who stands in loco 6735  
parentis with respect to the child and whose presence in the home 6736  
is needed as the caretaker of the child. 6737

~~(F) "Certified type B family day care home" and "certified~~ 6738  
~~type B home" mean a type B family day care home that is certified~~ 6739  
~~by the director of the county department of job and family~~ 6740  
~~services pursuant to section 5104.11 of the Revised Code to~~ 6741  
~~receive public funds for providing child care pursuant to this~~ 6742  
~~chapter and any rules adopted under it.~~ 6743

~~(G)~~ "Chartered nonpublic school" means a school that meets 6744  
standards for nonpublic schools prescribed by the state board of 6745  
education for nonpublic schools pursuant to section 3301.07 of the 6746  
Revised Code. 6747

~~(H)~~(G) "Child" includes an infant, toddler, preschool child, 6748  
or school child. 6749

~~(I)~~(H) "Child care block grant act" means the "Child Care and 6750  
Development Block Grant Act of 1990," established in section 5082 6751  
of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 6752  
1388-236 (1990), 42 U.S.C. 9858, as amended. 6753

~~(J)~~(I) "Child day camp" means a program in which only school 6754  
children attend or participate, that operates for no more than 6755  
seven hours per day, that operates only during one or more public 6756  
school district's regular vacation periods or for no more than 6757  
fifteen weeks during the summer, and that operates outdoor 6758  
activities for each child who attends or participates in the 6759  
program for a minimum of fifty per cent of each day that children 6760  
attend or participate in the program, except for any day when 6761  
hazardous weather conditions prevent the program from operating 6762  
outdoor activities for a minimum of fifty per cent of that day. 6763  
For purposes of this division, the maximum seven hours of 6764

operation time does not include transportation time from a child's 6765  
home to a child day camp and from a child day camp to a child's 6766  
home. 6767

~~(K)~~ (J)(1) Except as provided by division (J)(2) of 6768  
this section, "child care" means administering to the needs of 6769  
infants, toddlers, preschool children, and school children outside 6770  
of school hours by persons other than their parents or guardians, 6771  
eustodians, or relatives by blood, marriage, or adoption for any 6772  
part of the twenty-four-hour day in a place or residence other 6773  
than a child's own home. 6774

~~(L)~~ (2) "Child care" does not include administering to the 6775  
needs of an infant, toddler, preschool child, or school child by 6776  
any of the following: 6777

(a) An individual related to the child by blood, marriage, or 6778  
adoption as a parent, step-parent, grandparent, sibling, 6779  
step-sibling, half-sibling, aunt, uncle, or first cousin; 6780

(b) The child's guardian or custodian. 6781

~~(K)~~ "Child-day-care Child-care center" and "center" mean any 6782  
place in which child care or publicly funded child care is 6783  
provided for thirteen or more children at one time or any place 6784  
that is not the permanent residence of the licensee or 6785  
administrator in which child care or publicly funded child care is 6786  
provided for seven to twelve children at one time. In counting 6787  
children for the purposes of this division, any children under six 6788  
years of age who are related to a licensee, administrator, or 6789  
employee and who are on the premises of the center shall be 6790  
counted. "Child-day-care Child-care center" and "center" do not 6791  
include any of the following: 6792

(1) A place located in and operated by a hospital, as defined 6793  
in section 3727.01 of the Revised Code, in which the needs of 6794  
children are administered to, if all the children whose needs are 6795

being administered to are monitored under the on-site supervision 6796  
of a physician licensed under Chapter 4731. of the Revised Code or 6797  
a registered nurse licensed under Chapter 4723. of the Revised 6798  
Code, and the services are provided only for children who, in the 6799  
opinion of the child's parent, guardian, or custodian, are 6800  
exhibiting symptoms of a communicable disease or other illness or 6801  
are injured; 6802

(2) A child day camp; 6803

(3) A place that provides child care, but not publicly funded 6804  
child care, if all of the following apply: 6805

(a) An organized religious body provides the child care; 6806

(b) A parent, custodian, or guardian of at least one child 6807  
receiving child care is on the premises and readily accessible at 6808  
all times; 6809

(c) The child care is not provided for more than thirty days 6810  
a year; 6811

(d) The child care is provided only for preschool and school 6812  
children. 6813

~~(M)~~(L) "Child care resource and referral service 6814  
organization" means a community-based nonprofit organization that 6815  
provides child care resource and referral services but not child 6816  
care. 6817

~~(N)~~(M) "Child care resource and referral services" means all 6818  
of the following services: 6819

(1) Maintenance of a uniform data base of all child care 6820  
providers in the community that are in compliance with this 6821  
chapter, including current occupancy and vacancy data; 6822

(2) Provision of individualized consumer education to 6823  
families seeking child care, including education about the 6824  
availability of providers with limited certification; 6825

(3) Provision of timely referrals of available child care providers to families seeking child care;	6826 6827
(4) Recruitment of child care providers;	6828
(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;	6829 6830 6831 6832
(6) Collection and analysis of data on the supply of and demand for child care in the community;	6833 6834
(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;	6835 6836 6837
(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;	6838 6839 6840
(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;	6841 6842
(10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of job and family services;	6843 6844 6845 6846
(11) Cooperation with <del>the county department</del> <u>departments</u> of job and family services in encouraging the establishment of parent cooperative child care centers and parent cooperative type A family <del>day-care</del> <u>child-care</u> homes <u>and locating child care for caretaker parents seeking child care.</u>	6847 6848 6849 6850 6851
<del>(O)</del> (N) "Child-care staff member" means an employee of a <del>child day-care</del> <u>child-care</u> center or type A family <del>day-care</del> <u>child-care</u> home who is primarily responsible for the care and supervision of children. The administrator may be a part-time child-care staff	6852 6853 6854 6855

member when not involved in other duties. 6856

~~(P)~~(O) "Criminal records check form" means the form the 6857  
superintendent of BCII prescribes pursuant to division (C)(1) of 6858  
section 109.572 of the Revised Code. 6859

(P) "Disqualifying offense" means violations described in 6860  
division (A)(9) of section 109.572 of the Revised Code. 6861

(Q) "Drop-in ~~child day-care~~ child-care center," "drop-in 6862  
center," "drop-in type A family ~~day-care~~ child-care home," and 6863  
"drop-in type A home" mean a center or type A home that provides 6864  
child care or publicly funded child care for children on a 6865  
temporary, irregular basis. 6866

~~(Q)~~(R) "Employee" means a person who either: 6867

(1) Receives compensation for duties performed in a ~~child~~ 6868  
~~day-care~~ child-care center or type A family ~~day-care~~ child-care 6869  
home; 6870

(2) Is assigned specific working hours or duties in a ~~child~~ 6871  
~~day-care~~ child-care center or type A family ~~day-care~~ child-care 6872  
home. 6873

~~(R)~~(S) "Employer" means a person, ~~firm, institution,~~ 6874  
~~organization,~~ or agency government entity that operates a ~~child~~ 6875  
~~day-care~~ child-care center or type A family ~~day-care~~ child-care 6876  
home subject to licensure under this chapter. 6877

~~(S)~~(T) "Federal poverty line" means the official poverty 6878  
guideline as revised annually in accordance with section 673(2) of 6879  
the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 6880  
U.S.C. 9902, as amended, for a family size equal to the size of 6881  
the family of the person whose income is being determined. 6882

~~(T)~~(U) "Head start program" means a child-care center that is 6883  
a comprehensive child development program that receives funds 6884  
distributed under the "Head Start Act," 95 Stat. 499 (1981), 42 6885

U.S.C.A. 9831, as amended, ~~and is licensed as a child day care~~ 6886  
~~center.~~ 6887

~~(U)~~(V) "Income" means gross income, as defined in section 6888  
5107.10 of the Revised Code, less any amounts required by federal 6889  
statutes or regulations to be disregarded. 6890

~~(V)~~(W) "Indicator checklist" means an inspection tool, used 6891  
in conjunction with an instrument-based program monitoring 6892  
information system, that contains selected licensing requirements 6893  
that are statistically reliable indicators or predictors of a 6894  
~~child day care~~ child-care center ~~or~~, type A family ~~day care~~ 6895  
child-care home, or type B family child-care home's compliance 6896  
with licensing requirements. 6897

~~(W)~~(X) "Infant" means a child who is less than eighteen 6898  
months of age. 6899

~~(X)~~(Y) "In-home aide" means a person who does not reside with 6900  
the child but provides care in the child's home and is certified 6901  
by a county director of job and family services pursuant to 6902  
section ~~5104.12~~ 5104.32 of the Revised Code to provide publicly 6903  
funded child care to a child in a child's own home pursuant to 6904  
this chapter and any rules adopted under it. 6905

~~(Y)~~(Z) "Instrument-based program monitoring information 6906  
system" means a method to assess compliance with licensing 6907  
requirements for ~~child day care~~ child-care centers ~~and~~, type A 6908  
family ~~day care~~ child-care homes, and type B family child-care 6909  
homes in which each licensing requirement is assigned a weight 6910  
indicative of the relative importance of the requirement to the 6911  
health, growth, and safety of the children that is used to develop 6912  
an indicator checklist. 6913

~~(Z)~~(AA) "License capacity" means the maximum number in each 6914  
age category of children who may be cared for at one time in a 6915  
~~child day care~~ child-care center ~~or~~, type A family ~~day care~~ 6916

child-care home at one time, or a type B family child-care home as 6917  
determined by the director of job and family services considering 6918  
building occupancy limits established by the department of 6919  
commerce, number of available child-care staff members, amount of 6920  
available indoor floor space and outdoor play space, and amount of 6921  
available play equipment, materials, and supplies. 6922

6923

~~(AA)~~(BB) "Licensed preschool program" or "licensed school 6924  
child program" means a preschool program or school child program, 6925  
as defined in section 3301.52 of the Revised Code, that is 6926  
licensed by the department of education pursuant to sections 6927  
3301.52 to 3301.59 of the Revised Code. 6928

~~(BB)~~(CC) "Licensed provider" means a person authorized by a 6929  
valid provisional license or license issued by the director of job 6930  
and family services under this chapter to provide child care or 6931  
publicly funded child care in a licensed type B family child-care 6932  
home. 6933

(DD) "Licensed type B family child-care home" or "licensed 6934  
type B home" means a type B family child-care home for which there 6935  
is a valid provisional license or license issued by the director 6936  
of job and family services under this chapter. 6937

(EE) "Licensee" means the both of the following: 6938

(1) The owner of a ~~child day care~~ child-care center or type A 6939  
family ~~day care~~ child-care home that for which there is licensed 6940  
pursuant to a valid provisional license or license issued by the 6941  
director of job and family services under this chapter and who is 6942  
responsible for ensuring its compliance with this chapter and 6943  
rules adopted pursuant to this chapter; 6944

(2) A licensed provider. 6945

~~(CC)~~(FF) "Operate a child day camp" means to operate, 6946  
establish, manage, conduct, or maintain a child day camp. 6947

~~(DD)~~(GG) "Owner" includes a person, as defined in section 6948  
1.59 of the Revised Code, or government entity. 6949

~~(EE)~~(HH) "Parent cooperative ~~child day-care~~ child-care 6950  
center," "parent cooperative center," "parent cooperative type A 6951  
family ~~day-care~~ child-care home," and "parent cooperative type A 6952  
home" mean a corporation or association organized for providing 6953  
educational services to the children of members of the corporation 6954  
or association, without gain to the corporation or association as 6955  
an entity, in which the services of the corporation or association 6956  
are provided only to children of the members of the corporation or 6957  
association, ownership and control of the corporation or 6958  
association rests solely with the members of the corporation or 6959  
association, and at least one parent-member of the corporation or 6960  
association is on the premises of the center or type A home during 6961  
its hours of operation. 6962

~~(FF)~~(II) "Part-time ~~child day-care~~ child-care center," 6963  
"part-time center," "part-time type A family ~~day-care~~ child-care 6964  
home," ~~and~~ "part-time type A home," "part-time licensed type B 6965  
family child-care home," and "part-time licensed type B home" mean 6966  
a center ~~or,~~ type A home, or type B home for which there is a 6967  
valid provisional license or license issued by the director of job 6968  
and family services under this chapter that provides child care or 6969  
publicly funded child care for no more than four hours a day for 6970  
any child. 6971

~~(GG)~~(JJ) "Place of worship" means a building where activities 6972  
of an organized religious group are conducted and includes the 6973  
grounds and any other buildings on the grounds used for such 6974  
activities. 6975

~~(HH)~~(KK) "Preschool child" means a child who is three years 6976  
old or older but is not a school child. 6977

~~(II)~~(LL) "Protective child care" means publicly funded child 6978



care for the direct care and protection of a child to whom either 6979  
of the following applies: 6980

(1) A case plan prepared and maintained for the child 6981  
pursuant to section 2151.412 of the Revised Code indicates a need 6982  
for protective care and the child resides with a parent, 6983  
stepparent, guardian, or another person who stands in loco 6984  
parentis as defined in rules adopted under section ~~5104.38~~ 5104.58 6985  
of the Revised Code; 6986

(2) The child and the child's caretaker either temporarily 6987  
reside in a facility providing emergency shelter for homeless 6988  
families or are determined by the county department of job and 6989  
family services to be homeless, and are otherwise ineligible for 6990  
publicly funded child care. 6991

~~(JJ)~~(MM) "Provider with limited certification" means a person 6992  
authorized by a valid provisional limited certificate or limited 6993  
certificate issued by a county director of job and family services 6994  
under this chapter to provide publicly funded child care in a type 6995  
B family child-care home with limited certification. 6996

(NN) "Publicly funded child care" means administering to the 6997  
needs of infants, toddlers, preschool children, and school 6998  
children under age thirteen during any part of the 6999  
twenty-four-hour day by persons other than their caretaker parents 7000  
for remuneration wholly or in part with federal or state funds, 7001  
including funds available under the child care block grant act, 7002  
Title IV-A, and Title XX, distributed by the department of job and 7003  
family services. 7004

~~(KK)~~(OO) "Religious activities" means any of the following: 7005  
worship or other religious services; religious instruction; Sunday 7006  
school classes or other religious classes conducted during or 7007  
prior to worship or other religious services; youth or adult 7008  
fellowship activities; choir or other musical group practices or 7009

programs; meals; festivals; or meetings conducted by an organized 7010  
religious group. 7011

~~(LL)~~(PP) "School child" means a child who is enrolled in or 7012  
is eligible to be enrolled in a grade of kindergarten or above but 7013  
is less than fifteen years old. 7014

~~(MM)~~(OO) "School ~~child day-care~~ child-care center," "school 7015  
child center," "school child type A family ~~day-care~~ child-care 7016  
home," and "school child type A family home" mean a center or type 7017  
A home that provides child care for school children only and that 7018  
does either or both of the following: 7019

(1) Operates only during that part of the day that 7020  
immediately precedes or follows the public school day of the 7021  
school district in which the center or type A home is located; 7022

(2) Operates only when the public schools in the school 7023  
district in which the center or type A home is located are not 7024  
open for instruction with pupils in attendance. 7025

~~(NN)~~(RR) "Standard fingerprint impression sheet" means the 7026  
standard impression sheet to obtain fingerprint impressions that 7027  
the superintendent of BCII prescribes pursuant to division (C)(2) 7028  
of section 109.572 of the Revised Code. 7029

(SS) "State median income" means the state median income 7030  
calculated by the department of development pursuant to division 7031  
(A)(1)(g) of section 5709.61 of the Revised Code. 7032

~~(OO)~~(TT) "Title IV-A" means Title IV-A of the "Social 7033  
Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 7034

~~(PP)~~(UU) "Title XX" means Title XX of the "Social Security 7035  
Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 7036

~~(QQ)~~(VV) "Toddler" means a child who is at least eighteen 7037  
months of age but less than three years of age. 7038

~~(RR)~~(WW) "Type A family ~~day-care~~ child-care home" and "type A 7039

home" mean a permanent residence of the administrator in which 7040  
child care or publicly funded child care is provided for seven to 7041  
twelve children at one time or a permanent residence of the 7042  
administrator in which child care is provided for four to twelve 7043  
children at one time if four or more children at one time are 7044  
under two years of age. ~~In counting children for the purposes of~~ 7045  
~~this division, any children under six years of age who are related~~ 7046  
~~to a licensee, administrator, or employee and who are on the~~ 7047  
~~premises of the type A home shall be counted.~~ "Type A family 7048  
~~day-care~~ child-care home" and "type A home" do not include any 7049  
child day camp. 7050

~~(SS)(XX)~~ "Type B family ~~day-care~~ child-care home" and "type B 7051  
home" mean a permanent residence of the provider in which child 7052  
care is provided for one to six children at one time and in which 7053  
no more than three children are under two years of age at one 7054  
time. ~~In counting children for the purposes of this division, any~~ 7055  
~~children under six years of age who are related to the provider~~ 7056  
~~and who are on the premises of the type B home shall be counted.~~ 7057  
"Type B family day-care home" and "type B home" do not include any 7058  
child day camp. 7059

(YY) "Type B family child-care home with limited 7060  
certification" and "type B home with limited certification" mean a 7061  
type B family child-care home for which there is a valid 7062  
provisional limited certificate or limited certificate issued by a 7063  
county director of job and family services under this chapter. 7064

**Sec. 5104.011.** (A) The director of job and family services 7065  
shall adopt rules pursuant to Chapter 119. of the Revised Code 7066  
governing the operation of ~~child-day-care~~ child-care centers, 7067  
including, but not limited to, parent cooperative centers, 7068  
part-time centers, drop-in centers, and school child centers, 7069  
which rules shall reflect the various forms of child care and the 7070

needs of children receiving child care or publicly funded child 7071  
care and shall include specific rules for school child care 7072  
centers that are developed in consultation with the department of 7073  
education. The rules shall not require an existing school facility 7074  
that is in compliance with applicable building codes to undergo an 7075  
additional building code inspection or to have structural 7076  
modifications. The rules shall include the requirements set forth 7077  
in sections 5104.05 to 5104.10 of the Revised Code and all of the 7078  
following: 7079

(1) Submission of a site plan and descriptive plan of 7080  
operation to demonstrate how the center proposes to meet the 7081  
requirements of this chapter and rules adopted pursuant to this 7082  
chapter for the initial license application; 7083

(2) Standards for ensuring that the physical surroundings of 7084  
the center are safe and sanitary including, but not limited to, 7085  
the physical environment, the physical plant, and the equipment of 7086  
the center; 7087

(3) Standards for the supervision, care, and discipline of 7088  
children receiving child care or publicly funded child care in the 7089  
center; 7090

(4) Standards for a program of activities, and for play 7091  
equipment, materials, and supplies, to enhance the development of 7092  
each child; however, any educational curricula, philosophies, and 7093  
methodologies that are developmentally appropriate and that 7094  
enhance the social, emotional, intellectual, and physical 7095  
development of each child shall be permissible. As used in this 7096  
division, "program" does not include instruction in religious or 7097  
moral doctrines, beliefs, or values that is conducted at ~~child~~ 7098  
~~day-care~~ child-care centers owned and operated by churches and 7099  
does include methods of disciplining children at ~~child-day-care~~ 7100  
child-care centers. 7101

(5) Admissions policies and procedures, health care policies	7102
and procedures, including, but not limited to, procedures for the	7103
isolation of children with communicable diseases, first aid and	7104
emergency procedures, procedures for discipline and supervision of	7105
children, standards for the provision of nutritious meals and	7106
snacks, and procedures for screening children and employees,	7107
including, but not limited to, any necessary physical examinations	7108
and immunizations;	7109
(6) Methods for encouraging parental participation in the	7110
center and methods for ensuring that the rights of children,	7111
parents, and employees are protected and that responsibilities of	7112
parents and employees are met;	7113
(7) Procedures for ensuring the safety and adequate	7114
supervision of children traveling off the premises of the center	7115
while under the care of a center employee;	7116
(8) Procedures for record keeping, organization, and	7117
administration;	7118
(9) Procedures <u>and standards</u> for <del>issuing</del> <u>implementing</u>	7119
<u>sections 5104.03 to 5104.0322 of the Revised Code, including</u>	7120
<u>procedures and standards for all of the following:</u>	7121
(a) <u>Issuing</u> , renewing, denying, and revoking a <u>provisional</u>	7122
<u>license or</u> license that are not otherwise provided for in Chapter	7123
119. of the Revised Code;	7124
<del>(10) Inspection procedures</del> (b) <u>Investigations and</u>	7125
<u>inspections;</u>	7126
<del>(11) Procedures and standards for setting</del> (c) <u>Setting</u> initial	7127
and renewal license application fees;	7128
<del>(12) Procedures for receiving</del> (d) <u>Receiving</u> , recording, and	7129
responding to complaints about centers;	7130
<del>(13) Procedures for enforcing section 5104.04 of the Revised</del>	7131

Code: 7132

~~(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;~~ 7133  
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~~(15).~~ 7138

(10) Requirements for the training of administrators and 7139  
child-care staff members in first aid, in prevention, recognition, 7140  
and management of communicable diseases, and in child abuse 7141  
recognition and prevention. Training requirements for ~~child~~ 7142  
~~day-care~~ child-care centers adopted under this division shall be 7143  
consistent with ~~divisions (B)(6) and (C)(1) of this section~~ 7144  
sections 5104.061 and 5104.072 of the Revised Code. 7145

~~(16)~~(11) Procedures to be used by licensees for checking the 7146  
references of potential employees of centers and procedures to be 7147  
used by the director for checking the references of applicants for 7148  
licenses to operate centers; 7149

~~(17)~~(12) Standards providing for the special needs of 7150  
children who are handicapped or who require treatment for health 7151  
conditions while the child is receiving child care or publicly 7152  
funded child care in the center; 7153

~~(18)~~(13) A procedure for reporting of injuries of children 7154  
that occur at the center; 7155

~~(19)~~(14) Any other procedures and standards necessary to 7156  
carry out this chapter regarding child-care centers. 7157

~~(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~~ 7158  
7159  
7160  
7161

~~in which the care of children is prohibited by law or by rules 7162  
adopted by the board of building standards. The minimum of 7163  
thirty five square feet of usable indoor floor space shall not 7164  
include hallways, kitchens, storage areas, or any other areas that 7165  
are not available for the care of children, as determined by the 7166  
director, in meeting the space requirement of this division, and 7167  
bathrooms shall be counted in determining square footage only if 7168  
they are used exclusively by children enrolled in the center, 7169  
except that the exclusion of hallways, kitchens, storage areas, 7170  
bathrooms not used exclusively by children enrolled in the center, 7171  
and any other areas not available for the care of children from 7172  
the minimum of thirty five square feet of usable indoor floor 7173  
space shall not apply to: 7174~~

~~(a) Centers licensed prior to or on September 1, 1986, that 7175  
continue under licensure after that date; 7176~~

~~(b) Centers licensed prior to or on September 1, 1986, that 7177  
are issued a new license after that date solely due to a change of 7178  
ownership of the center. 7179~~

~~(2) The child day care center shall have on the site a safe 7180  
outdoor play space which is enclosed by a fence or otherwise 7181  
protected from traffic or other hazards. The play space shall 7182  
contain not less than sixty square feet per child using such space 7183  
at any one time, and shall provide an opportunity for supervised 7184  
outdoor play each day in suitable weather. The director may exempt 7185  
a center from the requirement of this division, if an outdoor play 7186  
space is not available and if all of the following are met: 7187~~

~~(a) The center provides an indoor recreation area that has 7188  
not less than sixty square feet per child using the space at any 7189  
one time, that has a minimum of one thousand four hundred forty 7190  
square feet of space, and that is separate from the indoor space 7191  
required under division (B)(1) of this section. 7192~~

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

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

~~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.~~

~~(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:~~

	<del>Maximum Number of</del>		
	<del>Children Per</del>	<del>Maximum</del>	
<del>Age Category</del>	<del>Child Care</del>	<del>Group</del>	
<del>of Children</del>	<del>Staff Member</del>	<del>Size</del>	



<del>(a) Infants:</del>			7225
<del>(i) Less than twelve</del>			7226
<del>months old</del>	<del>5:1, or</del>		7227
	<del>12:2 if two</del>		7228
	<del>child care</del>		7229
	<del>staff members</del>		7230
	<del>are in the room</del>	<del>12</del>	7231
<del>(ii) At least twelve</del>			7232
<del>months old, but</del>			7233
<del>less than eighteen</del>			7234
<del>months old</del>	<del>6:1</del>	<del>12</del>	7235
<del>(b) Toddlers:</del>			7236
<del>(i) At least eighteen</del>			7237
<del>months old, but</del>			7238
<del>less than thirty</del>			7239
<del>months old</del>	<del>7:1</del>	<del>14</del>	7240
<del>(ii) At least thirty months</del>			7241
<del>old, but less than</del>			7242
<del>three years old</del>	<del>8:1</del>	<del>16</del>	7243
<del>(c) Preschool</del>			7244
<del>children:</del>			7245
<del>(i) Three years old</del>	<del>12:1</del>	<del>24</del>	7246
<del>(ii) Four years old and</del>			7247
<del>five years old who</del>			7248
<del>are not school</del>			7249
<del>children</del>	<del>14:1</del>	<del>28</del>	7250
<del>(d) School children:</del>			7251
<del>(i) A child who is</del>			7252
<del>enrolled in or is</del>			7253
<del>eligible to be</del>			7254
<del>enrolled in a grade</del>			7255
<del>of kindergarten</del>			7256
<del>or above, but</del>			7257

~~is less than 7258~~  
~~eleven years old 18:1 36 7259~~  
~~(ii) Eleven through fourteen 7260~~  
~~years old 20:1 40 7261~~  
~~Except as otherwise provided in division (E) of this section, 7262~~  
~~the maximum number of children per child care staff member and 7263~~  
~~maximum group size requirements of the younger age group shall 7264~~  
~~apply when age groups are combined. 7265~~  
~~(4)(a) The child day care center administrator shall show the 7266~~  
~~director both of the following: 7267~~  
~~(i) Evidence of at least high school graduation or 7268~~  
~~certification of high school equivalency by the state board of 7269~~  
~~education or the appropriate agency of another state; 7270~~  
~~(ii) Evidence of having completed at least two years of 7271~~  
~~training in an accredited college, university, or technical 7272~~  
~~college, including courses in child development or early childhood 7273~~  
~~education, or at least two years of experience in supervising and 7274~~  
~~giving daily care to children attending an organized group 7275~~  
~~program. 7276~~  
~~(b) In addition to the requirements of division (B)(4)(a) of 7277~~  
~~this section, any administrator employed or designated on or after 7278~~  
~~September 1, 1986, shall show evidence of, and any administrator 7279~~  
~~employed or designated prior to September 1, 1986, shall show 7280~~  
~~evidence within six years after such date of, at least one of the 7281~~  
~~following: 7282~~  
~~(i) Two years of experience working as a child care staff 7283~~  
~~member in a center and at least four courses in child development 7284~~  
~~or early childhood education from an accredited college, 7285~~  
~~university, or technical college, except that a person who has two 7286~~  
~~years of experience working as a child care staff member in a 7287~~  
~~particular center and who has been promoted to or designated as 7288~~

~~administrator of that center shall have one year from the time the~~ 7289  
~~person was promoted to or designated as administrator to complete~~ 7290  
~~the required four courses;~~ 7291

~~(ii) Two years of training, including at least four courses~~ 7292  
~~in child development or early childhood education from an~~ 7293  
~~accredited college, university, or technical college;~~ 7294

~~(iii) A child development associate credential issued by the~~ 7295  
~~national child development associate credentialing commission;~~ 7296

~~(iv) An associate or higher degree in child development or~~ 7297  
~~early childhood education from an accredited college, technical~~ 7298  
~~college, or university, or a license designated for teaching in an~~ 7299  
~~associate teaching position in a preschool setting issued by the~~ 7300  
~~state board of education.~~ 7301

~~(5) All child care staff members of a child day care center~~ 7302  
~~shall be at least eighteen years of age, and shall furnish the~~ 7303  
~~director evidence of at least high school graduation or~~ 7304  
~~certification of high school equivalency by the state board of~~ 7305  
~~education or the appropriate agency of another state or evidence~~ 7306  
~~of completion of a training program approved by the department of~~ 7307  
~~job and family services or state board of education, except as~~ 7308  
~~follows:~~ 7309

~~(a) A child care staff member may be less than eighteen years~~ 7310  
~~of age if the staff member is either of the following:~~ 7311

~~(i) A graduate of a two year vocational child care training~~ 7312  
~~program approved by the state board of education;~~ 7313

~~(ii) A student enrolled in the second year of a vocational~~ 7314  
~~child care training program approved by the state board of~~ 7315  
~~education which leads to high school graduation, provided that the~~ 7316  
~~student performs the student's duties in the child day care center~~ 7317  
~~under the continuous supervision of an experienced child care~~ 7318  
~~staff member, receives periodic supervision from the vocational~~ 7319

~~child care training program teacher coordinator in the student's~~ 7320  
~~high school, and meets all other requirements of this chapter and~~ 7321  
~~rules adopted pursuant to this chapter.~~ 7322

~~(b) A child care staff member shall be exempt from the~~ 7323  
~~educational requirements of this division if the staff member:~~ 7324

~~(i) Prior to January 1, 1972, was employed or designated by a~~ 7325  
~~child day care center and has been continuously employed since~~ 7326  
~~either by the same child day care center employer or at the same~~ 7327  
~~child day care center; or~~ 7328

~~(ii) Is a student enrolled in the second year of a vocational~~ 7329  
~~child care training program approved by the state board of~~ 7330  
~~education which leads to high school graduation, provided that the~~ 7331  
~~student performs the student's duties in the child day care center~~ 7332  
~~under the continuous supervision of an experienced child care~~ 7333  
~~staff member, receives periodic supervision from the vocational~~ 7334  
~~child care training program teacher coordinator in the student's~~ 7335  
~~high school, and meets all other requirements of this chapter and~~ 7336  
~~rules adopted pursuant to this chapter.~~ 7337

~~(6) Every child care staff member of a child day care center~~ 7338  
~~annually shall complete fifteen hours of inservice training in~~ 7339  
~~child development or early childhood education, child abuse~~ 7340  
~~recognition and prevention, first aid, and in prevention,~~ 7341  
~~recognition, and management of communicable diseases, until a~~ 7342  
~~total of forty five hours of training has been completed, unless~~ 7343  
~~the staff member furnishes one of the following to the director:~~ 7344

~~(a) Evidence of an associate or higher degree in child~~ 7345  
~~development or early childhood education from an accredited~~ 7346  
~~college, university, or technical college;~~ 7347

~~(b) A license designated for teaching in an associate~~ 7348  
~~teaching position in a preschool setting issued by the state board~~ 7349  
~~of education;~~ 7350

~~(c) Evidence of a child development associate credential;~~ 7351

~~(d) Evidence of a preprimary credential from the American 7352  
Montessori society or the association Montessori internationale. 7353  
For the purposes of division (B)(6) of this section, "hour" means 7354  
sixty minutes. 7355~~

