

129HB153-HC1617X1.docx/rs

Sub. H.B. 153  
As Pending in H. Finance and Appropriations  
LSC 129 1066-4  
HC-1617-1

\_\_\_\_\_ moved to amend as follows:

In line 458, after "349.17," insert "717.08,"

Between lines 16388 and 16389, insert:

**"Sec. 717.08.** The largest municipal corporation located in the Southwestern portion of the state that has a retirement system for its employees may enter into an agreement with the board of trustees of the retirement system for a single payment by the municipal corporation of all or a portion of the municipal corporation's accrued liability to the retirement system. The agreement may provide for a reduction in the amount of the accrued liability based on the value to the retirement system of receiving a single payment.

The legislative authority of the municipal corporation may issue securities under Section 3 of Article XVIII, Ohio Constitution, or under Chapter 133. of the Revised Code, including Chapter 133. special obligation securities that pledge taxes, other than ad valorem property taxes, or other revenues for the purpose of providing some or all of the funds required

24 to satisfy the municipal corporation's obligation under the  
25 agreement."

26 In line 223 of the title, after "349.17," insert "717.08,"

27 The motion was \_\_\_\_\_ agreed to.

28 SYNOPSIS

29 **Municipal Corporation Securities**

30 **R.C. 717.08**

31 Permits the largest municipal corporation located in the  
32 Southwestern portion of the state with a retirement system for  
33 its employees to enter into an agreement with the retirement  
34 system to issue securities for a single payment of its accrued  
35 liability to the system.

36 Specifies that the agreement may provide for a reduction in  
37 the amount of the accrued liability owed to the retirement  
38 system based on the value to the system of receiving a single  
39 payment.

Sub. H.B. 153

As Pending in H. Finance  
and Appropriations

LSC 129 1066-4

HC-1621-1

\_\_\_\_\_ moved to amend as follows:

In line 389, after "4507.164," insert "4510.037, 4510.038,"

Between lines 64654 and 64655, insert:

"Sec. 4510.037. (A) When the registrar of motor vehicles determines that the total points charged against any person under section 4510.036 of the Revised Code exceed five, the registrar shall send a warning letter to the person at the person's last known address by regular mail. The warning letter shall list the reported violations that are the basis of the points charged, list the number of points charged for each violation, and outline the suspension provisions of this section.

(B) When the registrar determines that the total points charged against any person under section 4510.036 of the Revised Code within any two-year period beginning on the date of the first conviction within the two-year period is equal to twelve or more, the registrar shall send a written notice to the person at the person's last known address by regular mail. The notice shall list the reported violations that are the basis of the points charged, list the number of points charged for each violation, and state that, because the total number of points charged against the

person within the applicable two-year period is equal to twelve or  
more, the registrar is imposing a class D suspension of the  
person's driver's or commercial driver's license or permit or  
nonresident operating privileges for the period of time specified  
in division (B)(4) of section 4510.02 of the Revised Code. The  
notice also shall state that the suspension is effective on the  
twentieth day after the mailing of the notice, unless the person  
files a petition appealing the determination and suspension in the  
municipal court, county court, or, if the person is under the age  
of eighteen, the juvenile division of the court of common pleas in  
whose jurisdiction the person resides or, if the person is not a  
resident of this state, in the Franklin county municipal court or  
juvenile division of the Franklin county court of common pleas. By  
filing the appeal of the determination and suspension, the person  
agrees to pay the cost of the proceedings in the appeal of the  
determination and suspension and alleges that the person can show  
cause why the person's driver's or commercial driver's license or  
permit or nonresident operating privileges should not be  
suspended.

(C)(1) Any person against whom at least two but less than  
twelve points have been charged under section 4510.036 of the  
Revised Code may enroll in a course of remedial driving  
instruction that is approved by the director of public safety.  
Upon the person's completion of an approved course of remedial  
driving instruction, the person may apply to the registrar on a  
form prescribed by the registrar for a credit of two points on the  
person's driving record. Upon receipt of the application and proof  
of completion of the approved remedial driving course, the  
registrar shall approve the two-point credit. The registrar shall  
not approve any credits for a person who completes an approved  
course of remedial driving instruction pursuant to a judge's order  
under section 4510.02 of the Revised Code.



(2) In any three-year period, the registrar shall approve 52  
only one two-point credit on a person's driving record under 53  
division (C)(1) of this section. The registrar shall approve not 54  
more than five two-point credits on a person's driving record 55  
under division (C)(1) of this section during that person's 56  
lifetime. 57

(D) When a judge of a court of record suspends a person's 58  
driver's or commercial driver's license or permit or nonresident 59  
operating privilege and charges points against the person under 60  
section 4510.036 of the Revised Code for the offense that resulted 61  
in the suspension, the registrar shall credit that period of 62  
suspension against the time of any subsequent suspension imposed 63  
under this section for which those points were used to impose the 64  
subsequent suspension. When a United States district court that 65  
has jurisdiction within this state suspends a person's driver's or 66  
commercial driver's license or permit or nonresident operating 67  
privileges pursuant to the "Assimilative Crimes Act," 102 Stat. 68  
4381 (1988), 18 U.S.C.A. 13, as amended, the district court 69  
prepares an abstract pursuant to section 4510.031 of the Revised 70  
Code, and the district court charges points against the person 71  
under section 4510.036 of the Revised Code for the offense that 72  
resulted in the suspension, the registrar shall credit the period 73  
of suspension imposed by the district court against the time of 74  
any subsequent suspension imposed under this section for which the 75  
points were used to impose the subsequent suspension. 76

(E) The registrar, upon the written request of a licensee who 77  
files a petition under division (B) of this section, shall furnish 78  
the licensee a certified copy of the registrar's record of the 79  
convictions and bond forfeitures of the person. This record shall 80  
include the name, address, and date of birth of the licensee; the 81  
name of the court in which each conviction or bail forfeiture took 82

place; the nature of the offense that was the basis of the conviction or bond forfeiture; and any other information that the registrar considers necessary. If the record indicates that twelve points or more have been charged against the person within a two-year period, it is prima-facie evidence that the person is a repeat traffic offender, and the registrar shall suspend the person's driver's or commercial driver's license or permit or nonresident operating privilege pursuant to division (B) of this section.

In hearing the petition and determining whether the person filing the petition has shown cause why the person's driver's or commercial driver's license or permit or nonresident operating privilege should not be suspended, the court shall decide the issue on the record certified by the registrar and any additional relevant, competent, and material evidence that either the registrar or the person whose license is sought to be suspended submits.

(F) If a petition is filed under division (B) of this section in a county court, the prosecuting attorney of the county in which the case is pending shall represent the registrar in the proceedings, except that, if the petitioner resides in a municipal corporation within the jurisdiction of the county court, the city director of law, village solicitor, or other chief legal officer of the municipal corporation shall represent the registrar in the proceedings. If a petition is filed under division (B) of this section in a municipal court, the registrar shall be represented in the resulting proceedings as provided in section 1901.34 of the Revised Code.

