



October 29, 2021

**Child Care Center Manual Transmittal Letter No. 31**

**TO: All Child Care Center Manual Holders**

**FROM: Matt Damschroder, Director**

**SUBJECT: Child Care Center Licensing Rules Five Year Review (1)**

**Background:**

The Office of Family Assistance has completed a five-year review of child care center licensing rules. The licensing rules below have been reviewed to ensure that the Ohio Department of Job and Family Services (ODJFS) is only mandating essential health and safety requirements and not including requirements that could inhibit small business in Ohio. Rules were revised in compliance with Section 121.95 of the Ohio Revised Code requiring the department to remove at least two regulatory restrictions for each new regulatory restriction added in the rules. Additionally, rules were revised to meet federal requirements, remove duplicate requirements, clarify rule requirements, correct typographical errors in paragraph references, remove revision dates from form citations, update references to OCLQS, and provide clarifications for child care centers.

These rules are effective October 29, 2021.

**Rules amended:**

5101:2-12-11 "Indoor and outdoor space requirements for a licensed child care center" has been amended with the following changes:

- Added that dividers may be used to divide a room into smaller spaces to serve additional groups of children and center requirements for divider use
- Removed local building and fire approval additional space requirement for areas that include children who are less than two- and one-half years of age, as this requirement is addressed in rule 5101:2-12-04 of the Administrative Code
- Clarified language about outdoor space, natural barriers, outdoor equipment, "S" hooks, sandboxes, and fall zones
- Added that a playground on the premises that is regulated by another state agency is exempt from the on-site outdoor space fence and natural barrier requirements
- Removed the requirement about the accessibility of wading pools, as swimming and water safety is addressed in rule 5101:2-12-24 of the Administrative Code

- Added that functionally linked play equipment may be used if each piece of the adjacent equipment is not more than twelve inches apart for preschool-age children or eighteen inches apart for school-age children. Functionally linked play equipment means two or more play structures designed and installed adjacently to create one integral unit that provides more than one play activity for children

5101:2-12-13 "Sanitary equipment and environment for a licensed child care center" has been amended with the following changes:

- Removed the requirement that equipment, furnishings and materials are to be kept clean and in good repair, as this requirement is addressed in appendix A to this rule
- Clarified the requirement about storage of accumulated trash and garbage
- Removed the requirement about cleaning and sanitizing parent-provided dishes, cups, containers, and silverware, as this requirement is addressed in appendix A to this rule
- Clarified handwashing sink requirements and added that commercially manufactured non-permanent sinks may be used provided that both fresh and waste water inaccessible to children and disposed of in a sanitary manner
- Clarified toothbrushing requirements
- Appendix A to rule 5101:2-12-13:
  - Clarified cleaning and sanitizing descriptions and requirements for blankets/sheets, changing table/pad and cots/pads/mats
  - Added new objects in the cleaning and sanitizing chart to include reusable cleaning cloths and dividers, and clarified wastebaskets to include rinse buckets
- Appendix B to rule 5101:2-12-13:
  - Revised the requirement for child care staff members and employees to wash hands upon arrival for the day, prior to departure, and upon entry into a classroom to incorporate handwashing procedures enacted during the COVID-19 pandemic
  - Revised the requirement for children to wash hands prior to departure to incorporate handwashing procedures enacted during the COVID-19 pandemic

5101:2-12-16 "Emergency and health-related plans for a licensed child care center" has been amended with the following changes:

- Clarified the requirement to post a weather alert plan that includes the details listed in paragraph (H) of this rule and that emergency/lockdown drills are to be conducted in each quarter of the calendar year
- Removed the requirement that first aid supplies are to be stored out of the reach of children because it is a duplication of paragraph (B)(1)
- Removed the requirement that first aid supplies are to be replaced as they are used, expired, damaged or if sterile packages are opened, as this requirement is addressed in appendix A to this rule
- Clarified that centers are to post and follow the full-sized JFS 08087 "Communicable Disease Chart" in order to identify and respond to communicable diseases
- Added that the center is to report the communicable disease to ODJFS by the end of the next business day, if required to be reported to the local health department
- Removed the child isolation requirements due to a suspected communicable disease, as these requirements are addressed in appendix B to this rule

- Removed the cleaning and sanitizing requirement for a cot or mat used with a child isolated due to a suspected communicable disease, as this requirement is addressed appendix A to rule 5101:2-12-13 "Schedule for Cleaning and Sanitizing Items"
- Clarified the definition of serious incident in paragraph (F) and added that a serious incident to be reported includes an unusual or unexpected incident which jeopardizes the safety of a child, child care staff member, or employee of a center
- Removed the requirement of JFS 01156 "Serious Incident Reporting for Child Care," as serious incidents are required to be reported in the Ohio Child Licensing and Quality System (OCLQS) by the next business day
- Moved for clarification the requirements for when a child is transported by anyone other than the parent for emergency treatment
- Added that centers are to train child care staff members and employees on their written disaster plan annually and written documentation of this training is to be kept on-site
- Appendix A to rule 5101:2-12-16:
  - Clarified that the first-aid kit is to contain unexpired items (where applicable)
  - Removed the word "hypoallergenic" from the requirement for first-aid tape to allow for other options
- Appendix B to rule 5101:2-12-16:
  - Clarified that the sick child is to be isolated away from other children in another room or portion of a room, but within sight and hearing at all times to align with supervision requirements in rule 5101:2-12-19
  - Added that centers are to notify the child's parent(s) immediately to arrange discharge of the child and if the child's condition worsens during isolation
  - Removed requirements for laundering bedding and washing toys used by the sick child before use by another child, as these requirements are addressed in appendix A to rule 5101:2-12-13 of the Administrative Code "Schedule for Cleaning and Sanitizing Items"

5101:2-12-17 "Programming and materials for a licensed child care center" has been amended with the following changes:

- Clarified that centers must ensure that equipment, materials, and furnishings provided for both indoor and outdoor play are sufficient so that each child can be actively involved in an activity
- Removed the requirement that equipment, materials, and furnishings provided for both indoor and outdoor play are to be varied and adequate to meet the developmental needs of the children, as this requirement is addressed in appendix A to this rule

5101:2-12-18 "Group size and ratios for a licensed child care center" has been amended with the following changes:

- Removed duplicative grouping requirements, as organizing and assigning permanent groups of children is addressed in paragraph (A)(4) to this rule
- Added that a copy of the transition agreement between the parent and the center must be signed
- Added that preschool children may transition to the school-age group at the conclusion of the school year before kindergarten and be counted as school-agers for ratio

- Clarified that Ohio's automated child care system cannot be used to meet the attendance record written documentation requirement of the child's arrival and departure times

5101:2-12-19 "Supervision of children and child guidance for a licensed child care center" has been amended with the following changes:

- Added that each child care staff member is to be familiar with the needs of each child in their care, including but not limited to developmental and behavioral needs and parental preferences
- Added that when a child is expelled from the center for a behavioral reason, the expulsion is to be submitted in OCLQS

5101:2-12-20 "Sleeping and napping requirements for a licensed child care center" has been amended with the following changes:

- Corrected the staff/child ratio rule reference to rule 5101:2-12-18 of the Administrative Code
- Clarified that the JFS 01235 "Sleep Position Waiver Statement for Child Care" is valid for one year
- Removed the requirement that cots or mats are to be individually assigned, cleaned, and sanitized, as this requirement is addressed in appendix A to rule 5101:2-12-13 "Schedule for Cleaning and Sanitizing Items"

5101:2-12-21 "Evening and overnight care for a licensed child care center" has been amended with the following changes:

- Removed the requirement that child care staff members are to supervise sleeping children, as supervision is addressed in rule 5101:2-12-19 of the Administrative Code
- Removed the requirement that the center is to ensure that anyone on the premises during evening and overnight care hours is to be limited to persons authorized by the administrator or owner and parents and guardians of children in care, as this requirement is addressed in paragraph (B) of this rule
- Removed the requirement that each child in care during evening and overnight hours is to be provided with an individual crib, cot, or mat, as sleeping and napping are addressed in rule 5101:2-12-20 of the Administrative Code
- Removed the requirements that children are to be supervised at all times during the limited access hours and that the center's written security plan is to ensure the supervision of the children, as supervision is addressed in rule 5101:2-12-19 of the Administrative Code
- Removed the requirement that centers are to have activities before bedtime which allow for children's individual choices and needs, as programming and materials are addressed in rule 5101:2-12-17 of the Administrative Code
- Removed requirement for changing bed linens weekly, when soiled, and when assigned to a different child, as this requirement is addressed in appendix A to rule 5101:2-12-13 "Schedule for Cleaning and Sanitizing Items"
- Clarified that if the child has a bedtime routine occurring at the program, the center is to ensure that each child has a clean, individual washcloth, towel, and toothbrush, as appropriate for the age of the child, and labeled with the child's name

5101:2-12-23 "Infant care and diaper care for a licensed child care center" has been amended with the following changes:

- Clarified that each non-crawling infant is to be provided the opportunity for tummy time outside of their crib each day
- Removed the requirement to store, prepare and serve food, formula, and breast milk in a safe and clean manner, as this is addressed in paragraph (B) of this rule
- Removed the separation material requirement for infant diaper changing in a crib, as this is addressed in paragraph (C) of this rule
- Added that if the center uses gloves while diapering, they are to use non-latex gloves

5101:2-12-24 "Swimming and water safety requirements for a licensed child care center" has been amended with the following changes:

- Clarified that the center is to have written permission from the parent when water is directly accessible to children
- Clarified that the center is to have written permission from the parent before the child participates in activities in or on water eighteen inches or more in depth

**Forms:**

The most recent version of all ODJFS forms referenced in these rules can be accessed through [Forms Central](#).