~~(7) The administrator of each child day care center shall 7356  
prepare at least once annually and for each group of children at 7357  
the center a roster of names and telephone numbers of parents, 7358  
custodians, or guardians of each group of children attending the 7359  
center and upon request shall furnish the roster for each group to 7360  
the parents, custodians, or guardians of the children in that 7361  
group. The administrator may prepare a roster of names and 7362  
telephone numbers of all parents, custodians, or guardians of 7363  
children attending the center and upon request shall furnish the 7364  
roster to the parents, custodians, or guardians of the children 7365  
who attend the center. The administrator shall not include in any 7366  
roster the name or telephone number of any parent, custodian, or 7367  
guardian who requests the administrator not to include the 7368  
parent's, custodian's, or guardian's name or number and shall not 7369  
furnish any roster to any person other than a parent, custodian, 7370  
or guardian of a child who attends the center. 7371~~

~~(C)(1) Each child day care center shall have on the center 7372  
premises and readily available at all times at least one 7373  
child care staff member who has completed a course in first aid 7374  
and in prevention, recognition, and management of communicable 7375  
diseases which is approved by the state department of health and a 7376  
staff member who has completed a course in child abuse recognition 7377  
and prevention training which is approved by the department of job 7378  
and family services. 7379~~

~~(2) The administrator of each child day care center shall 7380  
maintain enrollment, health, and attendance records for all 7381  
children attending the center and health and employment records 7382~~

~~for all center employees. The records shall be confidential, 7383~~  
~~except as otherwise provided in division (B)(7) of this section 7384~~  
~~and except that they shall be disclosed by the administrator to 7385~~  
~~the director upon request for the purpose of administering and 7386~~  
~~enforcing this chapter and rules adopted pursuant to this chapter. 7387~~  
~~Neither the center nor the licensee, administrator, or employees 7388~~  
~~of the center shall be civilly or criminally liable in damages or 7389~~  
~~otherwise for records disclosed to the director by the 7390~~  
~~administrator pursuant to this division. It shall be a defense to 7391~~  
~~any civil or criminal charge based upon records disclosed by the 7392~~  
~~administrator to the director that the records were disclosed 7393~~  
~~pursuant to this division. 7394~~

~~(3)(a) Any parent who is the residential parent and legal 7395~~  
~~eustodian of a child enrolled in a child day care center and any 7396~~  
~~eustodian or guardian of such a child shall be permitted unlimited 7397~~  
~~access to the center during its hours of operation for the 7398~~  
~~purposes of contacting their children, evaluating the care 7399~~  
~~provided by the center, evaluating the premises of the center, or 7400~~  
~~for other purposes approved by the director. A parent of a child 7401~~  
~~enrolled in a child day care center who is not the child's 7402~~  
~~residential parent shall be permitted unlimited access to the 7403~~  
~~center during its hours of operation for those purposes under the 7404~~  
~~same terms and conditions under which the residential parent of 7405~~  
~~that child is permitted access to the center for those purposes. 7406~~  
~~However, the access of the parent who is not the residential 7407~~  
~~parent is subject to any agreement between the parents and, to the 7408~~  
~~extent described in division (C)(3)(b) of this section, is subject 7409~~  
~~to any terms and conditions limiting the right of access of the 7410~~  
~~parent who is not the residential parent, as described in division 7411~~  
~~(I) of section 3109.051 of the Revised Code, that are contained in 7412~~  
~~a parenting time order or decree issued under that section, 7413~~  
~~section 3109.12 of the Revised Code, or any other provision of the 7414~~  
~~Revised Code. 7415~~

~~(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 5104.05 to 5104.10 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~~ 5104.05 or 5104.051 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~~ 5104.06 of the Revised Code; the educational and experience requirements of ~~division (B)(4) of this section~~ 5104.07

of the Revised Code; the age, educational, and experience 7448  
requirements of ~~division (B)(5) of this section 5104.071 of the~~ 7449  
Revised Code; the number of inservice training hours required 7450  
under ~~division (B)(6) of this section 5104.072 of the Revised~~ 7451  
Code; or the requirement for at least annual preparation of a 7452  
roster for each group of children of names and telephone numbers 7453  
of parents, custodians, or guardians of each group of children 7454  
attending the center that must be furnished upon request to any 7455  
parent, custodian, or guardian of any child in that group required 7456  
under ~~division (B)(7) of this section; however, the 5104.08 of the~~ 7457  
Revised Code. The rules shall, however, provide procedures for 7458  
determining compliance with those requirements. 7459

~~(E)(1) When age groups are combined, the maximum number of~~ 7460  
~~children per child care staff member shall be determined by the~~ 7461  
~~age of the youngest child in the group, except that when no more~~ 7462  
~~than one child thirty months of age or older receives services in~~ 7463  
~~a group in which all the other children are in the next older age~~ 7464  
~~group, the maximum number of children per child care staff member~~ 7465  
~~and maximum group size requirements of the older age group~~ 7466  
~~established under division (B)(3) of this section shall apply.~~ 7467

~~(2) The maximum number of toddlers or preschool children per~~ 7468  
~~child care staff member in a room where children are napping shall~~ 7469  
~~be twice the maximum number of children per child care staff~~ 7470  
~~member established under division (B)(3) of this section if all~~ 7471  
~~the following criteria are met:~~ 7472

~~(a) At least one child care staff member is present in the~~ 7473  
~~room.~~ 7474

~~(b) Sufficient child care staff members are on the child~~ 7475  
~~day care center premises to meet the maximum number of children~~ 7476  
~~per child care staff member requirements established under~~ 7477  
~~division (B)(3) of this section.~~ 7478



~~(c) Naptime preparations are complete and all napping  
children are resting or sleeping on cots.~~ 7479  
7480

~~(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.~~ 7481  
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~~(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:~~ 7484  
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~~(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;~~ 7492  
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~~(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;~~ 7496  
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~~(3) Standards for the supervision, care, and discipline of  
children receiving child care or publicly funded child care in the  
type A home;~~ 7500  
7501  
7502

~~(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;~~ 7503  
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~~(5) Admissions policies and procedures, health care policies~~ 7509

~~and procedures, including, but not limited to, procedures for the~~ 7510  
~~isolation of children with communicable diseases, first aid and~~ 7511  
~~emergency procedures, procedures for discipline and supervision of~~ 7512  
~~children, standards for the provision of nutritious meals and~~ 7513  
~~snacks, and procedures for screening children and employees,~~ 7514  
~~including, but not limited to, any necessary physical examinations~~ 7515  
~~and immunizations;~~ 7516

~~(6) Methods for encouraging parental participation in the~~ 7517  
~~type A home and methods for ensuring that the rights of children,~~ 7518  
~~parents, and employees are protected and that the responsibilities~~ 7519  
~~of parents and employees are met;~~ 7520

~~(7) Procedures for ensuring the safety and adequate~~ 7521  
~~supervision of children traveling off the premises of the type A~~ 7522  
~~home while under the care of a type A home employee;~~ 7523

~~(8) Procedures for record keeping, organization, and~~ 7524  
~~administration;~~ 7525

~~(9) Procedures for issuing, renewing, denying, and revoking a~~ 7526  
~~license that are not otherwise provided for in Chapter 119. of the~~ 7527  
~~Revised Code;~~ 7528

~~(10) Inspection procedures;~~ 7529

~~(11) Procedures and standards for setting initial and renewal~~ 7530  
~~license application fees;~~ 7531

~~(12) Procedures for receiving, recording, and responding to~~ 7532  
~~complaints about type A homes;~~ 7533

~~(13) Procedures for enforcing section 5104.04 of the Revised~~ 7534  
~~Code;~~ 7535

~~(14) A standard requiring the inclusion, on or after July 1,~~ 7536  
~~1987, of a current department of job and family services toll free~~ 7537  
~~telephone number on each type A home provisional license or~~ 7538  
~~license which any person may use to report a suspected violation~~ 7539

~~by the type A home of this chapter or rules adopted pursuant this~~ 7540  
~~chapter;~~ 7541

~~(15) Requirements for the training of administrators and~~ 7542  
~~child care staff members in first aid, in prevention, recognition,~~ 7543  
~~and management of communicable diseases, and in child abuse~~ 7544  
~~recognition and prevention;~~ 7545

~~(16) Procedures to be used by licensees for checking the~~ 7546  
~~references of potential employees of type A homes and procedures~~ 7547  
~~to be used by the director for checking the references of~~ 7548  
~~applicants for licenses to operate type A homes;~~ 7549

~~(17) Standards providing for the special needs of children~~ 7550  
~~who are handicapped or who require treatment for health conditions~~ 7551  
~~while the child is receiving child care or publicly funded child~~ 7552  
~~care in the type A home;~~ 7553

~~(18) Standards for the maximum number of children per~~ 7554  
~~child care staff member;~~ 7555

~~(19) Requirements for the amount of usable indoor floor space~~ 7556  
~~for each child;~~ 7557

~~(20) Requirements for safe outdoor play space;~~ 7558

~~(21) Qualifications and training requirements for~~ 7559  
~~administrators and for child care staff members;~~ 7560

~~(22) Procedures for granting a parent who is the residential~~ 7561  
~~parent and legal custodian, or a custodian or guardian access to~~ 7562  
~~the type A home during its hours of operation;~~ 7563

~~(23) Standards for the preparation and distribution of a~~ 7564  
~~roster of parents, custodians, and guardians;~~ 7565

~~(24) Any other procedures and standards necessary to carry~~ 7566  
~~out this chapter.~~ 7567

~~(G) The director of job and family services shall adopt rules~~ 7568  
~~pursuant to Chapter 119. of the Revised Code governing the~~ 7569

~~certification of type B family day care homes. 7570~~

~~(1) The rules shall include all of the following: 7571~~

~~(a) Procedures, standards, and other necessary provisions for 7572~~  
~~granting limited certification to type B family day care homes 7573~~  
~~that are operated by the following adult providers: 7574~~

~~(i) Persons who provide child care for eligible children who 7575~~  
~~are great grandchildren, grandchildren, nieces, nephews, or 7576~~  
~~siblings of the provider or for eligible children whose caretaker 7577~~  
~~parent is a grandchild, child, niece, nephew, or sibling of the 7578~~  
~~provider; 7579~~

~~(ii) Persons who provide child care for eligible children all 7580~~  
~~of whom are the children of the same caretaker parent; 7581~~

~~(b) Procedures for the director to ensure, that type B homes 7582~~  
~~that receive a limited certification provide child care to 7583~~  
~~children in a safe and sanitary manner; 7584~~

~~(c) Requirements for the type B home to notify parents with 7585~~  
~~children in the type B home that the type B home is also certified 7586~~  
~~as a foster home under section 5103.03 of the Revised Code. 7587~~

~~With regard to providers who apply for limited certification, 7588~~  
~~a provider shall be granted a provisional limited certification on 7589~~  
~~signing a declaration under oath attesting that the provider meets 7590~~  
~~the standards for limited certification. Such provisional limited 7591~~  
~~certifications shall remain in effect for no more than sixty 7592~~  
~~calendar days and shall entitle the provider to offer publicly 7593~~  
~~funded child care during the provisional period. Except as 7594~~  
~~otherwise provided in division (C)(1) of this section, section 7595~~  
~~5104.013 or 5104.09 of the Revised Code, or division (A)(2) of 7596~~  
~~section 5104.11 of the Revised Code, prior to the expiration of 7597~~  
~~the provisional limited certificate, a county department of job 7598~~  
~~and family services shall inspect the home and shall grant limited 7599~~  
~~certification to the provider if the provider meets the 7600~~

~~requirements of this division. Limited certificates remain valid 7601  
for two years unless earlier revoked. Except as otherwise provided 7602  
in division (G)(1) of this section, providers operating under 7603  
limited certification shall be inspected annually. 7604~~

~~If a provider is a person described in division (G)(1)(a)(i) 7605  
of this section or a person described in division (G)(1)(a)(ii) of 7606  
this section who is a friend of the caretaker parent, the provider 7607  
and the caretaker parent may verify in writing to the county 7608  
department of job and family services that minimum health and 7609  
safety requirements are being met in the home. Except as otherwise 7610  
provided in section 5104.013 or 5104.09 or in division (A)(2) of 7611  
section 5104.11 of the Revised Code, if such verification is 7612  
provided, the county shall waive any inspection required by this 7613  
chapter and grant limited certification to the provider. 7614~~

7615

~~(2) The rules shall provide for safeguarding the health, 7616  
safety, and welfare of children receiving child care or publicly 7617  
funded child care in a certified type B home and shall include the 7618  
following: 7619~~

~~(a) Standards for ensuring that the type B home and the 7620  
physical surroundings of the type B home are safe and sanitary, 7621  
including, but not limited to, physical environment, physical 7622  
plant, and equipment; 7623~~

~~(b) Standards for the supervision, care, and discipline of 7624  
children receiving child care or publicly funded child care in the 7625  
home; 7626~~

~~(c) Standards for a program of activities, and for play 7627  
equipment, materials, and supplies to enhance the development of 7628  
each child; however, any educational curricula, philosophies, and 7629  
methodologies that are developmentally appropriate and that 7630  
enhance the social, emotional, intellectual, and physical 7631~~

~~development of each child shall be permissible;~~ 7632

~~(d) Admission policies and procedures, health care, first aid and emergency procedures, procedures for the care of sick children, procedures for discipline and supervision of children, nutritional standards, and procedures for screening children and authorized providers, including, but not limited to, any necessary physical examinations and immunizations;~~ 7633  
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~~(e) Methods of encouraging parental participation and ensuring that the rights of children, parents, and authorized providers are protected and the responsibilities of parents and authorized providers are met;~~ 7639  
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~~(f) Standards for the safe transport of children when under the care of authorized providers;~~ 7643  
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~~(g) Procedures for issuing, renewing, denying, refusing to renew, or revoking certificates;~~ 7645  
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~~(h) Procedures for the inspection of type B homes that require, at a minimum, that each type B home be inspected prior to certification to ensure that the home is safe and sanitary;~~ 7647  
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~~(i) Procedures for record keeping and evaluation;~~ 7650

~~(j) Procedures for receiving, recording, and responding to complaints;~~ 7651  
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~~(k) Standards providing for the special needs of children who are handicapped or who receive treatment for health conditions while the child is receiving child care or publicly funded child care in the type B home;~~ 7653  
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~~(l) Requirements for the amount of usable indoor floor space for each child;~~ 7657  
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~~(m) Requirements for safe outdoor play space;~~ 7659

~~(n) Qualification and training requirements for authorized providers;~~ 7660  
7661

~~(o) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type B home during its hours of operation;~~ 7662  
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~~(p) Requirements for the type B home to notify parents with children in the type B home that the type B home is also certified as a foster home under section 5103.03 of the Revised Code;~~ 7665  
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~~(q) Any other procedures and standards necessary to carry out this chapter.~~ 7668  
7669

~~(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:~~ 7670  
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~~(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;~~ 7685  
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~~(2) Standards for the supervision, care, and discipline of children receiving publicly funded child care in their own home;~~ 7689  
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~~(3) Standards for a program of activities, and for play equipment, materials, and supplies to enhance the development of~~ 7691  
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~~each child; however, any educational curricula, philosophies, and~~ 7693  
~~methodologies that are developmentally appropriate and that~~ 7694  
~~enhance the social, emotional, intellectual, and physical~~ 7695  
~~development of each child shall be permissible;~~ 7696

~~(4) Health care, first aid, and emergency procedures,~~ 7697  
~~procedures for the care of sick children, procedures for~~ 7698  
~~discipline and supervision of children, nutritional standards, and~~ 7699  
~~procedures for screening children and in home aides, including,~~ 7700  
~~but not limited to, any necessary physical examinations and~~ 7701  
~~immunizations;~~ 7702

~~(5) Methods of encouraging parental participation and~~ 7703  
~~ensuring that the rights of children, parents, and in home aides~~ 7704  
~~are protected and the responsibilities of parents and in home~~ 7705  
~~aides are met;~~ 7706

~~(6) Standards for the safe transport of children when under~~ 7707  
~~the care of in home aides;~~ 7708

~~(7) Procedures for issuing, renewing, denying, refusing to~~ 7709  
~~renew, or revoking certificates;~~ 7710

~~(8) Procedures for inspection of homes of children receiving~~ 7711  
~~publicly funded child care in their own homes;~~ 7712

~~(9) Procedures for record keeping and evaluation;~~ 7713

~~(10) Procedures for receiving, recording, and responding to~~ 7714  
~~complaints;~~ 7715

~~(11) Qualifications and training requirements for in home~~ 7716  
~~aides;~~ 7717

~~(12) Standards providing for the special needs of children~~ 7718  
~~who are handicapped or who receive treatment for health conditions~~ 7719  
~~while the child is receiving publicly funded child care in the~~ 7720  
~~child's own home;~~ 7721

~~(13) Any other procedures and standards necessary to carry~~ 7722



~~out this chapter.~~ 7723

~~(I) To the extent that any rules adopted for the purposes of~~ 7724  
~~this section require a health care professional to perform a~~ 7725  
~~physical examination, the rules shall include as a health care~~ 7726  
~~professional a physician assistant, a clinical nurse specialist, a~~ 7727  
~~certified nurse practitioner, or a certified nurse midwife.~~ 7728

~~(J)(1) The director of job and family services shall do all~~ 7729  
~~of the following:~~ 7730

~~(a) Provide or make available in either paper or electronic~~ 7731  
~~form to each licensee notice of proposed rules governing the~~ 7732  
~~licensure of child day care centers and type A homes;~~ 7733

~~(b) Give public notice of hearings regarding the rules to~~ 7734  
~~each licensee at least thirty days prior to the date of the public~~ 7735  
~~hearing, in accordance with section 119.03 of the Revised Code;~~ 7736  
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~~(c) At least thirty days before the effective date of a rule,~~ 7738  
~~provide, in either paper or electronic form, a copy of the adopted~~ 7739  
~~rule to each licensee.~~ 7740

~~(2) The director shall do all of the following:~~ 7741

~~(a) Send to each county director of job and family services a~~ 7742  
~~notice of proposed rules governing the certification of type B~~ 7743  
~~family homes and in-home aides that includes an internet web site~~ 7744  
~~address where the proposed rules can be viewed;~~ 7745

~~(b) Give public notice of hearings regarding the proposed~~ 7746  
~~rules not less than thirty days in advance;~~ 7747

~~(c) Provide to each county director of job and family~~ 7748  
~~services an electronic copy of each adopted rule at least~~ 7749  
~~forty five days prior to the rule's effective date.~~ 7750

~~(3) The county director of job and family services shall~~ 7751  
~~provide or make available in either paper or electronic form to~~ 7752

~~each authorized provider and in home aide copies of proposed rules 7753  
and shall give public notice of hearings regarding the rules to 7754  
each authorized provider and in home aide at least thirty days 7755  
prior to the date of the public hearing, in accordance with 7756  
section 119.03 of the Revised Code. At least thirty days before 7757  
the effective date of a rule, the county director of job and 7758  
family services shall provide, in either paper or electronic form, 7759  
copies of the adopted rule to each authorized provider and in home 7760  
aide. 7761~~

~~(4) Additional copies of proposed and adopted rules shall be 7762  
made available by the director of job and family services to the 7763  
public on request at no charge. 7764~~

~~(5) The director of job and family services shall recommend 7765  
standards for imposing sanctions on persons and entities that are 7766  
licensed or certified under this chapter and that violate any 7767  
provision of this chapter. The standards shall be based on the 7768  
scope and severity of the violations. The director shall provide 7769  
copies of the recommendations to the governor, the speaker and 7770  
minority leader of the house of representatives, and the president 7771  
and minority leader of the senate and, on request, shall make 7772  
copies available to the public. 7773~~

~~(6) The director of job and family services shall adopt rules 7774  
pursuant to Chapter 119. of the Revised Code that establish 7775  
standards for the training of individuals whom any county 7776  
department of job and family services employs, with whom any 7777  
county department of job and family services contracts, or with 7778  
whom the director of job and family services contracts, to inspect 7779  
or investigate type B family day care homes pursuant to section 7780  
5104.11 of the Revised Code. The department shall provide training 7781  
in accordance with those standards for individuals in the 7782  
categories described in this division. 7783~~

~~(K) The director of job and family services shall review all 7784~~

~~rules adopted pursuant to this chapter at least once every seven~~ 7785  
~~years.~~ 7786

~~(L) Notwithstanding any provision of the Revised Code, the~~ 7787  
~~director of job and family services shall not regulate in any way~~ 7788  
~~under this chapter or rules adopted pursuant to this chapter,~~ 7789  
~~instruction in religious or moral doctrines, beliefs, or values.~~ 7790

**Sec. ~~5104.014~~ 5104.012.** The director of job and family 7791  
services shall adopt rules in accordance with Chapter 119. of the 7792  
Revised Code to provide for the licensing of ~~child day care~~ 7793  
child-care centers for children with short-term illnesses and 7794  
other temporary medical conditions. 7795

**Sec. 5104.013.** The director of job and family services shall 7796  
adopt rules pursuant to Chapter 119. of the Revised Code governing 7797  
the operation of type A family child-care homes, including, but 7798  
not limited to, parent cooperative type A homes, part-time type A 7799  
homes, drop-in type A homes, and school child type A homes, which 7800  
shall reflect the various forms of child care and the needs of 7801  
children receiving child care. The rules shall include the 7802  
following: 7803

(A) Submission of a site plan and descriptive plan of 7804  
operation to demonstrate how the type A home proposes to meet the 7805  
requirements of this chapter and rules adopted pursuant to this 7806  
chapter for the initial license application; 7807

(B) Standards for ensuring that the physical surroundings of 7808  
the type A home are safe and sanitary, including, but not limited 7809  
to, the physical environment, the physical plant, and the 7810  
equipment of the type A home; 7811

(C) Standards for the supervision, care, and discipline of 7812  
children receiving child care or publicly funded child care in the 7813  
type A home; 7814

(D) Standards for a program of activities, and for play 7815  
equipment, materials, and supplies, to enhance the development of 7816  
each child; however, any educational curricula, philosophies, and 7817  
methodologies that are developmentally appropriate and that 7818  
enhance the social, emotional, intellectual, and physical 7819  
development of each child shall be permissible; 7820

(E) Admissions policies and procedures, health care policies 7821  
and procedures, including, but not limited to, procedures for the 7822  
isolation of children with communicable diseases, first aid and 7823  
emergency procedures, procedures for discipline and supervision of 7824  
children, standards for the provision of nutritious meals and 7825  
snacks, and procedures for screening children and employees, 7826  
including, but not limited to, any necessary physical examinations 7827  
and immunizations; 7828

(F) Methods for encouraging parental participation in the 7829  
type A home and methods for ensuring that the rights of children, 7830  
parents, and employees are protected and that the responsibilities 7831  
of parents and employees are met; 7832

(G) Procedures for ensuring the safety and adequate 7833  
supervision of children traveling off the premises of the type A 7834  
home while under the care of a type A home employee; 7835

(H) Procedures for record keeping, organization, and 7836  
administration; 7837

(I) Procedures and standards for implementing sections 7838  
5104.03 to 5104.0322 of the Revised Code, including policies and 7839  
standards for all of the following: 7840

(1) Issuing, renewing, denying, and revoking a license that 7841  
are not otherwise provided for in Chapter 119. of the Revised 7842  
Code; 7843

(2) Investigations and inspections; 7844

<u>(3) Setting initial and renewal license application fees;</u>	7845
<u>(4) Receiving, recording, and responding to complaints about type A homes.</u>	7846
	7847
<u>(J) 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>	7848
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	7851
<u>(K) 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>	7852
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<u>(L) 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>	7856
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<u>(M) Standards for the maximum number of children per child-care staff member;</u>	7860
	7861
<u>(N) Requirements for the amount of usable indoor floor space for each child;</u>	7862
	7863
<u>(O) Requirements for safe outdoor play space;</u>	7864
<u>(P) Qualifications and training requirements for administrators and for child-care staff members;</u>	7865
	7866
<u>(Q) 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>	7867
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<u>(R) Standards for the preparation and distribution of a roster of parents, custodians, and guardians;</u>	7870
	7871
<u>(S) Any other procedures and standards necessary to carry out this chapter regarding type A homes.</u>	7872
	7873

Sec. 5104.014. The director of job and family services may 7874  
prescribe additional requirements for licensing child-care centers 7875  
and type A family child-care homes that provide publicly funded 7876  
child care pursuant to this chapter and any rules adopted under 7877  
it. The director shall develop standards as required by federal 7878  
laws and regulations for child-care programs supported by federal 7879  
funds. 7880

Sec. 5104.015. The director of job and family services shall 7881  
adopt rules pursuant to Chapter 119. of the Revised Code governing 7882  
the licensure of type B family child-care homes, including 7883  
part-time licensed type B homes. 7884

The rules shall provide for safeguarding the health, safety, 7885  
and welfare of children receiving child care or publicly funded 7886  
child care in a licensed type B home and shall include the 7887  
following: 7888

(A) Standards for ensuring that the type B home and the 7889  
physical surroundings of the type B home are safe and sanitary, 7890  
including, but not limited to, physical environment, physical 7891  
plant, and equipment; 7892

(B) Standards for the supervision, care, and discipline of 7893  
children receiving child care or publicly funded child care in the 7894  
home; 7895

(C) Standards for a program of activities, and for play 7896  
equipment, materials, and supplies to enhance the development of 7897  
each child; however, any educational curricula, philosophies, and 7898  
methodologies that are developmentally appropriate and that 7899  
enhance the social, emotional, intellectual, and physical 7900  
development of each child shall be permissible; 7901

(D) Admission policies and procedures, health care, first aid 7902  
and emergency procedures, procedures for the care of sick 7903

children, procedures for discipline and supervision of children, 7904  
nutritional standards, and procedures for screening children and 7905  
licensed providers, including, but not limited to, any necessary 7906  
physical examinations and immunizations; 7907

(E) Methods of encouraging parental participation and 7908  
ensuring that the rights of children, parents, and licensed 7909  
providers are protected and the responsibilities of parents and 7910  
licensed providers are met; 7911

(F) Standards for the safe transport of children when under 7912  
the care of licensed providers; 7913

(G) Procedures and standards for implementing sections 7914  
5104.03 to 5104.0322 of the Revised Code, including procedures and 7915  
standards for all of the following: 7916

(1) Issuing, renewing, denying, and revoking a provisional 7917  
license or license that are not otherwise provided for in Chapter 7918  
119. of the Revised Code; 7919

(2) Investigations and inspections; 7920

(3) Setting initial and renewal license application fees; 7921

(4) Receiving, recording, and responding to complaints about 7922  
type B homes. 7923

(H) Procedures for record keeping and evaluation; 7924

(I) Standards providing for the special needs of children who 7925  
are handicapped or who receive treatment for health conditions 7926  
while the child is receiving child care or publicly funded child 7927  
care in the type B home; 7928

(J) Requirements for the amount of usable indoor floor space 7929  
for each child; 7930

(K) Requirements for safe outdoor play space; 7931

(L) Consistent with sections 5104.17, 5104.18, and 5104.19 of 7932

the Revised Code, qualification and training requirements for 7933  
persons seeking a type B home license and licensed providers; 7934

(M) Procedures for granting a parent who is the residential 7935  
parent and legal custodian, or a custodian or guardian access to 7936  
the type B home during its hours of operation; 7937

(N) Requirements for a licensed provider to notify caretaker 7938  
parents of children receiving child care or publicly funded child 7939  
care at the type B home if the home is also certified as a foster 7940  
home under section 5103.03 of the Revised Code; 7941

(O) Any other procedures and standards necessary to carry out 7942  
this chapter regarding licensed type B homes. 7943

**Sec. 5104.016.** The director of job and family services shall 7944  
adopt rules pursuant to Chapter 119. of the Revised Code 7945  
establishing procedures, standards, and other necessary provisions 7946  
for county directors of job and family services to issue and renew 7947  
limited certificates for type B family child-care homes under this 7948  
chapter. The rules shall include both of the following: 7949

(A) Procedures for the director to ensure that providers with 7950  
limited certification provide publicly funded child care in a safe 7951  
and sanitary manner; 7952

(B) Requirements for a provider with limited certification to 7953  
notify caretaker parents of children receiving publicly funded 7954  
child care at the type B home if the home is also certified as a 7955  
foster home under section 5103.03 of the Revised Code. 7956

**Sec. 5104.017.** The director of job and family services shall 7957  
adopt rules pursuant to Chapter 119. of the Revised Code that 7958  
establish standards for the training of individuals whom any 7959  
county department of job and family services employs, with whom 7960  
any county department of job and family services contracts, or 7961  
with whom the director of job and family services contracts, to 7962



investigate or inspect type B family child-care homes seeking or 7963  
holding limited certification pursuant to this chapter. The 7964  
department shall provide training in accordance with those 7965  
standards for individuals in the categories described in this 7966  
section. 7967

**Sec. ~~5104.052~~ 5104.018.** The director of job and family 7968  
services, in cooperation with the fire marshal pursuant to section 7969  
3737.22 of the Revised Code, shall promulgate rules regarding fire 7970  
prevention and fire safety in ~~certified~~ licensed type B family 7971  
child-care homes and type B family ~~day-care~~ child-care homes with 7972  
limited certification. 7973

**Sec. 5104.019.** The director of job and family services, in 7974  
consultation with the director of health, shall adopt rules in 7975  
accordance with Chapter 119. of the Revised Code to implement the 7976  
requirements of section 5104.30 of the Revised Code. The rules may 7977  
prohibit smoking in a child-care center, type A family child-care 7978  
home, licensed type B family child-care home, or type B family 7979  
child-care home with limited certification if its design and 7980  
structure do not allow persons to smoke under the conditions 7981  
described in division (C) of section 5104.30 of the Revised Code 7982  
or if repeated violations of division (A) or (B) of that section 7983  
have occurred there. 7984

**Sec. 5104.0110.** The director of job and family services shall 7985  
adopt rules pursuant to Chapter 119. of the Revised Code governing 7986  
the certification of in-home aides. The rules shall include 7987  
procedures, standards, and other necessary provisions for granting 7988  
limited certification to in-home aides who provide child care for 7989  
eligible children who are great-grandchildren, grandchildren, 7990  
nieces, nephews, or siblings of the in-home aide or for eligible 7991  
children whose caretaker parent is a grandchild, child, niece, 7992

nephew, or sibling of the in-home aide. The rules shall require, 7993  
and shall include procedures for the director to ensure, that 7994  
in-home aides that receive a limited certification provide child 7995  
care to children in a safe and sanitary manner. The rules shall 7996  
provide for safeguarding the health, safety, and welfare of 7997  
children receiving publicly funded child care in their own home 7998  
and shall include the following: 7999

(A) Standards for ensuring that the child's home and the 8000  
physical surroundings of the child's home are safe and sanitary, 8001  
including, but not limited to, physical environment, physical 8002  
plant, and equipment; 8003

(B) Standards for the supervision, care, and discipline of 8004  
children receiving publicly funded child care in their own home; 8005