(G) If the court determines from the evidence submitted that a person who filed a petition under division (B) of this section has failed to show cause why the person's driver's or commercial

driver's license or permit or nonresident operating privileges 114  
should not be suspended, the court shall assess against the person 115  
the cost of the proceedings in the appeal of the determination and 116  
suspension and shall impose the applicable suspension under this 117  
section or suspend all or a portion of the suspension and impose 118  
any conditions upon the person that the court considers proper or 119  
impose upon the person a community control sanction pursuant to 120  
section 2929.15 or 2929.25 of the Revised Code. If the court 121  
determines from the evidence submitted that a person who filed a 122  
petition under division (B) of this section has shown cause why 123  
the person's driver's or commercial driver's license or permit or 124  
nonresident operating privileges should not be suspended, the 125  
costs of the appeal proceeding shall be paid out of the county 126  
treasury of the county in which the proceedings were held. 127

(H) Any person whose driver's or commercial driver's license 128  
or permit or nonresident operating privileges are suspended under 129  
this section is not entitled to apply for or receive a new 130  
driver's or commercial driver's license or permit or to request or 131  
be granted nonresident operating privileges during the effective 132  
period of the suspension. 133

(I) Upon the termination of any suspension or other penalty 134  
imposed under this section involving the surrender of license or 135  
permit and upon the request of the person whose license or permit 136  
was suspended or surrendered, the registrar shall return the 137  
license or permit to the person upon determining that the person 138  
has complied with all provisions of section 4510.038 of the 139  
Revised Code or, if the registrar destroyed the license or permit 140  
pursuant to section 4510.52 of the Revised Code, shall reissue the 141  
person's license or permit. 142

(J) Any person whose driver's or commercial driver's license 143  
or permit or nonresident operating privileges are suspended as a 144

repeat traffic offender under this section and who, during the suspension, operates any motor vehicle upon any public roads and highways is guilty of a misdemeanor of the first degree, and the court shall sentence the offender to a minimum term of three days in jail. No court shall suspend the first three days of jail time imposed pursuant to this division.

(K) The registrar, in accordance with specific statutory authority, may suspend the privilege of driving a motor vehicle on the public roads and highways of this state that is granted to nonresidents by section 4507.04 of the Revised Code.

(L) ~~Any~~ (1) Except as provided in division (L)(2) of this section, any course of remedial driving instruction the director of public safety approves under this section shall require its students to attend at least fifty per cent of the course in person. ~~The~~ and the director shall not approve any course of remedial driving instruction that permits its students to take more than fifty per cent of the course in any other manner, including via video teleconferencing or the internet.

(2) The director may approve a course of remedial instruction that permits students to take the entire course via video teleconferencing. In accordance with division (C) of this section, upon receiving an application with a certificate or other proof of completion of a course approved under this division, the registrar shall approve the two-point reduction.

**Sec. 4510.038.** (A) Any person whose driver's or commercial driver's license or permit is suspended or who is granted limited driving privileges under section 4510.037, under division (H) of section 4511.19, or under section 4510.07 of the Revised Code for a violation of a municipal ordinance that is substantially equivalent to division (B) of section 4511.19 of the Revised Code

is not eligible to retain the license, or to have the driving 175  
privileges reinstated, until each of the following has occurred: 176

(1) The person successfully completes a course of remedial 177  
driving instruction approved by the director of public safety. A 178  
minimum of twenty-five per cent of the number of hours of 179  
instruction included in the course shall be devoted to instruction 180  
on driver attitude. 181

The course also shall devote a number of hours to instruction 182  
in the area of alcohol and drugs and the operation of vehicles. 183  
The instruction shall include, but not be limited to, a review of 184  
the laws governing the operation of a vehicle while under the 185  
influence of alcohol, drugs, or a combination of them, the dangers 186  
of operating a vehicle while under the influence of alcohol, 187  
drugs, or a combination of them, and other information relating to 188  
the operation of vehicles and the consumption of alcoholic 189  
beverages and use of drugs. The director, in consultation with the 190  
director of alcohol and drug addiction services, shall prescribe 191  
the content of the instruction. The number of hours devoted to the 192  
area of alcohol and drugs and the operation of vehicles shall 193  
comprise a minimum of twenty-five per cent of the number of hours 194  
of instruction included in the course. 195

(2) The person is examined in the manner provided for in 196  
section 4507.20 of the Revised Code, and found by the registrar of 197  
motor vehicles to be qualified to operate a motor vehicle; 198

(3) The person gives and maintains proof of financial 199  
responsibility, in accordance with section 4509.45 of the Revised 200  
Code. 201

(B) Any (1) Except as provided in division (B)(2) of this 202  
section, any course of remedial driving instruction the director 203  
of public safety approves under this section shall require its 204  
students to attend at least fifty per cent of the course in 205

person. ~~The and the~~ director shall not approve any course of  
remedial driving instruction that permits its students to take  
more than fifty per cent of the course in any other manner,  
including via video teleconferencing or the internet.

(2) The director may approve a course of remedial instruction  
that permits students to take the entire course via video  
teleconferencing or the internet."

In line 94747, after "4507.164," insert "4510.037, 4510.038,"

In line 132 of the title, after "4507.164," insert "4510.037,  
4510.038,"

The motion was \_\_\_\_\_ agreed to.

#### SYNOPSIS

**Entirely Electronic Remedial Driving Course**

**R.C. 4510.037 and 4510.038**

Allows the Director of Public Safety to approve a course of  
remedial driving instruction that permits students to take the  
entire course electronically, rather than permitting only 50% of  
such a course to be taken electronically as in current law, and  
requires the Registrar of Motor Vehicles to approve a two-point  
reduction in a person's driving record upon receiving a  
certificate of completion of an entirely electronic remedial  
driving course.

2  
3 Sub. H.B. 153  
4 As Pending in H. Finance and Appropriations  
5 LSC 129 1066-4  
6 HC-1622

6 \_\_\_\_\_ moved to amend as follows:

7 In line 97540, delete "development," and insert "the work  
8 of the College of Education and Human Ecology at the Ohio State  
9 University in reviewing and assessing the alignment of courses  
10 offered through the distance learning clearinghouse established  
11 in sections 3333.81 to 3333.88 of the Revised Code with the  
12 academic content standards adopted under division (A) of section  
13 3301.079 of the Revised Code."

14 Delete lines 97541 through 97550

15 The motion was \_\_\_\_\_ agreed to.

16 SYNOPSIS

17 **Ohio Educational Computer Network**

18 **Section 267.10.60**

19 Changes the earmark of the remainder of appropriation item  
20 200426, Ohio Educational Computer Network, to support the  
21 College of Education and Human Ecology at the Ohio State  
22 University in its work reviewing course content for the distance  
23 learning clearinghouse instead of to support a network of  
24 uniform and compatible computer-based information and  
25 instructional systems.

6 \_\_\_\_\_ moved to amend as follows:

7 In line 471, after "3709.341," insert "3727.60,"

8 Between lines 54854 and 54855, insert:

9 **"Sec. 3727.60. (A) As used in this section:**

10 (1) "Discharge planning" means the formal process for  
11 determining, prior to a patient's discharge from a hospital, the  
12 coordination and management of the care that the patient is to  
13 receive following discharge from the hospital.

14 (2) "Home health agency" has the same meaning as in section  
15 3701.881 of the Revised Code.

16 (B) If a hospital conducts discharge planning for a  
17 medicaid recipient and determines that the recipient has a need  
18 for rehabilitation on a temporary basis, as opposed to a need  
19 for long-term care services, the hospital shall first attempt to  
20 secure rehabilitation for the recipient through a home health  
21 agency. To facilitate this responsibility, the hospital shall  
22 maintain a resource guide of the home health agencies operating  
23 in the community in which the hospital is located."



24 In line 238 of the title, after "3709.341," insert  
25 "3727.60,"

26 The motion was \_\_\_\_\_ agreed to.

27 SYNOPSIS

28 **Hospital Discharge Planning - Home Care Preference**

29 **R.C. 3727.60**

30 Requires a hospital that conducts discharge planning for a  
31 Medicaid recipient and determines the recipient has a need for  
32 rehabilitation on a temporary basis (as opposed to a need for  
33 long-term care services) to first attempt to secure  
34 rehabilitation for the recipient through a home health agency.

