



March 26, 2021

**Child Care Manual Transmittal Letter No. 156
Child Care Center Manual Transmittal Letter No. 30
Child Care In-Home Aide Manual Transmittal Letter No. 11
Family Child Care Manual Transmittal Letter No. 20**

TO: All Child Care Manual Holders
All Child Care Center Manual Holders
All Child Care In-Home Aide Manual Holders
All Family Child Care Manual Holders

FROM: Matt Damschroder, Interim Director

SUBJECT: Permanent Transitional Child Care Rules in Response to the
Coronavirus (COVID-19) Pandemic

Background:

In response to the COVID-19 pandemic, the Ohio Department of Job and Family Services (ODJFS) is working to ensure that children continue to be safe in child care settings and that the rules reflect guidance from the Ohio Department of Health and Centers for Disease Control and Prevention. These permanent rules will replace the emergency rules filed on December 11, 2020.

An in-home aide (IHA) is regulated and certified by county agencies pursuant to Chapter 5101:2-14 of the Ohio Administrative Code (OAC). Rule 5101:2-16-10 of the OAC details that the IHA is paid an hourly rate that is equal to the state minimum wage for forty or fewer hours in a week or a rate of one and one-half times the state minimum wage for hours in excess of forty in a week. There are no payment enhancements for special needs child care nor care provided during non-traditional hours for an IHA.

The following rules are effective April 1, 2021.

New Rules:

5101:2-12-02.2 "Transitional Pandemic Requirements for a Licensed Child Care Center" is a new rule with the following guidelines:

- Licensed child care centers are to follow all of the licensing requirements of Chapter 5101:2-12.
- The center is to follow updated handwashing procedures for employees, staff, and children. The center may use non-permanent sinks to meet the handwashing requirements of this chapter.
- The center is to also assess for temperature and the COVID-19 symptoms listed in appendix A to the rule and follow all isolation or quarantine protocols.
- Isolation or quarantine protocols will be completed in coordination with the local health department or in compliance with the Ohio department of health (ODH) and United States centers for disease control and prevention (CDC) guidelines.
- The center will ensure that all administrators, child care center staff members, employees, and school-age children wear a face covering that covers the individual's nose and mouth while indoors, unless not medically or developmentally appropriate.
- The center will report all COVID-positive tests to their local public health department and to ODJFS.
- There are new procedures if the center needs to divide a room into smaller spaces to serve multiple groups of children.
- The transitional pandemic rule is valid until the governor of Ohio rescinds the state of emergency and or directs ODJFS to return to full child care licensing requirements.

5101:2-12-02.3 "Temporary Pandemic School-Age Child Care Centers" is a new rule with the following guidelines:

- Creates a new license for programs serving only school-age children.
- Temporary pandemic school-age child care centers will follow all of the licensing requirements of Chapter 5101:2-12 with the exceptions and additions detailed in new rule.
- The center will follow all application requirements in rule 5101:2-12-02 of the Administrative Code with a separate timeline for administrator qualifications documentation requirements and food service documentation requirements.
- There is no registration fee or change of location fee for these program types.
- The Ohio School-Age Administrator Professional Endorsement is an available qualification for temporary pandemic school-age child care center administrators.
- The center will follow inspection requirements for temporary pandemic school-age child care centers.
- The center will not provide weekend, evening or overnight care.
- The center may provide transportation pursuant to rule 5101:2-12-14 of the Administrative Code to and from the children's homes, the children's school, or to and from another licensed child care program. This includes walking with the children.

- Children in care at the temporary pandemic school-age child care center are not permitted to go on field trips, routine trips, or participate in swimming or water activities.
- Programs without on-site outdoor space are permitted to walk to the approved off-site outdoor play space.
- The temporary pandemic school-age child care center license is valid until the governor of Ohio rescinds the state of emergency or June 30, 2021, whichever occurs first. If the executive order is rescinded by the governor of Ohio before June 30, 2021, the center may choose to voluntarily close or apply for a child care license.

5101:2-13-02.2 "Transitional Pandemic Requirements for a Licensed Family Child Care Provider" is a new rule with the following guidelines:

- Licensed family child care providers are to follow all of the licensing requirements of Chapter 5101:2-13.
- The provider, all family child care staff members, employees and children are to follow updated handwashing procedures. The family child care provider may use non-permanent sinks to meet the handwashing requirements of this chapter.
- The provider is to also assess for temperature and the COVID-19 symptoms listed in appendix A to the rule and follow all isolation or quarantine protocols.
- Isolation or quarantine protocols will be completed in coordination with the local health department or in compliance with the Ohio department of health (ODH) and United States centers for disease control and prevention (CDC) guidelines.
- The family child care provider will ensure that the provider, all child care staff members, employees, residents and school-age children wear a face covering that covers the individual's nose and mouth while indoors, unless not medically or developmentally appropriate.
- The provider will report all COVID-positive tests to their local public health department and to ODJFS.
- The transitional pandemic rule is valid until the governor of Ohio rescinds the state of emergency and or directs ODJFS to return to full family child care licensing requirements.