(C) Standards for a program of activities, and for play 8006  
equipment, materials, and supplies to enhance the development of 8007  
each child; however, any educational curricula, philosophies, and 8008  
methodologies that are developmentally appropriate and that 8009  
enhance the social, emotional, intellectual, and physical 8010  
development of each child shall be permissible; 8011

(D) Health care, first aid, and emergency procedures, 8012  
procedures for the care of sick children, procedures for 8013  
discipline and supervision of children, nutritional standards, and 8014  
procedures for screening children and in-home aides, including, 8015  
but not limited to, any necessary physical examinations and 8016  
immunizations; 8017

(E) Methods of encouraging parental participation and 8018  
ensuring that the rights of children, parents, and in-home aides 8019  
are protected and the responsibilities of parents and in-home 8020  
aides are met; 8021

(F) Standards for the safe transport of children when under 8022

<u>the care of in-home aides;</u>	8023
<u>(G) Procedures for issuing, renewing, denying, refusing to</u>	8024
<u>renew, or revoking certificates;</u>	8025
<u>(H) Procedures for inspection of homes of children receiving</u>	8026
<u>publicly funded child care in their own homes;</u>	8027
<u>(I) Procedures for record keeping and evaluation;</u>	8028
<u>(J) Procedures for receiving, recording, and responding to</u>	8029
<u>complaints;</u>	8030
<u>(K) Qualifications and training requirements for in-home</u>	8031
<u>aides;</u>	8032
<u>(L) Standards providing for the special needs of children who</u>	8033
<u>are handicapped or who receive treatment for health conditions</u>	8034
<u>while the child is receiving publicly funded child care in the</u>	8035
<u>child's own home;</u>	8036
<u>(M) Any other procedures and standards necessary to carry out</u>	8037
<u>this chapter regarding in-home aides.</u>	8038
 <u>Sec. 5104.0111. The director of job and family services shall</u>	8039
<u>adopt rules in accordance with Chapter 119. of the Revised Code to</u>	8040
<u>implement sections 5104.34 to 5104.3413 of the Revised Code,</u>	8041
<u>including rules that establish rehabilitation standards for the</u>	8042
<u>purpose of sections 5104.34, 5104.341, and 5104.342 of the Revised</u>	8043
<u>Code.</u>	8044
 <u>Sec. 5104.0112. To the extent that any rules adopted for the</u>	8045
<u>purposes of sections 5104.011 to 5104.0110 of the Revised Code</u>	8046
<u>require a health care professional to perform a physical</u>	8047
<u>examination, the rules shall include as a health care professional</u>	8048
<u>a physician assistant, a clinical nurse specialist, a certified</u>	8049
<u>nurse practitioner, or a certified nurse-midwife.</u>	8050

Sec. 5104.0113. Notwithstanding any provision of the Revised 8051  
Code, the director of job and family services shall not regulate 8052  
in any way under this chapter or rules adopted pursuant to this 8053  
chapter, instruction in religious or moral doctrines, beliefs, or 8054  
values. 8055

Sec. 5104.0114. The director of job and family services shall 8056  
do all of the following: 8057

(A) Provide or make available in either paper or electronic 8058  
form to each licensee notice of proposed rules governing the 8059  
licensure of child-care centers, type A family child-care homes, 8060  
and type B family child-care homes; 8061

(B) Give public notice of hearings regarding the rules to 8062  
each licensee at least thirty days prior to the date of the public 8063  
hearing, in accordance with section 119.03 of the Revised Code; 8064

(C) At least thirty days before the effective date of a rule, 8065  
provide, in electronic form, a copy of the adopted rule to each 8066  
licensee. 8067

Sec. 5104.0115. (A) The director of job and family services 8068  
shall do all of the following: 8069

(1) Send to each county director of job and family services a 8070  
notice of proposed rules governing the limited certification of 8071  
type B family child-care homes and certification of in-home aides 8072  
that includes an internet web site address where the proposed 8073  
rules can be viewed; 8074

(2) Give public notice of hearings regarding the proposed 8075  
rules not less than thirty days in advance; 8076

(3) Provide to each county director of job and family 8077  
services an electronic copy of each adopted rule at least 8078  
forty-five days prior to the rule's effective date. 8079

(B) Each county director of job and family services shall 8080  
provide or make available in either paper or electronic form to 8081  
each provider with limited certification and certified in-home 8082  
aide located in the county that the county director serves copies 8083  
of the proposed rules for which the county director is given 8084  
notice under division (A) of this section and shall give public 8085  
notice of hearings regarding the rules to each provider with 8086  
limited certification and certified in-home aide located in the 8087  
county that the county director serves at least thirty days prior 8088  
to the date of the public hearing, in accordance with section 8089  
119.03 of the Revised Code. At least thirty days before the 8090  
effective date of a rule, each county director of job and family 8091  
services shall provide, in either paper or electronic form, copies 8092  
of the adopted rule to each provider with limited certification 8093  
and certified in-home aide located in the county that the county 8094  
director serves. 8095

**Sec. 5104.0116.** The director of job and family services shall 8096  
provide copies of rules proposed and adopted under sections 8097  
5104.011 to 5104.0111 of the Revised Code to the public on request 8098  
at no charge. 8099

**Sec. 5104.0117.** The director of job and family services shall 8100  
review all rules adopted pursuant to this chapter at least once 8101  
every seven years. 8102

**Sec. 5104.02.** Except as provided in sections 5104.021 and 8103  
5104.022 of the Revised Code, no person or government entity shall 8104  
do any of the following: 8105

(A) Operate a child-care center, including a head start 8106  
program, without a valid child-care center license or provisional 8107  
license issued under this chapter. 8108

(B) Operate a type A family child-care home without a valid 8109

type A family child-care home license or provisional license 8110  
issued under this chapter. 8111

(C) Operate, on or after three years after the effective date 8112  
of this section, a type B family child-care home without a valid 8113  
type B family child-care home license or provisional license 8114  
issued under this chapter if child care is provided for three to 8115  
six children at one time at the type B home. 8116

**Sec. 5104.02 5104.021.** ~~(A) The director of job and family~~ 8117  
~~services is responsible for the licensing of child day care~~ 8118  
~~centers and type A family day care homes. Each entity operating a~~ 8119  
~~head start program shall meet the criteria for, and be licensed~~ 8120  
~~as, a child day care center. The director is responsible for the~~ 8121  
~~enforcement of this chapter and of rules promulgated pursuant to~~ 8122  
~~this chapter.~~ 8123

~~No person, firm, organization, institution, or agency shall~~ 8124  
~~operate, establish, manage, conduct, or maintain a child day care~~ 8125  
~~center or type A family day care home without a license issued~~ 8126  
~~under section 5104.03 of the Revised Code. The current license~~ 8127  
~~shall be posted in a conspicuous place in the center or type A~~ 8128  
~~home that is accessible to parents, custodians, or guardians and~~ 8129  
~~employees of the center or type A home at all times when the~~ 8130  
~~center or type A home is in operation.~~ 8131

~~(B) A person, firm, institution, organization, or agency~~ 8132  
~~operating any of the following programs is exempt from the~~ 8133  
~~requirements of this chapter~~ Section 5104.02 of the Revised Code 8134  
does not apply to any of the following: 8135

~~(1)(A)~~ A program of child care that operates for two or less 8136  
consecutive weeks; 8137

~~(2)(B)~~ Child care in places of worship during religious 8138  
activities during which children are cared for while at least one 8139

parent, guardian, or custodian of each child is participating in 8140  
such activities and is readily available; 8141

~~(3)~~(C) Religious activities which do not provide child care; 8142

~~(4)~~(D) Supervised training, instruction, or activities of 8143  
children in specific areas, including, but not limited to: art; 8144  
drama; dance; music; gymnastics, swimming, or another athletic 8145  
skill or sport; computers; or an educational subject conducted on 8146  
an organized or periodic basis no more than one day a week and for 8147  
no more than six hours duration; 8148

~~(5)~~(E) Programs in which the director determines that at 8149  
least one parent, custodian, or guardian of each child is on the 8150  
premises of the facility offering child care and is readily 8151  
accessible at all times, except that child care provided on the 8152  
premises at which a parent, custodian, or guardian is employed 8153  
more than two and one-half hours a day ~~shall be licensed in~~ 8154  
~~accordance with division (A) of this~~ is subject to section 5104.02 8155  
of the Revised Code; 8156

~~(6)~~(a)(F)(1) Programs that provide child care funded and 8157  
regulated or operated and regulated by state departments other 8158  
than the department of job and family services or the state board 8159  
of education when the director of job and family services has 8160  
determined that the rules governing the program are equivalent to 8161  
or exceed the rules promulgated pursuant to this chapter. 8162

Notwithstanding ~~any exemption from regulation under this~~ 8163  
~~chapter~~ the previous paragraph, each state department shall submit 8164  
to the director of job and family services a copy of the rules 8165  
that govern programs that provide child care and are regulated or 8166  
operated and regulated by the department. Annually, each state 8167  
department shall submit to the director a report for each such 8168  
program it regulates or operates and regulates that includes the 8169  
following information: 8170

~~(i)~~(a) The site location of the program; 8171

~~(ii)~~(b) The maximum number of infants, toddlers, preschool children, or school children served by the program at one time; 8172  
8173

~~(iii)~~(c) The number of adults providing child care for the number of infants, toddlers, preschool children, or school children; 8174  
8175  
8176

~~(iv)~~(d) Any changes in the rules made subsequent to the time when the rules were initially submitted to the director. 8177  
8178

The director shall maintain a record of the child care information submitted by other state departments and shall provide this information upon request to the general assembly or the public. 8179  
8180  
8181  
8182

~~(b)~~(2) Child care programs conducted by boards of education or by chartered nonpublic schools that are conducted in school buildings and that provide child care to school children only shall be exempt from meeting or exceeding rules promulgated pursuant to this chapter. 8183  
8184  
8185  
8186  
8187

~~(7)~~(G) Any preschool program or school child program, except a head start program, that is subject to licensure by the department of education under sections 3301.52 to 3301.59 of the Revised Code. 8188  
8189  
8190  
8191

~~(8)~~(H) Any program providing child care that meets all of the following requirements and, on October 20, 1987, was being operated by a nonpublic school that holds a charter issued by the state board of education for kindergarten only: 8192  
8193  
8194  
8195

~~(a)~~(1) The nonpublic school has given the notice to the state board and the director of job and family services required by Section 4 of Substitute House Bill No. 253 of the 117th general assembly; 8196  
8197  
8198  
8199

~~(b)~~(2) The nonpublic school continues to be chartered by the 8200



state board for kindergarten, or receives and continues to hold a 8201  
charter from the state board for kindergarten through grade five; 8202

~~(e)(3)~~ The program is conducted in a school building; 8203

~~(d)(4)~~ The program is operated in accordance with rules 8204  
promulgated by the state board under sections 3301.52 to 3301.57 8205  
of the Revised Code. 8206

~~(9)(I)~~ A youth development program operated outside of school 8207  
hours by a community-based center to which all of the following 8208  
apply: 8209

~~(a)(1)~~ The children enrolled in the program are under 8210  
nineteen years of age and enrolled in or eligible to be enrolled 8211  
in a grade of kindergarten or above. 8212

~~(b)(2)~~ The program provides informal child care and at least 8213  
two of the following supervised activities: educational, 8214  
recreational, culturally enriching, social, and personal 8215  
development activities. 8216

~~(e)(3)~~ The state board of education has approved the 8217  
program's participation in the child and adult care food program 8218  
as an outside-school-hours care center pursuant to standards 8219  
established under section 3313.813 of the Revised Code. 8220

~~(d)(4)~~ The community-based center operating the program is 8221  
exempt from federal income taxation pursuant to 26 U.S.C. 501(a) 8222  
and (c)(3). 8223

Sec. 5104.022. A person may provide child care to three to 8224  
six children at one time in a type B family child-care home 8225  
without a license or provisional license issued under this chapter 8226  
if any of the following apply: 8227

(A) The person is under eighteen years of age; 8228

(B) The person does not charge for providing the child care; 8229

(C) The person provides child care for less than ten hours 8230  
per week and less than four weeks per year; 8231

(D) The person is a provider with limited certification. 8232

**Sec. ~~5104.021~~ 5104.023.** The director of job and family 8233  
services may not issue a ~~child day care~~ child-care center ~~or,~~ type 8234  
A family ~~day care~~ child-care home, or type B family child-care 8235  
home license to a youth development program that ~~is exempted by~~ 8236  
division ~~(B)(9)(I)~~ of section ~~5104.02~~ 5104.021 of the Revised Code 8237  
~~from the requirements of this chapter~~ exempts from the prohibition 8238  
of section 5104.02 of the Revised Code. 8239

**Sec. 5104.024.** For the purpose of determining whether a 8240  
facility or residence in which child care is provided is a child 8241  
care center or type A family child care home as defined in section 8242  
5104.01 of the Revised Code, both of the following shall be 8243  
counted: 8244

(A) Children under six years of age who are on the premises 8245  
of the facility or residence and related to the owner, 8246  
administrator, or an employee of the facility or residence; 8247

(B) Children under fifteen years of age who are on the 8248  
premises of the facility or residence and to whom the owner, 8249  
administrator, or an employee of the facility or residence 8250  
provides child care or other type of care for remuneration paid by 8251  
a person or government entity. 8252

**Sec. 5104.025.** For the purpose of determining whether a 8253  
residence in which child care is provided is a type B family child 8254  
care home as defined in section 5104.01 of the Revised Code, both 8255  
of the following shall be counted: 8256

(A) Children under six years of age who are on the premises 8257  
of the residence and related to the individual responsible for the 8258

daily operation of the child care provided at the residence; 8259

(B) Children under fifteen years of age who are on the 8260  
premises of the residence and to whom the individual responsible 8261  
for child care provided at the residence provides child care or 8262  
other type of care for remuneration paid by a person or government 8263  
entity. 8264

**Sec. 5104.03.** ~~(A) Any person, firm, organization,~~ 8265  
~~institution, or agency government entity desiring to establish~~ 8266  
~~operate a child day-care child-care center or type A family~~ 8267  
~~day-care home shall apply for a license to the director of job and~~ 8268  
~~family services on such form as the director prescribes for a~~ 8269  
~~child-care center license. The director shall provide at no charge~~ 8270  
~~to each applicant for licensure a copy of the child care license~~ 8271  
~~requirements in Chapter 5104. of the Revised Code and of the rules~~ 8272  
~~adopted pursuant to Chapter 5104. of the Revised Code. The~~ 8273  
~~director shall mail application forms for renewal of license at~~ 8274  
~~least one hundred twenty days prior to the date of expiration of~~ 8275  
~~the license, and the application for renewal shall be filed with~~ 8276  
~~the director at least sixty days before the date of expiration.~~ 8277  
~~Fees shall be set by the director pursuant to section 5104.011 of~~ 8278  
~~the Revised Code and shall be paid at the time of application for~~ 8279  
~~or renewal of a license to operate a center or type A home. Fees~~ 8280  
~~collected under this section shall be paid into the state treasury~~ 8281  
~~to the credit of the general revenue fund~~ Any person desiring to 8282  
operate a type A family child-care home shall apply to the 8283  
director for a type A home license. Any person desiring to operate 8284  
a type B family child-care home that may not be operated without a 8285  
license shall apply to the director for a type B home license. Any 8286  
person desiring to provide publicly funded child care in a type B 8287  
home shall apply to the director for a type B home license unless 8288  
the person is a provider with limited certification. Application 8289  
shall be made on a form the director prescribes. 8290

8291

~~(B) Upon filing of the application for a license, the~~ 8292  
~~director shall investigate and inspect the center or type A home~~ 8293  
~~to determine the license capacity for each age category of~~ 8294  
~~children of the center or type A home and to determine whether the~~ 8295  
~~center or type A home complies with Chapter 5104. of the Revised~~ 8296  
~~Code and rules adopted pursuant to Chapter 5104. of the Revised~~ 8297  
~~Code. When, after investigation and inspection, the director is~~ 8298  
~~satisfied that Chapter 5104. of the Revised Code and rules adopted~~ 8299  
~~pursuant to Chapter 5104. of the Revised Code are complied with,~~ 8300  
~~subject to division (G) of this section, a provisional license~~ 8301  
~~shall be issued as soon as practicable in such form and manner as~~ 8302  
~~prescribed by the director. The provisional license shall be valid~~ 8303  
~~for six months from the date of issuance unless revoked.~~ 8304

~~(C) The director shall investigate and inspect the center or~~ 8305  
~~type A home at least once during operation under the provisional~~ 8306  
~~license. If after the investigation and inspection the director~~ 8307  
~~determines that the requirements of Chapter 5104. of the Revised~~ 8308  
~~Code and rules adopted pursuant to Chapter 5104. of the Revised~~ 8309  
~~Code are met, subject to division (G) of this section, the~~ 8310  
~~director shall issue a license to be effective for two years from~~ 8311  
~~the date of issuance of the provisional license.~~ 8312

~~(D) Upon the filing of an application for renewal of a~~ 8313  
~~license by the center or type A home, the director shall~~ 8314  
~~investigate and inspect the center or type A home. If the director~~ 8315  
~~determines that the requirements of Chapter 5104. and rules~~ 8316  
~~adopted pursuant to Chapter 5104. of the Revised Code are met,~~ 8317  
~~subject to division (G) of this section, the director shall renew~~ 8318  
~~the license to be effective for two years from the expiration date~~ 8319  
~~of the previous license.~~ 8320

~~(E) The license or provisional license shall state the name~~ 8321  
~~of the licensee, the name of the administrator, the address of the~~ 8322

~~center or type A home, and the license capacity for each age 8323~~  
~~category of children. After July 1, 1987, the provisional license 8324~~  
~~or license shall include thereon, in accordance with section 8325~~  
~~5104.011 of the Revised Code, the toll-free telephone number to be 8326~~  
~~used by persons suspecting that the center or type A home has 8327~~  
~~violated a provision of Chapter 5104., or rules adopted pursuant 8328~~  
~~to Chapter 5104. of the Revised Code. A license or provisional 8329~~  
~~license is valid only for the licensee, administrator, address, 8330~~  
~~and license capacity for each age category of children designated 8331~~  
~~on the license. The license capacity specified on the license or 8332~~  
~~provisional license is the maximum number of children in each age 8333~~  
~~category that may be cared for in the center or type A home at one 8334~~  
~~time. 8335~~

~~The center or type A home licensee shall notify the director 8336~~  
~~when the administrator of the center or home changes. The director 8337~~  
~~shall amend the current license or provisional license to reflect 8338~~  
~~a change in an administrator, if the administrator meets the 8339~~  
~~requirements of Chapter 5104. of the Revised Code and rules 8340~~  
~~adopted pursuant to Chapter 5104. of the Revised Code, or a change 8341~~  
~~in license capacity for any age category of children as determined 8342~~  
~~by the director of job and family services. 8343~~

~~(F) If the director revokes a license or refuses to renew a 8344~~  
~~license to a center or a type A home, the director shall not issue 8345~~  
~~a license to the owner of the center or type A home within two 8346~~  
~~years from the date of the revocation of a license or refusal to 8347~~  
~~renew a license. If during the application for licensure or 8348~~  
~~renewal of licensure process the director determines that the 8349~~  
~~license of the owner has been revoked or renewal of licensure has 8350~~  
~~been denied, the investigation of the center or type A home shall 8351~~  
~~cease, and shall not constitute denial of the application. All 8352~~  
~~actions of the director with respect to licensing centers or type 8353~~  
~~A homes, renewing a license, refusal to license or renew a 8354~~

~~license, and revocation of a license shall be in accordance with 8355~~  
~~Chapter 119. of the Revised Code. Any applicant who is denied a 8356~~  
~~license or any owner whose license is not renewed or is revoked 8357~~  
~~may appeal in accordance with section 119.12 of the Revised Code. 8358~~

~~(G) In no case shall the director issue a provisional license 8359~~  
~~or license, or renew a license, under this section for a type A 8360~~  
~~home or center if the director, based on documentation provided by 8361~~  
~~the appropriate county department of job and family services, 8362~~  
~~determines that the applicant previously had been certified as a 8363~~  
~~type B family day care home, that the county department revoked 8364~~  
~~that certification, that the revocation was based on the 8365~~  
~~applicant's refusal or inability to comply with the criteria for 8366~~  
~~certification, and that the refusal or inability resulted in a 8367~~  
~~risk to the health or safety of children. 8368~~

Sec. 5104.031. The director of job and family services shall 8369  
provide at no charge to each applicant for a child-care center, 8370  
type A family child-care home, or type B family child-care home 8371  
license a copy of the applicable licensure requirements of this 8372  
chapter and rules adopted under this chapter. 8373

Sec. 5104.032. On filing of an application for a child-care 8374  
center, type A family child-care home, or type B family child-care 8375  
home license, the director of job and family services shall 8376  
investigate the applicant and inspect the applicant's center, type 8377  
A home, or type B home to determine whether the applicant and 8378  
center, type A home, or type B home are in compliance with the 8379  
applicable requirements of this chapter and rules adopted under 8380  
this chapter and determine the license capacity for each age 8381  
category of children of the center, type A home, or type B home. 8382  
If after the investigation and inspection the director determines 8383  
that the applicable requirements of this chapter and rules adopted 8384  
under it are met, the director, except as otherwise provided by 8385

this chapter, shall issue a provisional license to the applicant 8386  
as soon as practicable in such form and manner as prescribed by 8387  
the director. If the application is for a type B home license, the 8388  
director shall complete the investigation and inspection, 8389  
determine whether the applicable requirements are met, and if the 8390  
applicable requirements are met, issue the provisional license not 8391  
later than sixty days after receiving the completed application. 8392  
The provisional license shall be valid for six months from the 8393  
date of issuance unless revoked earlier. 8394

**Sec. 5104.033.** The director of job and family services shall 8395  
investigate a licensee and inspect the licensee's child-care 8396  
center, type A family child-care home, or type B family child-care 8397  
home at least once during the center, type A home, or type B 8398  
home's operation under a provisional license. If after the 8399  
investigation and inspection the director determines that the 8400  
applicable requirements of this chapter and rules adopted under 8401  
this chapter are met, the director, except as otherwise provided 8402  
by this chapter, shall issue a license to the licensee. The 8403  
license shall be effective for two years from the date of issuance 8404  
of the provisional license unless revoked earlier. 8405

**Sec. 5104.034.** The director of job and family services shall 8406  
mail application forms for renewal of a child-care center, type A 8407  
family child-care home, or type B family child-care home license 8408  
at least one hundred twenty days prior to the date of expiration 8409  
of the license. The application for renewal shall be filed with 8410  
the director at least sixty days before the date of expiration. 8411

**Sec. 5104.035.** On the filing of an application for renewal of 8412  
a child-care center, type A family child-care home, or type B 8413  
family child-care home license, the director of job and family 8414  
services shall investigate the licensee and inspect the licensee's 8415

center, type A home, or type B home. If the director determines 8416  
that the applicable requirements of this chapter and rules adopted 8417  
under this chapter are met, the director, except as otherwise 8418  
provided by this chapter, shall renew the licensee's license. The 8419  
renewed license shall be effective for two years from the 8420  
expiration date of the previous license unless revoked earlier. 8421

Sec. 5104.036. The fee for a child-care center, type A family 8422  
child-care home, or type B family child-care home license, as set 8423  
in rules adopted under sections 5104.011, 5104.013, and 5104.014 8424  
of the Revised Code, shall be paid at the times of application for 8425  
issuance and renewal of the license. Fees collected under this 8426  
section shall be paid into the child care regulatory fund which is 8427  
hereby created in the state treasury. The department of job and 8428  
family services shall use the money in the fund to pay for the 8429  
department's administrative expenses in licensing child-care 8430  
centers, type A homes, and type B homes. 8431

Sec. 5104.037. A child-care center, type A family child-care 8432  
home, and type B family child-care home provisional license and 8433  
license shall state the name of the licensee, the name of the 8434  
administrator, the address of the center, type A home, or type B 8435  
home, and the license capacity for each age category of children. 8436

A provisional license and license are valid only for the 8437  
licensee, administrator, address, and license capacity for each 8438  
age category of children stated on the provisional license or 8439  
license. The license capacity specified on the provisional license 8440  
or license is the maximum number of children in each age category 8441  
that may be cared for in the center, type A home, or type B home 8442  
at one time. 8443

The licensee of a child-care center or type A family 8444  
child-care home shall notify the director of job and family 8445



services when the administrator of the center or type A home 8446  
changes. The director shall amend the center or type A home's 8447  
current provisional license or license to reflect the change if 8448  
the administrator meets the requirements of this chapter and rules 8449  
adopted under this chapter. The director shall also amend the 8450  
center or type A home's provisional license or license to reflect 8451  
a change in license capacity for any age category of children as 8452  
the director determines. 8453

**Sec. 5104.038.** The licensee of each child-care center, type A 8454  
family child-care home, and type B family child-care home shall 8455  
post the current license of the center, type A home, or type B 8456  
home in a conspicuous place in the center, type A home, or type B 8457  
home that is accessible to caretaker parents of children who 8458  
receive child care at the center, type A home, or type B home and 8459  
to employees of the center or type A home at all times when child 8460  
care is provided at the center, type A home, or type B home. 8461

**Sec. 5104.04 5104.039.** ~~(A) The department of job and family~~ 8462  
~~services shall establish procedures to be followed in~~ 8463  
~~investigating, inspecting, and licensing child day care centers~~ 8464  
~~and type A family day care homes.~~ 8465

~~(B)(1)(a) The department director of job and family services~~ 8466  
shall, at least twice during every twelve-month period of 8467  
operation of a licensed child-care center or, type A family 8468  
child-care home, or type B family child-care home, inspect the 8469  
center ~~or, type A home, or type B home.~~ The ~~department~~ director 8470  
shall inspect a licensed part-time center ~~or, part-time type A~~ 8471  
home, or part-time type B home at least once during every 8472  
twelve-month period of operation. The ~~department~~ director shall 8473  
provide a written inspection report to the licensee within a 8474  
reasonable time after each inspection. The licensee shall display 8475  
all written reports of inspections conducted during the current 8476

licensing period in a conspicuous place in the center ~~or~~, type A 8477  
home, or type B home. 8478

At least one inspection shall be unannounced and all 8479  
inspections may be unannounced. No person, ~~firm, organization,~~ 8480  
~~institution, or agency~~ shall interfere with the inspection of a 8481  
center ~~or~~, type A home, or type B home by any state or local 8482  
official engaged in performing duties required of the state or 8483  
local official by ~~Chapter 5104. of the Revised Code~~ this chapter 8484  
~~or rules adopted pursuant to Chapter 5104. of the Revised Code~~ 8485  
under this chapter, including inspecting the center ~~or~~, type A 8486  
home, or type B home, reviewing records, or interviewing 8487  
licensees, employees, children, or caretaker parents. 8488

~~(b) Upon receipt of any complaint that a center or type A~~ 8489  
~~home is out of compliance with the requirements of Chapter 5104.~~ 8490  
~~of the Revised Code or rules adopted pursuant to Chapter 5104. of~~ 8491  
~~the Revised Code, the department shall investigate the center or~~ 8492  
~~home, and both of the following apply:~~ 8493

~~(i) If the complaint alleges that a child suffered physical~~ 8494  
~~harm while receiving child care at the center or home or that the~~ 8495  
~~noncompliance alleged in the complaint involved, resulted in, or~~ 8496  
~~poses a substantial risk of physical harm to a child receiving~~ 8497  
~~child care at the center or home, the department shall inspect the~~ 8498  
~~center or home.~~ 8499

~~(ii) If division (B)(1)(b)(i) of this section does not apply~~ 8500  
~~regarding the complaint, the department may inspect the center or~~ 8501  
~~home.~~ 8502

~~(c) Division (B)(1)(b) of this section does not limit,~~ 8503  
~~restrict, or negate any duty of the department to inspect a center~~ 8504  
~~or type A home that otherwise is imposed under this section, or~~ 8505  
~~any authority of the department to inspect a center or type A home~~ 8506  
~~that otherwise is granted under this section when the department~~ 8507

~~believes the inspection is necessary and it is permitted under the~~ 8508  
~~grant.~~ 8509

~~(2) If the department implements an instrument based program~~ 8510  
~~monitoring information system, it may use an indicator checklist~~ 8511  
~~to comply with division (B)(1) of this section.~~ 8512

~~(3) The department shall contract with a third party by the~~ 8513  
~~first day of October in each even numbered year to collect~~ 8514  
~~information concerning the amounts charged by the center or home~~ 8515  
~~for providing child care services for use in establishing~~ 8516  
~~reimbursement ceilings and payment pursuant to section 5104.30 of~~ 8517  
~~the Revised Code. The third party shall compile the information~~ 8518  
~~and report the results of the survey to the department not later~~ 8519  
~~than the first day of December in each even numbered year.~~ 8520

~~(C) In the event a licensed center or type A home is~~ 8521  
~~determined to be out of compliance with the requirements of~~ 8522  
~~Chapter 5104. of the Revised Code or rules adopted pursuant to~~ 8523  
~~Chapter 5104. of the Revised Code, the department shall notify the~~ 8524  
~~licensee of the center or type A home in writing regarding the~~ 8525  
~~nature of the violation, what must be done to correct the~~ 8526  
~~violation, and by what date the correction must be made. If the~~ 8527  
~~correction is not made by the date established by the department,~~ 8528  
~~the department may commence action under Chapter 119. of the~~ 8529  
~~Revised Code to revoke the license.~~ 8530

~~(D) The department may deny or revoke a license, or refuse to~~ 8531  
~~renew a license of a center or type A home, if the applicant~~ 8532  
~~knowingly makes a false statement on the application, does not~~ 8533  
~~comply with the requirements of Chapter 5104. or rules adopted~~ 8534  
~~pursuant to Chapter 5104. of the Revised Code, or has pleaded~~ 8535  
~~guilty to or been convicted of an offense described in section~~ 8536  
~~5104.09 of the Revised Code.~~ 8537

~~(E) If the department finds, after notice and hearing~~ 8538

~~pursuant to Chapter 119. of the Revised Code, that any person, 8539  
firm, organization, institution, or agency licensed under section 8540  
5104.03 of the Revised Code is in violation of any provision of 8541  
Chapter 5104. of the Revised Code or rules adopted pursuant to 8542  
Chapter 5104. of the Revised Code, the department may issue an 8543  
order of revocation to the center or type A home revoking the 8544  
license previously issued by the department. Upon the issuance of 8545  
any order of revocation, the person whose license is revoked may 8546  
appeal in accordance with section 119.12 of the Revised Code. 8547~~

~~(F) The surrender of a center or type A home license to the 8548  
department or the withdrawal of an application for licensure by 8549  
the owner or administrator of the center or type A home shall not 8550  
prohibit the department from instituting any of the actions set 8551  
forth in this section. 8552~~

~~(G) Whenever the department receives a complaint, is advised, 8553  
or otherwise has any reason to believe that a center or type A 8554  
home is providing child care without a license issued or renewed 8555  
pursuant to section 5104.03 and is not exempt from licensing 8556  
pursuant to section 5104.02 of the Revised Code, the department 8557  
shall investigate the center or type A home and may inspect the 8558  
areas children have access to or areas necessary for the care of 8559  
children in the center or type A home during suspected hours of 8560  
operation to determine whether the center or type A home is 8561  
subject to the requirements of Chapter 5104. or rules adopted 8562  
pursuant to Chapter 5104. of the Revised Code. 8563~~

~~(H) The department, upon determining that the center or type 8564  
A home is operating without a license, shall notify the attorney 8565  
general, the prosecuting attorney of the county in which the 8566  
center or type A home is located, or the city attorney, village 8567  
solicitor, or other chief legal officer of the municipal 8568  
corporation in which the center or type A home is located, that 8569  
the center or type A home is operating without a license. Upon 8570~~

~~receipt of the notification, the attorney general, prosecuting attorney, city attorney, village solicitor, or other chief legal officer of a municipal corporation shall file a complaint in the court of common pleas of the county in which the center or type A home is located requesting that the court grant an order enjoining the owner from operating the center or type A home in violation of section 5104.02 of the Revised Code. The court shall grant such injunctive relief upon a showing that the respondent named in the complaint is operating a center or type A home and is doing so without a license.~~

~~(I) The department shall prepare an annual report on inspections conducted under this section. The report shall include the number of inspections conducted, the number and types of violations found, and the steps taken to address the violations. The department shall file the report with the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives on or before the first day of January of each year, beginning in 1999.~~

Sec. 5104.0310. The director of job and family services shall provide for a phone line with a toll-free telephone number that persons may call to complain to the department of job and family services that a licensee or child-care center, type A family child-care home, or type B family child-care home is not in compliance with the requirements of this chapter or the rules adopted under this chapter, other than the requirements for limited certification of type B homes, or otherwise is in violation of a prohibition of this chapter. The toll-free telephone number and an explanation of its purpose shall be printed on each provisional license and license issued to child-care centers, type A homes, and type B homes.