35 Requires a hospital to maintain a resource guide of the  
36 home health agencies operating in the community in which the  
37 hospital is located.

Sub. H.B. 153  
As Pending in H. Finance  
and Appropriations  
LSC 129 1066-4  
HC-1629

\_\_\_\_\_ moved to amend as follows:

In line 398, after "5101.61," insert "5104.04,"

Between lines 70304 and 70305, insert:

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

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

Inspections may be unannounced. No person, firm, organization, institution, or agency shall interfere with the inspection of a center or type A home by any state or local

official engaged in performing duties required of the state or  
local official by Chapter 5104. of the Revised Code or rules  
adopted pursuant to Chapter 5104. of the Revised Code, including  
inspecting the center or type A home, reviewing records, or  
interviewing licensees, employees, children, or parents.

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

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

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

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

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

(3) The department shall contract with a third party by the

first day of October in each even-numbered year to collect  
information concerning the amounts charged by the center or home  
for providing child care services for use in establishing  
reimbursement ceilings and payment pursuant to section 5104.30 of  
the Revised Code. The third party shall compile the information  
and report the results of the survey to the department not later  
than the first day of December in each even-numbered year.

~~(C) In the event a licensed center or type A home is  
determined to be out of compliance with the requirements of  
Chapter 5104. of the Revised Code or rules adopted pursuant to  
Chapter 5104. of the Revised Code, the department shall notify the  
licensee of the center or type A home in writing regarding the  
nature of the violation, what must be done to correct the  
violation, and by what date the correction must be made. If the  
correction is not made by the date established by the department,  
the department may commence action under Chapter 119. of the  
Revised Code to revoke the license. The department's commencement  
of an action to revoke the license is sufficient notice that the  
correction has not been made, and no other notice regarding the  
correction is required.~~

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

~~(E)~~ (D) If the department finds, after notice and hearing  
pursuant to Chapter 119. of the Revised Code, that any applicant,  
person, firm, organization, institution, or agency applying for

licensure or licensed under section 5104.03 of the Revised Code is 81  
in violation of any provision of Chapter 5104. of the Revised Code 82  
or rules adopted pursuant to Chapter 5104. of the Revised Code, 83  
the department may issue an order of denial to the applicant or an 84  
order of revocation to the center or type A home revoking the 85  
license previously issued by the department. Upon the issuance of 86  
any such an order of ~~revocation~~, the person whose application is 87  
denied or whose license is revoked may appeal in accordance with 88  
section 119.12 of the Revised Code. 89

~~(F)~~(E) The surrender of a center or type A home license to 90  
the department or the withdrawal of an application for licensure 91  
by the owner or administrator of the center or type A home shall 92  
not prohibit the department from instituting any of the actions 93  
set forth in this section. 94

~~(G)~~(F) Whenever the department receives a complaint, is 95  
advised, or otherwise has any reason to believe that a center or 96  
type A home is providing child care without a license issued or 97  
renewed pursuant to section 5104.03 and is not exempt from 98  
licensing pursuant to section 5104.02 of the Revised Code, the 99  
department shall investigate the center or type A home and may 100  
inspect the areas children have access to or areas necessary for 101  
the care of children in the center or type A home during suspected 102  
hours of operation to determine whether the center or type A home 103  
is subject to the requirements of Chapter 5104. or rules adopted 104  
pursuant to Chapter 5104. of the Revised Code. 105

~~(H)~~(G) The department, upon determining that the center or 106  
type A home is operating without a license, shall notify the 107  
attorney general, the prosecuting attorney of the county in which 108  
the center or type A home is located, or the city attorney, 109  
village solicitor, or other chief legal officer of the municipal 110  
corporation in which the center or type A home is located, that 111

the center or type A home is operating without a license. Upon 112  
 receipt of the notification, the attorney general, prosecuting 113  
 attorney, city attorney, village solicitor, or other chief legal 114  
 officer of a municipal corporation shall file a complaint in the 115  
 court of common pleas of the county in which the center or type A 116  
 home is located requesting that the court grant an order enjoining 117  
 the owner from operating the center or type A home in violation of 118  
 section 5104.02 of the Revised Code. The court shall grant such 119  
 injunctive relief upon a showing that the respondent named in the 120  
 complaint is operating a center or type A home and is doing so 121  
 without a license. 122

~~(I)~~(H) The department shall prepare an annual report on 123  
 inspections conducted under this section. The report shall include 124  
 the number of inspections conducted, the number and types of 125  
 violations found, and the steps taken to address the violations. 126  
 The department shall file the report with the governor, the 127  
 president and minority leader of the senate, and the speaker and 128  
 minority leader of the house of representatives on or before the 129  
 first day of January of each year, beginning in 1999." 130

In line 94756, after "5101.61," insert "5104.04," 131

In line 144 of the title, after "5101.61," insert "5104.04," 132

The motion was \_\_\_\_\_ agreed to.

### SYNOPSIS

Child Day-Care Centers and Type A Family Day-Care Homes 133  
 Licensure Enforcement 134  
 R.C. 5104.04 135  
 Adds a provision to the bill that does the following: 136

- Eliminates the requirement that the Ohio Department of Job and Family Services (ODJFS) notify a child day-care center or type A family day-care home that it is out of compliance with the laws governing centers and homes;

- Eliminates ODJFS's express authority to commence a license revocation action against a child day-care center or type A family home for failing to correct a compliance violation.

Sub. H.B. 153

As Pending in H. Finance  
and Appropriations

LSC 129 1066-4

HC-1630

\_\_\_\_\_ moved to amend as follows:

In line 398, after "5101.61," insert "5104.01, 5104.011,"

Between lines 70304 and 70305, insert:

"Sec. 5104.01. As used in this chapter:

(A) "Administrator" means the person responsible for the daily operation of a center or type A home. The administrator and the owner may be the same person.

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

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

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

(E) "Career pathways model" means an alternative pathway to meeting the requirements for a child care staff member or administrator that uses one framework to integrate the pathways of



formal education, training, experience, and specialized 19  
credentials, and certifications, and that allows the member or 20  
administrator to achieve a designation as an early childhood 21  
professional level one, two, three, four, five, or six. 22

(F) "Caretaker parent" means the father or mother of a child 23  
 whose presence in the home is needed as the caretaker of the 24  
 child, a person who has legal custody of a child and whose 25  
 presence in the home is needed as the caretaker of the child, a 26  
 guardian of a child whose presence in the home is needed as the 27  
 caretaker of the child, and any other person who stands in loco 28  
 parentis with respect to the child and whose presence in the home 29  
 is needed as the caretaker of the child. 30

~~(F)~~(G) "Certified type B family day-care home" and "certified 31  
 type B home" mean a type B family day-care home that is certified 32  
 by the director of the county department of job and family 33  
 services pursuant to section 5104.11 of the Revised Code to 34  
 receive public funds for providing child care pursuant to this 35  
 chapter and any rules adopted under it. 36

~~(G)~~(H) "Chartered nonpublic school" means a school that meets 37  
 standards for nonpublic schools prescribed by the state board of 38  
 education for nonpublic schools pursuant to section 3301.07 of the 39  
 Revised Code. 40

~~(H)~~(I) "Child" includes an infant, toddler, preschool child, 41  
 or school child. 42

~~(I)~~(J) "Child care block grant act" means the "Child Care and 43  
 Development Block Grant Act of 1990," established in section 5082 44  
 of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 45  
 1388-236 (1990), 42 U.S.C. 9858, as amended. 46