Please contact the Child Care Policy Helpdesk at [childcarepolicy@jfs.ohio.gov](mailto:childcarepolicy@jfs.ohio.gov) or 1-877-302-2347, option 4, if you have any questions.

5101:2-12-11

**Indoor and outdoor space requirements for a licensed child care center.**

(A) What are the indoor space requirements for a center?

- (1) There shall be at least thirty-five square feet of usable wall-to-wall indoor floor space for each child the center is licensed to serve.
- (2) Usable indoor floor space shall not include bathrooms, hallways, storage rooms or other areas not available or not used for child care.
- (3) Bathrooms may be included if they are used exclusively by children enrolled in the center.
- (4) Areas included in the center's square footage shall be exclusively available for child care during all operating hours of the child care program.
- (5) If the center is in a shared building, the center may identify a back-up space that is available for use on days the primary space is not available. When the back-up space is utilized, the space shall only be used for child care during that time and shall have building and fire approval.
- (6) The public may use areas such as entry ways, hallways, bathrooms and other areas normally available for public use if such access does not constitute a risk or hazard to the health and safety of the children in care.
- (7) The calculation of indoor space may include hallways, kitchens, storage areas and bathrooms not used exclusively by children and other areas not available for child care if either of the following apply:
  - (a) The center's license has been maintained since September 1, 1986; or
  - (b) A new license was issued due to the change of ownership of the center that was previously licensed prior to September 1, 1986.
- (8) Dividers may be used to divide a room into smaller spaces to serve additional groups of children, provided the center ensures that the space maintains the indoor space square footage requirement pursuant to paragraph (A)(1) of this rule.

If used, dividers are to:

  - (a) Meet any requirements set by the department of commerce, local building department, state fire marshal or local fire safety inspector.

(b) Be made of non-porous material or other material that can be cleaned and sanitized.

(B) What are the additional space requirements for areas where there are groups that include children who are less than two and one half years of age?

The space shall:

- (1) Be separate from space being used for groups of children two and one half years old and older.
- (2) Be approved by the Ohio department of job and family services (ODJFS) prior to use for the care of children younger than two and one half years of age.
- (3) Provide at least thirty-five square feet of floor space for each child per room or area.
- ~~(4) Be approved, as required, by local building and fire officials.~~
- ~~(5)~~(4) Be defined by a continuous permanent or non-permanent barrier that is at least thirty-six inches in height.

(C) What are the on-site outdoor space requirements for a center?

- (1) The center shall have an on-site outdoor space that:
  - (a) Provides at least sixty square feet of usable space per child using the area at one time.
  - (b) Is located away from traffic or protected from traffic or animals by a continuous fence in good condition with functioning gates or a continuous natural barrier or a combination of fence and natural barrier. The fence or natural barrier shall ~~assure~~ensure that children are not able to leave the outdoor play area unsupervised and shall ~~assure~~ensure that any hazards from the outside cannot enter the outdoor play area without the staff being aware of them. Examples of natural barriers include, but are not limited to space, dense hedges, walls, permanently anchored dividers or partitions. A playground on the premises that is regulated by another state agency is exempt from this requirement.
  - (c) Has functional latches on gates which cannot be easily opened by young children if gates are used. Gates shall not be ~~padlocked~~locked when children are present at the center.

- (d) Provides access to bathroom facilities and drinking water during play times.
  - (e) Is free of foreign objects and trash during times children are outside playing.  
A trash can with a lid is permitted in the play area if it is emptied daily and kept in clean condition.
  - (f) Provides a shaded area. The shade may be naturally occurring from trees, building, or overhangs. The center may also install lawn umbrellas that are securely anchored or other structures that provide shade in a safe manner.
- (2) Bodies of water (other than water tables designed for children to play in only with their hands) shall be separated from the play area by a fence or other physical barrier (the center door only is not a sufficient barrier) that prevents children from accessing the water. ~~Wading pools shall only be accessible to children in accordance with rule 5101:2-12-24 of the Administrative Code.~~
- (3) The play area(s) and equipment shall be inspected quarterly by the administrator or designee during the months that the program is in operation. The inspection shall be documented on the JFS 01281 "Child Care Playground Inspection Report" ~~(12/2016)~~ and kept on file for one year.
- (D) What are the exemptions for having an on-site outdoor space?
- (1) A center may be exempt if both of the following apply:
    - (a) The center has an indoor recreation area that has a minimum of one thousand four hundred forty square feet of space that is separate from the indoor space required by this rule and is regularly available and scheduled for daily use.
    - (b) There is a safe park or play area regularly available, scheduled for daily use in suitable weather and approved by the ODJFS. Access to this area shall be safe and convenient, and children shall be closely supervised during play and when going to and from the area.
  - (2) A center approved to use an off-site area may use the play space regardless of change of ownership unless it is determined, upon inspection, that the area or its accessibility is unsafe.
- (E) What are the requirements for on-site and off-site outdoor equipment?



- (1) Outdoor equipment, whether stationary or portable, shall be safe and designed to meet the developmental needs of all of the age groups of children using the space.
- (2) Equipment, such as, but not limited to, climbing gyms, swings, and slides shall:
  - (a) Be placed out of the path of the area's main traffic pattern.
  - (b) Be anchored or stable and have all parts in good working order and securely fastened.
  - (c) Have all climbing ropes anchored at both ends and not capable of looping back on themselves creating a loop with an interior perimeter of five inches or greater.
  - (d) Have "S" hooks that are closed in order to prevent the chain from slipping off of the hook and prevents strangulation if they are used.
  - (e) Be free of rust, cracks, holes, splinters, sharp points or edges, chipped or peeling paint, lead hazards, toxic substances, protruding bolts, or tripping hazards.
  - (f) Have no openings that are greater than three and one half inches, but less than nine inches to avoid entrapment of the head or other body parts.
  - (g) Have protected barriers on platforms that are thirty inches high or higher. A protective barrier means an enclosing device around an elevated platform that is intended to prevent both inadvertent and deliberate attempts to pass through the device.
  - (h) Be assembled, installed and utilized according to manufacturer's guidelines.
- (3) Functionally linked play equipment may be used if each piece of the adjacent equipment is not more than twelve inches apart for preschool-age children or eighteen inches apart for school-age children. Functionally linked play equipment means two or more play structures designed and installed adjacently to create one integral unit that provides more than one play activity for children.
- ~~(3)~~(4) Sandboxes shall be covered with a lid or other covering when ~~they are not in use~~ the program is closed. For programs operating twenty-four hours per day, this means sandboxes are covered during non-daylight hours.

(F) What are the requirements for a fall zone?

- (1) Outdoor play equipment designated for climbing, swinging, balancing and sliding shall have a fall zone of protective resilient material on the ground under and around the equipment.
  - (a) The material may be one of the following, but not limited to, washed pea gravel, mulch, sand, wood chips or synthetic material such as rubber mats or tiles manufactured for this purpose.
  - (b) Equipment shall not be placed directly over concrete, asphalt, blacktop, dirt, rocks, grass or any other hard surface.
  - (c) Synthetic surfaces shall follow manufacturer's guidelines for depth.
  - (d) Protective resilient material depth for equipment ~~that is over twelve inches in height~~ shall be appropriate for the height and type of equipment as specified in appendix A to this rule.
  - (e) All loose fill materials, such as mulch, sand, wood chips, washed pea gravel shall be raked, as needed to retain their proper distribution and depth. Foreign materials ~~must~~are to be removed prior to use by children.
- (2) All space around equipment designed for or observed being used for climbing, swinging, balancing or sliding shall extend a minimum of six feet in all directions from the perimeter of the equipment or a minimum of three feet in all directions if the equipment is exclusively used by children six months to twenty-three months of age.
  - (a) The fall zone for moving or swinging equipment ~~is measured~~shall extend ~~six feet~~ from the point of furthest extension.
  - (b) The fall zone between two stationary pieces of equipment shall be a minimum of nine feet. For equipment exclusively used by children six months to twenty-three months of age, the fall zone requirement is four and one-half feet.
  - (c) Fall zones shall be kept clear of all obstacles that children could run into or fall on top of including retaining devices such as, but not limited to, fencing, walls, landscape timbers and mulch retaining walls.
  - (d) Equipment used for climbing shall not be placed over carpet or mats that are not intended for use as surfacing for climbing equipment.
- (3) Centers licensed as of January 1, 2007 that have fall zones meeting the requirements listed in paragraph (F)(1) of this rule are exempt from the

requirements of (F)(2) of this rule, unless stationary equipment designed for or are observed being used for climbing, swinging, bouncing or sliding is added, replaced or relocated. When this type of equipment is added, replaced or relocated the center ~~must~~is to comply with the requirements of paragraphs (F)(1) and (F)(2) of this rule for all pieces of equipment designed or observed used for climbing, swinging, bouncing or sliding on that playground.