Sec. 5104.0311. A county department of job and family

services, public children services agency, or child care resource 8602  
and referral service organization that receives a complaint that a 8603  
child-care center, type A family child-care home, or type B family 8604  
child-care home is not in compliance with the requirements of this 8605  
chapter or the rules adopted under this chapter or otherwise is in 8606  
violation of a prohibition of this chapter shall refer the 8607  
complaint to the department of job and family services unless the 8608  
complaint concerns a provider with limited certification not being 8609  
in compliance with the requirements for limited certification. If 8610  
the complaint alleges an immediate threat of harm to a child, the 8611  
county department or organization shall notify the public children 8612  
services agency serving the county in which the center, type A 8613  
home, or type B home is located of the complaint. 8614

**Sec. 5104.0312.** (A) On receipt of any complaint that a 8615  
child-care center, type A family child-care home, or type B family 8616  
child-care home is not in compliance with the requirements of this 8617  
chapter or the rules adopted under this chapter, other than the 8618  
requirements for limited certification of type B homes, or 8619  
otherwise is in violation of a prohibition of this chapter, the 8620  
department of job and family services shall investigate the 8621  
center, type A home, or type B home. If the complaint alleges an 8622  
immediate threat of harm to a child, the department shall initiate 8623  
the investigation not later than twenty-four hours after receiving 8624  
the complaint and notify the public children services agency 8625  
serving the county in which the center, type A home, or type B 8626  
home is located of the complaint. Regarding inspections: 8627

(1) The department shall inspect the center, type A home, or 8628  
type B home if the complaint alleges either of the following: 8629

(a) That a child suffered physical harm while receiving child 8630  
care at the center, type A home, or type B home; 8631

(b) That the noncompliance involved, resulted in, or poses a 8632  
substantial risk of physical harm to a child receiving child care 8633  
at the center, type A home, or type B home. 8634

(2) The department may inspect the center, type A home, or 8635  
type B home if division (A)(1) of this section does not apply. 8636

(B) Division (A) of this section does not limit, restrict, or 8637  
negate either of the following: 8638

(1) Any duty of the department to inspect a child-care 8639  
center, type A family child-care home, or type B family child-care 8640  
home that otherwise is imposed under this chapter; 8641

(2) Any authority of the department to inspect a center, type 8642  
A home, or type B home that otherwise is granted under this 8643  
chapter when the department believes the inspection is necessary 8644  
and it is permitted under the grant. 8645

**Sec. 5104.0313.** If the department of job and family services 8646  
implements an instrument-based program monitoring information 8647  
system, it may use an indicator checklist to comply with sections 8648  
5104.039 and 5104.0312 of the Revised Code. 8649

**Sec. 5104.0314.** In the event a licensee or licensed 8650  
child-care center, type A family child-care home, or type B family 8651  
child-care home is determined to be not in compliance with the 8652  
requirements of this chapter or the rules adopted under this 8653  
chapter or otherwise is in violation of a prohibition of this 8654  
chapter, the department of job and family services shall notify 8655  
the licensee in writing regarding the nature of the violation, 8656  
what must be done to correct the violation, and by what date the 8657  
correction must be made. If the correction is not made by the date 8658  
established by the department, the department may commence action 8659  
under section 5104.0317 of the Revised Code to revoke the 8660  
provisional license or license. 8661

Sec. 5104.0315. Whenever the department of job and family services receives a complaint, is advised, or otherwise has any reason to believe that a child-care center, type A family child-care home, or type B family child-care home is providing child care without a valid provisional license issued or valid license issued or renewed pursuant to this chapter and is not exempt from licensing pursuant to section 5104.021 or 5104.022 of the Revised Code, the department shall investigate and may inspect the areas children have access to or areas necessary for the care of children in the center, type A home, or type B home during suspected hours of operation to determine whether the center, type A home, or type B home is in violation of section 5104.02 of the Revised Code.

The department, on determining that the center, type A home, or type B home is operating without a required, valid provisional license or license, shall notify the attorney general, the prosecuting attorney of the county in which the center, type A home, or type B home is located, or the city attorney, village solicitor, or other chief legal officer of the municipal corporation in which the center, type A home, or type B home is located, that the center, type A home, or type B home is operating without a required, valid provisional license or license. On receipt of the notice, the attorney general, prosecuting attorney, city attorney, village solicitor, or other chief legal officer of a municipal corporation shall file a complaint in the court of common pleas of the county in which the center, type A home, or type B home is located requesting that the court grant an order enjoining the owner from operating the center, type A home, or type B home in violation of section 5104.02 of the Revised Code. The court shall grant such injunctive relief on a showing that the respondent named in the complaint is operating a center, type A home, or type B home and is doing so without a required, valid



provisional license or license. 8694

Sec. 5104.0316. The director of job and family services shall 8695  
prepare an annual report on inspections conducted under sections 8696  
5104.03 to 5104.0322 of the Revised Code. The report shall include 8697  
the number of inspections conducted, the number and types of 8698  
violations found, and the steps taken to address the violations. 8699  
The director shall file the report with the governor, the 8700  
president and minority leader of the senate, and the speaker and 8701  
minority leader of the house of representatives on or before the 8702  
first day of January of each year. 8703

Sec. 5104.0317. The director of job and family services may 8704  
refuse to issue a provisional license or license for a child-care 8705  
center, type A family child-care home, or type B family child-care 8706  
home, revoke such a provisional license or license, or refuse to 8707  
renew such a license if the applicant for or licensee holding the 8708  
provisional license or license or the center, type A home, or type 8709  
B home is not in compliance with the requirements of this chapter 8710  
or the rules adopted under this chapter or otherwise is in 8711  
violation of a prohibition of this chapter. 8712

All actions the director takes under this section shall be 8713  
taken in accordance with Chapter 119. of the Revised Code. Subject 8714  
to section 5104.202 of the Revised Code, any person who is refused 8715  
a provisional license or license, whose provisional license or 8716  
license is revoked, or whose license renewal is refused may take 8717  
actions authorized by Chapter 119. of the Revised Code, including 8718  
appealing an order issued pursuant to an adjudication in 8719  
accordance with section 119.12 of the Revised Code. 8720

Sec. 5104.0318. The surrender of a provisional license or 8721  
license of a child-care center, type A family child-care home, or 8722  
type B family child-care home to the department of job and family 8723

services or the withdrawal of an application for licensure by the 8724  
owner or administrator of the center or type A home or owner of 8725  
the type B home shall not prohibit the department from instituting 8726  
any of the actions authorized by section 5104.0317 of the Revised 8727  
Code. 8728

Sec. 5104.0319. If the director of job and family services 8729  
revokes or refuses to renew a child-care center, type A family 8730  
child-care home, or type B family child-care home license, the 8731  
director shall not issue a license to the owner of the center, 8732  
type A home, or type B home within two years from the date of the 8733  
revocation or refusal. If during the application for licensure or 8734  
renewal of licensure process the director determines that the 8735  
owner has had a center, type A home, or type B home license 8736  
revoked or refused renewal, the investigation conducted as part of 8737  
the application or renewal process shall cease. The cessation 8738  
shall not constitute denial of the application. 8739

Sec. 5104.0320. In no case shall the director of job and 8740  
family services issue a provisional license or license, or renew a 8741  
license, for a child-care center, type A family child-care home, 8742  
or type B family child-care home if the director, based on 8743  
documentation provided by the appropriate county department of job 8744  
and family services, determines that all of the following apply: 8745

(A) The applicant previously had been certified as a type B 8746  
family day-care home or had been a type B home with limited 8747  
certification; 8748

(B) The county department revoked that certification or 8749  
limited certification; 8750

(C) The revocation was based on the applicant's refusal or 8751  
inability to comply with the criteria for certification or limited 8752  
certification; 8753

(D) The refusal or inability resulted in a risk to the health 8754  
or safety of children. 8755

**Sec. ~~5104.022~~ 5104.0321.** ~~The department~~ In no case shall the 8756  
director of job and family services shall not issue a provisional 8757  
license or license for a prospective type A family day-care 8758  
child-care home if that prospective family day-care the type A 8759  
home is certified to be as a foster home or specialized foster 8760  
home pursuant to Chapter 5103. of the Revised Code. A county 8761  
~~department of job and family services~~ In no case shall not certify 8762  
the director issue a provisional license or license for a 8763  
~~prospective type B family day-care child-care~~ home if that 8764  
~~prospective family day-care the type B~~ home is certified to be as 8765  
a specialized foster home pursuant to Chapter 5103. of the Revised 8766  
Code. 8767

**Sec. 5104.0322.** No person shall make a false statement on an 8768  
application for an initial or renewed license to operate a 8769  
child-care center, type A family child-care home, or type B family 8770  
child-care home or other document used in the process of issuing 8771  
or renewing such a license or as part of an investigation of an 8772  
applicant or licensee or inspection of a center, type A home, or 8773  
type B home. 8774

**Sec. ~~5104.05~~ 5104.04.** (A) The director of job and family 8775  
services ~~shall~~ may not issue a provisional license or license to a 8776  
child-care center or renew a child-care center's license ~~for the~~ 8777  
~~operation of a child day-care center, if unless~~ the director 8778  
~~finds, after investigation of the applicant and inspection of the~~ 8779  
~~center, that other requirements of Chapter 5104. of the Revised~~ 8780  
~~Code, rules promulgated pursuant to Chapter 5104. of the Revised~~ 8781  
~~Code, and the child-care center meets all of~~ the following 8782  
requirements ~~are met:~~ 8783

(1) The buildings in which the center is housed, subsequent 8784  
to any major modification, have been approved by the department of 8785  
commerce or a certified municipal, township, or county building 8786  
department for the purpose of operating a ~~child day care~~ 8787  
child-care center. Any structure used for the operation of a 8788  
center shall be constructed, equipped, repaired, altered, and 8789  
maintained in accordance with applicable provisions of Chapters 8790  
3781. and 3791. of the Revised Code and with regulations adopted 8791  
by the board of building standards under Chapter 3781. of the 8792  
Revised Code and this division for the safety and sanitation of 8793  
structures erected for this purpose. 8794

(2) The state fire marshal or the fire chief or fire 8795  
prevention officer of the municipal corporation or township in 8796  
which the center is located has inspected the center annually 8797  
within the preceding license period and has found the center to be 8798  
in compliance with rules promulgated by the fire marshal pursuant 8799  
to section 3737.83 of the Revised Code regarding fire prevention 8800  
and fire safety in a ~~child day care~~ child-care center. 8801

(3) The center has received a food service operation license 8802  
under Chapter 3717. of the Revised Code if meals are to be served 8803  
to children other than children of the licensee or administrator, 8804  
whether or not a consideration is received for the meals. 8805

(B) The director of job and family services ~~shall~~ may not 8806  
issue a provisional license or license to a type A family 8807  
child-care home or renew a type A home's license ~~for the operation~~ 8808  
~~of a type A family day care home, if~~ unless the director finds, 8809  
~~after investigation of the applicant and inspection of the type A~~ 8810  
~~home, that other requirements of Chapter 5104. of the Revised~~ 8811  
~~Code, rules promulgated pursuant to Chapter 5104. of the Revised~~ 8812  
~~Code, and~~ the type A home meets all of the following requirements 8813  
~~are met:~~ 8814

(1) The state fire marshal or the fire chief or fire 8815

prevention officer of the municipal corporation or township in 8816  
which the type A family ~~day-care~~ child-care home is located has 8817  
inspected the type A home annually within the preceding license 8818  
period and has found the type A home to be in compliance with 8819  
rules promulgated by the fire marshal pursuant to section 3737.83 8820  
of the Revised Code regarding fire prevention and fire safety in a 8821  
type A home. 8822

(2) The type A home is in compliance with rules set by the 8823  
director of job and family services in cooperation with the 8824  
director of health pursuant to section 3701.80 of the Revised Code 8825  
regarding meal preparation and meal service in the home. The 8826  
director of job and family services, in accordance with procedures 8827  
recommended by the director of health, shall inspect each type A 8828  
home to determine compliance with those rules. 8829

(3) The type A home is in compliance with rules promulgated 8830  
by the director of job and family services in cooperation with the 8831  
board of building standards regarding safety and sanitation 8832  
pursuant to section 3781.10 of the Revised Code. 8833

**Sec. ~~5104.051~~ 5104.041.** (A)(1) The department of commerce is 8834  
responsible for the inspections of ~~child-day-care~~ child-care 8835  
centers as required by division (A)(1) of section ~~5104.05~~ 5104.04 8836  
of the Revised Code. Where there is a municipal, township, or 8837  
county building department certified under section 3781.10 of the 8838  
Revised Code to exercise enforcement authority with respect to the 8839  
category of building occupancy which includes ~~day-care~~ centers, 8840  
all inspections required under division (A)(1) of section ~~5104.05~~ 8841  
5104.04 of the Revised Code shall be made by that department 8842  
according to the standards established by the board of building 8843  
standards. Inspections in areas of the state where there is no 8844  
municipal, township, or county building department certified under 8845  
section 3781.10 of the Revised Code to exercise enforcement 8846

authority with respect to the category of building occupancy which 8847  
includes ~~day-care~~ centers shall be made by personnel of the 8848  
department of commerce. Inspections of centers shall be contingent 8849  
upon payment of a fee by the applicant to the department having 8850  
jurisdiction to inspect. 8851

(2) The department of commerce is responsible for the 8852  
inspections of type A family ~~day-care~~ child-care homes as required 8853  
by division (B)(3) of section ~~5104.05~~ 5104.04 of the Revised Code. 8854  
Where there is a municipal, township, or county building 8855  
department certified under section 3781.10 of the Revised Code to 8856  
exercise enforcement authority with respect to the category of 8857  
building occupancy which includes type A homes, all inspections 8858  
required under division (B)(3) of section ~~5104.05~~ 5104.04 of the 8859  
Revised Code shall be made by that department according to the 8860  
standards established by the board of building standards. 8861  
Inspections in areas of the state where there is no municipal, 8862  
township, or county building department certified under section 8863  
3781.10 of the Revised Code to exercise enforcement authority with 8864  
respect to the category of building occupancy which includes type 8865  
A homes shall be made by personnel of the department of commerce. 8866  
Inspections of type A homes shall be contingent upon payment of a 8867  
fee by the applicant to the department having jurisdiction to 8868  
inspect. 8869

(B) The state fire marshal is responsible for the inspections 8870  
required by divisions (A)(2) and (B)(1) of section ~~5104.05~~ 5104.04 8871  
of the Revised Code. In municipal corporations and in townships 8872  
outside municipal corporations where there is a fire prevention 8873  
official, the inspections shall be made by the fire chief or the 8874  
fire prevention official under the supervision of and according to 8875  
the standards established by the state fire marshal. In townships 8876  
outside municipal corporations where there is no fire prevention 8877  
official, inspections shall be made by the employees of the state 8878

fire marshal. 8879

(C) The fire marshal shall enforce all statutes and rules 8880  
pertaining to fire safety and fire prevention in ~~child-day-care~~ 8881  
child-care centers and type A family ~~day-care~~ child-care homes. In 8882  
the event of a dispute between the marshal and any other 8883  
responsible officer under sections ~~5104.05~~ 5104.04 and ~~5104.051~~ 8884  
5104.041 of the Revised Code with respect to the interpretation or 8885  
application of a specific fire safety statute or rule, the 8886  
interpretation of the marshal shall prevail. 8887

(D) As used in this division, "licensor" has the same meaning 8888  
as in section 3717.01 of the Revised Code. 8889

The licensor for food service operations in the city or 8890  
general health district in which the center is located is 8891  
responsible for the inspections required under Chapter 3717. of 8892  
the Revised Code. 8893

(E) Any moneys collected by the department of commerce under 8894  
this section shall be paid into the state treasury to the credit 8895  
of the industrial compliance operating fund created in section 8896  
121.084 of the Revised Code. 8897

**Sec. 5104.05.** (A) Each child-care center shall have, for each 8898  
child for whom the center is licensed, at least thirty-five square 8899  
feet of wall-to-wall usable, indoor floor space regularly 8900  
available for the child-care operation. Except as provided in 8901  
division (B) of this section, none of the following may be counted 8902  
toward this indoor floor space: 8903

(1) The parts of the structure in which the care of children 8904  
is prohibited by law or by rules adopted by the board of building 8905  
standards; 8906

(2) Hallways, kitchens, storage areas, or any other areas 8907  
that are not available for the care of children, as determined by 8908

the director of job and family services; 8909

(3) Bathrooms unless they are used exclusively by children 8910  
enrolled in the center. 8911

(B) Hallways, kitchens, storage areas, bathrooms not used 8912  
exclusively by children enrolled in the center, and other areas 8913  
not available for the care of children may count toward the 8914  
minimum of thirty-five square feet of usable, indoor floor space 8915  
in a child-care center that was licensed prior to or on September 8916  
1, 1986, if the center either continues under licensure after that 8917  
date or is issued a new license after that date solely due to a 8918  
change of ownership of the center. 8919

**Sec. 5104.051.** (A) Except as provided by divisions (B) and 8920  
(C) of this section, each child-care center shall have on the site 8921  
a safe, outdoor play space that is enclosed by a fence or 8922  
otherwise protected from traffic or other hazards. The play space 8923  
shall contain not less than sixty square feet per child using the 8924  
play space at any one time and shall provide an opportunity for 8925  
supervised outdoor play each day in suitable weather. 8926

(B) The director of job and family services may exempt a 8927  
child-care center from the requirement of division (A) of this 8928  
section if an outdoor play space is not available and all of the 8929  
following requirements are met: 8930

(1) The center provides an indoor recreation area that has 8931  
not less than sixty square feet per child using the area at any 8932  
one time, has a minimum of one thousand four hundred forty square 8933  
feet of space, and is separate from the indoor space required 8934  
under section 5104.05 of the Revised Code. 8935

(2) The director has determined that there is regularly 8936  
available and scheduled for use a conveniently accessible and safe 8937  
park, playground, or similar outdoor play area for play or 8938



recreation. 8939

(3) The children are closely supervised during play and while 8940  
traveling to and from the area. 8941

(C) The director shall exempt from the requirement of 8942  
division (A) of this section a child-care center that was licensed 8943  
prior to September 1, 1986, if the center received approval from 8944  
the director prior to September 1, 1986, to use a park, 8945  
playground, or similar area, not connected with the center, for 8946  
play or recreation in lieu of the outdoor space requirements of 8947  
this section and the children are closely supervised both during 8948  
play and while traveling to and from the area. The director shall 8949  
terminate such a child-care center's exemption from the 8950  
requirement of division (A) of this section if the director 8951  
determines upon investigation and inspection pursuant to section 8952  
5104.035 or 5104.0312 of the Revised Code and rules adopted under 8953  
section 5104.011 of the Revised Code that the park, playground, or 8954  
similar area or access to and from the park, playground, or 8955  
similar area is unsafe for the children. 8956

**Sec. 5104.06.** (A) Each child-care center shall have at least 8957  
two responsible adults available on the premises at all times when 8958  
seven or more children are in the center. Each center shall 8959  
organize the children in the center in small groups, shall provide 8960  
child-care staff to give continuity of care and supervision to the 8961  
children on a day-by-day basis, and shall ensure that no child is 8962  
left alone or unsupervised. 8963

Except as provided by divisions (B) and (C) of this section, 8964  
the maximum number of children per child-care staff member and 8965  
maximum group size, by age category of children, are as follows: 8966

<u>Age Category of</u>	<u>Maximum Number of</u>	<u>Maximum Group Size</u>	8967
<u>Children</u>	<u>Children Per</u>		
	<u>Child-Care Staff</u>		

	<u>Member</u>		
<u>Less than twelve months old</u>	<u>5:1 or 12:2 if two child-care staff members are in the room</u>	<u>12</u>	8968
<u>At least twelve months old but less than eighteen months old</u>	<u>6:1</u>	<u>12</u>	8969
<u>At least eighteen months old but less than thirty months old</u>	<u>7:1</u>	<u>14</u>	8970
<u>At least thirty months old but less than three years old</u>	<u>8:1</u>	<u>16</u>	8971
<u>Three years old</u>	<u>12:1</u>	<u>24</u>	8972
<u>At least four years old but less than six years old and not school children</u>	<u>14:1</u>	<u>28</u>	8973
<u>Enrolled or eligible to be enrolled in a grade of kindergarten or above but less than eleven years old</u>	<u>18:1</u>	<u>36</u>	8974
<u>At least eleven years old but less than fifteen years old</u>	<u>20:1</u>	<u>40</u>	8975
<u>(B)(1) Except as provided in division (B)(2) of this section, the maximum number of children per child-care staff member requirements of the younger age group and the maximum group size requirements of the younger age group shall apply when age groups are combined.</u>			8976 8977 8978 8979 8980
<u>(2) When not more than one child thirty months of age or</u>			8981

older receives child care in a group in which all the other 8982  
children are in the next older age group, the maximum number of 8983  
children per child-care staff member and maximum group size 8984  
requirements of the older age group established under division (A) 8985  
of this section shall apply. 8986

(C)(1) Subject to the limitation established by division 8987  
(C)(2) of this section, the maximum number of toddlers or 8988  
preschool children per child-care staff member in a room where 8989  
children are napping shall be twice the maximum number of children 8990  
per child-care staff member established under division (A) of this 8991  
section if all of the following criteria are met: 8992

(a) At least one child-care staff member is present in the 8993  
room. 8994

(b) Sufficient child-care staff members are on the child-care 8995  
center premises to meet the maximum number of children per 8996  
child-care staff member requirements established under division 8997  
(A) of this section. 8998

(c) Naptime preparations are complete and all napping 8999  
children are resting or sleeping on cots. 9000

(2) The maximum number established under division (C)(1) of 9001  
this section is in effect for not more than one and one-half hours 9002  
during a twenty-four-hour day. 9003

**Sec. 5104.061.** Each child-care center shall have on the 9004  
center premises and readily available at all times at least one 9005  
child-care staff member who has completed a course in first aid 9006  
and in prevention, recognition, and management of communicable 9007  
diseases that is approved by the state department of health and a 9008  
staff member who has completed a course in child abuse recognition 9009  
and prevention training which is approved by the department of job 9010  
and family services. 9011

Sec. 5104.07. (A) The administrator of each child-care center 9012  
shall show the director of job and family services evidence of 9013  
both of the following: 9014

(1) At least high school graduation or certification of high 9015  
school equivalency by the state board of education or the 9016  
appropriate agency of another state; 9017

(2) Completion of at least two years of training in an 9018  
accredited college, university, or technical college, including 9019  
courses in child development or early childhood education, or at 9020  
least two years of experience in supervising and giving daily care 9021  
to children attending an organized group program. 9022

(B) In addition to the requirements of division (A) of this 9023  
section, any administrator employed or designated on or after 9024  
September 1, 1986, shall show evidence of, and any administrator 9025  
employed or designated prior to September 1, 1986, shall show 9026  
evidence within six years after such date of, at least one of the 9027  
following: 9028

(1) Two years of experience working as a child-care staff 9029  
member in a center and at least four courses in child development 9030  
or early childhood education from an accredited college, 9031  
university, or technical college, except that a person who has two 9032  
years of experience working as a child-care staff member in a 9033  
particular center and who has been promoted to or designated as 9034  
administrator of that center shall have one year from the time the 9035  
person was promoted to or designated as administrator to complete 9036  
the required four courses; 9037

(2) Two years of training, including at least four courses in 9038  
child development or early childhood education from an accredited 9039  
college, university, or technical college; 9040

(3) A child development associate credential issued by the 9041

national child development associate credentialing commission; 9042

(4) An associate or higher degree in child development or 9043  
early childhood education from an accredited college, technical 9044  
college, or university, or a license designated for teaching in an 9045  
associate teaching position in a preschool setting issued by the 9046  
state board of education. 9047

**Sec. 5104.071.** (A) Except as provided in divisions (B) and 9048  
(C) of this section, all child-care staff members of each 9049  
child-care center shall be at least eighteen years of age and 9050  
shall furnish the director of job and family services evidence of 9051  
either of the following: 9052

(1) At least high school graduation or certification of high 9053  
school equivalency by the state board of education or the 9054  
appropriate agency of another state; 9055

(2) Completion of a training program approved by the 9056  
department of job and family services or state board of education. 9057

(B) A child-care staff member may be less than eighteen years 9058  
of age if the staff member is either of the following: 9059

(1) A graduate of a two-year vocational child-care training 9060  
program approved by the state board of education; 9061

(2) A student enrolled in the second year of a vocational 9062  
child-care training program approved by the state board of 9063  
education that leads to high school graduation, provided that the 9064  
student performs the student's duties in the child-care center 9065  
under the continuous supervision of an experienced child-care 9066  
staff member, receives periodic supervision from the vocational 9067  
child-care training program teacher-coordinator in the student's 9068  
high school, and meets all other requirements of this chapter and 9069  
rules adopted pursuant to this chapter. 9070

(C) A child-care staff member is exempt from the educational 9071

requirements of division (A) of this section if either one applies 9072  
to the staff member: 9073

(1) Prior to January 1, 1972, the staff member was employed 9074  
or designated by a child-care center and has been continuously 9075  
employed since either by the same child-care center employer or at 9076  
the same child-care center. 9077

(2) The staff member is a student enrolled in the second year 9078  
of a vocational child-care training program approved by the state 9079  
board of education that leads to high school graduation, provided 9080  
that the student performs the student's duties in the child-care 9081  
center under the continuous supervision of an experienced 9082  
child-care staff member, receives periodic supervision from the 9083  
vocational child-care training program teacher-coordinator in the 9084  
student's high school, and meets all other requirements of this 9085  
chapter and rules adopted pursuant to this chapter. 9086

**Sec. 5104.072.** (A) As used in this section, "hour" means 9087  
sixty minutes. 9088

(B) Except as provided in division (C) of this section, every 9089  
child care staff member of each child-care center annually shall 9090  
complete fifteen hours of in-service training in child development 9091  
or early childhood education, child abuse recognition and 9092  
prevention, first aid, and in prevention, recognition, and 9093  
management of communicable diseases, until a total of forty-five 9094  
hours of training has been completed. 9095

(C) A child care staff member is exempt from the requirements 9096  
of division (B) of this section if the staff member furnishes one 9097  
of the following to the director of job and family services: 9098

(1) Evidence of an associate or higher degree in child 9099  
development or early childhood education from an accredited 9100  
college, university, or technical college; 9101

(2) A license designated for teaching in an associate 9102  
teaching position in a preschool setting issued by the state board 9103  
of education; 9104

(3) Evidence of a child development associate credential; 9105

(4) Evidence of a preprimary credential from the American 9106  
Montessori society or the association Montessori internationale. 9107

**Sec. 5104.08.** The administrator of each child-care center 9108  
shall prepare at least once annually and for each group of 9109  
children at the center a roster of names and telephone numbers of 9110  
parents, custodians, or guardians of each group of children 9111  
attending the center and upon request shall furnish the roster for 9112  
each group to the parents, custodians, or guardians of the 9113  
children in that group. The administrator may prepare a roster of 9114  
names and telephone numbers of all parents, custodians, or 9115  
guardians of children attending the center and upon request shall 9116  
furnish the roster to the parents, custodians, or guardians of the 9117  
children who attend the center. The administrator shall not 9118  
include in any roster the name or telephone number of any parent, 9119  
custodian, or guardian who requests the administrator not to 9120  
include the parent's, custodian's, or guardian's name or number 9121  
and shall not furnish any roster to any person other than a 9122  
parent, custodian, or guardian of a child who attends the center. 9123

**Sec. 5104.09.** The administrator of each child-care center 9124  
shall maintain enrollment, health, and attendance records for all 9125  
children attending the center and health and employment records 9126  
for all center employees. The records shall be confidential, 9127  
except as otherwise provided in section 5104.08 of the Revised 9128  
Code and except that the administrator shall disclose the records 9129  
to the director of job and family services on request for the 9130  
purpose of administering and enforcing this chapter and rules 9131

adopted pursuant to this chapter. Neither the center nor the 9132  
licensee, administrator, or employees of the center shall be 9133  
civilly or criminally liable in damages or otherwise for records 9134  
the administrator discloses to the director pursuant to this 9135  
section. It shall be a defense to any civil or criminal charge 9136  
based on records the administrator discloses to the director that 9137  
the records were disclosed pursuant to this section. 9138

**Sec. 5104.10.** (A) Any parent who is the residential parent 9139  
and legal custodian of a child enrolled in a child-care center and 9140  
any custodian or guardian of such a child shall be permitted 9141  
unlimited access to the center during its hours of operation for 9142  
the purposes of contacting their children, evaluating the care 9143  
provided by the center, evaluating the premises of the center, or 9144  
for other purposes approved by the director of job and family 9145  
services. A parent of a child enrolled in a child day-care center 9146  
who is not the child's residential parent shall be permitted 9147  
unlimited access to the center during its hours of operation for 9148  
those purposes under the same terms and conditions under which the 9149  
residential parent of that child is permitted access to the center 9150  
for those purposes. However, the access of the parent who is not 9151  
the residential parent is subject to any agreement between the 9152  
parents and, to the extent described in division (B) of this 9153  
section, is subject to any terms and conditions limiting the right 9154  
of access of the parent who is not the residential parent, as 9155  
described in division (I) of section 3109.051 of the Revised Code, 9156  
that are contained in a parenting time order or decree issued 9157  
under that section, section 3109.12 of the Revised Code, or any 9158  
other provision of the Revised Code. 9159