~~(J)~~(K) "Child day camp" means a program in which only school 47  
 children attend or participate, that operates for no more than 48  
 seven hours per day, that operates only during one or more public 49

school district's regular vacation periods or for no more than 50  
fifteen weeks during the summer, and that operates outdoor 51  
activities for each child who attends or participates in the 52  
program for a minimum of fifty per cent of each day that children 53  
attend or participate in the program, except for any day when 54  
hazardous weather conditions prevent the program from operating 55  
outdoor activities for a minimum of fifty per cent of that day. 56  
For purposes of this division, the maximum seven hours of 57  
operation time does not include transportation time from a child's 58  
home to a child day camp and from a child day camp to a child's 59  
home. 60

~~(K)~~(L) "Child care" means administering to the needs of 61  
infants, toddlers, preschool children, and school children outside 62  
of school hours by persons other than their parents or guardians, 63  
custodians, or relatives by blood, marriage, or adoption for any 64  
part of the twenty-four-hour day in a place or residence other 65  
than a child's own home. 66

~~(L)~~(M) "Child day-care center" and "center" mean any place in 67  
which child care or publicly funded child care is provided for 68  
thirteen or more children at one time or any place that is not the 69  
permanent residence of the licensee or administrator in which 70  
child care or publicly funded child care is provided for seven to 71  
twelve children at one time. In counting children for the purposes 72  
of this division, any children under six years of age who are 73  
related to a licensee, administrator, or employee and who are on 74  
the premises of the center shall be counted. "Child day-care 75  
center" and "center" do not include any of the following: 76

(1) A place located in and operated by a hospital, as defined 77  
in section 3727.01 of the Revised Code, in which the needs of 78  
children are administered to, if all the children whose needs are 79  
being administered to are monitored under the on-site supervision 80

of a physician licensed under Chapter 4731. of the Revised Code or  
a registered nurse licensed under Chapter 4723. of the Revised  
Code, and the services are provided only for children who, in the  
opinion of the child's parent, guardian, or custodian, are  
exhibiting symptoms of a communicable disease or other illness or  
are injured;

(2) A child day camp;

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

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

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

(c) The child care is not provided for more than thirty days  
a year;

(d) The child care is provided only for preschool and school  
children.

~~(M)~~(N) "Child care resource and referral service  
organization" means a community-based nonprofit organization that  
provides child care resource and referral services but not child  
care.

~~(N)~~(O) "Child care resource and referral services" means all  
of the following services:

(1) Maintenance of a uniform data base of all child care  
providers in the community that are in compliance with this  
chapter, including current occupancy and vacancy data;

(2) Provision of individualized consumer education to  
families seeking child care;

(3) Provision of timely referrals of available child care

providers to families seeking child care;	110
(4) Recruitment of child care providers;	111
(5) Assistance in the development, conduct, and dissemination	112
of training for child care providers and provision of technical	113
assistance to current and potential child care providers,	114
employers, and the community;	115
(6) Collection and analysis of data on the supply of and	116
demand for child care in the community;	117
(7) Technical assistance concerning locally, state, and	118
federally funded child care and early childhood education	119
programs;	120
(8) Stimulation of employer involvement in making child care	121
more affordable, more available, safer, and of higher quality for	122
their employees and for the community;	123
(9) Provision of written educational materials to caretaker	124
parents and informational resources to child care providers;	125
(10) Coordination of services among child care resource and	126
referral service organizations to assist in developing and	127
maintaining a statewide system of child care resource and referral	128
services if required by the department of job and family services;	129
(11) Cooperation with the county department of job and family	130
services in encouraging the establishment of parent cooperative	131
child care centers and parent cooperative type A family day-care	132
homes.	133
<del>(O)</del> <u>(P)</u> "Child-care staff member" means an employee of a child	134
day-care center or type A family day-care home who is primarily	135
responsible for the care and supervision of children. The	136
administrator may be a part-time child-care staff member when not	137
involved in other duties.	138

~~(P)~~(Q) "Drop-in child day-care center," "drop-in center," 139  
"drop-in type A family day-care home," and "drop-in type A home" 140  
mean a center or type A home that provides child care or publicly 141  
funded child care for children on a temporary, irregular basis. 142

~~(Q)~~(R) "Employee" means a person who either: 143

(1) Receives compensation for duties performed in a child 144  
day-care center or type A family day-care home; 145

(2) Is assigned specific working hours or duties in a child 146  
day-care center or type A family day-care home. 147

~~(R)~~(S) "Employer" means a person, firm, institution, 148  
organization, or agency that operates a child day-care center or 149  
type A family day-care home subject to licensure under this 150  
chapter. 151

~~(S)~~(T) "Federal poverty line" means the official poverty 152  
guideline as revised annually in accordance with section 673(2) of 153  
the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 154  
U.S.C. 9902, as amended, for a family size equal to the size of 155  
the family of the person whose income is being determined. 156

~~(T)~~(U) "Head start program" means a comprehensive child 157  
development program that receives funds distributed under the 158  
"Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as 159  
amended, and is licensed as a child day-care center. 160

~~(U)~~(V) "Income" means gross income, as defined in section 161  
5107.10 of the Revised Code, less any amounts required by federal 162  
statutes or regulations to be disregarded. 163

~~(V)~~(W) "Indicator checklist" means an inspection tool, used 164  
in conjunction with an instrument-based program monitoring 165  
information system, that contains selected licensing requirements 166  
that are statistically reliable indicators or predictors of a 167  
child day-care center or type A family day-care home's compliance 168

with licensing requirements. 169

~~(W)~~(X) "Infant" means a child who is less than eighteen 170  
months of age. 171

~~(X)~~(Y) "In-home aide" means a person who does not reside with 172  
the child but provides care in the child's home and is certified 173  
by a county director of job and family services pursuant to 174  
section 5104.12 of the Revised Code to provide publicly funded 175  
child care to a child in a child's own home pursuant to this 176  
chapter and any rules adopted under it. 177

~~(Y)~~(Z) "Instrument-based program monitoring information 178  
system" means a method to assess compliance with licensing 179  
requirements for child day-care centers and type A family day-care 180  
homes in which each licensing requirement is assigned a weight 181  
indicative of the relative importance of the requirement to the 182  
health, growth, and safety of the children that is used to develop 183  
an indicator checklist. 184

~~(Z)~~(AA) "License capacity" means the maximum number in each 185  
age category of children who may be cared for in a child day-care 186  
center or type A family day-care home at one time as determined by 187  
the director of job and family services considering building 188  
occupancy limits established by the department of commerce, ~~number~~ 189  
~~of available child care staff members,~~ amount of available indoor 190  
floor space and outdoor play space, and amount of available play 191  
equipment, materials, and supplies. For the purposes of a 192  
provisional license issued under this chapter, the director shall 193  
also consider the number of available child-care staff members 194  
when determining "license capacity" for the provisional license. 195

~~(AA)~~(BB) "Licensed preschool program" or "licensed school 196  
child program" means a preschool program or school child program, 197  
as defined in section 3301.52 of the Revised Code, that is 198  
licensed by the department of education pursuant to sections 199

3301.52 to 3301.59 of the Revised Code. 200

~~(BB)~~(CC) "Licensee" means the owner of a child day-care 201  
center or type A family day-care home that is licensed pursuant to 202  
this chapter and who is responsible for ensuring its compliance 203  
with this chapter and rules adopted pursuant to this chapter. 204

~~(CC)~~(DD) "Operate a child day camp" means to operate, 205  
establish, manage, conduct, or maintain a child day camp. 206

~~(DD)~~(EE) "Owner" includes a person, as defined in section 207  
1.59 of the Revised Code, or government entity. 208

~~(EE)~~(FF) "Parent cooperative child day-care center," "parent 209  
cooperative center," "parent cooperative type A family day-care 210  
home," and "parent cooperative type A home" mean a corporation or 211  
association organized for providing educational services to the 212  
children of members of the corporation or association, without 213  
gain to the corporation or association as an entity, in which the 214  
services of the corporation or association are provided only to 215  
children of the members of the corporation or association, 216  
ownership and control of the corporation or association rests 217  
solely with the members of the corporation or association, and at 218  
least one parent-member of the corporation or association is on 219  
the premises of the center or type A home during its hours of 220  
operation. 221

~~(FF)~~(GG) "Part-time child day-care center," "part-time 222  
center," "part-time type A family day-care home," and "part-time 223  
type A home" mean a center or type A home that provides child care 224  
or publicly funded child care for no more than four hours a day 225  
for any child. 226

~~(GG)~~(HH) "Place of worship" means a building where activities 227  
of an organized religious group are conducted and includes the 228  
grounds and any other buildings on the grounds used for such 229  
activities. 230

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

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

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

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

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

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



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

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

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

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

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

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

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

~~(OO)~~(RR) "Toddler" means a child who is at least eighteen  
months of age but less than three years of age.