5101:2-14-02.2 "Transitional Pandemic Requirements for a Certified In-Home Aide" is a new rule with the following guidelines:

- Certified In-Home Aides (IHA) are to follow all of the certification requirements of Chapter 5101:2-14.
- The IHA is to follow updated handwashing procedures, and ensure children follow handwashing procedures.

- The IHA is to assess themselves for temperature and the COVID-19 symptoms listed in appendix A to the rule prior to going to the child's home and follow all isolation or quarantine protocols.
- The IHA will ensure children and residents of the home are assessed for temperature and the COVID-19 symptoms listed in appendix A to the rule and follow all quarantine protocols.
- Isolation or quarantine protocols will be completed in coordination with the local health department or in compliance with the Ohio department of health (ODH) and United States centers for disease control and prevention (CDC) guidelines.
- The IHA will wear a face covering that covers their nose and mouth while indoors, unless not medically appropriate.
- The IHA will report all COVID-positive tests to their local public health department and to ODJFS.
- The transitional pandemic rule is valid until the governor of Ohio rescinds the state of emergency and or directs ODJFS to return to full certified in-home aide requirements.

Amended Rule:

5101:2-16-10 "Payment rates and procedures for providers of publicly funded child care services" has been amended with the following changes:

- Established an in-home aide pilot program to update wages for an in-home aid in a participating county who serves at least one child who qualifies for special needs child care or at least one child who needs care during non-traditional hours.
- Clarified that payments for publicly funded child care include time a school-age child is participating in remote learning at a child care center, but not if the parent had the option to send the child to in-person learning, including a hybrid school model, and chose only remote learning.
- Expanded absent days from ten to twenty during each six-month period.
- Created thirty-five new pandemic days which the provider can use if they normally would have provided child care services, but were advised to close by ODH or the local health department or in compliance with guidance from ODH and the CDC as a result of the COVID-19 pandemic.

In-Home Aide Pilot:

The Ohio Department of Job and Family Services (ODJFS) is creating a twelve-month six county pilot to provide payment enhancements for special needs child care or care provided during non-traditional hours. The following counties have been identified for the pilot: Athens, Hocking, Meigs, Perry, Ross and Vinton.

An IHA in these participating counties who provides special needs child care to at least one child or care to at least one child during non-traditional hours may be paid an enhanced rate of thirteen dollars per hour for forty or fewer hours or one and one-half times this rate for hours in excess of forty in a week.

An IHA in the pilot can apply for pre-certification without an identified family. The JFS 01642 "In-Home Aide Assurances" form is not required until the end of the certification process. A blank sheet of paper can be uploaded at application to allow the application to be submitted.

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

5101:2-13-02.2**Transitional pandemic requirements for a licensed family child care provider.**

(A) What are transitional pandemic requirements for a licensed family child care provider?

Transitional pandemic requirements are licensing requirements that are followed as Ohio transitions out of pandemic child care for the COVID-19 pandemic and back to family child care licensing requirements.

(B) When does a licensed family child care provider follow these requirements?

Licensed family child care providers are to follow these requirements when the governor of Ohio declares a state of emergency for the COVID-19 pandemic and or directs ODJFS to issue transition requirements.

(C) What are the licensing requirements for a transitional family child care provider?

The family child care provider is to follow all of the licensing requirements of this chapter, with the following exceptions and additions:

(1) The family child care provider will follow all guidelines set by the governor of Ohio or the director of the Ohio department of health.

(2) The family child care provider will follow all handwashing procedures pursuant to rule 5101:2-13-13 of the Administrative Code with the following additions:

(a) The provider and all family child care staff members and employees will wash their hands:

(i) Upon entering the family child care home and prior to leaving for the day.

(ii) After caring for someone who is sick.

(iii) After eating, serving, or preparing food or bottles or feeding a child.

(iv) After blowing their nose, coughing or sneezing.

(v) Before and after touching their face or handling their mask.

(b) All children will wash their hands:

(i) Prior to leaving for the day.

(ii) After eating or assisting with food preparation.

(iii) After blowing their nose, coughing or sneezing.

(iv) After touching their face or handling their mask.

(3) The family child care provider may use non-permanent sinks to meet the handwashing requirements of this chapter.