(B) If a parent who is the residential parent of a child has 9160  
presented the administrator or the administrator's designee with a 9161  
copy of a parenting time order that limits the terms and 9162



conditions under which the parent who is not the residential 9163  
parent is to have access to the center, as described in division 9164  
(I) of section 3109.051 of the Revised Code, the parent who is not 9165  
the residential parent shall be provided access to the center only 9166  
to the extent authorized in the order. If the residential parent 9167  
has presented such an order, the parent who is not the residential 9168  
parent shall be permitted access to the center only in accordance 9169  
with the most recent order that has been presented to the 9170  
administrator or the administrator's designee by the residential 9171  
parent or the parent who is not the residential parent. 9172

(C) Upon entering the premises pursuant to division (A) or 9173  
(B) of this section, the parent who is the residential parent and 9174  
legal custodian, the parent who is not the residential parent, or 9175  
the custodian or guardian shall notify the administrator or the 9176  
administrator's designee of the parent's, custodian's, or 9177  
guardian's presence. 9178

**Sec. 5104.11.** No administrator, licensee, or child-care staff 9179  
member of a child-care center shall discriminate in the enrollment 9180  
of children in the center on the basis of race, color, religion, 9181  
sex, or national origin. 9182

**Sec. 5104.10** **5104.15.** No employer shall discharge, demote, 9183  
suspend, or threaten to discharge, demote, suspend, or in any 9184  
manner discriminate against any employee based solely on the 9185  
employee taking any of the following actions: 9186

(A) Making any good faith oral or written complaint to the 9187  
director of job and family services or other agency responsible 9188  
for enforcing Chapter 5104. of the Revised Code regarding a 9189  
violation of this chapter or the rules adopted pursuant to Chapter 9190  
5104. of the Revised Code; 9191

(B) Instituting or causing to be instituted any proceeding 9192

against the employer under section ~~5104.04~~ 5104.0317 of the 9193  
Revised Code; 9194

(C) Acting as a witness in any proceeding under section 9195  
~~5104.04~~ 5104.0317 of the Revised Code; 9196

(D) Refusing to perform work that constitutes a violation of 9197  
Chapter 5104., or the rules adopted pursuant to Chapter 5104. of 9198  
the Revised Code. 9199

**Sec. 5104.17.** A person seeking a type B family child-care 9200  
home license shall complete not less than four hours of training 9201  
in accordance with rules adopted under section 5104.015 of the 9202  
Revised Code. The training shall include an overview of all of the 9203  
following: 9204

(A) Licensing requirements, including requirements regarding 9205  
health, safety, and equipment; 9206

(B) Developmentally appropriate practice; 9207

(C) Publicly funded child care; 9208

(D) Benefits of the child and adult care food program 9209  
established under the "National School Lunch Act," 60 Stat. 230 9210  
(1946), 42 U.S.C. 1751, as amended; 9211

(E) Child care resource and referral services; 9212

(F) Accreditation by nongovernmental entities; 9213

(G) The voluntary child-care center quality-rating program 9214  
established pursuant to division (C)(3)(d) of section 5104.50 of 9215  
the Revised Code; 9216

(H) Early learning content standards; 9217

(I) Taxes and book-keeping; 9218

(J) Career pathways; 9219

(K) Teacher education and compensation helps (TEACH) 9220

<u>scholarships;</u>	9221
<u>(L) Shaken baby syndrome as defined in section 3701.63 of the</u>	9222
<u>Revised Code.</u>	9223
<u>Sec. 5104.18. A licensed provider shall do both of the</u>	9224
<u>following in accordance with rules adopted under section 5104.015</u>	9225
<u>of the Revised Code during the first year that the licensed</u>	9226
<u>provider holds a type B family child-care home license:</u>	9227
<u>(A) Complete not less than six hours of training on health</u>	9228
<u>and safety issues, including issues regarding both of the</u>	9229
<u>following:</u>	9230
<u>(1) Child abuse and neglect recognition and reporting;</u>	9231
<u>(2) Communicable diseases.</u>	9232
<u>(B) Complete training on cardiopulmonary resuscitation and</u>	9233
<u>first aid.</u>	9234
<u>Sec. 5104.19. A licensed provider shall do both of the</u>	9235
<u>following in accordance with rules adopted under section 5104.015</u>	9236
<u>of the Revised Code during the second and each subsequent year</u>	9237
<u>that the licensed provider holds a type B family child-care home</u>	9238
<u>license:</u>	9239
<u>(A) Complete not less than twelve hours of training on issues</u>	9240
<u>specified in the rules, including issues regarding child</u>	9241
<u>nutrition;</u>	9242
<u>(B) Complete training on all of the following:</u>	9243
<u>(1) Cardiopulmonary resuscitation and first aid;</u>	9244
<u>(2) Child abuse and neglect recognition and reporting;</u>	9245
<u>(3) Communicable diseases.</u>	9246
<u>Sec. 5104.20. The director of job and family services shall</u>	9247

establish a dispute resolution process for complaints that persons 9248  
seeking a type B family child-care home license and licensed 9249  
providers have regarding licensure of type B homes. The director 9250  
may adopt rules in accordance with Chapter 119. of the Revised 9251  
Code as necessary to establish the process. 9252

**Sec. 5104.201.** The director of job and family services shall 9253  
establish a child-care ombudsperson program under which the 9254  
director appoints a statewide child-care ombudsperson, regional 9255  
child-care ombudspersons, or both to do both of the following: 9256

(A) Utilize the dispute resolution process established under 9257  
section 5104.20 of the Revised Code to do both of the following: 9258

(1) Accept complaints from persons seeking a type B family 9259  
child-care home license and licensed providers regarding licensure 9260  
of type B homes; 9261

(2) Attempt to settle the complaints informally. 9262

(B) Ensure that the appropriate authority responds to a 9263  
complaint accepted under the dispute resolution process that 9264  
concerns an immediate threat of harm to a child. 9265

**Sec. 5104.202.** A person seeking a type B family child-care 9266  
home license and a licensed provider shall utilize the dispute 9267  
resolution process established under section 5104.20 of the 9268  
Revised Code before requesting a hearing under Chapter 119. of the 9269  
Revised Code if the person or provider has a dispute regarding a 9270  
type B home license. 9271

**Sec. 5104.21.** The director of job and family services shall 9272  
establish an ongoing public awareness program regarding the 9273  
licensure of type B family child-care homes. The program shall be 9274  
aimed at providers of child-care and publicly funded child care 9275

and caretaker parents of children in need of child care or 9276  
publicly funded child care. The program shall include information 9277  
about where providers and caretaker parents may obtain more 9278  
specific information about the licensure of type B homes. 9279

**Sec. 5104.25.** A limited certificate for a type B family 9280  
child-care home is available only to the following persons who 9281  
meet the standards for a limited certificate established by this 9282  
chapter and rules adopted under this chapter: 9283

(A) A person who seeks to provide publicly funded child care 9284  
in the person's type B home to not more than two children at one 9285  
time; 9286

(B) A person who seeks to provide publicly funded child care 9287  
in the person's type B home to not more than six children at one 9288  
time all of whom are the person's grandchildren, 9289  
great-grandchildren, nieces, nephews, grand nieces, grand nephews, 9290  
or siblings; 9291

(C) A person who seeks to provide publicly funded child care 9292  
in the person's type B home to not more than six children at one 9293  
time all of whom have the same caretaker parent. 9294

**Sec. 5104.251.** A person seeking a limited certificate for a 9295  
type B family child-care home shall apply in accordance with 9296  
procedures established in rules adopted under section 5104.016 of 9297  
the Revised Code to the county director of job and family services 9298  
of the county in which the person resides. The county director 9299  
shall provide the person at no charge a copy of the rules for 9300  
limited certification of type B homes. 9301

**Sec. 5104.252.** Except as otherwise provided by this chapter, 9302  
a county director of job and family services shall issue a 9303  
provisional limited certificate to a person who applies for the 9304

limited certificate if the person signs a declaration under oath 9305  
attesting that the standards for limited certification are met. A 9306  
provisional limited certificate shall remain valid for not more 9307  
than sixty calendar days and shall entitle the person to provide 9308  
publicly funded child care in the person's type B home during the 9309  
period it is valid. 9310

**Sec. 5104.253.** Before the expiration of a provisional limited 9311  
certificate, a county director of job and family services shall 9312  
investigate the provider with limited certification and, at the 9313  
county director's discretion, either cause the type B family 9314  
child-care home with limited certification to be inspected to 9315  
determine whether the type B home meets the standards for limited 9316  
certification or obtain from the provider and a caretaker parent 9317  
of each child to whom the provider provides publicly funded child 9318  
care written verification that the type B home meets the standards 9319  
for limited certification. Except as otherwise provided by this 9320  
chapter, the county director shall issue a limited certificate to 9321  
the provider if the investigation and inspection or written 9322  
verification show that the standards for limited certification are 9323  
met. The limited certificate remains valid for two years unless 9324  
earlier revoked and shall entitle the provider to provide publicly 9325  
funded child care in the type B home during the period it is 9326  
valid. The limited certificate may be renewed in accordance with 9327  
procedures established in rules adopted under section 5104.016 of 9328  
the Revised Code. 9329

**Sec. 5104.254.** A county director of job and family services, 9330  
at the county director's discretion, shall either cause a type B 9331  
family child-care home with limited certification to be inspected 9332  
annually to determine whether the standards for limited 9333  
certification continue to be met or obtain from the provider with 9334

limited certification and a caretaker parent of each child to whom 9335  
the provider provides publicly funded child care annual written 9336  
verification that the standards for limited certification continue 9337  
to be met. 9338

**Sec. 5104.255.** (A) On receipt of a complaint that a type B 9339  
family child-care home with limited certification is not in 9340  
compliance with the standards for limited certification or 9341  
otherwise is in violation of a prohibition of this chapter, a 9342  
county director of job and family services shall investigate the 9343  
type B home. In addition to the investigation, the county 9344  
director: 9345

(1) Shall inspect the type B home if the complaint alleges 9346  
either of the following: 9347

(a) That a child suffered physical harm while receiving 9348  
publicly funded child care at the type B home; 9349

(b) That the noncompliance involved, resulted in, or poses a 9350  
substantial risk of physical harm to a child receiving publicly 9351  
funded child care at the type B home. 9352

(2) May inspect the type B home if division (A)(1) of this 9353  
section does not apply. 9354

(B) Division (A) of this section does not limit, restrict, or 9355  
negate any authority granted by this chapter to a county director 9356  
to inspect a type B home with limited certification when the 9357  
county director believes the inspection is necessary and it is 9358  
permitted under the grant. 9359

**Sec. 5104.256.** A provider with limited certification shall 9360  
permit a county director of job and family services to inspect any 9361  
part of the provider's type B family child-care home. The county 9362  
director shall prepare a written report of each inspection and 9363

furnish one copy to the provider within a reasonable time after 9364  
the inspection. 9365

Sec. 5104.257. On receipt of an application for a type B 9366  
family child-care home limited certificate or for renewal of such 9367  
a limited certificate, a county director of job and family 9368  
services shall request information concerning any abuse or neglect 9369  
report made pursuant to section 2151.421 of the Revised Code of 9370  
which the applicant, any other adult residing in the applicant's 9371  
home, or a person designated by the applicant to be an emergency 9372  
or substitute caregiver for the applicant is the subject. The 9373  
county director shall make the request to a public children 9374  
services agency until the uniform statewide automated child 9375  
welfare information system has been finalized statewide. The 9376  
county director shall make the request to the uniform statewide 9377  
automated child welfare information system via the state 9378  
department of job and family services once the system is 9379  
implemented statewide as reported to public children services 9380  
agencies under division (C) of section 5101.13 of the Revised 9381  
Code. 9382

A county director shall consider any information provided to 9383  
the county director under this section and any information a 9384  
public children services agency provides the county director 9385  
pursuant to section 5153.175 of the Revised Code for the purposes 9386  
of section 5104.258 of the Revised Code. 9387

Sec. 5104.258. A county director of job and family services 9388  
may refuse to issue a provisional limited certificate for a type B 9389  
family child-care home or limited certificate for a type B home, 9390  
revoke such a provisional limited certificate or limited 9391  
certificate, or refuse to renew such a limited certificate if 9392  
either of the following apply: 9393



(A) The applicant for the limited certificate, provider with 9394  
limited certification, or the type B home is not in compliance 9395  
with the requirements of this chapter or the rules adopted under 9396  
this chapter or otherwise is in violation of a prohibition of this 9397  
chapter. 9398

(B) The county director, based on information provided to it 9399  
under section 5104.257 or 5153.175 of the Revised Code, determines 9400  
that the information, when viewed within the totality of the 9401  
circumstances, reasonably leads to the conclusion that the 9402  
applicant for the limited certificate or provider with limited 9403  
certification may directly or indirectly endanger the health, 9404  
safety, or welfare of children. 9405

Sec. 5104.259. In no case shall a county director of job and 9406  
family services issue a provisional limited certificate or limited 9407  
certificate for a type B family child-care home if the type B home 9408  
is certified as a specialized foster home pursuant to Chapter 9409  
5103. of the Revised Code. 9410

Sec. 5104.2510. A provider with limited certification shall 9411  
post the provider's limited certificate in a conspicuous place in 9412  
the type B family child-care home that is accessible to caretaker 9413  
parents at all times. The limited certificate shall state the name 9414  
and address of the provider, the maximum number of children who 9415  
may be cared for at any one time in the type B home, the 9416  
expiration date of the limited certification, and the name and 9417  
telephone number of the county director of job and family services 9418  
who issued the limited certificate. 9419

Sec. 5104.2511. (A) Except as provided in division (B) of 9420  
this section, a provider with limited certification is an 9421  
independent contractor and is not an employee of the county 9422  
department of job and family services that issues the limited 9423

certification. 9424

(B) For purposes of Chapter 4141. of the Revised Code, 9425  
determinations concerning the employment of a provider with 9426  
limited certification shall be determined under Chapter 4141. of 9427  
the Revised Code. 9428

Sec. 5104.2512. No person shall make a false statement on an 9429  
application for an initial or renewed type B family child-care 9430  
home limited certificate or other document used in the process of 9431  
issuing or renewing such a limited certificate or as part of an 9432  
investigation or inspection of a type B home. 9433

Sec. 5104.13 5104.2513. No later than July 1, 1998, and at 9434  
reasonable intervals thereafter, the department of job and family 9435  
services shall publish a guide describing state statutes and rules 9436  
governing the limited certification of type B family ~~day-care~~ 9437  
child-care homes. The department shall distribute the guide to 9438  
county departments of job and family services in sufficient number 9439  
that a copy is available to each ~~type B home~~ provider with limited 9440  
certification. 9441

Sec. 5104.053 5104.27. As a precondition of approval by the 9442  
state board of education pursuant to section 3313.813 of the 9443  
Revised Code for receipt of United States department of 9444  
agriculture child and adult care food program funds established 9445  
under the "National School Lunch Act," 60 Stat. 230 (1946), 42 9446  
U.S.C. 1751, as amended, the provider of child care in a type B 9447  
family ~~day-care~~ child-care home that is not ~~certified by the~~ 9448  
~~county director of human services~~ a licensed type B home or type B 9449  
home with limited certification shall request an inspection of the 9450  
type B home by the fire marshal, who shall inspect the type B home 9451  
pursuant to section 3737.22 of the Revised Code to determine that 9452

it is in compliance with rules established pursuant to section 9453  
~~5104.052~~ 5104.018 of the Revised Code for ~~certified~~ type B homes 9454  
with limited certification. 9455

**Sec. ~~5104.054~~ 5104.28.** Any type B family ~~day-care~~ child-care 9456  
home, whether ~~certified or not certified by the county director of~~ 9457  
~~human services or not it is a licensed type B home or type B home~~ 9458  
with limited certification, shall be considered to be a 9459  
residential use of property for purposes of municipal, county, and 9460  
township zoning and shall be a permitted use in all zoning 9461  
districts in which residential uses are permitted. No municipal, 9462  
county, or township zoning regulations shall require a conditional 9463  
use permit or any other special exception certification for any 9464  
~~such~~ type B family ~~day-care~~ child-care home. 9465

**Sec. ~~5104.015~~ 5104.30.** (A) Except as otherwise provided in 9466  
division (C) of this section, no ~~child-day-care~~ child-care center 9467  
shall permit any person to smoke in any indoor or outdoor space 9468  
that is part of the center. 9469

The administrator of a ~~child-day-care~~ child-care center shall 9470  
post in a conspicuous place at the main entrance of the center a 9471  
notice stating that smoking is prohibited in any indoor or outdoor 9472  
space that is part of the center, except under the conditions 9473  
described in division (C) of this section. 9474

(B) Except as otherwise provided in division (C) of this 9475  
section, no type A family ~~day-care~~ child-care home ~~or certified,~~ 9476  
licensed type B family ~~day-care~~ child-care home, or type B family 9477  
child-care home with limited certification shall permit any person 9478  
to smoke in any indoor or outdoor space that is part of the home 9479  
during the hours the home is in operation. Smoking may be 9480  
permitted during hours other than the hours of operation if the 9481  
administrator ~~or authorized,~~ licensed provider, or provider with 9482

limited certification of the home has provided to a parent, 9483  
custodian, or guardian of each child receiving child care at the 9484  
home notice that smoking occurs or may occur at the home when it 9485  
is not in operation. 9486

The administrator of a type A family ~~day-care~~ child-care home 9487  
~~or authorized, licensed~~ provider of a ~~certified~~ type B family 9488  
~~day-care~~ child-care home, or provider with limited certification 9489  
shall post in a conspicuous place at the main entrance of the home 9490  
a notice specifying the hours the home is in operation and stating 9491  
that smoking is prohibited during those hours in any indoor or 9492  
outdoor space that is part of the home, except under the 9493  
conditions described in division (C) of this section. 9494

(C) A ~~child day-care~~ child-care center, type A family 9495  
~~day-care~~ child-care home, ~~or certified~~ licensed type B family 9496  
child-care home, or type B family child-care home with limited 9497  
certification may allow persons to smoke at the center or home 9498  
during its hours of operation if those persons cannot be seen 9499  
smoking by the children being cared for and if they smoke in 9500  
either of the following: 9501

(1) An indoor area that is separately ventilated from the 9502  
rest of the center or home; 9503

(2) An outdoor area that is so far removed from the children 9504  
being cared for that they cannot inhale any smoke. 9505

~~(D) The director of job and family services, in consultation 9506  
with the director of health, shall adopt rules in accordance with 9507  
Chapter 119. of the Revised Code to implement the requirements of 9508  
this section. These rules may prohibit smoking in a child day-care 9509  
center, type A family day care home, or certified type B family 9510  
home if its design and structure do not allow persons to smoke 9511  
under the conditions described in division (C) of this section or 9512  
if repeated violations of division (A) or (B) of this section have 9513~~

~~occurred there.~~ 9514

**Sec. ~~5104.12~~ 5104.32.** (A) The county director of job and 9515  
family services may certify in-home aides to provide publicly 9516  
funded child care pursuant to this chapter and any rules adopted 9517  
under it. Any in-home aide who receives a certificate pursuant to 9518  
this section to provide publicly funded child care is an 9519  
independent contractor and is not an employee of the county 9520  
department of job and family services that issues the certificate. 9521

(B) Every person desiring to receive certification as an 9522  
in-home aide shall apply for certification to the county director 9523  
of job and family services on such forms as the director of job 9524  
and family services prescribes. The county director shall provide 9525  
at no charge to each applicant a copy of rules for certifying 9526  
in-home aides adopted pursuant to this chapter. 9527

(C) If the county director of job and family services 9528  
determines that public funds are available and that the person 9529  
complies with this chapter and any rules adopted under it, the 9530  
county director shall certify the person as an in-home aide and 9531  
issue the person a certificate to provide publicly funded child 9532  
care for twelve months. The county director may revoke the 9533  
certificate after determining that revocation is necessary. The 9534  
county director shall furnish a copy of the certificate to the 9535  
parent, custodian, or guardian. The certificate shall state the 9536  
name and address of the in-home aide, the expiration date of the 9537  
certification, and the name and telephone number of the county 9538  
director who issued the certificate. 9539

(D)(1) The county director of job and family services shall 9540  
inspect every home of a child who is receiving publicly funded 9541  
child care in the child's own home while the in-home aide is 9542  
providing the services. Inspections may be unannounced. Upon 9543  
receipt of a complaint, the county director shall investigate the 9544

in-home aide, shall investigate the home of a child who is 9545  
receiving publicly funded child care in the child's own home, and 9546  
division (D)(2) of this section applies regarding the complaint. 9547  
The caretaker parent shall permit the county director to inspect 9548  
any part of the child's home. The county director shall prepare a 9549  
written inspection report and furnish one copy each to the in-home 9550  
aide and the caretaker parent within a reasonable time after the 9551  
inspection. 9552

(2) Upon receipt of a complaint as described in division 9553  
(D)(1) of this section, in addition to the investigations that are 9554  
required under that division, both of the following apply: 9555

(a) If the complaint alleges that a child suffered physical 9556  
harm while receiving publicly funded child care in the child's own 9557  
home from an in-home aide or that the noncompliance with law or 9558  
act alleged in the complaint involved, resulted in, or poses a 9559  
substantial risk of physical harm to a child receiving publicly 9560  
funded child care in the child's own home from an in-home aide, 9561  
the county director shall inspect the home of the child. 9562

(b) If division (D)(2)(a) of this section does not apply 9563  
regarding the complaint, the county director may inspect the home 9564  
of the child. 9565

(3) Division (D)(2) of this section does not limit, restrict, 9566  
or negate any duty of the county director to inspect a home of a 9567  
child who is receiving publicly funded child care from an in-home 9568  
aide that otherwise is imposed under this section, or any 9569  
authority of the county director to inspect such a home that 9570  
otherwise is granted under this section when the county director 9571  
believes the inspection is necessary and it is permitted under the 9572  
grant. 9573

**Sec. 5104.34.** The director of job and family services shall 9574  
not do any of the following: 9575

(A) Issue or renew a license for a child-care center if any 9576  
of the following applies: 9577

(1) The owner, licensee, or administrator of the center has 9578  
been convicted of or pleaded guilty to a disqualifying offense, 9579  
unless the owner, licensee, or administrator meets rehabilitation 9580  
standards established in rules adopted under section 5104.0111 of 9581  
the Revised Code; 9582

(2) The owner, licensee, or administrator of the center fails 9583  
to complete the criminal records check form, or provide all the 9584  
information necessary to complete the form, or to provide the 9585  
standard fingerprint impression sheet with impressions of the 9586  
owner's, licensee's, or administrator's fingerprints after 9587  
receiving the form and impression sheet under section 5104.346 of 9588  
the Revised Code; 9589

(3) The owner, licensee, or administrator of the center has 9590  
had a child removed from the owner's, licensee's, or 9591  
administrator's home pursuant to section 2151.353 of the Revised 9592  
Code. 9593

(B) Issue or renew a license for a type A family child-care 9594  
home if any of the following applies: 9595

(1) Any of the following have been convicted of or pleaded 9596  
guilty to a disqualifying offense: 9597

(a) The owner, licensee, or administrator of the type A home, 9598  
unless the owner, licensee, or administrator meets rehabilitation 9599  
standards established in rules adopted under section 5104.0111 of 9600  
the Revised Code; 9601

(b) An individual eighteen years of age or older who resides 9602  
in the type A home, unless the individual meets rehabilitation 9603  
standards established in rules adopted under section 5104.0111 of 9604  
the Revised Code. 9605

(2) The owner, licensee, or administrator of the type A home 9606  
or an individual eighteen years of age or older who resides in the 9607  
type A home fails to complete the criminal records check form, or 9608  
provide all the information necessary to complete the form, or to 9609  
provide the standard fingerprint impression sheet with impressions 9610  
of the owner's, licensee's, administrator's, or individual's 9611  
fingerprints after receiving the form and impression sheet under 9612  
section 5104.346 of the Revised Code; 9613

(3) The owner, licensee, or administrator of the type A home 9614  
or an individual eighteen years of age or older who resides in the 9615  
type A home has had a child removed from the owner's, licensee's, 9616  
administrator's, or individual's home pursuant to section 2151.353 9617  
of the Revised Code; 9618

(4) An individual who is under eighteen years of age and has 9619  
been adjudicated a delinquent child for committing a disqualifying 9620  
offense resides in the type A home, unless the individual meets 9621  
rehabilitation standards established in rules adopted under 9622  
section 5104.0111 of the Revised Code. 9623

(C) Issue or renew a license for a type B family child-care 9624  
home if any of the following applies: 9625

(1) Either of the following have been convicted of or pleaded 9626  
guilty to a disqualifying offense: 9627

(a) The individual seeking the license or renewal, unless the 9628  
individual meets rehabilitation standards established in rules 9629  
adopted under section 5104.0111 of the Revised Code; 9630

(b) An individual eighteen years of age or older who resides 9631  
in the type B home, unless the individual meets rehabilitation 9632  
standards established in rules adopted under section 5104.0111 of 9633  
the Revised Code. 9634

(2) The individual seeking the license or renewal or an 9635  
individual eighteen years of age or older who resides in the type 9636



B home fails to complete the criminal records check form, or 9637  
provide all the information necessary to complete the form, or to 9638  
provide the standard fingerprint impression sheet with impressions 9639  
of the individual's fingerprints after receiving the form and 9640  
impression sheet under section 5104.346 of the Revised Code; 9641

(3) The individual seeking the license or renewal or an 9642  
individual eighteen years of age or older who resides in the type 9643  
B home has had a child removed from the individual's home pursuant 9644  
to section 2151.353 of the Revised Code; 9645

(4) An individual who is under eighteen years of age and has 9646  
been adjudicated a delinquent child for committing a disqualifying 9647  
offense resides in the type B home, unless the individual meets 9648  
rehabilitation standards established in rules adopted under 9649  
section 5104.0111 of the Revised Code. 9650

**Sec. 5104.341.** No county director of job and family services 9651  
shall do either of the following: 9652

(A) Issue or renew a limited certificate for a type B family 9653  
child-care home if any of the following applies: 9654

(1) Either of the following have been convicted of or pleaded 9655  
guilty to a disqualifying offense: 9656

(a) The individual seeking the limited certificate or 9657  
renewal, unless the individual meets rehabilitation standards 9658  
established in rules adopted under section 5104.0111 of the 9659  
Revised Code; 9660

(b) An individual eighteen years of age or older who resides 9661  
in the type B home, unless the individual meets rehabilitation 9662  
standards established in rules adopted under section 5104.0111 of 9663  
the Revised Code. 9664

(2) The individual seeking the certificate or renewal or an 9665  
individual eighteen years of age or older who resides in the type 9666

B home fails to complete the criminal records check form, or 9667  
provide all the information necessary to complete the form, or to 9668  
provide the standard fingerprint impression sheet with impressions 9669  
of the individual's fingerprints after receiving the form and 9670  
impression sheet under section 5104.346 of the Revised Code; 9671

(3) The individual seeking the certificate or renewal or an 9672  
individual eighteen years of age or older who resides in the type 9673  
B home has had a child removed from the individual's home pursuant 9674  
to section 2151.353 of the Revised Code; 9675

(4) An individual who is under eighteen years of age and has 9676  
been adjudicated a delinquent child for committing a disqualifying 9677  
offense resides in the type B home, unless the individual meets 9678  
rehabilitation standards established in rules adopted under 9679  
section 5104.0111 of the Revised Code. 9680

(B) Issue or renew an in-home aide certificate if any of the 9681  
following applies: 9682

(1) The individual seeking the certificate or renewal has 9683  
been convicted of or pleaded guilty to a disqualifying offense, 9684  
unless the individual meets rehabilitation standards established 9685  
in rules adopted under section 5104.0111 of the Revised Code; 9686

(2) The individual seeking the certificate or renewal fails 9687  
to complete the criminal records check form, or provide all the 9688  
information necessary to complete the form, or to provide the 9689  
standard fingerprint impression sheet with impressions of the 9690  
individual's fingerprints after receiving the form and impression 9691  
sheet under section 5104.346 of the Revised Code; 9692

(3) The individual has had a child removed from the 9693  
individual's home pursuant to section 2151.353 of the Revised 9694  
Code. 9695

Sec. 5104.342. Except as provided in division (B) of section 9696

5104.345 of the Revised Code, no child-care center or type A 9697  
family child-care home shall employ, directly or pursuant to a 9698  
contract between the center or type A home and another entity, an 9699  
individual in any position at the center or type A home if any of 9700  
the following applies: 9701

(A) The individual has been convicted of or pleaded guilty to 9702  
a disqualifying offense, unless the individual meets 9703  
rehabilitation standards established in rules adopted under 9704  
section 5104.0111 of the Revised Code. 9705

(B) The individual fails to complete the criminal records 9706  
check form, or provide all the information necessary to complete 9707  
the form, or to provide the standard fingerprint impression sheet 9708  
with impressions of the individual's fingerprints after receiving 9709  
the form and impression sheet under section 5104.346 of the 9710  
Revised Code. 9711

(C) The individual has had a child removed from the 9712  
individual's home pursuant to section 2151.353 of the Revised 9713  
Code. 9714

**Sec. 5104.343.** (A) The director of job and family services 9715  
shall request that the superintendent of BCII conduct a criminal 9716  
records check under section 109.572 of the Revised Code with 9717  
respect to all of the following: 9718

(1) Each owner, licensee, and administrator of a child-care 9719  
center; 9720

(2) Each owner, licensee, and administrator of a type A 9721  
family child-care home and each individual eighteen years of age 9722  
or older who resides in the type A home; 9723

(3) Each individual seeking or holding a type B family 9724  
child-care home license and each individual eighteen years of age 9725  
or older who resides in the type B home. 9726

(B) A criminal records check required by this section shall 9727  
be requested and completed as part of the process of issuing a 9728  
license to the child-care center, type A home, or type B home and 9729  
once every four years thereafter as part of the process of every 9730  
other renewal of the license. The director shall review the 9731  
results of the criminal records check before issuing, and every 9732  
other renewal of, the license. 9733

**Sec. 5104.344.** (A) A county director of job and family 9734  
services shall request that the superintendent of BCII conduct a 9735  
criminal records check under section 109.572 of the Revised Code 9736  
with respect to all of the following: 9737

(1) Each individual seeking or holding a type B family 9738  
child-care home limited certificate and each individual eighteen 9739  
years of age or older who resides in the type B home; 9740

(2) Each individual seeking or holding an in-home aide 9741  
certificate. 9742

(B) A criminal records check required by this section shall 9743  
be requested and completed as part of the process of issuing a 9744  
limited certificate to the type B home or certificate to the 9745  
in-home aide and once every four years thereafter as part of the 9746  
process of every other renewal of the limited certificate or every 9747  
fourth renewal of the certificate. A county director shall review 9748  
the results of the criminal records check before issuing the 9749  
limited certificate or certificate, every other renewal of the 9750  
limited certificate, and every fourth renewal of the certificate. 9751