Effective: 10/29/2021

Five Year Review (FYR) Dates: 7/28/2021 and 10/29/2026

CERTIFIED ELECTRONICALLY

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Certification

10/05/2021

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Date

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(Emer.), 04/01/1992, 04/01/2003, 09/01/2005,  
01/01/2007, 07/01/2010, 11/22/2015, 12/31/2016

Depth of Protective, Resilient Surface Needed for Playground Equipment Adapted  
from the Consumer Product Safety Commission

↓ Material	Equipment Height		
	1'1" to 4'	4'1" to 9'	9'1" to 11'
Wood Chips	6"	9"	12"
Double Shredded Bark Mulch	6"	9"	12"
Engineered Wood Fibers	6"	12" (9" for equipment up to 7 ft.)	12"
Fine Sand	6"	12"	Not suitable
Coarse Sand	6"	12" (for equipment up to 6 ft. )	Not suitable
Fine Gravel	6"	12"	12" (for equipment up to 10 ft.) <b>(not suitable for equipment higher than 10 ft.)</b>
Medium Gravel	6"	12" (for equipment up to 6 ft. )	Not suitable
Shredded Tires	6"	6"	6"

**Description of Loose-Fill Surfacing Materials in Table**

1. **Wood Chips**- Random sized wood chips, twigs, and leaves collected from a wood chipper being fed tree limbs, branches, and brush.
2. **Double Shredded Bark Mulch** - Similar to shredded mulch commonly used by homeowners to mulch shrubs and flower beds.
3. **Engineered Wood Fibers** - Relatively uniform sized shredded wood fibers from recognized hardwoods.
4. **Fine Sand** - White sand purchased in bags marked "play sand."
5. **Coarse Sand** - Sand typically used for landscaping and construction.
6. **Fine Gravel** - Usually obtained from a supplier to the residential landscaping market. Gravel particles are rounded and generally less than 3/8 inch in diameter.
7. **Medium Gravel** - Rounded as found in river washed or tumbled stone.
8. **Shredded Tires** - The size of the particles and the method by which they are produced may vary from one manufacturer to another. If such materials are used the supplier should provide test data showing the critical height of the material when tested. In addition, a guarantee should be obtained from the supplier that the material is free from steel wires or other contaminants.

**Other types of fall surfaces and additional information  
can be obtained at [www.cpsc.gov](http://www.cpsc.gov)**

5101:2-12-13

**Sanitary equipment and environment for a licensed child care center.**

- (A) What are the requirements to provide and maintain a clean environment, furniture, materials, and equipment in a licensed child care center?
- (1) Toilet tissue, liquid soap, running water, and individually assigned towels, disposable towels or air dryers shall be provided in all bathrooms. Toilets and bathroom sinks shall be in good working condition. Toilets shall be flushed after each use.
  - (2) Equipment, furnishings, and materials shall be constructed of materials to facilitate cleaning ~~and shall be kept clean and in good repair.~~
  - (3) Accumulated trash and garbage ~~shall~~ are not to be stored in an area that has been approved for child care ~~outside of the outdoor or indoor play area and shall not be accessible to the children.~~
  - (4) The center shall be cleaned daily and kept in a sanitary condition at all times. Cleaning and sanitizing shall not take place while rooms are occupied by children, except for general cleanup activities such as sweeping, vacuuming, mopping and wiping off tables which are part of the daily routine. The cleaning and sanitizing schedule contained in appendix A to this rule shall be followed.
  - (5) The premises shall be kept clean to prevent an infestation by insects or rodents.
  - (6) If the center's water is not publicly supplied, the center shall contact the Ohio environmental protection agency (EPA) to determine if it qualifies as a public water system.
    - (a) If the water supply qualifies as a public water system, the center shall comply with the Ohio EPA requirements.
    - (b) If the water supply does not qualify as a public water system, the center shall contact the local health department to have the water tested and follow any additional requirements requested by the health department. The center shall retain a copy of the water test and make it available upon request.
  - (7) On-site sewage disposal systems shall not present a public health hazard.
  - (8) ~~Dishes, cups, containers and silverware sent by the parent shall be cleaned and sanitized according to appendix A to this rule if not sent home daily for cleaning.~~

(B) What are the handwashing requirements for a center?

(1) Handwashing shall occur in a handwashing sink ~~which is a permanent fixture with running water and which conforms to the Ohio plumbing standards of division 4101:3 of the Administrative Code.~~

(2) Commercially manufactured non-permanent sinks may be used if fresh water and waste water are inaccessible to children and disposed of in a sanitary manner.

~~(2)~~(3) Handwashing requirements for center child care staff members, employees and children are detailed in appendix B to this rule.

(C) What are the requirements for a smoke free environment in a center?

The center shall provide a smoke free environment for the children during the hours that child care is being provided as detailed in appendix C to this rule and be in compliance with the smoking ban pursuant to section 3794.02 of the Revised Code.

(D) What are the requirements for toothbrushing in a center?

Centers who provide toothbrushing shall:

(1) Label each toothbrush with child's name and store with bristles to air dry in such a way that the toothbrushes cannot contact or drip on each other and the bristles are not in contact with any surface.

(2) Ensure that when a single tube of toothpaste is used for more than one child a pea sized amount shall be dispensed onto a clean piece of paper or paper product for each child.

(3) Discard and replace toothbrushes every three months or if the toothbrush becomes contaminated.~~one of the following occur:~~

~~(a) Contamination through contact with another brush or after illness.~~

~~(b) A toothbrush is used by another child.~~

~~(c) A toothbrush comes in contact with the toilet or toileting area.~~

Effective: 10/29/2021

Five Year Review (FYR) Dates: 7/28/2021 and 10/29/2026

CERTIFIED ELECTRONICALLY

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Certification

10/05/2021

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## Appendix A to Rule 5101:2-12-13

**Schedule for Cleaning and Sanitizing Items**

To **clean**: Wash the surface or item with a detergent solution or other appropriate commercial product used for cleaning purposes. Questions about products must be directed to the manufacturer of the product. Follow the manufacturer's instructions exactly.

To **sanitize**: Centers must use a commercial product registered by the United States Environmental Protection Agency (US EPA) as a sanitizer that has directions for use that are appropriate for the surface or item you are sanitizing. Questions regarding commercial products must be directed to the manufacturer of the product or the US EPA. Follow manufacturer's instructions exactly when using any product to sanitize.

**All bottles of cleaners and sanitizers must be labeled with the contents.**

Area/Object	Clean	Sanitize	Frequency Requirements
<b>Any item soiled with blood or bodily fluids</b>	X	X	Immediately
<b>Blankets/sheets</b>	X		Weekly, when soiled and before another child uses.
<b>Bottles, bottle caps, nipples and other equipment used for bottle feeding</b>	X	X	Clean and sanitize by washing in a dishwasher or by washing, rinsing and boiling them for one minute, before it can be reused.
<b>Carpets</b>	X		Vacuum weekly or when soiled. Clean when soiled.
<b>Changing table/pad</b>	X	X	Clean when visibly soiled and sanitize after each use.
<b>Reusable Cloths</b>	X		Wash daily and when visibly soiled.
<b>Cots/Pads/Mats</b>	X	X	Before assigning to a different child, when used by a sick child, when soiled, and at least every 3 months.
<b>Cribs</b>	X	X	Monthly, when soiled, and before another child uses.
<b>Diaper receptacles</b>	X	X	Daily or more frequently as needed to eliminate odor.
<b>Dishes/Cups/Silverware/ Water Containers</b>	X	X	Clean after each use. Water containers that are labeled with the child's name can be used all day, but must be cleaned and sanitized before used again on another day.
<b>Dividers (must be non-porous material)</b>	X		Clean when visibly soiled.

<b>Area/Object</b>	<b>Clean</b>	<b>Sanitize</b>	<b>Frequency Requirements</b>
<b>Dress up clothes and hats (Dramatic Play)</b>	<b>X</b>		Monthly and when soiled.
<b>Floors</b>	<b>X</b>		Weekly and when soiled.
<b>Food prep area, including sink</b>	<b>X</b>	<b>X</b>	Before and after preparing food (including bottle preparation) and between preparing raw or cooked food.
<b>Potty chairs</b>	<b>X</b>	<b>X</b>	After each use, empty contents into toilet, rinse with water, clean and sanitize.
<b>Tables (food)/High chair trays</b>	<b>X</b>	<b>X</b>	Before and after each use.
<b>Tables (play)</b>	<b>X</b>	<b>X</b>	Clean when visibly soiled. Sanitize daily.
<b>Toilet bowls</b>	<b>X</b>	<b>X</b>	Clean when visibly soiled. Sanitize weekly.
<b>Toilet seats, handles and hand washing sinks</b>	<b>X</b>	<b>X</b>	Clean when visibly soiled. Sanitize daily.
<b>Toys that go into the mouth</b>	<b>X</b>	<b>X</b>	After each child's use.
<b>Toys – other than those going into mouth</b>	<b>X</b>		Monthly and when visibly soiled.
<b>Washable furniture (including fabrics on infant equipment)</b>	<b>X</b>		Weekly and when soiled: upholstered furniture must be steam cleaned when soiled, if not covered by a washable slipcover. Slipcovers must be washed at least every six months and when soiled.
<b>Wastebaskets/Rinse Buckets including lids</b>	<b>X</b>	<b>X</b>	Empty daily and more frequently as needed. Clean and sanitize when visibly soiled.