~~(RR)~~(SS) "Type A family day-care home" and "type A home" mean  
a permanent residence of the administrator in which child care or  
publicly funded child care is provided for seven to twelve  
children at one time or a permanent residence of the administrator  
in which child care is provided for four to twelve children at one  
time if four or more children at one time are under two years of  
age. In counting children for the purposes of this division, any

children under six years of age who are related to a licensee, 292  
administrator, or employee and who are on the premises of the type 293  
A home shall be counted. "Type A family day-care home" and "type A 294  
home" do not include any child day camp. 295

~~(SS)~~(TT) "Type B family day-care home" and "type B home" mean 296  
a permanent residence of the provider in which child care is 297  
provided for one to six children at one time and in which no more 298  
than three children are under two years of age at one time. In 299  
counting children for the purposes of this division, any children 300  
under six years of age who are related to the provider and who are 301  
on the premises of the type B home shall be counted. "Type B 302  
family day-care home" and "type B home" do not include any child 303  
day camp. 304

**Sec. 5104.011.** (A) The director of job and family services 305  
shall adopt rules pursuant to Chapter 119. of the Revised Code 306  
governing the operation of child day-care centers, including, but 307  
not limited to, parent cooperative centers, part-time centers, 308  
drop-in centers, and school child centers, which rules shall 309  
reflect the various forms of child care and the needs of children 310  
receiving child care or publicly funded child care and shall 311  
include specific rules for school child care centers that are 312  
developed in consultation with the department of education. The 313  
rules shall not require an existing school facility that is in 314  
compliance with applicable building codes to undergo an additional 315  
building code inspection or to have structural modifications. The 316  
rules shall include the following: 317

(1) Submission of a site plan and descriptive plan of 318  
operation to demonstrate how the center proposes to meet the 319  
requirements of this chapter and rules adopted pursuant to this 320  
chapter for the initial license application; 321

(2) Standards for ensuring that the physical surroundings of 322

the center are safe and sanitary including, but not limited to,  
the physical environment, the physical plant, and the equipment of  
the center;

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

(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. As used in this  
division, "program" does not include instruction in religious or  
moral doctrines, beliefs, or values that is conducted at child  
day-care centers owned and operated by churches and does include  
methods of disciplining children at child day-care centers.

(5) Admissions policies and procedures, health care policies  
and procedures, including, but not limited to, procedures for the  
isolation of children with communicable diseases, first aid and  
emergency procedures, procedures for discipline and supervision of  
children, standards for the provision of nutritious meals and  
snacks, and procedures for screening children and employees,  
~~including, but not limited to, that may include~~ any necessary  
physical examinations and immunizations;

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

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

(8) Procedures for record keeping, organization, and administration;	354 355
(9) Procedures for issuing, <del>renewing</del> , denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	356 357 358
(10) Inspection procedures;	359
(11) Procedures and standards for setting initial <del>and renewal</del> license application fees;	360 361
(12) Procedures for receiving, recording, and responding to complaints about centers;	362 363
(13) Procedures for enforcing section 5104.04 of the Revised Code;	364 365
(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;	366 367 368 369 370
(15) Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention. Training requirements for child day-care centers adopted under this division shall be consistent with divisions (B)(6) and (C)(1) of this section.	371 372 373 374 375 376
<del>(16) Procedures to be used by licensees for checking the references of potential employees of centers and procedures to be used by the director for checking the references of applicants for licenses to operate centers;</del>	377 378 379 380
<del>(17)</del> Standards providing for the special needs of children who are handicapped or who require treatment for health conditions	381 382

while the child is receiving child care or publicly funded child care in the center;

~~(18)~~(17) A procedure for reporting of injuries of children that occur at the center;

~~(19)~~(18) Any other procedures and standards necessary to carry out this chapter.

(B) (1) The child day-care center shall have, for each child for whom the center is licensed, at least thirty-five square feet of usable indoor floor space wall-to-wall regularly available for the child care operation exclusive of any parts of the structure in which the care of children is prohibited by law or by rules adopted by the board of building standards. The minimum of thirty-five square feet of usable indoor floor space shall not include hallways, kitchens, storage areas, or any other areas that are not available for the care of children, as determined by the director, in meeting the space requirement of this division, and bathrooms shall be counted in determining square footage only if they are used exclusively by children enrolled in the center, except that the exclusion of hallways, kitchens, storage areas, bathrooms not used exclusively by children enrolled in the center, and any other areas not available for the care of children from the minimum of thirty-five square feet of usable indoor floor space shall not apply to:

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

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

(2) The child day-care center shall have on the site a safe outdoor play space which is enclosed by a fence or otherwise protected from traffic or other hazards. The play space shall

contain not less than sixty square feet per child using such space  
at any one time, and shall provide an opportunity for supervised  
outdoor play each day in suitable weather. The director may exempt  
a center from the requirement of this division, if an outdoor play  
space is not available and if all of the following are met:

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

(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			445
child-care staff to give continuity of care and supervision to the			446
children on a day-by-day basis, and shall ensure that no child is			447
left alone or unsupervised. Except as otherwise provided in			448
division (E) of this section, the maximum number of children per			449
child-care staff member and maximum group size, by age category of			450
children, are as follows:			451
	Maximum Number of		452
	Children Per	Maximum	453
Age Category	Child-Care	Group	454
of Children	Staff Member	Size	455
(a) Infants:			456
(i) Less than twelve			457
months old	5:1, or		458
	12:2 if two		459
	child-care		460
	staff members		461
	are in the room	12	462
(ii) At least twelve			463
months old, but			464
less than eighteen			465
months old	6:1	12	466
(b) Toddlers:			467
(i) At least eighteen			468
months old, but			469
less than thirty			470
months old	7:1	14	471
(ii) At least thirty months			472
old, but less than			473
three years old	8:1	16	474
(c) Preschool			475
children:			476

(i) Three years old	12:1	24	477
(ii) Four years old and			478
five years old who			479
are not school			480
children	14:1	28	481
(d) School children:			482
(i) A child who is			483
enrolled in or is			484
eligible to be			485
enrolled in a grade			486
of kindergarten			487
or above, but			488
is less than			489
eleven years old	18:1	36	490
(ii) Eleven through fourteen			491
years old	20:1	40	492

Except as otherwise provided in division (E) of this section, 493  
the maximum number of children per child-care staff member and 494  
maximum group size requirements of the younger age group shall 495  
apply when age groups are combined. 496

(4) (a) The child day-care center administrator shall show the 497  
director both of the following: 498

(i) Evidence of at least high school graduation or 499  
certification of high school equivalency by the state board of 500  
education or the appropriate agency of another state; 501