**Sec. 5104.345.** (A) The administrator of a child-care center 9752  
or type A family child-care home shall request that the 9753  
superintendent of BCII conduct a criminal records check under 9754  
section 109.572 of the Revised Code with respect to all of the 9755  
following: 9756

(1) Each individual who is under final consideration for 9757  
employment directly with the center or type A home in any position 9758  
at the center or type A home; 9759

(2) Except as provided in division (D) of this section, each 9760  
individual who, pursuant to a contract between the center or type 9761  
A home and another entity, would be employed in any position at 9762  
the center or type A home; 9763

(3) Each individual who is employed directly by the center or 9764  
type A home in any position at the center or type A home; 9765

(4) Except as provided in division (D) of this section, each 9766  
individual who, pursuant to a contract between the center or type 9767  
A home and another entity, is employed in any position at the 9768  
center or type A home. 9769

(B) A center or type A home may employ an individual 9770  
described in division (A)(1) or (2) of this section conditionally 9771  
until the center or type A home receives the results of the 9772  
completed criminal records check. However, the individual may not 9773  
be given sole responsibility for the care, custody, or control of 9774  
any child before the center or type A home receives the results of 9775  
the completed criminal records check. The center or type A home 9776  
shall release the individual from employment if the results of the 9777  
criminal records check indicate that the individual has been 9778  
convicted of or pleaded guilty to a disqualifying offense, unless 9779  
the individual meets rehabilitation standards established in rules 9780  
adopted under section 5104.0111 of the Revised Code. 9781

(C) A criminal records check of an individual described in 9782  
division (A)(3) or (4) of this section shall be requested and 9783  
completed once every four years. 9784

(D) The administrator of a center or type A home is not 9785  
required to request that the superintendent of BCII conduct a 9786  
criminal records check of an individual described in division 9787

(A)(2) or (4) of this section if all of the following apply: 9788

(1) The entity that has contracted with the center or type A 9789  
home for the individual's employment at the center or type A home 9790  
requested that the superintendent of BCII conduct a criminal 9791  
records check of the individual to determine whether the 9792  
individual has been convicted of or pleaded guilty to a 9793  
disqualifying offense. 9794

(2) The entity or individual provides the administrator the 9795  
results of the criminal records check. 9796

(3) The criminal records check was completed not more than 9797  
one year before the date the entity or individual provides the 9798  
administrator the results of the criminal records check. 9799

(E) The administrator of a center or type A home, at the time 9800  
an individual initially applies for any employment position at the 9801  
center or type A home, shall inform the individual of the 9802  
requirements of sections 5104.34 to 5104.3413 of the Revised Code 9803  
that are applicable to the individual. 9804

**Sec. 5104.346.** An individual required by section 5104.343, 9805  
5104.344, or 5104.345 of the Revised Code to request that the 9806  
superintendent of BCII conduct a criminal records check shall 9807  
provide a criminal records check form and standard fingerprint 9808  
impression sheet to the individual who is the subject of the 9809  
criminal records check. An individual who receives the criminal 9810  
records check form and standard fingerprint impression sheet shall 9811  
complete the form, or provide all the information necessary to 9812  
complete the form, and shall provide the impression sheet with 9813  
impressions of the individual's fingerprints. The individual 9814  
required to request the criminal records check shall obtain the 9815  
completed criminal records check form and standard fingerprint 9816  
impression sheet from the subject of the criminal records check 9817  
and forward the form and impression sheet to the superintendent of 9818

BCII at the time the criminal records check is requested. 9819

Sec. 5104.347. (A) A request for a criminal records check 9820  
made under section 5104.343, 5104.344, or 5104.345 of the Revised 9821  
Code: 9822

(1) Shall include a request that superintendent of BCII 9823  
obtain information from the federal bureau of investigation as 9824  
part of the criminal records check for the subject of the criminal 9825  
records check if either of the following applies: 9826

(a) The request is made under section 5104.343 or 5104.344 of 9827  
the Revised Code as part of the process of issuing a license, 9828  
limited certificate, or certificate; 9829

(b) The request is made under section 5104.345 of the Revised 9830  
Code and the subject of the criminal records check is an 9831  
individual described in division (A)(1) or (2) of that section. 9832

(2) May include a request that superintendent obtain 9833  
information from the federal bureau of investigation as part of 9834  
the criminal records check for the subject of the criminal records 9835  
check if either of the following apply: 9836

(a) The request is made under section 5104.343 or 5104.344 of 9837  
the Revised Code as part of the process of renewing a license, 9838  
limited certificate, or certificate; 9839

(b) The request is made under section 5104.345 of the Revised 9840  
Code and the subject of the criminal records check is an 9841  
individual described in division (A)(3) or (4) of that section. 9842

(B) The information obtained from the federal bureau of 9843  
investigation shall include fingerprint-based checks of national 9844  
crime information databases as described in 42 U.S.C. 671 for the 9845  
subject of the criminal records check. 9846

Sec. 5104.348. A child-care center, type A family child-care home, type B family child-care home, or individual seeking an in-home aide certificate shall pay to BCII the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check regarding the center, type A home, type B home, or individual that is requested under section 5104.343 or 5104.344 of the Revised Code.

Sec. 5104.349. Each child-care center and type A family child-care home that requests a criminal records check pursuant to section 5104.345 of the Revised Code shall pay to BCII the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for the criminal records check. The center or type A home may require the individual who is the subject of the criminal records check to pay the center or type A home the amount of the fee if the center or type A home informs the individual at the time the individual initially applies for employment that the individual must pay the center or type A home the amount of the fee and that, unless the payment is made, the center or type A home will not consider the individual for employment. The center or type A home may not require the individual to pay an amount exceeding the amount of the fee the center or home pays BCII.

Sec. 5104.3410. The report of a criminal records check BCII conducts pursuant to a request made under section 5104.343, 5104.344, or 5104.345 of the Revised Code is not a public record for the purposes of section 149.43 of the Revised Code and may not be made available to any person or government entity other than the following:

(A) The individual who is the subject of the criminal records check or the individual's representative;



(B) The individual who requested the criminal records check 9877  
or the individual's representative; 9878

(C) In the case of a criminal records check of an owner, 9879  
licensee, or administrator of a child-care center or type A family 9880  
child-care home, any owner, licensee, or administrator of the 9881  
center or type A home; 9882

(D) In the case of a criminal records check of an individual 9883  
eighteen years of age or older who resides in a type A family 9884  
child-care home, the owner, licensee, or administrator of the type 9885  
A home; 9886

(E) In the case of a criminal records check of an individual 9887  
eighteen years of age or older who resides in a type B family 9888  
child-care home, the individual who seeks the license, license 9889  
renewal, limited certificate, or limited certificate renewal for 9890  
the type B home; 9891

(F) The department of job and family services; 9892

(G) A county department of job and family services; 9893

(H) A court, hearing officer, or other necessary individual 9894  
involved in a case dealing with either of the following: 9895

(1) The denial of employment to the subject of the criminal 9896  
records check; 9897

(2) The denial of a license, license renewal, certificate, or 9898  
certificate renewal that is related to criminal records check. 9899

**Sec. 5104.3411.** (A) Except as provided by division (B) of 9900  
this section, each of the following shall sign a statement 9901  
prescribed by the director of job and family services attesting to 9902  
the fact that the individual has not been convicted of or pleaded 9903  
guilty to a disqualifying offense and no child has been removed 9904  
from the individual's home pursuant to section 2151.353 of the 9905  
Revised Code: 9906

<u>(1) The licensee of a child-care center or type A family</u>	9907
<u>child-care home;</u>	9908
<u>(2) The administrator of a child-care center or type A family</u>	9909
<u>child-care home;</u>	9910
<u>(3) The licensed provider of a licensed type B family</u>	9911
<u>child-care home;</u>	9912
<u>(4) A provider with limited certification;</u>	9913
<u>(5) An in-home aide;</u>	9914
<u>(6) An individual employed, directly or pursuant to a</u>	9915
<u>contract between a child-care center or type A family child-care</u>	9916
<u>home and another entity, in any position at the center or type A</u>	9917
<u>home;</u>	9918
<u>(7) An individual eighteen years of age or older who resides</u>	9919
<u>in a type A family child-care home, licensed type B family</u>	9920
<u>child-care home, or type B family child-care home with limited</u>	9921
<u>certification.</u>	9922
<u>(B) An individual who has been convicted of or pleaded guilty</u>	9923
<u>to a disqualifying offense but meets rehabilitation standards</u>	9924
<u>established in rules adopted under section 5104.0111 of the</u>	9925
<u>Revised Code shall, instead of signing the statement required by</u>	9926
<u>division (A) of this section, sign a statement prescribed by the</u>	9927
<u>director of job and family services attesting to the fact that the</u>	9928
<u>individual has been convicted of or pleaded guilty to a</u>	9929
<u>disqualifying offense but meets the rehabilitation standards.</u>	9930
<u>(C) The statements required by this section of individuals</u>	9931
<u>associated with a child-care center, type A family child-care</u>	9932
<u>home, or licensed type B family child-care home shall be kept on</u>	9933
<u>file at the center, type A home, or licensed type B home. The</u>	9934
<u>statements required by this section of in-home aides and</u>	9935
<u>individuals associated with a type B family child-care home with</u>	9936

limited certification shall be kept on file at the county 9937  
department of job and family services serving the county in which 9938  
the in-home aide resides or type B home with limited certification 9939  
is located. 9940

**Sec. 5104.3412.** (A) Except as provided by division (B) of 9941  
this section, each licensee of a type A family child-care home or 9942  
licensed type B family child-care home and each provider with 9943  
limited certification shall sign a statement on a form prescribed 9944  
by the director of job and family services attesting to the fact 9945  
that no individual who is under eighteen years of age and has been 9946  
adjudicated a delinquent child for committing a disqualifying 9947  
offense resides in the type A home, licensed type B home, or type 9948  
B home with limited certification. 9949

(B) If an individual who is under eighteen years of age, has 9950  
been adjudicated a delinquent child for committing a disqualifying 9951  
offense, and meets rehabilitation standards established in rules 9952  
adopted under section 5104.0111 of the Revised Code resides in a 9953  
type A home, licensed type B home, or type B home with limited 9954  
certification, the licensee of the type A home or type B home or 9955  
provider with limited certification shall, instead of signing the 9956  
statement required by division (A) of this section, sign a 9957  
statement prescribed by the director of job and family services 9958  
attesting to the fact that the individual has been convicted of or 9959  
pleaded guilty to a disqualifying offense but meets the 9960  
rehabilitation standards. 9961

(C) The statements required by this section of individuals 9962  
associated with a child-care center, type A family child-care 9963  
home, or licensed type B family child-care home shall be kept on 9964  
file at the center, type A home, or licensed type B home. The 9965  
statements required by this section of individuals associated with 9966  
a type B family child-care home with limited certification shall 9967

be kept on file at the county department of job and family 9968  
services serving the county in which the type B home with limited 9969  
certification is located. 9970

Sec. 5104.3413. No individual required to sign a statement 9971  
under section 5104.3411 or 5104.3412 of the Revised Code shall 9972  
withhold information from, or falsify information on, the 9973  
statement. 9974

~~Sec. 5104.11 5104.35. (A)(1) Every person desiring to receive~~ 9975  
~~certification for a type B family day care home to provide~~ 9976  
~~publicly funded child care shall apply for certification to the~~ 9977  
~~county director of job and family services on such forms as the~~ 9978  
~~director of job and family services prescribes. The county~~ 9979  
~~director shall provide at no charge to each applicant a copy of~~ 9980  
~~rules for certifying type B family day care homes adopted pursuant~~ 9981  
~~to this chapter.~~ 9982

~~(2) Except as provided in division (C)(1) of section 5104.011~~ 9983  
~~of the Revised Code, after receipt of an application for~~ 9984  
~~certification from a type B family day care home, the county~~ 9985  
~~director of job and family services shall inspect the home. If it~~ 9986  
~~complies with this chapter and any applicable rules adopted under~~ 9987  
~~this chapter, the county department shall certify the type B~~ 9988  
~~family day care home to provide publicly funded child care~~ 9989  
~~pursuant to this chapter and any rules adopted under it. The~~ 9990  
~~director of job and family services or a county director of job~~ 9991  
~~and family services may contract with a government entity or a~~ 9992  
~~private nonprofit entity for that entity to inspect and certify~~ 9993  
~~type B family day care homes pursuant to this section. The county~~ 9994  
~~department of job and family services, government entity, or~~ 9995  
~~nonprofit entity shall conduct the inspection prior to the~~ 9996  
~~issuance of a certificate for the type B home and, as part of that~~ 9997  
~~inspection, ensure that the type B home is safe and sanitary.~~ 9998

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

~~(i) The public children services agency, until the county department is notified by the department of job and family services that the uniform statewide automated child welfare information system has been finalized statewide;~~

~~(ii) Upon receipt of notification under division (D) of section 5101.13 of the Revised Code that the uniform statewide automated child welfare information system has been implemented statewide, the uniform statewide automated child welfare information system via the department.~~

~~(b) The county department shall consider any information provided by the agency or the department pursuant to section 5153.175 of the Revised Code. If the county department determines that the information, when viewed within the totality of the circumstances, reasonably leads to the conclusion that the applicant may directly or indirectly endanger the health, safety, or welfare of children, the county department shall deny the application for certification or renewal of certification, or revoke the certification of an authorized provider.~~

~~(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 provider of a type B family day 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 provider of a type B family day 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 county director shall issue to the provider a certificate to provide publicly funded child care, which certificate is valid for twelve months, unless revoked earlier. The county director may revoke the certificate after determining that revocation is necessary. The authorized 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 provider, the maximum number of children who may be cared for at any one time in the certified type B home, the expiration date of the certification, and the name and telephone number of the county director who issued the certificate.~~

~~(C)(1) The county director shall inspect every certified type B family day care home at least twice within each twelve month period of the operation of the certified type B home. A minimum of one inspection shall be unannounced and all inspections may be unannounced. Upon receipt of a complaint, the county director shall investigate the certified type B home, and division (C)(2)~~

~~of this section applies regarding the complaint. The authorized~~ 10062  
~~provider shall permit the county director to inspect any part of~~ 10063  
~~the certified type B home. The county director shall prepare a~~ 10064  
~~written inspection report and furnish one copy to the authorized~~ 10065  
~~provider within a reasonable time after the inspection.~~ 10066

~~(2) Upon receipt of a complaint as described in division~~ 10067  
~~(C)(1) of this section, in addition to the investigation that is~~ 10068  
~~required under that division, both of the following apply:~~ 10069

~~(a) If the complaint alleges that a child suffered physical~~ 10070  
~~harm while receiving child care at the certified type B family~~ 10071  
~~day care home or that the noncompliance with law or act alleged in~~ 10072  
~~the complaint involved, resulted in, or poses a substantial risk~~ 10073  
~~of physical harm to a child receiving child care at the home, the~~ 10074  
~~county director shall inspect the home.~~ 10075

~~(b) If division (C)(2)(a) of this section does not apply~~ 10076  
~~regarding the complaint, the county director may inspect the~~ 10077  
~~certified type B family day care home.~~ 10078

~~(3) Division (C)(2) of this section does not limit, restrict,~~ 10079  
~~or negate any duty of the county director to inspect a certified~~ 10080  
~~type B family day care home that otherwise is imposed under this~~ 10081  
~~section, or any authority of the county director to inspect a home~~ 10082  
~~that otherwise is granted under this section when the county~~ 10083  
~~director believes the inspection is necessary and it is permitted~~ 10084  
~~under the grant.~~ 10085

~~(D) The county director of job and family services, in~~ 10086  
~~accordance with rules adopted pursuant to section 5104.052 of the~~ 10087  
~~Revised Code regarding fire safety and fire prevention, shall~~ 10088  
~~inspect each type B home that applies to be certified that is~~ 10089  
~~providing or is to provide publicly funded child care.~~ 10090

~~(E) All materials that are supplied by the department of job~~ 10091  
~~and family services to type A family day care child-care home~~ 10092

providers, type B family ~~day-care~~ child-care home providers, 10093  
in-home aides, persons who desire to be type A family ~~day-care~~ 10094  
child-care home providers, type B family ~~day-care~~ child-care home 10095  
providers, or in-home aides, and caretaker parents shall be 10096  
written at no higher than the sixth grade reading level. The 10097  
department may employ a readability expert to verify its 10098  
compliance with this ~~division~~ section. 10099

**Sec. ~~5104.21~~ 5104.36.** (A) The department of job and family 10100  
services shall register child day camps and enforce this section 10101  
and section ~~5104.22~~ 5104.37 of the Revised Code and the rules 10102  
adopted pursuant to those sections. No person, firm, organization, 10103  
institution, or agency shall operate a child day camp without 10104  
annually registering with the department. 10105

(B) A person, firm, institution, organization, or agency 10106  
operating any of the following programs is exempt from the 10107  
provisions of this section and section ~~5104.22~~ 5104.37 of the 10108  
Revised Code: 10109

(1) A child day camp that operates for two or less 10110  
consecutive weeks and for no more than a total of two weeks during 10111  
each calendar year; 10112

(2) Supervised training, instruction, or activities of 10113  
children that is conducted on an organized or periodic basis no 10114  
more than one day a week and for no more than six hours' duration 10115  
and that is conducted in specific areas, including, but not 10116  
limited to, art; drama; dance; music; gymnastics, swimming, or 10117  
another athletic skill or sport; computers; or an educational 10118  
subject; 10119

(3) Programs in which the department determines that at least 10120  
one parent, custodian, or guardian of each child attending or 10121  
participating in the child day camp is on the child day camp 10122  
activity site and is readily accessible at all times, except that 10123



a child day camp on the premises of a parent's, custodian's, or guardian's place of employment shall be registered in accordance with division (A) of this section;

(4) Child day camps funded and regulated or operated and regulated by any state department, other than the department of job and family services, when the department of job and family services has determined that the rules governing the child day camp are equivalent to or exceed the rules adopted pursuant to this section and section ~~5104.22~~ 5104.37 of the Revised Code.

(C) A person, firm, organization, institution, or agency operating a child day camp that is exempt under division (B) of this section from registering under division (A) of this section may elect to register itself under division (A) of this section. All requirements of this section and the rules adopted pursuant to this section shall apply to any exempt child day camp that so elects to register.

(D) The director of job and family services shall adopt pursuant to Chapter 119. of the Revised Code rules prescribing the registration form and establishing the procedure for the child day camps to register. The form shall not be longer than one typewritten page and shall state both of the following:

(1) That the child day camp administrator or the administrator's representative agrees to provide the parents of each school child who attends or participates in that child day camp with the telephone number of the county department of health and the public children services agency of the county in which the child day camp is located;

(2) That the child day camp administrator or the administrator's representative agrees to permit a public children services agency or the county department of health to review or inspect the child day camp if a complaint is made to that

department or any other state department or public children 10155  
services agency against that child day camp. 10156

(E) The department may charge a fee to register a child day 10157  
camp. The fee for each child day camp shall be twenty-five 10158  
dollars. No organization that operates, or owner of, child day 10159  
camps shall pay a fee that exceeds two hundred fifty dollars for 10160  
all of its child day camps. 10161

(F) If a child day camp that is required to register under 10162  
this section fails to register with the department in accordance 10163  
with this section or the rules adopted pursuant to it or if a 10164  
child day camp that files a registration form under this section 10165  
knowingly provides false or misleading information on the 10166  
registration form, the department shall require the child day camp 10167  
to register or register correctly and to pay a registration fee 10168  
that equals three times the registration fee as set forth in 10169  
division (E) of this section. 10170

(G) A child day camp administrator or the administrator's 10171  
representative shall provide the parents of each school child who 10172  
attends or participates in that child day camp with the telephone 10173  
numbers of the county department of health and the county public 10174  
children services agency of the county in which the child day camp 10175  
is located and a statement that the parents may use these 10176  
telephone numbers to contact or otherwise contact the departments 10177  
or agency to make a complaint regarding the child day camp. 10178

**Sec. ~~5104.22~~ 5104.37.** (A) The director of job and family 10179  
services, no later than September 1, 1993, and pursuant to Chapter 10180  
119. of the Revised Code, shall adopt rules establishing a 10181  
procedure and standards for the approval of child day camps that 10182  
will enable an approved child day camp to receive public moneys 10183  
pursuant to sections ~~5104.30~~ 5104.50 to ~~5104.39~~ 5104.63 of the 10184  
Revised Code. The procedure and standards shall be similar and 10185

comparable to the procedure and standards for accrediting child day camps used by the American camping association. The department of job and family services may charge a reasonable fee to inspect a child day camp to determine whether that child day camp meets the standards set forth in this section or in the rules adopted under this section. The department shall approve any child day camp that the department inspects and approves, that the American camping association inspects and accredits, or that is inspected and accredited by any nationally recognized organization that accredits child day camps by using standards that the department has determined are substantially similar and comparable to those of the American camping association. The department shall approve a child day camp for no longer than two years and shall inspect an approved child day camp no less than biennially.

(B) An approved child day camp shall comply with this section and section ~~5104.21~~ 5104.36 of the Revised Code and the rules adopted pursuant to those sections. If an approved child day camp is not in substantial compliance with those sections or rules at any time, the department shall terminate the child day camp's approval until the child day camp complies with those sections and rules or for a period of two years, whichever period is longer.

**Sec. ~~5104.20~~ 5104.38.** This chapter does not apply to any county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code that provides programs for children who are five years of age or older.

**Sec. ~~5104.44~~ 5104.40.** On receipt of a notice pursuant to section 3123.43 of the Revised Code, the department of job and

family services shall comply with sections 3123.41 to 3123.50 of 10217  
the Revised Code and any applicable rules adopted under section 10218  
3123.63 of the Revised Code with respect to a license, limited 10219  
certificate, or certificate issued pursuant to this chapter. 10220

**Sec. ~~5104.30~~ 5104.50.** (A) The department of job and family 10221  
services is hereby designated as the state agency responsible for 10222  
administration and coordination of federal and state funding for 10223  
publicly funded child care in this state. Publicly funded child 10224  
care shall be provided to the following: 10225

(1) Recipients of transitional child care as provided under 10226  
section ~~5104.34~~ 5104.54 of the Revised Code; 10227

(2) Participants in the Ohio works first program established 10228  
under Chapter 5107. of the Revised Code; 10229

(3) Individuals who would be participating in the Ohio works 10230  
first program if not for a sanction under section 5107.16 of the 10231  
Revised Code and who continue to participate in a work activity, 10232  
developmental activity, or alternative work activity pursuant to 10233  
an assignment under section 5107.42 of the Revised Code; 10234

(4) A family receiving publicly funded child care on October 10235  
1, 1997, until the family's income reaches one hundred fifty per 10236  
cent of the federal poverty line; 10237

(5) Subject to available funds, other individuals determined 10238  
eligible in accordance with rules adopted under section ~~5104.38~~ 10239  
5104.58 of the Revised Code. 10240

The department shall apply to the United States department of 10241  
health and human services for authority to operate a coordinated 10242  
program for publicly funded child care, if the director of job and 10243  
family services determines that the application is necessary. For 10244  
purposes of this section, the department of job and family 10245  
services may enter into agreements with other state agencies that 10246

are involved in regulation or funding of child care. The 10247  
department shall consider the special needs of migrant workers 10248  
when it administers and coordinates publicly funded child care and 10249  
shall develop appropriate procedures for accommodating the needs 10250  
of migrant workers for publicly funded child care. 10251

(B) The department of job and family services shall 10252  
distribute state and federal funds for publicly funded child care, 10253  
including appropriations of state funds for publicly funded child 10254  
care and appropriations of federal funds available under the child 10255  
care block grant act, Title IV-A, and Title XX. The department may 10256  
use any state funds appropriated for publicly funded child care as 10257  
the state share required to match any federal funds appropriated 10258  
for publicly funded child care. 10259

(C) In the use of federal funds available under the child 10260  
care block grant act, all of the following apply: 10261

(1) The department may use the federal funds to hire staff to 10262  
prepare any rules required under this chapter and to administer 10263  
and coordinate federal and state funding for publicly funded child 10264  
care. 10265

(2) Not more than five per cent of the aggregate amount of 10266  
the federal funds received for a fiscal year may be expended for 10267  
administrative costs. 10268

(3) The department shall allocate and use at least four per 10269  
cent of the federal funds for the following: 10270

(a) Activities designed to provide comprehensive consumer 10271  
education to parents and the public; 10272

(b) Activities that increase parental choice; 10273

(c) Activities, including child care resource and referral 10274  
services, designed to improve the quality, and increase the 10275  
supply, of child care; 10276

(d) Establishing a voluntary ~~child day care center~~ 10277  
quality-rating program for licensed child-care centers, type A 10278  
family child-care homes, and type B family child-care homes in 10279  
which participation in the program may allow a ~~child day care~~ 10280  
center, type A home, or type B home to be eligible for grants, 10281  
technical assistance, training, or other assistance and become 10282  
eligible for unrestricted monetary awards for maintaining a 10283  
quality rating. 10284

(4) The department shall ensure that the federal funds will 10285  
be used only to supplement, and will not be used to supplant, 10286  
federal, state, and local funds available on the effective date of 10287  
the child care block grant act for publicly funded child care and 10288  
related programs. A county department of job and family services 10289  
may purchase child care from funds obtained through any other 10290  
means. 10291

(D) The department shall encourage the development of 10292  
suitable child care throughout the state, especially in areas with 10293  
high concentrations of recipients of public assistance and 10294  
families with low incomes. The department shall encourage the 10295  
development of suitable child care designed to accommodate the 10296  
special needs of migrant workers. On request, the department, 10297  
through its employees or contracts with state or community child 10298  
care resource and referral service organizations, shall provide 10299  
consultation to groups and individuals interested in developing 10300  
child care. The department of job and family services may enter 10301  
into interagency agreements with the department of education, the 10302  
board of regents, the department of development, and other state 10303  
agencies and entities whenever the cooperative efforts of the 10304  
other state agencies and entities are necessary for the department 10305  
of job and family services to fulfill its duties and 10306  
responsibilities under this chapter. 10307

The department shall develop and maintain a registry of 10308

persons providing child care. The director shall adopt rules 10309  
pursuant to Chapter 119. of the Revised Code establishing 10310  
procedures and requirements for the registry's administration. 10311

(E)(1) The director shall adopt rules in accordance with 10312  
Chapter 119. of the Revised Code establishing both of the 10313  
following: 10314

(a) Reimbursement ceilings for providers of publicly funded 10315  
child care not later than the first day of July in each 10316  
odd-numbered year; 10317

(b) A procedure for reimbursing and paying providers of 10318  
publicly funded child care. 10319

(2) In establishing reimbursement ceilings under division 10320  
(E)(1)(a) of this section, the director shall do all of the 10321  
following: 10322

(a) Use the information obtained under ~~division (B)(3) of~~ 10323  
~~section 5104.04~~ 5104.502 of the Revised Code; 10324

(b) Establish an enhanced reimbursement ceiling for providers 10325  
who provide child care for caretaker parents who work 10326  
nontraditional hours; 10327

(c) For a ~~type B family day care home provider that has~~ 10328  
~~received~~ with limited certification ~~pursuant to rules adopted~~ 10329  
~~under division (G)(1) of section 5104.011 of the Revised Code,~~ 10330  
establish a reimbursement ceiling that is the following: 10331

(i) If the provider ~~is a person described in division~~ 10332  
~~(G)(1)(a)(i) of section 5104.011 of the Revised Code~~ underwent an 10333  
inspection under section 5104.253 or 5104.254 of the Revised Code 10334  
not more than one year earlier, seventy-five per cent of the 10335  
reimbursement ceiling that ~~applies to a type B family day care~~ 10336  
~~home certified by the same county department of job and family~~ 10337  
~~services pursuant to section 5104.11 of the Revised Code~~ would 10338

otherwise apply; 10339

(ii) If the provider is a person described in division 10340  
~~(C)(1)(a)(ii) of section 5104.011 of the Revised Code has not~~ 10341  
undergone an inspection under section 5104.253 or 5104.254 of the 10342  
Revised Code during that one-year period, sixty per cent of the 10343  
reimbursement ceiling that ~~applies to a type B family day care~~ 10344  
~~home certified by the same county department pursuant to section~~ 10345  
~~5104.11 of the Revised Code otherwise would apply.~~ 10346

(3) In establishing reimbursement ceilings under division 10347  
(E)(1)(a) of this section, the director may establish different 10348  
reimbursement ceilings based on any of the following: 10349

(a) Geographic location of the provider; 10350

(b) Type of care provided; 10351

(c) Age of the child served; 10352

(d) Special needs of the child served; 10353

(e) Whether the expanded hours of service are provided; 10354

(f) Whether weekend service is provided; 10355

(g) Whether the provider has exceeded the minimum 10356  
requirements of state statutes and rules governing child care; 10357

(h) Any other factors the director considers appropriate. 10358

(F) The director shall adopt rules in accordance with Chapter 10359  
119. of the Revised Code to implement the voluntary child day-care 10360  
center quality-rating program described in division (C)(3)(d) of 10361  
this section. 10362

**Sec. ~~5104.301~~ 5104.501.** A county department of job and family 10363  
services may establish a program to encourage the organization of 10364  
parent cooperative ~~child day-care~~ child-care centers and parent 10365  
cooperative type A family ~~day-care~~ child-care homes for recipients 10366  
of publicly funded child care. A program established under this 10367



section may include any of the following: 10368

(A) Recruitment of parents interested in organizing a parent 10369  
cooperative ~~child-day-care~~ child-care center or parent cooperative 10370  
type A family ~~day-care~~ child-care home; 10371

(B) Provision of technical assistance in organizing a parent 10372  
cooperative ~~child-day-care~~ child-care center or parent cooperative 10373  
type A family ~~day-care~~ child-care home; 10374

(C) Assistance in the developing, conducting, and 10375  
disseminating training for parents interested in organizing a 10376  
parent cooperative ~~child-day-care~~ child-care center or parent 10377  
cooperative type A family ~~day-care~~ child-care home. 10378

A county department that implements a program under this 10379  
section shall receive from funds available under the child care 10380  
block grant act a five thousand dollar incentive payment for each 10381  
parent cooperative ~~child-day-care~~ child-care center or parent 10382  
cooperative type A family ~~day-care~~ child-care home organized 10383  
pursuant to this section. 10384

Parents of children enrolled in a parent cooperative ~~child~~ 10385  
~~day-care~~ child-care center or parent cooperative type A family 10386  
~~day-care~~ child-care home pursuant to this section shall be 10387  
required to work in the center or home a minimum of four hours per 10388  
week. 10389

The director of job and family services shall adopt rules 10390  
governing the establishment and operation of programs under this 10391  
section. 10392

**Sec. 5104.502.** The department of job and family services 10393  
shall contract with a third party by the first day of October in 10394  
each even-numbered year to collect information concerning the 10395  
amounts charged by child-care centers, type A family child-care 10396  
homes, and licensed type B family child-care homes for providing 10397

child care services for use in establishing reimbursement ceilings 10398  
and payment pursuant to section 5104.50 of the Revised Code. The 10399  
third party shall compile the information and report the results 10400  
of the survey to the department not later than the first day of 10401  
December in each even-numbered year. 10402

**Sec. ~~5104.31~~ 5104.51.** (A) Publicly funded child care may be 10403  
provided only by the following: 10404

(1) A ~~child day care~~ child-care center or type A family 10405  
~~day care~~ child-care home, including a parent cooperative ~~child~~ 10406  
~~day care~~ child-care center or parent cooperative type A family 10407  
~~day care~~ child-care home, licensed by the ~~department~~ director of 10408  
job and family services pursuant to ~~section 5104.03 of the Revised~~ 10409  
Code this chapter; 10410

(2) A type B family child-care home licensed by the director 10411  
of job and family services pursuant to this chapter; 10412

(3) A type B family ~~day care~~ child-care home ~~certified with~~ 10413  
limited certification issued by the a county department director 10414  
of job and family services pursuant to ~~section 5104.11 of the~~ 10415  
~~Revised Code~~ this chapter; 10416

~~(3) A type B family day care home that has received a limited~~ 10417  
~~certification pursuant to rules adopted under division (G)(1) of~~ 10418  
~~section 5104.011 of the Revised Code;~~ 10419

(4) An in-home aide who has been certified by the a county 10420  
~~department~~ director of job and family services ~~pursuant to section~~ 10421  
~~5104.12 of the Revised Code~~ under this chapter; 10422

(5) A child day camp approved pursuant to ~~section 5104.22 of~~ 10423  
~~the Revised Code~~ this chapter; 10424

(6) A licensed preschool program; 10425

(7) A licensed school child program; 10426

(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.