## Appendix B to Rule 5101:2-12-13

**Handwashing**

Handwashing shall occur in a sink that is not used for meal preparation or clean-up and is away from the food serving area.

Child care staff members and employees shall wash hands, defined as using soap and water or using hand sanitizer, at the following times:

- Upon arrival for the day, prior to departure, and upon entry into a classroom.
- After toileting or assisting a child with toileting.
- After each diaper change or pull-up change.
- After contact with bodily fluids or cleaning up spills or objects contaminated with bodily fluids.
- After cleaning or sanitizing or using any chemical products.
- After handling pets, pet cages or other pet objects that have come in contact with the pet.
- Before eating, serving or preparing food or bottles or feeding a child.
- Before and after completing a medical procedure or administering medication.
- When visibly soiled (must use soap and water).

Children shall wash hands, defined as using soap and water or using hand sanitizer (if 24 months or older), at the following times:

- Upon arrival for the day and prior to departure.
- After toileting/diaper change.
- After contact with bodily fluids.
- After returning inside after outdoor play.
- After handling pets, pet cages or other pet objects that have come in contact with the pet before moving on to another activity.
- Before eating or assisting with food preparation.
- After water activities.
- When visibly soiled (must use soap and water).

Children who are unable to stand by themselves may be given wet paper towels and soap to wash and rinse their hands.

## Appendix C to Rule 5101:2-12-13

**Smoke Free Environment**

- The center shall provide for a smoke free environment for the children and adhere to the following requirements:
  - Smoking shall only be allowed on the premises of the center during its hours of operation if the person who is smoking cannot be seen by the children and if he or she smokes in either of the following:
    - An indoor area that is separately ventilated from the rest of the center. "Separately ventilated" means stand-alone ventilation, separate from the building's heating and cooling source.
    - An outdoor area that is so far removed from the children being cared for that the children cannot inhale any smoke.
- The center shall not expose children to cigarette, cigar or pipe butts or ashes.
- If smoking is permitted in the center during hours that the center is not operating, the administrator shall provide written notice to the parent of each child enrolled that smoking occurs at the center outside of center operating hours.
- The administrator shall post in a noticeable place at the main entrance of the center, a notice stating that smoking is prohibited.
- Smoking shall be prohibited in all vehicles owned by the child care center. Smoking shall be prohibited in all privately owned vehicles when occupied by children.

Note: The above requirements also include smokeless tobacco, electronic cigarettes, vaporizers, chewing tobacco and their byproducts.

5101:2-12-16

**Emergency and health-related plans for a licensed child care center.**

(A) What are the medical, dental, and general emergency requirements for a licensed child care center?

The center shall:

- (1) Have a written plan for medical or dental emergencies on the JFS 01242 "Medical, Dental and General Emergency Plan for Child Care," ~~(rev. 12/2016)~~. The plan shall be completed, implemented when necessary, and shall be posted, readily in view ~~by each telephone~~ and in each classroom and other spaces used by the children.
- (2) Complete the JFS 01201 "Dental First Aid" ~~(rev. 12/2016)~~ and post in a location readily available to center staff and parents.
- (3) Post a ~~fire and~~ weather alert plan that includes the details listed in paragraph (H) of this rule and a fire plan in each classroom and other spaces used by the children. The plan shall include a diagram indicating evacuation routes.
- (4) Conduct monthly fire drills at varying times. Written documentation of these drills shall be kept on-site.
- (5) Conduct monthly weather emergency drills in the months March through September. Written documentation of these drills shall be kept on-site.
- (6) Conduct ~~quarterly~~ emergency/lockdown drills in each quarter of the calendar year. Written documentation of these drills shall be kept on-site.

(B) What are the first aid kit requirements for a licensed child care center?

- (1) The first aid kit shall be kept in a clearly marked, unlocked container out of the reach of children.
- (2) One complete kit shall be readily available for every seventy-five children at the center ~~and be kept out of the reach of children~~. Centers that operate on separate floors or separate buildings shall have a complete kit on each floor and in each building.
- (3) The first-aid container shall contain all of the items listed in appendix A to this rule.
- ~~(4) First aid supplies shall be replaced as they are used, expired, damaged or if sterile packages are opened.~~

(C) What are the specific procedures the licensed child care center needs to follow for standard precautions?

- (1) Blood spills shall be treated cautiously and decontaminated promptly. Disposable vinyl gloves shall be worn during contact with blood or bodily fluids which contain blood, such as vomit or feces in which blood can be seen.
- (2) Surfaces contaminated with blood or bodily fluids containing blood shall first be cleaned with hot, soapy water and then sanitized with an appropriate bleach solution which is prepared on a daily basis, according to product guidelines, or other acceptable disinfectant solution which is environmental protection agency (EPA) rated as hospital disinfectant with a label claim for mycobactericidal activity.
- (3) Disposal of materials that contain blood requires a sealable, leakproof plastic bag or double bagging in plastic bags that are securely tied.
- (4) Non-disposable items, such as clothing that contain blood, shall be placed in a sealable, leakproof plastic bag or double bagged in plastic bags that are securely tied and sent home with the child.
- (5) Sharp items used for procedures on children with special care needs, such as lancets for finger sticks or syringes, require a disposable container called a "sharps container." This is a container made out of durable, rigid material which safely stores the lancets or needles until they are disposed of properly~~the parent can take them home for disposal~~. Sharps containers must be stored out of the reach of children.

(D) What are the communicable disease requirements for a licensed child care center?

- (1) Any child enrolled and attending the center with signs or symptoms of illness listed in appendix B to this rule shall be immediately isolated and discharged to his parent or guardian or person designated by the parent or guardian.
- (2) The JFS 08087 "Communicable Disease Chart" (~~rev. 12/2016~~) shall be posted in a location readily available to parents, child care staff members and employees. The chart is to be displayed in the size available in the Ohio department of job and family services (ODJFS) forms central in order for individuals to easily read, identify and respond~~substitutes for use in identifying and responding to communicable diseases.~~

(a) The center is to follow the requirements listed on the JFS 08087.

(b) If the communicable disease is required to be reported to the local health department, the center is to report the communicable disease to ODJFS in accordance with paragraph (G) of this rule by the end of the next business day.

~~(3) A child isolated due to suspected communicable disease shall be:~~

~~(a) Within sight and hearing of a staff member at all times.~~

~~(b) Cared for in another room or portion of a room away from other children.~~

~~(c) Provided with a cot or mat, if necessary and made comfortable. After use, the cot or mat shall be sanitized with an appropriate sanitizer, or if soiled with blood, feces, vomit or other body fluids, the cot or mat shall be cleaned with hot soapy water and disinfected with an environmental protection agency (EPA) registered product rated as hospital disinfectant with a label claim for mycobactericidal activity.~~

~~(4)~~(3) No later than the end of the next business day, the center shall notify parents when their child has been exposed to a communicable disease listed on the JFS 08087.

~~(5)~~(4) The center shall release employees and child care staff members who have a communicable disease or who are unable to perform their duties due to illness.

(E) When shall a child care staff member complete the JFS 01299 "Incident/Injury Report for Child Care" ~~(rev. 12/2016)~~?

(1) Staff shall complete the JFS 01299 and provide a copy to the child's parent or the person picking up the child on the day of the incident or injury if:

(a) A child becomes ill ~~and requires first aid~~ or receives an injury which requires first aid treatment.

(b) A child is transported in accordance with this rule to a source of emergency assistance.

(c) A child receives a bump or blow to the head.

(d) An unusual or unexpected incident occurs which jeopardizes the safety of a child or employee of a center, such as a child leaving the center unattended, a vehicle accident with or without injuries or exposure of children to a threatening person or situation.

- (2) Copies of the JFS 01299 shall be kept on file at the center for at least one year and shall be available for review by the Ohio department of job and family services (ODJFS).

(F) What is a serious incident?

- (1) Death of a child at the center.

~~(2) A child receives a bump or blow to the head that requires first aid or medical attention.~~

~~(3)~~(2) An incident, injury, or illness that requires a child to be removed by the parent or emergency services from the center for professional medical consultation or treatment, professional consultation for a child or transportation for emergency treatment.