(4) The family child care provider will ensure that all employees, child care staff members and children are assessed for temperature and the symptoms listed in appendix A to this rule prior to or as soon as they arrive each day. The family child care provider and all residents need to be assessed for temperature and the symptoms listed in appendix A to this rule prior to the start of the day.

(a) If a family child care employee, child care staff member or child has a temperature of one hundred degrees or higher:

(i) The provider will immediately send the person home. The individual will not return to the program until he or she has been fever-free without the use of medication for at least twenty-four hours.

(ii) If the person had known contact with someone confirmed or suspected to have COVID-19, he or she will not return to the program until isolation or quarantine protocols for COVID-19 are completed in coordination with the local health department or in compliance with the Ohio department of health (ODH) and United States centers for disease control and prevention (CDC) guidelines.

(b) If an employee, child care staff member, or child has any of the symptoms listed in appendix A to this rule and has had known contact with someone confirmed or suspected to have COVID-19:

(i) The provider will immediately send the person home.

(ii) The individual will not return to the program until isolation or quarantine protocols for COVID-19 are completed in coordination with the local health department or in compliance with the ODH and CDC guidelines.

(c) If the provider or a resident has a temperature of one hundred degrees or higher:

(i) The provider will stop providing care until the individual has been fever-free without the use of medication for at least twenty-four hours.

- (ii) If the provider or resident has had known contact with someone confirmed or suspected to have COVID-19, the provider will stop providing care until the person completes isolation or quarantine protocols for COVID-19 in coordination with the local health department or in compliance with the ODH and CDC guidelines.
 - (d) If the provider or a resident has any of the symptoms listed in appendix A to this rule and has had known contact with someone confirmed or suspected to have COVID-19, the provider will stop providing care until the person completes isolation or quarantine protocols in coordination with the local health department or in compliance with the ODH and CDC guidelines.
 - (e) The requirements of this paragraph also apply to anyone whose symptoms are assessed after arrival.
- (5) The family child care provider will ensure the provider, all child care staff members, employees, and residents wear a face covering, unless not medically appropriate, while indoors. Face coverings cover the individual's nose and mouth.
- (6) In accordance with the recommendations of the Ohio children's hospital association which is consistent with the Ohio chapter, American academy of pediatrics (Ohio AAP) and CDC guidelines (which is available at <http://ohioaap.org/wp-content/uploads/2020/08/Face-Mask-Guidance.pdf>) the family child care provider will ensure that all school-age children wear a face covering while indoors, unless not medically or developmentally appropriate. "School-age child" means a child who is enrolled in and attending a grade of kindergarten or above but is less than fifteen years old or, in the case of a child who is receiving special needs child care, is less than eighteen years old. Face coverings cover the child's nose and mouth. Per guidance from the CDC, no child two years old and under should wear a face covering.
- (7) The family child care provider will not provide care to sick children pursuant to appendix B to rule 5101:2-13-16 of the Administrative Code.
- (8) If the provider, a resident of the home, child care staff member or employee of the family child care provider or a child enrolled in the care of the family child care provider tests positive for COVID-19, the program is to:
 - (a) Notify ODJFS by the next business day in the Ohio child licensing and quality system as a serious incident pursuant to rule 5101:2-13-16 of the Administrative Code.

(b) Notify the local health department by the next business day.

(c) Ensure that the person completes isolation or quarantine protocols for COVID-19 in coordination with the local health department or in compliance with the ODH and CDC guidelines prior to being permitted to return to the program. If the provider or a resident of the home tests positive for COVID-19, care will not resume until the isolation or quarantine is complete.

(D) How long is the transitional pandemic rule effective?

The transitional pandemic rule is valid until the governor of Ohio rescinds the state of emergency and or directs ODJFS to return to full family child care licensing requirements.

Effective: 4/1/2021

Five Year Review (FYR) Dates: 04/01/2026

CERTIFIED ELECTRONICALLY

Certification

03/22/2021

Date

Promulgated Under: 119.03
Statutory Authority: 5104.017, 5104.018
Rule Amplifies: 5104.017, 5104.018

Appendix A
Rule 5101:2-13-02.2

List of COVID-19 Symptoms

- Chills
- New uncontrolled cough (for children with chronic allergic/asthmatic cough, a change in their cough from baseline)
- Shortness of breath or difficulty breathing
- Fatigue
- Muscle or body aches
- New onset severe headache
- New loss of taste or smell
- Sore throat
- Congestion or runny nose
- Nausea or vomiting
- Diarrhea
- Persistent pain or pressure in the chest
- New confusion
- Inability to wake or stay awake
- Bluish lips or face