(B) Publicly funded ~~child day care~~ child-care may be provided in a child's own home only by an in-home aide.

**Sec. ~~5104.32~~ 5104.52.** (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 center, licensed type A family day care home, certified type B family day care home, certified in-home aide, approved child day camp, licensed preschool program, licensed school child program, or border state child care~~ the provider and the state department of job and family services or a county department of job and family services. A Beginning not later than three years after the effective date of this amendment, the state department shall enter into the contract with the provider if the provider is a licensed child-care center, licensed type A family child-care home, licensed type B family child-care home, approved child day camp, licensed preschool program, licensed school child program, or border state child care provider. Until the date the state department begins to enter into contracts with those providers, a county department shall enter into the contract with those providers. A county department shall enter into the contract if the provider is a type B home with limited certification or certified in-home aide. The state department or 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 state department ~~of job and family services~~ shall prescribe a

standard form to be used for all contracts for the purchase of 10459  
publicly funded child care, regardless of the source of public 10460  
funds used to purchase the child care and regardless of whether 10461  
the state department or a county department is to enter into the 10462  
contract. To the extent permitted by federal law and 10463  
notwithstanding any other provision of the Revised Code that 10464  
regulates state or county contracts or contracts involving the 10465  
expenditure of state, county, or federal funds, all contracts for 10466  
publicly funded child care shall be entered into in accordance 10467  
with the provisions of this chapter and are exempt from any other 10468  
provision of the Revised Code that regulates state or county 10469  
contracts or contracts involving the expenditure of state, county, 10470  
or federal funds. 10471

(B) Each contract for publicly funded child care shall 10472  
specify at least the following: 10473

(1) That the provider of publicly funded child care agrees to 10474  
be paid for rendering services at the lowest of the rate 10475  
customarily charged by the provider for children enrolled for 10476  
child care, the reimbursement ceiling ~~or rate of payment~~ 10477  
established pursuant to section ~~5104.30~~ 5104.50 of the Revised 10478  
Code (or the higher rate authorized by a waiver of the 10479  
reimbursement ceiling provided for in division (B)(2) of section 10480  
5104.55 of the Revised Code or division (A) of section 5104.551 of 10481  
the Revised Code), or a rate the state department or county 10482  
department, whichever enters into the contract with the provider, 10483  
negotiates with the provider; 10484

(2) That, if a provider provides child care to an individual 10485  
potentially eligible for publicly funded child care who is 10486  
subsequently determined to be eligible, the state department or 10487  
county department, whichever enters into the contract with the 10488  
provider, agrees to pay for all child care provided between the 10489  
date the county department receives the individual's completed 10490

application and the date the individual's eligibility is 10491  
determined; 10492

(3) Whether the county department ~~of job and family services~~, 10493  
the provider, or a child care resource and referral service 10494  
organization will make eligibility determinations, whether the 10495  
provider or a child care resource and referral service 10496  
organization will be required to collect information to be used by 10497  
the county department to make eligibility determinations, and the 10498  
time period within which the provider or child care resource and 10499  
referral service organization is required to complete required 10500  
eligibility determinations or to transmit to the county department 10501  
any information collected for the purpose of making eligibility 10502  
determinations; 10503

(4) That the provider, other than a border state child care 10504  
provider, shall continue to be licensed, approved, or certified or 10505  
have limited certification pursuant to this chapter and shall 10506  
comply with all standards and other requirements in this chapter 10507  
and in rules adopted pursuant to this chapter for maintaining the 10508  
provider's license, approval, ~~or~~ certification, or limited 10509  
certification; 10510

(5) That, in the case of a border state child care provider, 10511  
the provider shall continue to be licensed, certified, or 10512  
otherwise approved by the state in which the provider is located 10513  
and shall comply with all standards and other requirements 10514  
established by that state for maintaining the provider's license, 10515  
certificate, or other approval; 10516

(6) Whether the provider will be paid by the county 10517  
department of job and family services or the state department of 10518  
job and family services; 10519

(7) That the contract is subject to the availability of state 10520  
and federal funds. 10521

(C) Unless specifically prohibited by federal law, the county department of job and family services shall give individuals eligible for publicly funded child care the option of obtaining certificates for payment that the individual may use to purchase services from any provider qualified to provide publicly funded child care under section ~~5104.31~~ 5104.51 of the Revised Code. Providers of publicly funded child care may present these certificates for payment for reimbursement in accordance with rules that the director of job and family services shall adopt. Only providers may receive reimbursement for certificates for payment. The value of the certificate for payment shall be based on the lowest of the rate customarily charged by the provider, the reimbursement ceiling or rate of payment established pursuant to section ~~5104.30~~ 5104.50 of the Revised Code, or a rate the county department or state department of job and family services negotiates with the provider. The county department may provide the certificates for payment to the individuals or may contract with child care providers or child care resource and referral service organizations that make determinations of eligibility for publicly funded child care pursuant to contracts entered into under section ~~5104.34~~ 5104.54 of the Revised Code for the providers or resource and referral service organizations to provide the certificates for payment to individuals whom they determine are eligible for publicly funded child care.

For each six-month period a provider of publicly funded child care provides publicly funded ~~child day care~~ child-care to the child of an individual given certificates for payment, the individual shall provide the provider certificates for days the provider would have provided publicly funded child care to the child had the child been present. County departments shall specify the maximum number of days providers will be provided certificates of payment for days the provider would have provided publicly funded child care had the child been present. The maximum number

of days shall not exceed ten days in a six-month period during 10555  
which publicly funded child care is provided to the child 10556  
regardless of the number of providers that provide publicly funded 10557  
child care to the child during that period. 10558

**Sec. ~~5104.33~~ 5104.53.** (A) The department of job and family 10559  
services shall prescribe an application form for use in making 10560  
eligibility determinations for publicly funded child care. The 10561  
form shall be as brief and simple as practicable. 10562

(B) In administering the process of applying for publicly 10563  
funded child care, the county department of job and family 10564  
services shall implement policies designed to ensure that the 10565  
application process is as accessible to the public as possible. 10566  
These policies shall include making the application forms 10567  
available at appropriate locations selected by the county 10568  
department and making arrangements that enable applicants to 10569  
complete the application process at times outside their normal 10570  
working hours, and at locations, convenient for them. The 10571  
arrangements may include stationing certain of their employees at 10572  
various sites in the county for the purpose of assisting 10573  
applicants in completing the application process and of making 10574  
eligibility determinations at those locations. The arrangements 10575  
may also include providing training and technical assistance to 10576  
appropriate entities that qualify them to provide assistance in 10577  
completing the application process and, to the extent permitted by 10578  
federal law, to make eligibility determinations. 10579

Each county department of job and family services shall 10580  
submit to the department of job and family services for approval 10581  
its plan for ensuring that the application process is as 10582  
accessible to the public as possible and complies with this 10583  
division. The county department shall make any changes to its plan 10584  
that the department determines are necessary for compliance with 10585

this division and with any state standards adopted for the 10586  
administration of this division. 10587

**Sec. ~~5104.34~~ 5104.54.** (A)(1) Each county department of job 10588  
and family services shall implement procedures for making 10589  
determinations of eligibility for publicly funded child care. 10590  
Under those procedures, the eligibility determination for each 10591  
applicant shall be made no later than thirty calendar days from 10592  
the date the county department receives a ~~completed~~ an application 10593  
for publicly funded child care. Each applicant shall be notified 10594  
promptly of the results of the eligibility determination. An 10595  
applicant aggrieved by a decision or delay in making an 10596  
eligibility determination may appeal the decision or delay to the 10597  
department of job and family services in accordance with section 10598  
5101.35 of the Revised Code. The due process rights of applicants 10599  
shall be protected. 10600

To the extent permitted by federal law, the county department 10601  
may make all determinations of eligibility for publicly funded 10602  
child care, may contract with child care providers or child care 10603  
resource and referral service organizations for the providers or 10604  
resource and referral service organizations to make all or any 10605  
part of the determinations, and may contract with child care 10606  
providers or child care resource and referral service 10607  
organizations for the providers or resource and referral service 10608  
organizations to collect specified information for use by the 10609  
county department in making determinations. If a county department 10610  
contracts with a child care provider or a child care resource and 10611  
referral service organization for eligibility determinations or 10612  
for the collection of information, the contract shall require the 10613  
provider or resource and referral service organization to make 10614  
each eligibility determination no later than thirty calendar days 10615  
from the date the provider or resource and referral organization 10616  
receives a completed application that is the basis of the 10617



determination and to collect and transmit all necessary 10618  
information to the county department within a period of time that 10619  
enables the county department to make each eligibility 10620  
determination no later than thirty days after the filing of the 10621  
application that is the basis of the determination. 10622

The county department may station employees of the department 10623  
in various locations throughout the county to collect information 10624  
relevant to applications for publicly funded child care and to 10625  
make eligibility determinations. The county department, child care 10626  
provider, and child care resource and referral service 10627  
organization shall make each determination of eligibility for 10628  
publicly funded child care no later than thirty days after the 10629  
filing of the application that is the basis of the determination, 10630  
shall make each determination in accordance with any relevant 10631  
rules adopted pursuant to section ~~5104.38~~ 5104.58 of the Revised 10632  
Code, and shall notify promptly each applicant for publicly funded 10633  
child care of the results of the determination of the applicant's 10634  
eligibility. 10635

The director of job and family services shall adopt rules in 10636  
accordance with Chapter 119. of the Revised Code for monitoring 10637  
the eligibility determination process. In accordance with those 10638  
rules, the state department shall monitor eligibility 10639  
determinations made by county departments of job and family 10640  
services and shall direct any entity that is not in compliance 10641  
with this division or any rule adopted under this division to 10642  
implement corrective action specified by the department. 10643

(2) All eligibility determinations for publicly funded child 10644  
care shall be made in accordance with rules adopted pursuant to 10645  
division (A) of section ~~5104.38~~ 5104.58 of the Revised Code and, 10646  
if a county department of job and family services specifies, 10647  
pursuant to rules adopted under division (B) of that section, a 10648  
maximum amount of income a family may have to be eligible for 10649

publicly funded child care, the income maximum specified by the 10650  
county department. Publicly funded child care may be provided only 10651  
to eligible infants, toddlers, preschool children, and school 10652  
children under age thirteen. For an applicant to be eligible for 10653  
publicly funded child care, the caretaker parent must be employed 10654  
or participating in a program of education or training for an 10655  
amount of time reasonably related to the time that the parent's 10656  
children are receiving publicly funded child care. This 10657  
restriction does not apply to families whose children are eligible 10658  
for protective child care. 10659

Subject to available funds, a county department of job and 10660  
family services shall allow a family to receive publicly funded 10661  
child care unless the family's income exceeds the maximum income 10662  
eligibility limit. Initial and continued eligibility for publicly 10663  
funded child care is subject to available funds unless the family 10664  
is receiving child care pursuant to division (A)(1), (2), (3), or 10665  
(4) of section ~~5104.30~~ 5104.50 of the Revised Code. If the county 10666  
department must limit eligibility due to lack of available funds, 10667  
it shall give first priority for publicly funded child care to an 10668  
assistance group whose income is not more than the maximum income 10669  
eligibility limit that received transitional child care in the 10670  
previous month but is no longer eligible because the twelve-month 10671  
period has expired. Such an assistance group shall continue to 10672  
receive priority for publicly funded child care until its income 10673  
exceeds the maximum income eligibility limit. 10674

(3) An assistance group that ceases to participate in the 10675  
Ohio works first program established under Chapter 5107. of the 10676  
Revised Code is eligible for transitional child care at any time 10677  
during the immediately following twelve-month period that both of 10678  
the following apply: 10679

(a) The assistance group requires child care due to 10680  
employment; 10681

(b) The assistance group's income is not more than one 10682  
hundred fifty per cent of the federal poverty line. 10683

An assistance group ineligible to participate in the Ohio 10684  
works first program pursuant to section 5101.83 or section 5107.16 10685  
of the Revised Code is not eligible for transitional child care. 10686

(B) To the extent permitted by federal law, a county 10687  
department of job and family services may require a caretaker 10688  
parent determined to be eligible for publicly funded child care to 10689  
pay a fee according to the schedule of fees established in rules 10690  
adopted under section ~~5104.38~~ 5104.58 of the Revised Code. Each 10691  
county department shall make protective child care services 10692  
available to children without regard to the income or assets of 10693  
the caretaker parent of the child. 10694

(C) A caretaker parent receiving publicly funded child care 10695  
shall report to the entity that determined eligibility any changes 10696  
in status with respect to employment or participation in a program 10697  
of education or training not later than ten calendar days after 10698  
the change occurs. 10699

(D) If a county department of job and family services 10700  
determines that available resources are not sufficient to provide 10701  
publicly funded child care to all eligible families who request 10702  
it, the county department may establish a waiting list. A county 10703  
department may establish separate waiting lists within the waiting 10704  
list based on income. When resources become available to provide 10705  
publicly funded child care to families on the waiting list, a 10706  
county department that establishes a waiting list shall assess the 10707  
needs of the next family scheduled to receive publicly funded 10708  
child care. If the assessment demonstrates that the family 10709  
continues to need and is eligible for publicly funded child care, 10710  
the county department shall offer it to the family. If the county 10711  
department determines that the family is no longer eligible or no 10712  
longer needs publicly funded child care, the county department 10713

shall remove the family from the waiting list. 10714

(E) As used in this section, "maximum income eligibility 10715  
limit" means the amount of income specified in rules adopted under 10716  
division (A) of section ~~5104.38~~ 5104.58 of the Revised Code or, if 10717  
a county department of job and family services specifies a higher 10718  
amount pursuant to rules adopted under division (B) of that 10719  
section, the amount the county department specifies. 10720

**Sec. ~~5104.341~~ 5104.541.** (A) Except as provided in division 10721  
(B) of this section, both of the following apply: 10722

(1) An eligibility determination made under section ~~5104.34~~ 10723  
5104.54 of the Revised Code for publicly funded child care is 10724  
valid for one year; 10725

(2) The county department of job and family services shall 10726  
redetermine the appropriate level of a fee charged under division 10727  
(B) of section ~~5104.34~~ 5104.54 of the Revised Code every six 10728  
months during the one-year period, unless a caretaker parent 10729  
requests that the fee be reduced due to changes in income, family 10730  
size, or both and the county department of job and family services 10731  
approves the reduction. 10732

(B) Division (A) of this section does not apply in either of 10733  
the following circumstances: 10734

(1) The publicly funded child care is provided under division 10735  
(B)(4) of section ~~5104.35~~ 5104.55 of the Revised Code; 10736

(2) The recipient of the publicly funded child care ceases to 10737  
be eligible for publicly funded child care. 10738

**Sec. ~~5104.35~~ 5104.55.** (A) ~~The Each~~ county department of job 10739  
and family services shall do all of the following: 10740

(1) Accept any gift, grant, or other funds from either public 10741  
or private sources offered unconditionally or under conditions 10742

which are, in the judgment of the county department, proper and 10743  
consistent with this chapter and deposit the funds in the county 10744  
public assistance fund established by section 5101.161 of the 10745  
Revised Code; 10746

(2) Recruit individuals and groups interested in 10747  
certification as in-home aides or in developing and operating 10748  
suitable licensed ~~child day care~~ child-care centers, licensed type 10749  
A family ~~day care~~ child-care homes, licensed type B family 10750  
child-care homes, or ~~certified~~ type B family ~~day care~~ child-care 10751  
homes with limited certification, especially in areas with high 10752  
concentrations of recipients of public assistance, and for that 10753  
purpose provide consultation to interested individuals and groups 10754  
on request; 10755

(3) Inform clients of the availability of child care 10756  
services; 10757

(4) ~~Pay to a child day care center, type A family day care~~ 10758  
~~home, certified type B family day care home, in-home aide,~~ 10759  
~~approved child day camp, licensed preschool program, licensed~~ 10760  
~~school child program, or border state child care~~ Except as 10761  
provided in rules adopted under section 5104.62 of the Revised 10762  
Code, pay a provider for of publicly funded child care ~~services,~~ 10763  
with which the county department has entered into a contract under 10764  
section 5104.52 of the Revised Code the amount provided for in 10765  
division (B) of section ~~5104.32~~ 5104.52 of the Revised Code. If 10766  
part of the cost of care of a child is paid by the child's parent 10767  
or any other person, the amount paid shall be subtracted from the 10768  
amount the county department pays. 10769

(5) In accordance with rules adopted pursuant to section 10770  
~~5104.39~~ 5104.59 of the Revised Code, provide monthly reports to 10771  
the director of job and family services and the director of budget 10772  
and management regarding expenditures for the purchase of publicly 10773  
funded child care. 10774

(B) ~~The~~ Each county department of job and family services may 10775  
do any of the following: 10776

(1) To the extent permitted by federal law, use public child 10777  
care funds to extend the hours of operation of the county 10778  
department to accommodate the needs of working caretaker parents 10779  
and enable those parents to apply for publicly funded child care; 10780

(2) In accordance with rules adopted by the director of job 10781  
and family services, request a waiver of the reimbursement ceiling 10782  
established pursuant to section ~~5104.30~~ 5104.50 of the Revised 10783  
Code for the purpose of paying a higher rate for publicly funded 10784  
child care based upon the special needs of a child; 10785

(3) To the extent permitted by federal law, use state and 10786  
federal funds to pay deposits and other advance payments that a 10787  
provider of child care customarily charges all children who 10788  
receive child care from that provider; 10789

(4) To the extent permitted by federal law, pay for up to 10790  
thirty days of child care for a child whose caretaker parent is 10791  
seeking employment, taking part in employment orientation 10792  
activities, or taking part in activities in anticipation of 10793  
enrollment or attendance in an education or training program or 10794  
activity, if the employment or education or training program or 10795  
activity is expected to begin within the thirty-day period. 10796

Sec. 5104.551. The department of job and family services 10797  
shall pay a provider of publicly funded child care with which the 10798  
department has entered into a contract under section 5104.52 of 10799  
the Revised Code the amount provided for in division (B) of 10800  
section 5104.52 of the Revised Code. If part of the cost of care 10801  
of a child is paid by the child's parent or any other person, the 10802  
amount paid shall be subtracted from the amount the department 10803  
pays. 10804

The department may do any of the following: 10805

(A) Waive the reimbursement ceiling established pursuant to 10806  
section 5104.50 of the Revised Code for the purpose of paying a 10807  
higher rate for publicly funded child care based on the special 10808  
needs of a child; 10809

(B) To the extent permitted by federal law, use state and 10810  
federal funds to pay deposits and other advance payments that a 10811  
provider of child care customarily charges all children who 10812  
receive child care from the provider; 10813

(C) To the extent permitted by federal law, pay for up to 10814  
thirty days of child care for a child whose caretaker parent is 10815  
seeking employment, taking part in employment orientation 10816  
activities, or taking part in activities in anticipation of 10817  
enrollment or attendance in an education or training program or 10818  
activity, if the employment, education, or training program or 10819  
activity is expected to begin within the thirty-day period. 10820

**Sec. ~~5104.36~~ 5104.56.** The licensee or administrator of a 10821  
~~child day care~~ child-care center or type A family ~~day care~~ 10822  
child-care home, the licensed provider of a licensed type B family 10823  
child-care home, the ~~authorized~~ provider with limited 10824  
certification of a ~~certified~~ type B family ~~day care~~ child-care 10825  
home with limited certification, an in-home aide providing child 10826  
care services, the director or administrator of an approved child 10827  
day camp, and a border state child care provider shall keep a 10828  
record for each eligible child, to be made available to the county 10829  
department of job and family services or the department of job and 10830  
family services on request. The record shall include all of the 10831  
following: 10832

(A) The name and date of birth of the child; 10833

(B) The name and address of the child's caretaker parent; 10834

(C) The name and address of the caretaker parent's place of 10835  
employment or program of education or training; 10836

(D) The hours for which child care services have been 10837  
provided for the child; 10838

(E) Any other information required by the county department 10839  
of job and family services or the state department of job and 10840  
family services. 10841

**Sec. ~~5104.37~~ 5104.57.** The department of job and family 10842  
services and a county department of job and family services may 10843  
withhold any money due, and recover through any appropriate method 10844  
any money erroneously paid, under this chapter if evidence exists 10845  
of less than full compliance with this chapter and any rules 10846  
adopted under it. 10847

**Sec. ~~5104.38~~ 5104.58.** In addition to any other rules adopted 10848  
under this chapter, the director of job and family services shall 10849  
adopt rules in accordance with Chapter 119. of the Revised Code 10850  
governing financial and administrative requirements for publicly 10851  
funded child care and establishing all of the following: 10852

(A) Procedures and criteria to be used in making 10853  
determinations of eligibility for publicly funded child care that 10854  
give priority to children of families with lower incomes and 10855  
procedures and criteria for eligibility for publicly funded 10856  
protective child care. The rules shall specify the maximum amount 10857  
of income a family may have for initial and continued eligibility. 10858  
The maximum amount shall not exceed two hundred per cent of the 10859  
federal poverty line. 10860

(B) Procedures under which a county department of job and 10861  
family services may, if the department, under division (A) of this 10862  
section, specifies a maximum amount of income a family may have 10863  
for eligibility for publicly funded child care that is less than 10864



the maximum amount specified in that division, specify a maximum 10865  
amount of income a family residing in the county the county 10866  
department serves may have for initial and continued eligibility 10867  
for publicly funded child care that is higher than the amount 10868  
specified by the department but does not exceed the maximum amount 10869  
specified in division (A) of this section; 10870

(C) A schedule of fees requiring all eligible caretaker 10871  
parents to pay a fee for publicly funded child care according to 10872  
income and family size, which shall be uniform for all types of 10873  
publicly funded child care, except as authorized by rule, and, to 10874  
the extent permitted by federal law, shall permit the use of state 10875  
and federal funds to pay the customary deposits and other advance 10876  
payments that a provider charges all children who receive child 10877  
care from that provider. The schedule of fees may not provide for 10878  
a caretaker parent to pay a fee that exceeds ten per cent of the 10879  
parent's family income. 10880

(D) A formula based upon a percentage of the county's total 10881  
expenditures for publicly funded child care for determining the 10882  
maximum amount of state and federal funds appropriated for 10883  
publicly funded child care that a county department may use for 10884  
administrative purposes; 10885

(E) Procedures to be followed by the department and county 10886  
departments in recruiting individuals and groups to become 10887  
providers of child care; 10888

(F) Procedures to be followed in establishing state or local 10889  
programs designed to assist individuals who are eligible for 10890  
publicly funded child care in identifying the resources available 10891  
to them and to refer the individuals to appropriate sources to 10892  
obtain child care; 10893

(G) Procedures to deal with fraud and abuse committed by 10894  
either recipients or providers of publicly funded child care; 10895

(H) Procedures for establishing a child care grant or loan program in accordance with the child care block grant act; 10896  
10897

(I) Standards and procedures for applicants to apply for grants and loans, and for the department to make grants and loans; 10898  
10899

(J) A definition of "person who stands in loco parentis" for the purposes of division ~~(II)~~(LL)(1) of section 5104.01 of the Revised Code; 10900  
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(K) Procedures for a county department of job and family services to follow in making eligibility determinations and redeterminations for publicly funded child care available through telephone, computer, and other means at locations other than the county department; 10903  
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(L) Any other rules necessary to carry out sections ~~5104.30~~ 5104.50 to ~~5104.39~~ 5104.63 of the Revised Code. 10908  
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**Sec. ~~5104.382~~ 5104.581.** In adopting rules under division (A) of section ~~5104.38~~ 5104.58 of the Revised Code establishing criteria for eligibility for publicly funded child care, the director of job and family services may prescribe the amount, duration, and scope of benefits available as publicly funded child care. 10910  
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**Sec. ~~5104.39~~ 5104.59.** (A) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code establishing a procedure for monitoring the expenditures of the state department of job and family services and county departments of job and family services to ensure that expenditures do not exceed the available federal and state funds for publicly funded child care. The department, with the assistance of the office of budget and management and the child care advisory council created pursuant to section ~~5104.08~~ 5104.72 of the Revised Code, shall monitor the anticipated future 10916  
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expenditures of the state department and county departments for 10926  
publicly funded child care and shall compare those anticipated 10927  
future expenditures to available federal and state funds for 10928  
publicly funded child care. Whenever the department determines 10929  
that the anticipated future expenditures ~~of the county departments~~ 10930  
will exceed the available federal and state funds for publicly 10931  
funded child care, it promptly shall notify the county departments 10932  
and, before the available state and federal funds are used, the 10933  
director shall issue and implement an administrative order that 10934  
shall specify both of the following: 10935

(1) Priorities for expending the remaining available federal 10936  
and state funds for publicly funded child care; 10937

(2) Instructions and procedures to be used by the state 10938  
department and county departments. 10939

(B) The order may do any or all of the following: 10940

(1) Suspend enrollment of all new participants in any program 10941  
of publicly funded child care; 10942

(2) Limit enrollment of new participants to those with 10943  
incomes at or below a specified percentage of the federal poverty 10944  
line; 10945

(3) Disenroll existing participants with income above a 10946  
specified percentage of the federal poverty line. 10947

(C) Each county department shall comply with the order no 10948  
later than thirty days after it is issued. If the state department 10949  
fails to notify the county departments and to implement the 10950  
reallocation priorities specified in the order before the 10951  
available federal and state funds for publicly funded child care 10952  
are used, the state department shall provide sufficient funds to 10953  
the county departments for publicly funded child care to enable 10954  
each county department to pay for all publicly funded child care 10955  
that was provided by providers pursuant to a contract with the 10956

county department prior to the date that the county department 10957  
received notice under this section and the state department 10958  
implemented in that county the priorities. 10959

(D) If after issuing an order under this section to suspend 10960  
or limit enrollment of new participants or disenroll existing 10961  
participants the department determines that available state and 10962  
federal funds for publicly funded child care exceed the 10963  
anticipated future expenditures of the state department and county 10964  
departments, the director may issue and implement another 10965  
administrative order increasing income eligibility levels to a 10966  
specified percentage of the federal poverty line. The order shall 10967  
include instructions and procedures to be used by the county 10968  
departments. Each county department shall comply with the order 10969  
not later than thirty days after it is issued. 10970

(E) The department of job and family services shall do all of 10971  
the following: 10972

(1) Conduct a quarterly evaluation of the program of publicly 10973  
funded child care that is operated pursuant to sections ~~5104.30~~ 10974  
5104.50 to ~~5104.39~~ 5104.63 of the Revised Code; 10975

(2) Prepare reports based upon the evaluations that specify 10976  
for the state and each county the number of participants and 10977  
amount of expenditures; 10978

(3) Provide copies of the reports to both houses of the 10979  
general assembly and, on request, to interested parties. 10980

**Sec. ~~5104.40~~ 5104.60.** A county department of job and family 10981  
services shall not be held responsible for implementing any rule 10982  
adopted under this chapter regarding publicly funded child care 10983  
until the later of thirty days after the effective date of the 10984  
rule or thirty days after the county department receives notice of 10985  
the rule if such notification is required under this chapter. 10986

**Sec. ~~5104.41~~ 5104.61.** A child and the child's caretaker who 10987  
either temporarily reside in a facility providing emergency 10988  
shelter for homeless families or are determined by the county 10989  
department of job and family services to be homeless, and who are 10990  
otherwise ineligible for publicly funded child care, are eligible 10991  
for protective child care for the lesser of the following: 10992

(A) Ninety days; 10993

(B) The period of time they reside in the shelter, if they 10994  
qualified for protective child care because they reside in the 10995  
shelter, or the period of time in which the county department 10996  
determines they are homeless. 10997

**Sec. ~~5104.42~~ 5104.62.** The director of job and family services 10998  
shall adopt rules pursuant to section 111.15 of the Revised Code 10999  
establishing a payment procedure for publicly funded child care. 11000  
The rules may provide that the department of job and family 11001  
services will either reimburse county departments of job and 11002  
family services for payments made to providers of publicly funded 11003  
child care with which a county department has entered into a 11004  
contract under section 5104.52 of the Revised Code or make direct 11005  
payments to providers pursuant to an agreement entered into with a 11006  
county board of commissioners pursuant to section 5101.21 of the 11007  
Revised Code. 11008

Alternately, the director, by rule adopted in accordance with 11009  
section 111.15 of the Revised Code, may establish a methodology 11010  
for allocating among the county departments the state and federal 11011  
funds appropriated for all publicly funded child care services, 11012  
other than publicly funded child care provided by a provider under 11013  
contract with the state department of job and family services 11014  
under section 5104.52 of the Revised Code. If the ~~department~~ 11015  
director chooses to allocate funds for publicly funded child care, 11016

it may provide the funds to each county department, up to the 11017  
limit of the county's allocation, by advancing the funds or 11018  
reimbursing county care expenditures. The rules adopted under this 11019  
section may prescribe procedures for making the advances or 11020  
reimbursements. The rules may establish a method under which the 11021  
department may determine which county expenditures for child care 11022  
services are allowable for use of state and federal funds. 11023

The rules may establish procedures that a county department 11024  
shall follow when the county department determines that its 11025  
anticipated future expenditures for publicly funded child care 11026  
services will exceed the amount of state and federal funds 11027  
allocated by the state department. The procedures may include 11028  
suspending or limiting enrollment of new participants. 11029