~~(a) If a child is transported for emergency treatment the child's health and medical records required by rule 5101:2-12-15 of the Administrative Code shall accompany the child.~~

~~(b) The center administrator or a child care staff member shall stay with the child until the parent assumes responsibility for the child's care.~~

~~(4)~~(3) An unusual or unexpected incident which jeopardizes the safety of a child, child care staff member or employee of a center.

~~(5)~~(4) An incident defined as a serious risk ~~noncompliance~~non-compliance in appendix A to rule 5101:2-12-03 of the Administrative Code.

(G) What does the center do if there is a serious incident?

(1) The center shall log in to <http://oclqs.force.com> by the next business day to report the incident, as defined in paragraph (F) of this rule, ~~and complete the JFS 01156 "Serious Incident Reporting for Child Care" (rev. 10/2017).~~

(2) This notification does not replace reporting to the public children services agency (PCSA) if there are concerns of child abuse and neglect as required by rule 5101:2-12-19 of the Administrative Code.

(3) The center may print the completed serious incident report in OCLQS~~JFS 01156~~ and give to the parent to meet the parent notification requirements of paragraph (E) of this rule.



(4) If a child is transported by anyone other than a parent for emergency treatment, the child's health and medical records required by rule 5101:2-12-15 of the Administrative Code are to accompany the child. The center administrator or a child care staff member is to stay with the child until the parent assumes responsibility for the child's care.

(H) What are the disaster plan requirements for a center?

~~The center shall develop a written disaster plan and make it available to all child care staff members and employees.~~ The center is to develop a written disaster plan and train child care staff members and employees on the plan annually. Written documentation of this training is to be kept on-site.

(1) The plan shall include procedures that will be used to prepare for and respond to the following types of emergency or disaster situations:

- (a) Weather emergencies and natural disasters which include severe thunderstorms, tornadoes, flash flooding, major snowfall, blizzards, ice storms or earthquakes.
- (b) Emergency outdoor or indoor lockdown or evacuation due to threats of violence which includes active shooter, bioterrorism or terrorism.
- (c) Emergency or disaster evacuations due to hazardous materials and spills, gas leaks or bomb threats.
- (d) Outbreaks, epidemics or other infectious disease emergencies.
- (e) Loss of power, water or heat.
- (f) Other threatening situations that may pose a health or safety hazard to the children in the center.

(2) The disaster plan ~~shall~~ is to include details for:

- (a) Shelter in place or evacuation, how the center will care for and account for the children until they can be reunited with the parent.
- (b) Assisting infants and children with special needs and/or health conditions.
- (c) Reunification with parents.
  - (i) Emergency contact information for the parents and the center.

- (ii) Procedures for notifying and communicating with parents regarding the location of the children if evacuated.
- (iii) Procedures for communicating with parents during loss of communications, no phone or internet service available.
- (d) The location of supplies and procedures for gathering necessary supplies for staff and children if required to shelter in place.
- (e) What to do if a disaster occurs during the transport of children or when on a field trip or routine trip.
- (f) Making the plan available to all child care staff members and employees.
- ~~(f)~~(g) Training of staff or reassignment of staff duties as appropriate.
- ~~(g)~~(h) Updating the plan on a yearly basis.
- ~~(h)~~(i) Contact with local emergency management officials.

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## Appendix A to Rule 5101:2-12-16

**First-Aid Kit Contents**

The first-aid kit shall contain unexpired items (where applicable) and include at least all of the following:

- One roll of first-aid tape.
- Individually wrapped sterile gauze squares in assorted sizes.
- Sterile adhesive bandages in assorted sizes.
- Tweezers.
- Gauze rolled bandage.
- Triangular bandage.
- Rounded end scissors.
- Tooth preservation system or fresh chilled liquid milk in which to transport a lost permanent tooth (for centers serving school age children only), including a written reference indicating location of the refrigerator/freezer where milk is stored if a tooth preservation system is not part of the first aid kit.
- A working digital thermometer.
- Disposable non-latex gloves.
- A working flashlight.
- An instant cold pack that has not been activated or ice, including a written reference indicating location of the refrigerator/freezer where the ice is stored if an instant cold pack is not part of the first aid kit.
- Sealable leak-proof plastic bags in assorted sizes or double bagged plastic bags that can be securely tied for materials soiled with blood or bodily fluids.
- Pocket mask or face shield, appropriate for all ages of children in care, for cardiopulmonary resuscitation (CPR) administration.

In addition to the above items, on field trips or when transporting away from the center, the following items are required:

- Soap or waterless sanitizer.
- Bottled water

## Appendix B to Rule 5101:2-12-16

**Caring for Sick Children**

A child is considered to be sick when demonstrating any of the following symptoms:

- Temperature of at least one hundred and one degrees Fahrenheit (one hundred degrees Fahrenheit if taken axillary) when in combination with any other sign or symptom of illness.
- Diarrhea (three or more abnormally, unexpectedly or unexplained loose stools within a twenty-four hour period).
- Severe coughing, causing the child to become red or blue in the face or to make a whooping sound.
- Difficult or rapid breathing.
- Yellowish skin or eyes.
- Redness of the eye or eyelid, thick and purulent (pus) eye discharge, matted eyelashes, burning, itching or eye pain.
- Untreated infected skin patches, unusual spots or rashes.
- Unusually dark urine and /or gray or white stool.
- Stiff neck with elevated temperature.
- Evidence of untreated lice, scabies, or other parasitic infestations.
- Sore throat or difficulty in swallowing.
- Vomiting more than one time or when accompanied by any other sign or symptom of illness.

When caring for sick children, the center shall:

- Isolate the sick child away from other children in another room or portion of a room, but within sight and hearing at all times.
- Provide the sick child with a cot or mat or the sick infant with a crib, and make comfortable.
- Notify the child's parent(s) immediately to arrange discharge and if the child's condition worsens during isolation.
- Sanitize the thermometer after each use.

5101:2-12-17

**Programming and materials for a licensed child care center.**

(A) What are the programming requirements for a licensed child care center?

The requirements include:

- (1) Posting the daily schedule for each age group in each classroom.
- (2) Providing opportunities for both quiet and active play suitable to the developmental levels and abilities of each child in care.
- (3) Providing activities to promote the children's physical, social-emotional, cognitive and language development.
- (4) Providing opportunities for periods of child initiated activities such as, imaginative play, language development, and creative activities.
- (5) Providing outdoor play in suitable weather for any infant over twelve months of age, toddler, preschool, and school-age child in attendance four or more consecutive daylight hours. Suitable weather is at a minimum of twenty-five to ninety degrees Fahrenheit.
- (6) Indoor gross motor play such as, climbing, jumping, running, riding wheel toys, yoga, other physical fitness or music and movement on days when outdoor play is not provided.

(B) What materials and equipment are required for a licensed child care center?

The center shall:

- (1) Provide durable furniture such as tables and chairs. This furniture shall be child sized or safely adapted for use by children.
- (2) Provide developmentally appropriate play materials to be used as part of the daily schedule. These materials shall be readily accessible, and arranged in an orderly manner so that children have opportunities to select, remove, and replace play materials with minimal assistance during the day.
  - (a) The center shall have materials from each category in appendix A to this rule for infants, toddlers and preschool-age children.
  - (b) The center shall have materials from at least five of the nine categories in appendix A to this rule for school-age children.

- (3) Ensure that equipment, materials, and furnishings provided for both indoor and outdoor play are:
  - (a) Varied and adequate to meet the developmental needs of the children.
  - (b) Sufficient in quantity that each child can be actively involved in an activity.
- (4) Designate an area where children can individually store their personal belongings. This area shall not block walkways or evacuation routes.
- (5) Designate an area for quiet activities.

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## **Categories of Developmentally Appropriate Equipment and Materials.**

### **Infant**

- Pretend or dramatic play materials.
- Manipulative materials and equipment.
- Large blocks.
- Language arts and auditory materials and equipment.
- Music equipment.
- Transportation materials and equipment.
- Gross motor activities materials and equipment.
- Sensory perceptual motor materials.

### **Toddler and Preschool**

- Art supplies.
- Manipulative materials and equipment.
- Blocks.
- Science-nature equipment.
- Language arts and auditory materials and equipment.
- Pretend or dramatic play materials.
- Music equipment.
- Transportation materials and equipment.
- Gross motor equipment.
- Sensory motor equipment.

### **School-Age**

- Art supplies.
- Manipulative materials and equipment.
- Blocks.
- Science-nature materials.
- Language arts materials and equipment.
- Pretend or dramatic play materials.
- Music equipment.
- Transportation materials and equipment.
- Sports and gross motor equipment.

5101:2-12-18

**Group size and ratios for a licensed child care center.**

(A) What are the requirements for staff/child ratios and maximum group size for a licensed child care center?

(1) The center shall ensure that required child care staff members/child ratios and maximum group size limitations are maintained at all times in accordance with appendix A to this rule. The center shall post appendix A to this rule in a noticeable area in the center.

(2) Child care staff members shall not be counted in the staff/child ratio when engaged in duties or activities that interfere with supervision of children.