(ii) Evidence of having completed at least two years of 502  
training in an accredited college, university, or technical 503  
college, including courses in child development or early childhood 504  
education, ~~or~~ at least two years of experience in supervising and 505  
giving daily care to children attending an organized group 506  
program, or the equivalent based on a designation as an "early 507



childhood professional level three" under the career pathways 508  
model of the quality-rating program established under section 509  
5104.30 of the Revised Code. 510

(b) In addition to the requirements of division (B)(4)(a) of 511  
this section and except as provided in division (B)(4)(c) of this 512  
section, any administrator employed or designated ~~on or after~~ 513  
~~September 1, 1986, as such prior to the effective date of this~~ 514  
section, as amended, shall show evidence of, ~~and any administrator~~ 515  
~~employed or designated prior to September 1, 1986, shall show~~ 516  
evidence at least one of the following within six years after ~~such~~ 517  
~~the date of, at least one of the following employment or~~ 518  
designation: 519

(i) Two years of experience working as a child-care staff 520  
member in a center and at least four courses in child development 521  
or early childhood education from an accredited college, 522  
university, or technical college, except that a person who has two 523  
years of experience working as a child-care staff member in a 524  
particular center and who has been promoted to or designated as 525  
administrator of that center shall have one year from the time the 526  
person was promoted to or designated as administrator to complete 527  
the required four courses; 528

(ii) Two years of training, including at least four courses 529  
in child development or early childhood education from an 530  
accredited college, university, or technical college; 531

(iii) A child development associate credential issued by the 532  
national child development associate credentialing commission; 533

(iv) An associate or higher degree in child development or 534  
early childhood education from an accredited college, technical 535  
college, or university, or a license designated for teaching in an 536  
associate teaching position in a preschool setting issued by the 537  
state board of education. 538

(c) For the purposes of division (B) (4) (b) of this section, 539  
any administrator employed or designated as such prior to the 540  
effective date of this section, as amended, may also show evidence 541  
of an administrator's credential as approved by the department of 542  
job and family services in lieu of, or in addition to, the 543  
evidence required under division (B) (4) (b) of this section. The 544  
evidence of an administrator's credential must be shown to the 545  
director not later than one year after the date of employment or 546  
designation. 547

(d) In addition to the requirements of division (B) (4) (a) of 548  
this section, any administrator employed or designated as such on 549  
or after the effective date of this section, as amended, shall 550  
show evidence of at least one of the following not later than one 551  
year after the date of employment or designation: 552

(i) Two years of experience working as a child-care staff 553  
member in a center and at least four courses in child development 554  
or early childhood education from an accredited college, 555  
university, or technical college, except that a person who has two 556  
years of experience working as a child-care staff member in a 557  
particular center and who has been promoted to or designated as 558  
administrator of that center shall have one year from the time the 559  
person was promoted to or designated as administrator to complete 560  
the required four courses; 561

(ii) Two years of training, including at least four courses 562  
in child development or early childhood education from an 563  
accredited college, university, or technical college; 564

(iii) A child development associate credential issued by the 565  
national child development associate credentialing commission; 566

(iv) An associate or higher degree in child development or 567  
early childhood education from an accredited college, technical 568  
college, or university, or a license designated for teaching in an 569

associate teaching position in a preschool setting issued by the  
state board of education;

(v) An administrator's credential as approved by the  
department of job and family services.

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

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

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

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

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

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

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child day-care center; or

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

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

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

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

(c) Evidence of a child development associate credential;

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

~~(7) The administrator of each child day care center shall prepare at least once annually and for each group of children at~~

~~the center a roster of names and telephone numbers of parents, 630  
custodians, or guardians of each group of children attending the 631  
center and upon request shall furnish the roster for each group to 632  
the parents, custodians, or guardians of the children in that 633  
group. The administrator may prepare a roster of names and 634  
telephone numbers of all parents, custodians, or guardians of 635  
children attending the center and upon request shall furnish the 636  
roster to the parents, custodians, or guardians of the children 637  
who attend the center. The administrator shall not include in any 638  
roster the name or telephone number of any parent, custodian, or 639  
guardian who requests the administrator not to include the 640  
parent's, custodian's, or guardian's name or number and shall not 641  
furnish any roster to any person other than a parent, custodian, 642  
or guardian of a child who attends the center. 643~~

(C) (1) Each child day-care center shall have on the center 644  
premises and readily available at all times at least one 645  
child-care staff member who has completed a course in first aid 646  
and, one staff member who has completed a course in prevention, 647  
recognition, and management of communicable diseases which is 648  
approved by the state department of health, and a staff member who 649  
has completed a course in child abuse recognition and prevention 650  
training which is approved by the department of job and family 651  
services. 652

(2) The administrator of each child day-care center shall 653  
maintain enrollment, health, and attendance records for all 654  
children attending the center and health and employment records 655  
for all center employees. The records shall be confidential, 656  
~~except as otherwise provided in division (B) (7) of this section 657~~  
and except that they shall be disclosed by the administrator to 658  
the director upon request for the purpose of administering and 659  
enforcing this chapter and rules adopted pursuant to this chapter. 660

Neither the center nor the licensee, administrator, or employees 661  
of the center shall be civilly or criminally liable in damages or 662  
otherwise for records disclosed to the director by the 663  
administrator pursuant to this division. It shall be a defense to 664  
any civil or criminal charge based upon records disclosed by the 665  
administrator to the director that the records were disclosed 666  
pursuant to this division. 667

(3)(a) Any parent who is the residential parent and legal 668  
custodian of a child enrolled in a child day-care center and any 669  
custodian or guardian of such a child shall be permitted unlimited 670  
access to the center during its hours of operation for the 671  
purposes of contacting their children, evaluating the care 672  
provided by the center, evaluating the premises of the center, or 673  
for other purposes approved by the director. A parent of a child 674  
enrolled in a child day-care center who is not the child's 675  
residential parent shall be permitted unlimited access to the 676  
center during its hours of operation for those purposes under the 677  
same terms and conditions under which the residential parent of 678  
that child is permitted access to the center for those purposes. 679  
However, the access of the parent who is not the residential 680  
parent is subject to any agreement between the parents and, to the 681  
extent described in division (C)(3)(b) of this section, is subject 682  
to any terms and conditions limiting the right of access of the 683  
parent who is not the residential parent, as described in division 684  
(I) of section 3109.051 of the Revised Code, that are contained in 685  
a parenting time order or decree issued under that section, 686  
section 3109.12 of the Revised Code, or any other provision of the 687  
Revised Code. 688

(b) If a parent who is the residential parent of a child has 689  
presented the administrator or the administrator's designee with a 690  
copy of a parenting time order that limits the terms and 691  
conditions under which the parent who is not the residential 692

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  
centers. The rules shall include, but not be limited to, the  
requirements set forth in divisions (B) and (C) of this section.  
Except as provided in section 5104.07 of the Revised Code, the  
rules shall not change the square footage requirements of division  
(B) (1) or (2) of this section; the maximum number of children per  
child-care staff member and maximum group size requirements of  
division (B) (3) of this section; the educational and experience  
requirements of division (B) (4) of this section; the age,  
educational, and experience requirements of division (B) (5) of  
this section; the number and type of inservice training hours  
required under division (B) (6) of this section; ~~or the requirement~~  
~~for at least annual preparation of a roster for each group of~~  
~~children of names and telephone numbers of parents, custodians, or~~

~~guardians of each group of children attending the center that must~~ 724  
~~be furnished upon request to any parent, custodian, or guardian of~~ 725  
~~any child in that group required under division (B) (7) of this~~ 726  
~~section;~~ however, the rules shall provide procedures for 727  
determining compliance with those requirements. 728