**Sec. ~~5104.43~~ 5104.63.** Each county department of job and 11030  
family services shall deposit all funds received from any source 11031  
for child care services into the public assistance fund 11032  
established under section 5101.161 of the Revised Code. All 11033  
expenditures by a county department for publicly funded child care 11034  
shall be made from the public assistance fund. 11035

**Sec. ~~5104.06~~ 5104.70.** (A) The director of job and family 11036  
services shall provide consultation, technical assistance, and 11037  
training to ~~child-day-care~~ child-care centers ~~and~~, type A family 11038  
~~day-care~~ child-care homes, and licensed type B family child-care 11039  
homes to improve programs and facilities providing child care 11040  
including, but not limited to, assistance in meeting the 11041  
requirements of Chapter 5104. and rules adopted pursuant to 11042  
Chapter 5104. of the Revised Code and shall furnish information 11043  
regarding child abuse identification and reporting of child abuse. 11044

(B) The director of job and family services shall provide 11045  
consultation and technical assistance to county departments of job 11046

and family services to assist the county departments with the 11047  
implementation of limited certification of type B family ~~day-care~~ 11048  
child-care home providers and certification of in-home aides. 11049

**Sec. ~~5104.07~~ 5104.71.** (A) ~~The director of job and family~~ 11050  
~~services may prescribe additional requirements for licensing child~~ 11051  
~~day-care centers or type A family day-care homes that provide~~ 11052  
~~publicly funded child care pursuant to this chapter and any rules~~ 11053  
~~adopted under it. The director shall develop standards as required~~ 11054  
~~by federal laws and regulations for child care programs supported~~ 11055  
~~by federal funds.~~ 11056

~~(B)~~(1) On or before February 28, 1992, the department of job 11057  
and family services shall develop a statewide plan for child care 11058  
resource and referral services. The plan shall be based upon the 11059  
experiences of other states with respect to child care resource 11060  
and referral services, the experiences of communities in this 11061  
state that have child care resource and referral service 11062  
organizations, and the needs of communities in this state that do 11063  
not have child care resource and referral service organizations. 11064  
The plan shall be designed to ensure that child care resource and 11065  
referral services are available in each county in the state to 11066  
families who need child care. The department shall consider the 11067  
special needs of migrant workers when it develops the plan and 11068  
shall include in the plan procedures designed to accommodate the 11069  
needs of migrant workers. 11070

(2) The director of job and family services shall adopt rules 11071  
for funding child care resource and referral service 11072  
organizations. The rules shall include all of the following: 11073

(a) A description of the services that a child care resource 11074  
and referral service organization is required to provide to 11075  
families who need child care; 11076

(b) The qualifications for a child care resource and referral 11077

service organization; 11078

(c) A description of the procedures for providing federal and 11079  
state funding for county or multicounty child care resource and 11080  
referral service organizations; 11081

(d) A timetable for providing child care resource and 11082  
referral services to all communities in the state; 11083

(e) Uniform information gathering and reporting procedures 11084  
that are designed to be used in compatible computer systems; 11085

(f) Procedures for establishing statewide nonprofit technical 11086  
assistance services to coordinate uniform data collection and to 11087  
publish reports on child care supply, demand, and cost and to 11088  
provide technical assistance to communities that do not have child 11089  
care resource and referral service organizations and to existing 11090  
child care resource and referral service organizations; 11091

(g) Requirements governing contracts entered into under 11092  
division ~~(C)~~(B) of this section, which may include limits on the 11093  
percentage of funds distributed by the department that may be used 11094  
for the contracts. 11095

~~(C)~~(B) Child care resource and referral service organizations 11096  
receiving funds distributed by the department may, in accordance 11097  
with rules adopted under division ~~(B)~~(A)(2) of this section, enter 11098  
into contracts with local governmental entities, nonprofit 11099  
organizations including nonprofit organizations that provide child 11100  
care, and individuals under which the entities, organizations, or 11101  
individuals may provide child care resource and referral services 11102  
in the community with those funds, if the contracts are submitted 11103  
to and approved by the department prior to execution. 11104

**Sec. ~~5104.08~~ 5104.72.** (A) There is hereby created in the 11105  
department of job and family services a child care advisory 11106  
council to advise and assist the department in the administration 11107



of this chapter and in the development of child care. The council 11108  
shall consist of twenty-two voting members appointed by the 11109  
director of job and family services with the approval of the 11110  
governor. The director of job and family services, the director of 11111  
mental retardation and developmental disabilities, the director of 11112  
mental health, the superintendent of public instruction, the 11113  
director of health, the director of commerce, and the state fire 11114  
marshal shall serve as nonvoting members of the council. 11115

Six members shall be representatives of child care centers 11116  
subject to licensing, the members to represent a variety of 11117  
centers, including nonprofit and proprietary, from different 11118  
geographical areas of the state. At least three members shall be 11119  
parents, guardians, or custodians of children receiving child care 11120  
or publicly funded child care in the child's own home, a center, a 11121  
type A home, a head start program, a licensed type B home, a 11122  
~~certified~~ type B home with limited certification, or a type B home 11123  
at the time of appointment. Three members shall be representatives 11124  
of in-home aides, type A homes, ~~certified~~ licensed type B homes, 11125  
type B homes with limited certification, ~~or~~ type B homes, or head 11126  
start programs. At least six members shall represent county 11127  
departments of job and family services. The remaining members 11128  
shall be representatives of the teaching, child development, and 11129  
health professions, and other individuals interested in the 11130  
welfare of children. At least six members of the council shall not 11131  
be employees or licensees of a ~~child-day-care~~ child-care center, 11132  
head start program, ~~or~~ type A home, or licensed type B home, or 11133  
providers operating a ~~certified~~ type B home with limited 11134  
certification or type B home, or in-home aides. 11135

11136  
Appointments shall be for three-year terms. Vacancies shall 11137  
be filled for the unexpired terms. A member of the council is 11138  
subject to removal by the director of job and family services for 11139

a willful and flagrant exercise of authority or power that is not 11140  
authorized by law, for a refusal or willful neglect to perform any 11141  
official duty as a member of the council imposed by law, or for 11142  
being guilty of misfeasance, malfeasance, nonfeasance, or gross 11143  
neglect of duty as a member of the council. 11144

There shall be two co-chairpersons of the council. One 11145  
co-chairperson shall be the director of job and family services or 11146  
the director's designee, and one co-chairperson shall be elected 11147  
by the members of the council. The council shall meet as often as 11148  
is necessary to perform its duties, provided that it shall meet at 11149  
least once in each quarter of each calendar year and at the call 11150  
of the co-chairpersons. The co-chairpersons or their designee 11151  
shall send to each member a written notice of the date, time, and 11152  
place of each meeting. 11153

Members of the council shall serve without compensation, but 11154  
shall be reimbursed for necessary expenses. 11155

(B) The child care advisory council shall advise the director 11156  
on matters affecting the licensing of centers ~~and~~, type A homes 11157  
~~and~~, and type B homes, the limited certification of type B homes, 11158  
and certification of in-home aides. The council shall make an 11159  
annual report to the director of job and family services that 11160  
addresses the availability, affordability, accessibility, and 11161  
quality of child care and that summarizes the recommendations and 11162  
plans of action that the council has proposed to the director 11163  
during the preceding fiscal year. The director of job and family 11164  
services shall provide copies of the report to the governor, 11165  
speaker and minority leader of the house of representatives, and 11166  
the president and minority leader of the senate and, on request, 11167  
shall make copies available to the public. 11168

(C) The director of job and family services shall adopt rules 11169  
pursuant to Chapter 119. of the Revised Code to implement this 11170  
section. 11171

**Sec. ~~5104.081~~ 5104.73.** The department of job and family 11172  
services shall employ at least one senior-level, full-time 11173  
employee who shall manage and oversee all child care functions 11174  
under the authority of the department. 11175

**Sec. 5104.74.** The director of job and family services shall 11176  
recommend standards for imposing sanctions on persons and entities 11177  
holding a license, limited certificate, or certificate issued 11178  
under this chapter that violate any provision of this chapter. The 11179  
standards shall be based on the scope and severity of the 11180  
violations. The director shall provide copies of the 11181  
recommendations to the governor, the speaker and minority leader 11182  
of the house of representatives, and the president and minority 11183  
leader of the senate and, on request, shall make copies available 11184  
to the public. 11185

**Sec. 5104.99.** (A) Whoever violates section 5104.02 of the 11186  
Revised Code shall be punished as follows: 11187

(1) For each offense, the offender shall be fined not less 11188  
than one hundred dollars nor more than five hundred dollars 11189  
multiplied by the number of children receiving child care at the 11190  
~~child day care~~ child-care center ~~or,~~ type A family ~~day care~~ 11191  
child-care home, or type B family child-care home that ~~either~~ 11192  
exceeds the following: 11193

(a) If the offender is not licensed as a center, type A home, 11194  
or type B home but is operating as a center, type A home, or type 11195  
B home for which a license is required, the number of children to 11196  
which a type B family ~~day care~~ home may provide child care ~~or, if~~ 11197  
without a license; 11198

(b) If the offender is a licensed type B home that is 11199  
operating as a type A home or center without being licensed as a 11200  
center or type A home, the license capacity of the type B home; 11201

(c) If the offender is a licensed type A ~~family day care~~ home 11202  
that is operating as a ~~child day care~~ child-care center without 11203  
being licensed as a center, ~~exceeds~~ the license capacity of the 11204  
type A home. 11205

(2) In addition to the fine specified in division (A)(1) of 11206  
this section, all of the following apply: 11207

(a) Except as provided in divisions (A)(2)(b), (c), and (d) 11208  
of this section, the court shall order the offender to reduce the 11209  
number of children to which it provides child care to a number 11210  
that does not exceed ~~either~~ the following: 11211

(i) If the offender is not licensed as a child-care center, 11212  
type A family child-care home, or type B family child-care home 11213  
but is operating as a center, type A home, or type B home for 11214  
which a license is required, the number of children to which a 11215  
type B family day-care home may provide child care ~~or, if without~~ 11216  
a license; 11217

(ii) If the offender is a licensed type B home that is 11218  
operating as a type A home or center without being licensed as a 11219  
center or type A home, the license capacity of the licensed type B 11220  
home; 11221

(iii) If the offender is a licensed type A ~~family day care~~ 11222  
home that is operating as a ~~child day care~~ center without being 11223  
licensed as a center, the license capacity of the type A home. 11224

(b) If the offender previously has been convicted of or 11225  
pleaded guilty to one violation of section 5104.02 of the Revised 11226  
Code, the court shall order the offender to cease the provision of 11227  
child care to any person until it obtains a ~~child day care~~ 11228  
child-care center license ~~or,~~ a type A family ~~day care~~ child-care 11229  
home license, or a type B family child-care home license, as 11230  
appropriate, under ~~section 5104.03 of the Revised Code~~ this 11231  
chapter. 11232

(c) If the offender previously has been convicted of or 11233  
pleaded guilty to two violations of section 5104.02 of the Revised 11234  
Code, the offender is guilty of a misdemeanor of the first degree, 11235  
and the court shall order the offender to cease the provision of 11236  
child care to any person until it obtains a ~~child day-care~~ 11237  
child-care center license ~~or,~~ a type A family ~~day-care~~ child-care 11238  
home license, or a type B family child-care home license, as 11239  
appropriate, under ~~section 5104.03 of the Revised Code~~ this 11240  
chapter. The court shall impose the fine specified in division 11241  
(A)(1) of this section and may impose an additional fine provided 11242  
that the total amount of the fines so imposed does not exceed the 11243  
maximum fine authorized for a misdemeanor of the first degree 11244  
under section 2929.28 of the Revised Code. 11245

(d) If the offender previously has been convicted of or 11246  
pleaded guilty to three or more violations of section 5104.02 of 11247  
the Revised Code, the offender is guilty of a felony of the fifth 11248  
degree, and the court shall order the offender to cease the 11249  
provision of child care to any person until it obtains a ~~child~~ 11250  
~~day-care~~ child-care center license ~~or,~~ a type A family ~~day-care~~ 11251  
child-care home license, or a type B family child-care home 11252  
license, as appropriate, under ~~section 5104.03 of the Revised Code~~ 11253  
this chapter. The court shall impose the fine specified in 11254  
division (A)(1) of this section and may impose an additional fine 11255  
provided that the total amount of the fines so imposed does not 11256  
exceed the maximum fine authorized for a felony of the fifth 11257  
degree under section 2929.18 of the Revised Code. 11258

(B) Whoever violates ~~division (B) of~~ section ~~5104.09~~ 11259  
5104.3413 of the Revised Code is guilty of a misdemeanor of the 11260  
first degree. If the offender is a licensee of a center ~~or,~~ type A 11261  
home, or type B home, the conviction shall constitute grounds for 11262  
denial, revocation, or refusal to renew an application for 11263  
licensure pursuant to section ~~5104.04~~ 5104.0317 of the Revised 11264

Code. If the offender is a person eighteen years of age or older 11265  
residing in a center ~~or~~, type A home, or type B home or is an 11266  
employee of a center ~~or~~, a type A home, or a type B home and if 11267  
the licensee had knowledge of, and acquiesced in, the commission 11268  
of the offense, the conviction shall constitute grounds for 11269  
denial, revocation, or refusal to renew an application for 11270  
licensure pursuant to section ~~5104.04~~ 5104.0317 of the Revised 11271  
Code. 11272

(C) Whoever violates ~~division (C) of section 5104.09~~ 5104.11 11273  
of the Revised Code is guilty of a misdemeanor of the third 11274  
degree. 11275

**Sec. 5107.16.** (A) If a member of an assistance group fails or 11276  
refuses, without good cause, to comply in full with a provision of 11277  
a self-sufficiency contract entered into under section 5107.14 of 11278  
the Revised Code, a county department of job and family services 11279  
shall sanction the assistance group as follows: 11280

(1) For a first failure or refusal, the county department 11281  
shall deny or terminate the assistance group's eligibility to 11282  
participate in Ohio works first for one payment month; 11283

(2) For a second failure or refusal, the county department 11284  
shall deny or terminate the assistance group's eligibility to 11285  
participate in Ohio works first for three payment months; 11286

(3) For a third or subsequent failure or refusal, the county 11287  
department shall deny or terminate the assistance group's 11288  
eligibility to participate in Ohio works first for six payment 11289  
months. 11290

(B) The director of job and family services shall establish 11291  
standards for the determination of good cause for failure or 11292  
refusal to comply in full with a provision of a self-sufficiency 11293  
contract in rules adopted under section 5107.05 of the Revised 11294

Code. 11295

(C) After sanctioning an assistance group under division (A) 11296  
of this section, a county department of job and family services 11297  
shall continue to work with the assistance group. 11298

(D) An adult eligible for medicaid pursuant to division 11299  
(A)(1)(a) of section 5111.01 of the Revised Code who is sanctioned 11300  
under division (A)(3) of this section for a failure or refusal, 11301  
without good cause, to comply in full with a provision of a 11302  
self-sufficiency contract related to work responsibilities under 11303  
sections 5107.40 to 5107.69 of the Revised Code loses eligibility 11304  
for medicaid unless the adult is otherwise eligible for medicaid 11305  
pursuant to another division of section 5111.01 of the Revised 11306  
Code. 11307

An assistance group that would be participating in Ohio works 11308  
first if not for a sanction under this section shall continue to 11309  
be eligible for all of the following: 11310

(1) Publicly funded child care in accordance with division 11311  
(A)(3) of section ~~5104.30~~ 5104.50 of the Revised Code; 11312

(2) Support services in accordance with section 5107.66 of 11313  
the Revised Code; 11314

(3) To the extent permitted by the "Fair Labor Standards Act 11315  
of 1938," 52 Stat. 1060, 29 U.S.C. 201, as amended, to participate 11316  
in work activities, developmental activities, and alternative work 11317  
activities in accordance with sections 5107.40 to 5107.69 of the 11318  
Revised Code. 11319

**Sec. 5107.26.** (A) As used in this section: 11320

(1) "Transitional child care" means publicly funded child 11321  
care provided under division (A)(3) of section ~~5104.34~~ 5104.54 of 11322  
the Revised Code. 11323

(2) "Transitional medicaid" means the medical assistance 11324

provided under section 5111.0115 of the Revised Code. 11325

(B) Except as provided in division (C) of this section, each 11326  
member of an assistance group participating in Ohio works first is 11327  
ineligible to participate in the program for six payment months if 11328  
a county department of job and family services determines that a 11329  
member of the assistance group terminated the member's employment 11330  
and each person who, on the day prior to the day a recipient 11331  
begins to receive transitional child care or transitional 11332  
medicaid, was a member of the recipient's assistance group is 11333  
ineligible to participate in Ohio works first for six payment 11334  
months if a county department determines that the recipient 11335  
terminated the recipient's employment. 11336

(C) No assistance group member shall lose or be denied 11337  
eligibility to participate in Ohio works first pursuant to 11338  
division (B) of this section if the termination of employment was 11339  
because an assistance group member or recipient of transitional 11340  
child care or transitional medicaid secured comparable or better 11341  
employment or the county department of job and family services 11342  
certifies that the member or recipient terminated the employment 11343  
with just cause. 11344

Just cause includes the following: 11345

(1) Discrimination by an employer based on age, race, sex, 11346  
color, handicap, religious beliefs, or national origin; 11347

(2) Work demands or conditions that render continued 11348  
employment unreasonable, such as working without being paid on 11349  
schedule; 11350

(3) Employment that has become unsuitable due to any of the 11351  
following: 11352

(a) The wage is less than the federal minimum wage; 11353

(b) The work is at a site subject to a strike or lockout, 11354



unless the strike has been enjoined under section 208 of the 11355  
"Labor-Management Relations Act," 61 Stat. 155 (1947), 29 U.S.C.A. 11356  
178, as amended, an injunction has been issued under section 10 of 11357  
the "Railway Labor Act," 44 Stat. 586 (1926), 45 U.S.C.A. 160, as 11358  
amended, or an injunction has been issued under section 4117.16 of 11359  
the Revised Code; 11360

(c) The documented degree of risk to the member or 11361  
recipient's health and safety is unreasonable; 11362

(d) The member or recipient is physically or mentally unfit 11363  
to perform the employment, as documented by medical evidence or by 11364  
reliable information from other sources. 11365

(4) Documented illness of the member or recipient or of 11366  
another assistance group member of the member or recipient 11367  
requiring the presence of the member or recipient; 11368

(5) A documented household emergency; 11369

(6) Lack of adequate child care for children of the member or 11370  
recipient who are under six years of age. 11371

**Sec. 5107.60.** In accordance with Title IV-A, federal 11372  
regulations, state law, the Title IV-A state plan prepared under 11373  
section 5101.80 of the Revised Code, and amendments to the plan, 11374  
county departments of job and family services shall establish and 11375  
administer the following work activities, in addition to the work 11376  
activities established under sections 5107.50, 5107.52, 5107.54, 11377  
and 5107.58 of the Revised Code, for minor heads of households and 11378  
adults participating in Ohio works first: 11379

(A) Unsubsidized employment activities, including activities 11380  
a county department determines are legitimate entrepreneurial 11381  
activities; 11382

(B) On-the-job training activities, including training to 11383  
become an employee of a ~~child-day-care~~ child-care center or type A 11384

family ~~day-care~~ child-care home, ~~authorized~~ licensed provider of a 11385  
licensed type B family child-care home, provider of a ~~certified~~ 11386  
type B family ~~day-care~~ child-care home with limited certification, 11387  
or in-home aide; 11388

(C) Community service activities including a program under 11389  
which a participant of Ohio works first who is the parent, 11390  
guardian, custodian, or specified relative responsible for the 11391  
care of a minor child enrolled in grade twelve or lower is 11392  
involved in the minor child's education on a regular basis; 11393

(D) Vocational educational training activities; 11394

(E) Jobs skills training activities that are directly related 11395  
to employment; 11396

(F) Education activities that are directly related to 11397  
employment for participants who have not earned a high school 11398  
diploma or high school equivalence diploma; 11399

(G) Education activities for participants who have not 11400  
completed secondary school or received a high school equivalence 11401  
diploma under which the participants attend a secondary school or 11402  
a course of study leading to a high school equivalence diploma, 11403  
including LEAP participation by a minor head of household; 11404

(H) Child-care service activities aiding another participant 11405  
assigned to a community service activity or other work activity. A 11406  
county department may provide for a participant assigned to this 11407  
work activity to receive training necessary to provide child-care 11408  
services. 11409

**Sec. 5153.175.** (A) Notwithstanding division (H)(1) of section 11410  
2151.421, section 5153.17, and any other section of the Revised 11411  
Code pertaining to confidentiality, when a public children 11412  
services agency has determined that child abuse or neglect 11413  
occurred and that abuse or neglect involves a person who has 11414

applied for licensure or renewal of licensure as a type A family 11415  
~~day-care~~ child-care home or type B family child-care home or 11417  
limited certification or renewal of limited certification ~~as for~~ a 11418  
type B family ~~day-care~~ child-care home, the agency shall promptly 11419  
provide to the department of job and family services or to a 11420  
county department of job and family services any information the 11421  
agency determines to be relevant for the purpose of evaluating the 11422  
fitness of the person, including, but not limited to, both of the 11423  
following:

(1) A summary report of the chronology of abuse and neglect 11424  
reports made pursuant to section 2151.421 of the Revised Code of 11425  
which the person is the subject where the agency determined that 11426  
abuse or neglect occurred and the final disposition of the 11427  
investigation of the reports or, if the investigations have not 11428  
been completed, the status of the investigations; 11429

(2) Any underlying documentation concerning those reports. 11430

(B) The agency shall not include in the information provided 11431  
to the department or county department under division (A) of this 11432  
section the name of the person or entity that made the report or 11433  
participated in the making of the report of child abuse or 11434  
neglect. 11435

(C) Upon provision of information under division (A) of this 11436  
section, the agency shall notify the department or county 11437  
department of both of the following: 11438

(1) That the information is confidential; 11439

(2) That unauthorized dissemination of the information is a 11440  
violation of division (H)(2) of section 2151.421 of the Revised 11441  
Code and any person who permits or encourages unauthorized 11442  
dissemination of the information is guilty of a misdemeanor of the 11443  
fourth degree pursuant to section 2151.99 of the Revised Code. 11444

**Sec. 5747.35.** (A) As used in this section, "pass-through entity" has the same meaning as in division (O) of section 5733.04 of the Revised Code and includes a sole proprietorship.

(B) A nonrefundable credit is allowed against the tax imposed by section 5747.02 of the Revised Code equal to the lesser of one hundred thousand dollars, or fifty per cent of the amount incurred by a pass-through entity for equipment, supplies, labor, and real property, including renovation of real property, used exclusively to establish a ~~child-day-care~~ child-care center. The credit is allowed only for the taxable year in which the ~~child-day-care~~ child-care center begins operations. The credit may be claimed only for a taxable year beginning after December 31, 1996, but beginning prior to January 1, 2003. However, the credit may be carried forward pursuant to division (C) of this section.

The center must be licensed under ~~section 5104.03~~ Chapter 5104. of the Revised Code, used exclusively by employees of the pass-through entity, and located at the employees' worksite. Amounts incurred for supplies that are to be used after the center begins operations may be included only with regard to supplies that are expected to last more than one year under normal usage. To be eligible for the credit, the entity must specify that an employee has the option of refusing to place the employee's child in the ~~day-care~~ child-care center established by the entity.

(C) The amount of a taxpayer's credit is the taxpayer's proportionate share of the credit distributed by the pass-through entity. The taxpayer shall claim the credit in the order required under section 5747.98 of the Revised Code. The taxpayer may carry forward any credit amount in excess of its tax due under section 5747.02 of the Revised Code in the taxable year in which the ~~day-care~~ child-care center begins operations, after allowing for

any other credits that precede the credit under this section in 11476  
the order required under section 5747.98 of the Revised Code, and 11477  
shall deduct the amount of the excess credit allowed in any such 11478  
year from the balance carried forward to the next taxable year. 11479  
The credit may be carried forward for five taxable years following 11480  
the taxable year for which the credit is claimed under division 11481  
(B) of this section. However, if the pass-through entity disposes 11482  
of the ~~day-care~~ child-care center or ceases to operate it at any 11483  
time during the five-year period, the taxpayer shall not claim or 11484  
carry forward any credit in connection with that property in the 11485  
taxable year of disposal or cessation of operation or in any 11486  
ensuing taxable year. 11487

**Sec. 5747.98.** (A) To provide a uniform procedure for 11488  
calculating the amount of tax due under section 5747.02 of the 11489  
Revised Code, a taxpayer shall claim any credits to which the 11490  
taxpayer is entitled in the following order: 11491

(1) The retirement income credit under division (B) of 11492  
section 5747.055 of the Revised Code; 11493

(2) The senior citizen credit under division (C) of section 11494  
5747.05 of the Revised Code; 11495

(3) The lump sum distribution credit under division (D) of 11496  
section 5747.05 of the Revised Code; 11497

(4) The dependent care credit under section 5747.054 of the 11498  
Revised Code; 11499

(5) The lump sum retirement income credit under division (C) 11500  
of section 5747.055 of the Revised Code; 11501

(6) The lump sum retirement income credit under division (D) 11502  
of section 5747.055 of the Revised Code; 11503

(7) The lump sum retirement income credit under division (E) 11504  
of section 5747.055 of the Revised Code; 11505

(8) The low-income credit under section 5747.056 of the Revised Code;	11506 11507
(9) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	11508 11509
(10) The campaign contribution credit under section 5747.29 of the Revised Code;	11510 11511
(11) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	11512 11513
(12) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	11514 11515
(13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	11516 11517
(14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	11518 11519
(15) The credit for employers that enter into agreements with child day-care centers under section 5747.34 of the Revised Code;	11520 11521
(16) The credit for employers that reimburse employee child care expenses under section 5747.36 of the Revised Code;	11522 11523
(17) The credit for adoption of a minor child under section 5747.37 of the Revised Code;	11524 11525
(18) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;	11526 11527
(19) The job retention credit under division (B) of section 5747.058 of the Revised Code;	11528 11529
(20) The credit for selling alternative fuel under section 5747.77 of the Revised Code;	11530 11531
(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;	11532 11533 11534

(22) The job training credit under section 5747.39 of the Revised Code;	11535 11536
(23) The enterprise zone credit under section 5709.66 of the Revised Code;	11537 11538
(24) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;	11539 11540
(25) The credit for employers that establish on-site <del>child day-care</del> <u>child-care</u> centers under section 5747.35 of the Revised Code;	11541 11542 11543
(26) The ethanol plant investment credit under section 5747.75 of the Revised Code;	11544 11545
(27) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	11546 11547
(28) The export sales credit under section 5747.057 of the Revised Code;	11548 11549
(29) The credit for research and development and technology transfer investors under section 5747.33 of the Revised Code;	11550 11551
(30) The enterprise zone credits under section 5709.65 of the Revised Code;	11552 11553
(31) The research and development credit under section 5747.331 of the Revised Code;	11554 11555
(32) The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	11556 11557
(33) The refundable jobs creation credit under division (A) of section 5747.058 of the Revised Code;	11558 11559
(34) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	11560 11561
(35) The refundable credits for taxes paid by a qualifying pass-through entity granted under division (J) of section 5747.08	11562 11563

of the Revised Code; 11564

(36) The refundable credit for tax withheld under division 11565  
(B)(1) of section 5747.062 of the Revised Code; 11566

(37) The refundable credit under section 5747.80 of the 11567  
Revised Code for losses on loans made to the Ohio venture capital 11568  
program under sections 150.01 to 150.10 of the Revised Code. 11569

(B) For any credit, except the credits enumerated in 11570  
divisions (A)(32) to (37) of this section and the credit granted 11571  
under division (I) of section 5747.08 of the Revised Code, the 11572  
amount of the credit for a taxable year shall not exceed the tax 11573  
due after allowing for any other credit that precedes it in the 11574  
order required under this section. Any excess amount of a 11575  
particular credit may be carried forward if authorized under the 11576  
section creating that credit. Nothing in this chapter shall be 11577  
construed to allow a taxpayer to claim, directly or indirectly, a 11578  
credit more than once for a taxable year. 11579

**Section 2.** That existing sections 109.57, 109.572, 121.084, 11580  
349.01, 921.06, 2151.011, 2151.421, 2151.86, 2907.08, 2919.223, 11581  
2919.224, 2919.225, 2919.226, 2923.124, 2923.126, 2923.1212, 11582  
2950.11, 2950.13, 3109.051, 3301.52, 3301.53, 3301.58, 3321.01, 11583  
3325.07, 3701.63, 3701.80, 3714.03, 3717.42, 3737.22, 3737.83, 11584  
3737.841, 3742.01, 3781.06, 3781.10, 3797.06, 4511.01, 4511.81, 11585  
4513.182, 5101.29, 5103.03, 5104.01, 5104.011, 5104.014, 5104.015, 11586  
5104.02, 5104.021, 5104.022, 5104.03, 5104.04, 5104.05, 5104.051, 11587  
5104.052, 5104.053, 5104.054, 5104.06, 5104.07, 5104.08, 5104.081, 11588  
5104.10, 5104.11, 5104.12, 5104.13, 5104.20, 5104.21, 5104.22, 11589  
5104.30, 5104.301, 5104.31, 5104.32, 5104.33, 5104.34, 5104.341, 11590  
5104.35, 5104.36, 5104.37, 5104.38, 5104.382, 5104.39, 5104.40, 11591  
5104.41, 5104.42, 5104.43, 5104.44, 5104.99, 5107.16, 5107.26, 11592  
5107.60, 5153.175, 5747.35, and 5747.98 and sections 5104.012, 11593  
5104.013, and 5104.09 of the Revised Code are hereby repealed. 11594



**Section 3.** The Revised Code sections cited in the Ohio 11595  
Administrative Code as the authority for any rules adopted under 11596  
Chapter 5104. of the Revised Code shall be deemed to be the 11597  
Revised Code sections as renumbered by this act. The Director of 11598  
Job and Family Services is not required to amend any rule 11599  
previously adopted under Chapter 5104. of the Revised Code for the 11600  
sole purpose of changing the citation of the Revised Code section 11601  
that authorizes the rule. 11602

**Section 4.** The Director of Job and Family Services shall 11603  
develop the infrastructure that the Department of Job and Family 11604  
Services needs to begin issuing licenses to type B family 11605  
child-care homes as quickly as possible but not later than three 11606  
years after the effective date of this section. 11607

**Section 5.** Notwithstanding this act's amendments to Chapter. 11608  
5104. of the Revised Code, county directors of job and family 11609  
services may continue to certify and recertify eligible type B 11610  
family child-care homes for the purpose of authorizing eligible 11611  
type B homes to provide publicly funded child care, and certified 11612  
type B homes may continue to provide publicly funded child-care, 11613  
until three years after the effective date of this section as if 11614  
the amendments to that Chapter had not been made. Beginning three 11615  
years after the effective date of this section, the only type B 11616  
homes that may provide publicly funded child care shall be 11617  
licensed type B homes and type B homes with limited certification. 11618