(3) There shall be at least one other employee or child care staff member at the center if there are seven or more children in the building.

(4) Children shall be organized and assigned to a permanent group in consultation with parents and in accordance with the maximum group size detailed in appendix A to this rule.

~~(a)~~ (5) A child with special needs shall be included in the group that best meets the child's development needs.

~~(b) Specific child care staff members shall be assigned and responsible for the care and supervision of the children in their group on a daily basis.~~

~~(5)~~ (6) The center shall not exceed the license capacity at any time.

(a) Children on routine trips to and from home, do not count in the center's capacity.

(b) Children on routine trips, other than to and from home, and on field trips do count in the center's capacity.

~~(6)~~ (7) Group size limitations shall not be interpreted to apply during nap time, evening sleep time, meal time, snack time, outdoor play, field trips, routine trips or special occasions.

~~(7) The children shall be organized in groups to give continuity of care and supervision to the children on a day by day basis.~~

(B) What are the requirements when multiple age groups are combined?

- (1) If two or more age groups are combined, the staff/child ratio shall be maintained for the age of the youngest child in the group. This includes when children are visiting the next older age group for transitioning purposes.
- (2) If no more than one child two and one-half years of age or older is permanently assigned to a group in which all the other children are in the next older group, the staff/child ratio and maximum group size shall be determined by the older children.
- (3) All age groups may be combined when there are twelve or fewer children in the center.

(C) What are the requirements when multiple groups are combined in a shared undivided space?

Two or more groups of children may be combined in the shared space if all of the following are met:

- (1) All of the children are two and a half or older.
- (2) The total number does not exceed the occupancy limit for the space or thirty-five square feet per child (whichever is less).
- (3) Ratio is maintained pursuant to this rule at all times.

(D) What are the requirements for transitioning children into the next age group?

~~The~~

(1) The center shall have available in the classrooms, a copy of ~~the~~ a signed transition agreement between the parent and the center.

(2) Preschool children may transition to the school-age group at the conclusion of the school year before kindergarten and be counted as school-agers for ratio.

(E) Can school-age only programs ~~be~~ double ratio to allow access to the program?

- (1) If the program serves only school-age children, a group of school-age children may be left with only one child care staff member while the other child care staff member leaves the room to allow access to the program.
- (2) Both child care staff members shall have a working communication device to contact each other while one child care staff member is out of the room.

(3) The child care staff member shall return to the group after allowing access to the program.

(F) What are the requirements for child care centers to keep an attendance record?

(1) The program shall have written documentation of the following for each child:

(a) The name and birth date of the child.

(b) The assigned group for the child.

(c) The child's weekly schedule.

(d) The time (hours and minutes) of the child's arrival and departure to the program, including transportation by the program. ~~The Ohio electronic child care (Ohio ECC) provider website (Pweb)~~Ohio's automated child care system cannot be used to meet this written documentation requirement.

(e) The original written documentation shall be kept for a period of one year. Attendance documentation shall remain at the center at all times.

(2) Each group shall have a method for tracking the children in the group. This tracking method shall include the child's name and date of birth and shall remain with the group at all times throughout the day including outdoor play, emergency evacuations and when groups are combined. The tracking shall be updated throughout the day as children enter or leave the group.

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## Appendix A to Rule 5101:2-12-18

**Staff/Child Ratios, Age Grouping and Maximum Group Size**

<b>Age of Children</b>	<b>Child Care Staff Member/Child Ratio</b>	<b>Maximum Group Size</b>
<b>Young Infants</b> (birth to less than 12 months)	1:5 or 2:12 in same room	12
<b>Older Infants</b> (at least 12 months and less than 18 months)	1:6	12
<b>Young Toddlers</b> (at least 18 months and less than 2 1/2 years)	1:7	14
<b>Older Toddlers</b> (at least 2 1/2 years and less than 3 years)	1:8	16
<b>Young Preschoolers</b> (at least 3 years and less than 4 years)	1:12	24
<b>Older Preschoolers</b> (at least 4 years and not enrolled in or eligible to be enrolled in kindergarten)	1:14	28
<b>Young Schoolagers</b> (enrolled in or eligible to be enrolled in kindergarten or above and less than 11 years)	1:18	36
<b>Older Schoolagers</b> (at least 11 years and less than 15 years)	1:20	40

5101:2-12-19

**Supervision of children and child guidance for a licensed child care center.**

(A) What are the requirements for supervision by child care staff members?

Each child care staff member shall:

- (1) Leave no child unsupervised. Supervision means the child care staff members have knowledge of a child's needs and accountability for his or her care at all times, including but not limited to, developmental and behavioral needs and parental preferences. Supervision includes awareness of and responsibility for the activity of each child and being near enough to respond and reach children immediately including responding to the child's basic needs and protecting them from harm.
- (2) Ensure all children in care are within sight and hearing of child care staff members at all times, except as listed in paragraph (B) of this rule. Within sight and hearing means without the use of mechanical devices such as baby monitors, video cameras or walkie talkies. The use of mirrors to view children in another room does not meet the supervision requirements of this rule.
- (3) Not be under the influence of any substance that impairs the child care staff member's ability to supervise children and/or perform duties.
- (4) Always have immediate access to a working telephone on the premises which is available and capable of making outgoing calls and receiving incoming calls.
- (5) Only release a child to the parent or to a person who has been previously approved by the parent.
- (6) Not permit children to be exposed to inappropriate language or media.
- (7) Supervise outdoor play.
  - (a) The child care staff member shall remain outdoors with the children at all times.
  - (b) The child care staff member shall be able to summon another adult without leaving the group unsupervised.
  - (c) When the outdoor play space is not on the premises, child care staff members shall accompany and supervise all children in transit and at the outdoor play space.

(B) What are the requirements for supervision of school-age children?

- (1) School-age children may run errands inside the building, use the restroom, or engage in a short term activity which poses no physical risk to their safety alone or in groups of no more than six children without adult supervision as long as the following conditions are met:
    - (a) Children are within hearing distance of a child care staff member, without the use of electronic equipment.
    - (b) The child care staff member checks on the children who are in kindergarten through third grade at least every five minutes until they return to the group.
    - (c) The child care staff member checks on the children in fourth grade or higher at least every ten minutes until they return to the group.
    - (d) The center has exclusive use of the child care space being used by the children.
  - (2) With written parent permission, school-age children may leave the center for specific activities.
    - (a) These activities include:
      - (i) Walking to and from the center or school.
      - (ii) Walking home or to another destination.
      - (iii) Participation in activities inside the building that are sponsored by another group.
    - (b) The written permission shall specify:
      - (i) Child's name.
      - (ii) Location of the activity.
      - (iii) Arrangements for going to and from the activity.
      - (iv) Start and end time of the activity.
      - (v) Time period for when permission is given.
      - (vi) Parent's signature and date.
- (C) What are the child guidance techniques ~~shall~~to be used in the licensed child care center?



- (1) All employees shall follow appendix A to this rule regarding guidance techniques to be used with children.
- (2) The center shall communicate and consult with the parent prior to implementing a specific behavior management plan. This plan shall be in writing and signed by the parent and shall be consistent with the requirements of this rule.
- (3) When a child is expelled from the center for a behavioral reason, the expulsion is to be reported in the Ohio child licensing and quality system (OCLQS) in accordance with paragraph (G) of rule 5101:2-12-16 of the Administrative Code.

(D) What are the child abuse and/or neglect reporting requirements?

If the owner, administrator, employee or child care staff member suspects that a child has been abused or neglected, he or she shall immediately notify the public children services agency (PCSA).

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## Appendix A to Rule 5101:2-12-19

**Allowable Discipline Techniques**

The following techniques or practices may be used by all child care staff members and employees of a licensed child care center as a means to guide or discipline children. Any technique or practice used shall be developmentally appropriate, consistent and shall occur at the time of the incident.

1. Setting clear limits.
2. Redirecting to an appropriate activity.
3. Showing positive alternatives.
4. Modeling the desired behavior.
5. Reinforcing appropriate behavior.
6. Encouraging children to control their own behavior, cooperate with others and solve problems by talking.
7. Separation from the situation, if used, shall last no more than one minute per each year of the child's age and shall not be used with infants. Upon the child's return to the activity, the provider shall review the reason for the separation and discuss the expected behavior with the child.
8. Holding a child for a short period of time, such as in a protective hug, so that the child may regain self-control.

**Prohibited Discipline Techniques**

The following techniques or practices shall not be used by any child care staff member or employee of a licensed child care center as a means to control or discipline children:

1. Abuse, endanger or neglect of children, including shaking a baby.
2. Utilize cruel, harsh, unusual, or extreme techniques.
3. Utilize any form of corporal punishment.
4. Delegate children to manage or discipline other children.
5. Use physical restraints on a child.
6. Restrain a child by any means other than holding children for a short period of time, such as in a protective hug, so that the children may regain control.
  - Prone restraint of a child is prohibited. Prone restraint is defined as all items or measures used to limit or control the movement or normal functioning of any portion, or all, of a child's body while the child is in a face-down position.
  - Prone restraint includes physical or mechanical restraint.
7. Place children in a locked room or confine children in any enclosed area.
8. Confine children to equipment such as cribs or high chairs.
9. Humiliate, threaten or frighten children.
10. Subject children to profane language or verbal abuse.
11. Make derogatory or sarcastic remarks about children or their families including but not limited to cultures, nationalities, race, religion, or beliefs.