(E) (1) When age groups are combined, the maximum number of 729  
children per child-care staff member shall be determined by the 730  
age of the youngest child in the group, except that when no more 731  
than one child thirty months of age or older receives services in 732  
a group in which all the other children are in the next older age 733  
group, the maximum number of children per child-care staff member 734  
and maximum group size requirements of the older age group 735  
established under division (B) (3) of this section shall apply. 736

(2) The maximum number of toddlers or preschool children per 737  
child-care staff member in a room where children are napping shall 738  
be twice the maximum number of children per child-care staff 739  
member established under division (B) (3) of this section if all 740  
the following criteria are met: 741

(a) At least one child-care staff member is present in the 742  
room. 743

(b) Sufficient child-care staff members are on the child 744  
day-care center premises to meet the maximum number of children 745  
per child-care staff member requirements established under 746  
division (B) (3) of this section. 747

(c) Naptime preparations are complete and all napping 748  
children are resting or sleeping on cots. 749

(d) The maximum number established under division (E) (2) of 750  
this section is in effect for no more than ~~one and one half~~ two 751  
hours during a twenty-four-hour day. 752

(F) The director of job and family services shall adopt rules 753



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:

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

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

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

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

(5) Admissions policies and procedures, health care policies  
and procedures, including, but not limited to, procedures for the  
isolation of children with communicable diseases, first aid and  
emergency procedures, procedures for discipline and supervision of  
children, standards for the provision of nutritious meals and  
snacks, and procedures for screening children and employees,  
including, but not limited to, any necessary physical examinations

and immunizations;	785
(6) Methods for encouraging parental participation in the	786
type A home and methods for ensuring that the rights of children,	787
parents, and employees are protected and that the responsibilities	788
of parents and employees are met;	789
(7) Procedures for ensuring the safety and adequate	790
supervision of children traveling off the premises of the type A	791
home while under the care of a type A home employee;	792
(8) Procedures for record keeping, organization, and	793
administration;	794
(9) Procedures for issuing, <del>renewing</del> , denying, and revoking a	795
license that are not otherwise provided for in Chapter 119. of the	796
Revised Code;	797
(10) Inspection procedures;	798
(11) Procedures and standards for setting initial <del>and renewal</del>	799
license application fees;	800
(12) Procedures for receiving, recording, and responding to	801
complaints about type A homes;	802
(13) Procedures for enforcing section 5104.04 of the Revised	803
Code;	804
(14) A standard requiring the inclusion, on or after July 1,	805
1987, of a current department of job and family services toll-free	806
telephone number on each type A home provisional license or	807
license which any person may use to report a suspected violation	808
by the type A home of this chapter or rules adopted pursuant <u>to</u>	809
this chapter;	810
(15) Requirements for the training of administrators and	811
child-care staff members in first aid, in prevention, recognition,	812
and management of communicable diseases, and in child abuse	813

recognition and prevention; 814

~~(16) Procedures to be used by licensees for checking the~~ 815  
~~references of potential employees of type A homes and procedures~~ 816  
~~to be used by the director for checking the references of~~ 817  
~~applicants for licenses to operate type A homes;~~ 818

~~(17)~~ Standards providing for the special needs of children 819  
who are handicapped or who require treatment for health conditions 820  
while the child is receiving child care or publicly funded child 821  
care in the type A home; 822

~~(18)~~ (17) Standards for the maximum number of children per 823  
child-care staff member; 824

~~(19)~~ (18) Requirements for the amount of usable indoor floor 825  
space for each child; 826

~~(20)~~ (19) Requirements for safe outdoor play space; 827

~~(21)~~ (20) Qualifications and training requirements for 828  
administrators and for child-care staff members; 829

~~(22)~~ (21) Procedures for granting a parent who is the 830  
residential parent and legal custodian, or a custodian or guardian 831  
access to the type A home during its hours of operation; 832

~~(23)~~ (22) Standards for the preparation and distribution of a 833  
roster of parents, custodians, and guardians; 834

~~(24)~~ (23) Any other procedures and standards necessary to 835  
carry out this chapter. 836

(G) The director of job and family services shall adopt rules 837  
pursuant to Chapter 119. of the Revised Code governing the 838  
certification of type B family day-care homes. 839

(1) The rules shall include all of the following: 840

(a) Procedures, standards, and other necessary provisions for 841

granting limited certification to type B family day-care homes 842  
that are operated by the following adult providers: 843

(i) Persons who provide child care for eligible children who 844  
are great-grandchildren, grandchildren, nieces, nephews, or 845  
siblings of the provider or for eligible children whose caretaker 846  
parent is a grandchild, child, niece, nephew, or sibling of the 847  
provider; 848

(ii) Persons who provide child care for eligible children all 849  
of whom are the children of the same caretaker parent; 850

(b) Procedures for the director to ensure, that type B homes 851  
that receive a limited certification provide child care to 852  
children in a safe and sanitary manner; 853

(c) Requirements for the type B home to notify parents with 854  
children in the type B home that the type B home is also certified 855  
as a foster home under section 5103.03 of the Revised Code. 856

With regard to providers who apply for limited certification, 857  
a provider shall be granted a provisional limited certification on 858  
signing a declaration under oath attesting that the provider meets 859  
the standards for limited certification. Such provisional limited 860  
certifications shall remain in effect for no more than sixty 861  
calendar days and shall entitle the provider to offer publicly 862  
funded child care during the provisional period. Except as 863  
otherwise provided in division (G)(1) of this section, section 864  
5104.013 or 5104.09 of the Revised Code, or division (A)(2) of 865  
section 5104.11 of the Revised Code, prior to the expiration of 866  
the provisional limited certificate, a county department of job 867  
and family services shall inspect the home and shall grant limited 868  
certification to the provider if the provider meets the 869  
requirements of this division. Limited certificates remain valid 870  
for two years unless earlier revoked. Except as otherwise provided 871  
in division (G)(1) of this section, providers operating under 872

limited certification shall be inspected annually.

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

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

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

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

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

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

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children, procedures for discipline and supervision of children, 903  
nutritional standards, and procedures for screening children and 904  
authorized providers, including, but not limited to, any necessary 905  
physical examinations and immunizations; 906

(e) Methods of encouraging parental participation and 907  
ensuring that the rights of children, parents, and authorized 908  
providers are protected and the responsibilities of parents and 909  
authorized providers are met; 910

(f) Standards for the safe transport of children when under 911  
the care of authorized providers; 912

(g) Procedures for issuing, renewing, denying, refusing to 913  
renew, or revoking certificates; 914

(h) Procedures for the inspection of type B homes that 915  
require, at a minimum, that each type B home be inspected prior to 916  
certification to ensure that the home is safe and sanitary; 917

(i) Procedures for record keeping and evaluation; 918

(j) Procedures for receiving, recording, and responding to 919  
complaints; 920

(k) Standards providing for the special needs of children who 921  
are handicapped or who receive treatment for health conditions 922  
while the child is receiving child care or publicly funded child 923  
care in the type B home; 924

(l) Requirements for the amount of usable indoor floor space 925  
for each child; 926

(m) Requirements for safe outdoor play space; 927

(n) Qualification and training requirements for authorized 928  
providers; 929

(o) Procedures for granting a parent who is the residential 930  
parent and legal custodian, or a custodian or guardian access to 931

the type B home during its hours of operation;

(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;

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

(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:

(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;