12. Punish children for failure to eat or sleep or for toileting accidents.
13. Withhold any food (including snacks and treats), beverages or water, rest or toilet use.
14. Punish an entire group of children due to the unacceptable behavior of one or a few.
15. Isolate and restrict children from any or all activities for an extended period of time.

5101:2-12-20

**Sleeping and napping requirements for a licensed child care center.**

(A) What are the sleep and nap requirements for a licensed child care center?

- (1) The licensed child care center shall provide a quiet space for children who want to rest, nap, or sleep.
- (2) Nap and rest time shall be in accordance with the developmental needs of the child.
- (3) Rest or nap areas shall be lighted to allow for visual supervision of all children at all times.
- (4) Any child who does not fall asleep during a designated nap time shall have the opportunity to engage in quiet activities.
- (5) Evacuation routes shall not be blocked by resting or napping children. Each child shall have a free and direct means of escape, and the provider shall have a clear path to each resting child.
- (6) Cribs shall be separated from the play space by a safe and sturdy physical barrier which does not impair the ability of child care staff to supervise infants by sight and hearing. Sight and hearing is when the child care staff can see the infants in and out of their cribs and hear their sounds. The barrier shall provide for safe accessibility.
- (7) Ratio may be doubled for no more than two hours during nap time, and shall only be doubled if all of the children in the group are on cots or on mats, if the group does not include any infants and if there are enough child care staff members in the building to meet staff/child ratio pursuant to rule ~~5101:2-12-19~~5101:2-12-18 of the Administrative Code for the group.

(B) What are the crib requirements for a licensed child care center?

- (1) Unless the infant meets the requirements of paragraph (D) of this rule, each infant in attendance shall have a separate crib labeled with their name on it that meets the following requirements:
  - (a) Any crib manufactured before June 28, 2011 shall have a certificate of compliance (COC) on file. The center may have to contact the manufacturer of the crib to receive a COC if they do not request one from the retailer when they purchase the crib.

- (b) Cribs with a documented manufacture date after June 28, 2011 have to meet the new federal standards to be sold, so they do not require a COC. The date of manufacture shall be attached to the crib.
  - (c) Cribs shall be used according to manufacturer's instructions.
  - (d) Each crib shall be of sturdy construction and have:
    - (i) Closely spaced bars with corner posts that do not exceed one sixteenth of an inch above the top of the end panel.
    - (ii) Spaces between the bars of the crib and between the bars and end panels of the crib shall not exceed two and three-eighths inches.
  - (e) Cribs shall be used with the mattress supports in their lowest positions and the sides in the highest position.
  - (f) Each crib shall have a firm mattress that is at least one and one half inches thick.
  - (g) The space between the mattress and the side or end panels of the crib shall not exceed one and one-half inches.
  - (h) Each mattress shall be securely covered with a waterproof material which can be thoroughly sanitized and is not dangerous to children. The waterproof cover shall be free of rips or tears.
  - (i) Each mattress shall have a properly fitted clean sheet that is changed at least weekly, when soiled, and before another child uses the mattress.
- (2) Stacked cribs are prohibited.
- (3) When cribs are in use they shall be spaced apart from each other by a minimum of two feet on all sides or the cribs shall be separated by a divider and have at least two feet of space on two of the sides or ends of the crib. If a divider is used between cribs, the divider shall meet all of the following requirements:
- (a) Be constructed so that staff may view children through or around the divider.
  - (b) Be unbreakable in normal use situations.
  - (c) Be made of a ~~nonporous~~ non-porous material that can be easily sanitized.
  - (d) ~~Shall extend~~ Extends up higher than an infant standing in a crib can reach up and shall not impede child care staff members' ability to hear the child.

- (4) Bumper pads shall not be used.
  - (5) Nothing shall be placed or hung over the side that obstructs the provider's view of the infant.
  - (6) Infants shall not be placed in cribs with bibs or any other items which could pose a strangulation or suffocation risk.
  - (7) No blankets shall be in the crib for infants under twelve months old. A one-piece sleeper or wearable blanket is permitted. Only children who are not yet able to roll-over are permitted to be swaddled using a wearable swaddling blanket.
  - (8) The cribs may be placed in storage on the premises if not currently assigned to an infant.
  - (9) Infants shall be placed in their cribs for sleeping, and shall not be allowed to sleep in bassinets, swings, car seats or other equipment. If a medical condition exists where a child needs to sleep in equipment other than a crib, written permission shall be obtained from a physician and shall be on file.
  - (10) Infants under twelve months old shall be placed on their backs to sleep unless the parent provides written authorization on the JFS 01235 "Sleep Position Waiver Statement for Child Care" (~~rev. 12/2016~~) signed by the child's physician. The JFS 01235 shall be maintained on file for review and is valid for one year. Infants who are able to roll from back to front and front to back shall be placed initially on their back for sleeping but allowed to remain in a position they prefer.
  - (11) Cribs assigned to a child shall not be used for storage of toys and other materials.
- (C) What are the cot and mat requirements for a licensed child care center?
- ~~(1) Cots or mats shall be individually assigned, cleaned and sanitized in accordance with the appendix A to rule 5101:2-12-13 of the Administrative Code and before reassignment to another child.~~
  - ~~(2)~~(1) A cot shall stand at least three inches and not more than eighteen inches off the floor. The cot shall be firm enough to support the child, but shall be resilient under pressure. Each cot shall be at least thirty-six inches in length and at least as long as the child assigned to the cot is tall.
  - ~~(3)~~(2) A mat is a pad that is at least one inch thick and at least as wide and long as the child using the mat.

~~(4)~~(3) Children are ~~not only~~ permitted to rest, nap, or sleep on ~~the floor without a~~ cot or mat.

~~(5)~~(4) Centers that operate for fewer than seven hours without a scheduled nap time are not required to have a cot or mat for each preschool and school-age child.

(D) When shall children stop using cribs?

- (1) When the child is able to climb out of the crib.
- (2) When the child reaches the height of thirty-five inches.
- (3) An infant twelve months or older may use a cot or mat with written permission from the parent.
- (4) If the use of a crib is considered hazardous for a child, regardless of age, the infant may use a cot or mat with written permission from the parent.



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5101:2-12-21

**Evening and overnight care for a licensed child care center.**

(A) When is a licensed child care center considered to be providing evening and overnight care?

Evening or overnight care is provided when children are in attendance anytime between the hours of seven p.m. and six a.m.

(B) What is required when evening and overnight care is provided?

If a licensed child care center has evening or overnight care, the following are required:

(1) Child care staff members shall remain awake at all times, ~~and shall supervise sleeping children pursuant to rule 5101:2-12-19 of the Administrative Code.~~

(2) The center shall provide adequate lighting indoors in all areas, including bathrooms, hallways, and sleeping rooms to ensure that child care staff members are able to see all children at all times.

(3) The center shall ensure that parking areas, outdoor walkways, and all building entrances be adequately lighted for safety and security.

~~(4) The center shall ensure that anyone on the premises during evening and overnight care hours shall be limited to persons authorized by the administrator or owner and parents and guardians of children in care.~~

~~(5) Each child in care during evening and overnight hours shall be provided with an individual crib, cot, or mat in accordance with rule 5101:2-12-20 of the Administrative Code.~~

~~(6)~~(4) The center shall develop and follow bedtime routines in consultation with the parents of the children.

~~(7)~~(5) The center shall provide a written security plan that ensures that access to the center is limited to parents and guardians of children in care and authorized persons. ~~The center shall ensure that children are supervised at all times during the limited access hours. The plan shall ensure the supervision of the children.~~

~~(8)~~(6) The center shall provide sleeping arrangements so that sleeping children are cared for separately from children who are awake, and so that sleeping children are not disturbed by arrivals and departures.

~~(9)~~(7) The center shall ensure areas where children sleep during evening and overnight care are on the building's ground floor unless another floor has been

approved for the care of sleeping children by the local fire official having jurisdiction.

~~(10) The provider shall have activities before bedtime which allows for children's individual choices and needs. Activities may include meals, play, homework, relaxation, personal grooming, and outdoor play during daylight hours.~~

(C) What sanitary environment and additional hygiene stipulations shall be followed by the center?

The center shall:

(1) Ensure that each child who sleeps at the center for four or more hours has clean comfortable sleeping clothes.

(2) Ensure that child care staff members assist children during washing and changing clothes according to children's developmental needs.

(3) Separate school-age boys from school-age girls during washing and while changing clothes to ensure privacy.

~~(4) Change bed linens weekly, when soiled, and when assigned to a different child.~~

~~(5)~~(4) If the child has a bedtime routine occurring at the program, ensure that Ensure each child has a clean, individual washcloth, towel and toothbrush, as appropriate for the age of the child, and labeled with the child's name ~~and stored in a sanitary manner.~~

~~(6)~~(5) Provide children access to running water, liquid soap and toothpaste.

~~(7)~~(6) Ensure bathtubs and showers are equipped to prevent slipping, if the center provides bathing. The center shall also have written permission from the parent prior to allowing the child to bathe.

~~(8)~~(7) Ensure bathtubs and showers are cleaned and sanitized after each use. The tub or showers do not have to be sanitized between uses if the children are siblings and the parent has provided written consent. All children shall bathe separately unless the children are siblings and the parent has provided written consent that the children can be bathed together.

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5101:2-12-23

**Infant care and diaper care for a licensed child care center.**

(A) What are the requirements for infant daily care?

(1) The center shall:

- (a) Allow infants to safely and comfortably sit, crawl, toddle, walk and play according to the infant's stage of development.
- (b) Remove each infant from the crib, swing, infant seat, exercise seat or other equipment throughout the day for individual attention.
- (c) Provide each non-crawling infant the opportunity for tummy time, outside of their crib, each day.
- (d) Maintain a daily written record for each infant that is provided to the infant's parent or person picking up the infant on a daily basis. The record shall include the following information:
  - (i) Food intake.
  - (ii) Sleeping patterns.
  - (iii) Times and results of diaper changes.
  - (iv) Information about daily activities.

(2) Each infant shall be removed from his or her crib for all feedings. Infants shall be held or fed sitting up for bottled feedings. At no time shall a bottle be propped for an infant.

(B) What are the requirements for infant bottle and food preparation?

The center shall:

- (1) Prepare and serve infant food in a manner appropriate to the developmental needs of each child. The center shall introduce new foods only after consultation with the parent. The center shall comply with written feeding instructions from the infant's parent, physician, physician's assistant, or certified nurse practitioner (CNP) which shall include the following:
  - (a) Type of food and/or formula/breast milk.
  - (b) Amount of food and/or formula/breast milk.
  - (c) Feeding times or frequency of feedings.

- (2) Require the parent to update the written feeding instructions as needed.
- (3) Not feed any foods, other than formula or breast milk, to infants under four months of age, unless there is written documentation on file from a physician, physician's assistant or CNP.
- (4) Ensure that formula, breast milk, or other liquids in a bottle are not heated in a microwave oven.
  - (a) If formula or breast milk is to be warmed, bottles shall be placed in a container of water not hotter than one hundred twenty degrees or be placed in a commercial bottle warmer. The container of water shall be kept out of reach of children and shall be emptied and cleaned each day. The bottle shall be shaken well, and the formula or breast milk temperature tested before feeding.
  - (b) Frozen breast milk shall be thawed under cold running water or in the refrigerator.
- (5) Ensure that the unused portion of formula, breast milk or food remaining in a container from which the infant has been directly fed shall not be reheated or served again.
- ~~(6) Store, prepare and serve food, formula and breast milk in a safe and clean manner.~~
- ~~(7)~~(6) If provider prepares infant formula they shall do so according to the manufacturer's instructions or instructions from the infant's physician, physician's assistant or CNP.
- ~~(8)~~(7) Ensure that open containers of ready-to-feed and concentrated formula shall be covered, dated and refrigerated according to the manufacturer's instructions. Prepared formula and food shall be discarded or sent home daily if not used.
- ~~(9)~~(8) Label all bottles or prepared food with the infant's name and date of preparation. All formula shall be refrigerated immediately after preparation or upon arrival if the formula is prepared by the parent. All commercially prepared food shall be stored according to the manufacturer's instructions and not served after the expiration date.
- ~~(10)~~(9) Ensure that if breast milk is provided by the parent, it shall be labeled with the infant's name, the date pumped, and the date the bottle was prepared. Centers shall follow the chart in appendix A to this rule for storing breast milk.

(C) What are the requirements for diapering?

- (1) Diapers shall be changed immediately when wet or soiled.
- (2) Clothing shall be changed immediately when wet or soiled.
- (3) When changing diapers the center ~~shall~~is to comply with the following:
  - (a) The center shall wash all soiled areas of the child's body with either a wash cloth, which is then appropriately sanitized, or a disposable wipe.
  - (b) If a diaper-changing surface is used to change more than one child, the provider shall place a disposable separation material between the child and the changing surface. A different separation material shall be used for each diaper change.
  - ~~(c) If an infant's diapers are to be changed in a crib, there shall be a separation material between the infant and the crib sheet. If the bedding becomes wet or soiled during the diaper change, it shall be replaced with clean bedding.~~
  - ~~(d)~~(c) If a diapering product is used on more than one child:
    - (i) The container shall not touch the child to avoid cross contamination.
    - (ii) The product shall be administered to avoid cross contamination.
  - ~~(e)~~(d) No child shall be left unattended on the diaper changing table.
  - ~~(f)~~(e) If restrooms are used for diapering, children who are waiting for toileting and diapering shall not be placed or required to sit directly on the floor.
  - (f) If using gloves while diapering, the center is to use non-latex gloves.
- (4) The center shall store and launder soiled diapers or clothing as follows:
  - (a) If soiled diapers or clothing are to be sent home with a parent, the center shall store the diapers or clothing for no longer than one day in an individual covered container or plastic bag away from the child's belongings and out of the reach of children.
  - (b) The center shall store soiled diapers and diapering washcloths, which are to be laundered by the center, in a covered container with sanitizing solution.
  - (c) If soiled diapers are to be commercially laundered, the center shall hold them for laundering pickup for no longer than seven days.

- (d) The center shall store soiled disposable diapers in a plastic-lined covered container that prevents hand contamination and is not easily accessible to children and discard diapers daily or more frequently as needed to eliminate odor.
  - (e) If the center is laundering diapers, the center shall follow the manufacturer's guidelines.
- (5) Toilet training shall occur based on a child's readiness and consultation with the parent regarding practices in the child's home. The center shall ensure that toilet training is never forced.



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## Appendix A to Rule 5101:2-12-23

**Breast Milk Storage**

<b>If the breast milk is stored:</b>	<b>Then keep it as long as:</b>
At room temperature (up to 78 degrees Fahrenheit)	6 to 8 hours
In the refrigerator (39 degrees Fahrenheit or lower)	Up to 5 days counted from the day the breast milk was pumped
In a freezer compartment inside a refrigerator (5 degrees Fahrenheit)	2 weeks
In a freezer compartment of a refrigerator with separate doors (0 degrees Fahrenheit)	3 to 6 months
Chest or upright deep freezer (-4 degrees Fahrenheit)	6 to 12 months

5101:2-12-24

**Swimming and water safety requirements for a licensed child care center.**

(A) What are the requirements for swimming sites for a licensed child care center?

- (1) All swimming sites shall meet all state and local guidelines for environmental health inspections. Inspection reports for on-site and private pools shall be on file at the center.
- (2) A center shall have one lifeguard present for every thirty-five children when children are involved in a water activity for on-site or private pools over eighteen inches in depth.
- (3) Activities in bodies of water eighteen inches or more in depth shall be supervised by people who are currently certified as lifeguards or water safety instructors by the "American Red Cross" or an equivalent water safety program, as determined by the Ohio department of job and family services (ODJFS). If the lifeguard is a child care staff member, they shall not be counted as a child care staff member in the staff/child ratio.
- (4) Child care staff members shall be actively supervising children pursuant to rule 5101:2-12-19 of the Administrative Code and shall be able to clearly see all parts of the swimming area including the bottom of pools.
- (5) The use of saunas, hot tubs, and spas by children is prohibited.
- (6) Swimming in lakes, rivers, ponds, creeks or other similar bodies of water is prohibited.
- (7) Swimming pools, wading pools and other swimming/wading sites shall be made inaccessible to the children when not in use.
- (8) A center may use wading pools less than eighteen inches in wall height regardless of the amount of water put into it.
  - (a) Wading pools shall be filtered or emptied daily, and portable wading pools shall be sanitized daily or more often if needed.
  - (b) The child care staff member~~center~~ shall supervise children at all times while a wading pool is in use and shall be able to clearly see all parts of the wading area.

(B) What are the requirements for parental permission for water and swimming activities?

- (1) A center shall have written ~~parental~~ permission from the parent when water is directly accessible to children and for the following activities:
    - (a) Before the child swims or plays in water eighteen inches or more in depth.
    - (b) Before the child participates in activities ~~near~~, in or on water eighteen inches or more in depth.
    - (c) Before infants and toddlers use wading pools.
  - (2) Written parental permission shall be on file for one year at the center. Written permission for on-going activities such as the wading pools shall be updated annually.
- (C) What shall be included in the written parental permission?
- (1) Child's name and date of birth.
  - (2) Statement indicating whether the child is a ~~non-swimmer~~ non-swimmer or capable of swimming.
  - (3) Location of the water activities or swimming site by water of eighteen or more inches in depth.
  - (4) A statement of whether or not the center is providing additional adults or child care staff members above the licensing ratio requirements for this activity.
  - (5) A signature and date from the parent indicating permission for the activity.

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