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

(3) Standards for a program of activities, and for play equipment, materials, and supplies to enhance the development of each child; however, any educational curricula, philosophies, and

methodologies that are developmentally appropriate and that	962
enhance the social, emotional, intellectual, and physical	963
development of each child shall be permissible;	964
(4) Health care, first aid, and emergency procedures,	965
procedures for the care of sick children, procedures for	966
discipline and supervision of children, nutritional standards, and	967
procedures for screening children and in-home aides, including,	968
but not limited to, any necessary physical examinations and	969
immunizations;	970
(5) Methods of encouraging parental participation and	971
ensuring that the rights of children, parents, and in-home aides	972
are protected and the responsibilities of parents and in-home	973
aides are met;	974
(6) Standards for the safe transport of children when under	975
the care of in-home aides;	976
(7) Procedures for issuing, renewing, denying, refusing to	977
renew, or revoking certificates;	978
(8) Procedures for inspection of homes of children receiving	979
publicly funded child care in their own homes;	980
(9) Procedures for record keeping and evaluation;	981
(10) Procedures for receiving, recording, and responding to	982
complaints;	983
(11) Qualifications and training requirements for in-home	984
aides;	985
(12) Standards providing for the special needs of children	986
who are handicapped or who receive treatment for health conditions	987
while the child is receiving publicly funded child care in the	988
child's own home;	989
(13) Any other procedures and standards necessary to carry	990



out this chapter. 991

(I) To the extent that any rules adopted for the purposes of 992  
this section require a health care professional to perform a 993  
physical examination, the rules shall include as a health care 994  
professional a physician assistant, a clinical nurse specialist, a 995  
certified nurse practitioner, or a certified nurse-midwife. 996

(J) (1) The director of job and family services shall do all 997  
of the following: 998

(a) Provide or make available in either paper or electronic 999  
form to each licensee notice of proposed rules governing the 1000  
licensure of child day-care centers and type A homes; 1001

(b) Give public notice of hearings regarding the rules to 1002  
each licensee at least thirty days prior to the date of the public 1003  
hearing, in accordance with section 119.03 of the Revised Code; 1004

(c) At least thirty days before the effective date of a rule, 1005  
provide, in either paper or electronic form, a copy of the adopted 1006  
rule to each licensee. 1007

(2) The director shall do all of the following: 1008

(a) Send to each county director of job and family services a 1009  
notice of proposed rules governing the certification of type B 1010  
family homes and in-home aides that includes an internet web site 1011  
address where the proposed rules can be viewed; 1012

(b) Give public notice of hearings regarding the proposed 1013  
rules not less than thirty days in advance; 1014

(c) Provide to each county director of job and family 1015  
services an electronic copy of each adopted rule at least 1016  
forty-five days prior to the rule's effective date. 1017

(3) The county director of job and family services shall 1018  
provide or make available in either paper or electronic form to 1019

each authorized provider and in-home aide copies of proposed rules 1020  
and shall give public notice of hearings regarding the rules to 1021  
each authorized provider and in-home aide at least thirty days 1022  
prior to the date of the public hearing, in accordance with 1023  
section 119.03 of the Revised Code. At least thirty days before 1024  
the effective date of a rule, the county director of job and 1025  
family services shall provide, in either paper or electronic form, 1026  
copies of the adopted rule to each authorized provider and in-home 1027  
aide. 1028

(4) Additional copies of proposed and adopted rules shall be 1029  
made available by the director of job and family services to the 1030  
public on request at no charge. 1031

(5) The director of job and family services ~~shall recommend~~ 1032  
~~standards~~ may adopt rules pursuant to Chapter 119. of the Revised 1033  
Code for imposing sanctions on persons and entities that are 1034  
licensed or certified under this chapter ~~and that violate any~~ 1035  
~~provision of this chapter.~~ The ~~standards~~ sanctions shall be based 1036  
on the scope and severity of the violations. ~~The director shall~~ 1037  
~~provide copies of the recommendations to the governor, the speaker~~ 1038  
~~and minority leader of the house of representatives, and the~~ 1039  
~~president and minority leader of the senate and, on request, shall~~ 1040  
~~make copies available to the public.~~ 1041

~~(6)~~ Sanctions adopted under division (J)(5) of this section 1042  
may be imposed only for a serious risk noncompliance violation of 1043  
licensure or certification standards. Sanctions for a serious risk 1044  
noncompliance violation identified in a single licensure or 1045  
certification visit that does not result in permanent harm to, or 1046  
death of, a child may include one or more of the following: 1047

(a) Completion of training or technical assistance; 1048

(b) Additional targeted monitoring or extension of a 1049  
provisional license or certification if applicable. 1050

For the purposes of division (J) (5) of this section, "serious risk noncompliance violation" means a licensure or certification standard violation that leads to the greatest risk of permanent harm to, or death of, a child and is observable, not inferable.

(6) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code establishing incentives for persons and entities that are licensed or certified under this chapter and have a history of substantial compliance with licensure or certification standards. Incentives shall include, but not be limited to, less frequent or focused licensure or certification visits, participation in the quality-rating program established under section 5104.30 of the Revised Code, and scholarships for training.

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

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

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

In line 70546, strike through "(II) (1)" and insert "(JJ) (1)"

In line 94756, after "5101.61," insert "5104.01, 5104.011," 1082

In line 144 of the title, after "5101.61," insert "5104.01, 1083

5104.011," 1084

The motion was \_\_\_\_\_ agreed to.

### SYNOPSIS

**Various Changes to Law Governing Child Care** 1085

**R.C. 5104.01, 5104.011, and 5104.38** 1086

Adds a provision to the bill that does the following: 1087

- Eliminates the requirements that the Director of Job and 1088  
Family Services adopt rules to be used for checking the references 1089  
of child day-care center and type A family day-care home license 1090  
applicants and potential employees; 1091
- Eliminates the requirement that child day-care center 1092  
administrators prepare and distribute an annual roster of all 1093  
parents, guardians, or custodians; 1094
- Eliminates a provision that permits the administrator to 1095  
prepare and distribute a telephone contact list for distribution; 1096
- Replaces a provision that requires the Director to recommend 1097  
standards to the Governor and General Assembly regarding sanctions 1098  
to be imposed on persons violating the law governing child care 1099  
with a provision that permits the Director to adopt rules 1100  
regarding the sanctions and specifies when the Director is to 1101  
impose the sanctions; 1102
- Eliminates the requirement that the Director consider the 1103  
number of available child-care staff members when determining 1104  
license capacity for child day-care centers or type A family 1105

day-care homes; 1106

- Makes optional the existing requirement that the Director, 1107  
when adopting rules for procedures for screening children and 1108  
employees, include requirements for physical examinations and 1109  
immunizations; 1110
- Eliminates the requirement that the Director adopt rules 1111  
regarding procedures for renewing a day-care center or type A home 1112  
license not provided for under the Administrative Procedures Act 1113  
and regarding the corresponding renewal license application fees; 1114
- Permits a child day-care center administrator to meet 1115  
existing employment standards by showing the Director evidence 1116  
that the administrator holds a designation as an "early childhood 1117  
professional level three" under Step-Up-To Quality Program; 1118
- Specifies that an administrator employed or designated as 1119  
such on or after the bill's effective date may provide an 1120  
administrator's credential as an alternative to existing 1121  
employment standards that must be met after the date of employment 1122  
or designation but that the administrator must meet this, or the 1123  
existing employment standards, within one year of employment or 1124  
designation, rather than six; 1125
- Increases to 2 from 1.5 hours the number of hours during a 1126  
24-hour day that the maximum number of toddlers or preschool 1127  
children per child-care staff member may be double the amount 1128  
established under current law; 1129
- Requires the Director to adopt rules establishing incentives 1130  
for persons and entities that are licensed or certified under this 1131  
chapter and have a history of substantial compliance with 1132  
licensure or certification standards. 1133