



June 24, 2020

Family Child Care Manual Transmittal Letter No. 15

TO: All Family Child Care Manual Holders

FROM: Kimberly Hall, Director

SUBJECT: Family Child Care Licensing Rule Five Year Review

Background:

The Ohio Department of Job and Family Services (ODJFS) amended the following draft rule contained in 5101:2-13 of the Ohio Administrative Code due to the five year review.

This rule will be effective June 28, 2020.

5101:2-13-12 “Safe Equipment and Environment for a Licensed Family Child Care Provider” has been amended with the following changes:

- Clarified language in paragraph (A) to state equipment, materials and furniture shall be free of peeling or chipping paint
- Removed language in paragraph (A) to clarify that all children’s equipment is to be used according to manufacturer’s guidelines
- Clarified the language in paragraph (A) to state that trampolines, ball pits, and inflatable play equipment intended for climbing and bouncing, including but not limited to slides and bounce houses are not permitted for use at the family child care home
- Clarified language in paragraph (B) that Type B family child care homes shall meet carbon monoxide detector requirements
- Corrected the reference to the Ohio Revised Code and the spelling of “ordinance” in paragraph (B)
- Added that if a lead hazard is identified ODJFS will make a referral to an appropriate agency
- Corrected the spelling of “rooms” in paragraph (B)

Please contact the Child Care Policy Helpdesk at 1-877-302-2347, option 4, if you have any questions.

5101:2-13-12

Safe equipment and environment for a licensed family child care provider.

(A) What are the safe equipment requirements for a licensed family child care provider?

- (1) Equipment, materials, and furniture shall be sturdy, safe and easy to clean and maintain. They shall also be free of sharp points or corners, splinters, or protruding nails; loose or rusty parts; peeling or chipping paint ~~which contains lead or other poisonous materials~~; or other hazardous features.
- (2) Furniture, equipment and materials which are not usable due to breakage or being a hazard, shall be removed immediately and stored away from children until repaired or replaced.
- (3) Air conditioners, heat pumps, electric fans and space heaters shall be mounted or placed out of the children's reach or have safeguards which prevent children from being injured.
- (4) Indoor swings, (excluding infant swings), slides, climbers and climbing apparatuses shall not be placed over carpet, concrete, tile, or any similarly hard surface. There shall be shock absorbent protective covering under and around this equipment. If climbing equipment is over three feet high, landing mats at least one and one half inches thick shall be used. The protective covering shall be used and placed according to manufacturer's guidelines.
- (5) All children's equipment, ~~including those with straps~~, shall be used in accordance with the manufacturer's guidelines.
- (6) Trampolines, ball pits, and inflatable play equipment intended for climbing and bouncing, including but not limited to slides and bounce houses ~~and ball pits~~ shall not be permitted for use at the family child care home.

(B) What are the safe environment requirements for a licensed family child care provider?

- (1) Weapons, firearms and ammunition materials shall be kept inaccessible to children, out of sight of children and in locked storage areas. Weapons and firearms include air rifles, hunting slingshots and any other projectile weapon.
- (2) Each of the following groups will be permitted to have the following weapons unsecured in a family child care home, unless specifically not permitted by the family child care program owner. Although permitted to be in the home, the weapons shall not be accessible to children.
 - (a) Handguns may be carried by an individual with a valid concealed handgun license and must be kept out of sight of the children.

- (b) Weapons may be carried by an active duty member of the U.S. armed forces if also carrying valid military identification and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of section 2923.125 of the Revised Code.
 - (c) Weapons may be carried by a law enforcement official who can document that his or her jurisdiction requires ready and immediate access to the weapon.
- (3) Illegal drugs or substances shall not be on the premises. Alcohol shall be kept inaccessible to children and out of sight of children.
- (4) Type B homes are to have carbon ~~Carbon~~-monoxide detectors ~~that shall~~ meet the following requirements:
- (a) In single family homes, there shall be at least one UL listed carbon monoxide detector located in the basement and on each level of the home in which child care is being provided.
 - (b) In multi-family buildings, there shall be at least one UL listed carbon monoxide detector located in the basement and on each level of the unit in which child care is being provided.
 - (c) The carbon monoxide detectors shall be placed, installed, tested and maintained in accordance with manufacturer's recommendations.
- (5) In accordance with ~~division (A)(8) of~~ section 2923.1212 of the Revised Code, the family child care provider shall post a sign that contains a statement in substantially the following form: "Unless otherwise authorized by law, pursuant to the Ohio Revised Code, no person shall knowingly possess, have under the person's control, convey or attempt to convey a deadly weapon or dangerous ~~ordinance~~ordnance ~~ordnance~~ on onto these premises."
- (6) The licensed family child care provider shall maintain an indoor temperature of at least sixty-five degrees Fahrenheit. If the homes indoor temperature exceeds eighty-five degrees Fahrenheit, ventilation that produces air movement or air conditioning shall be provided.
- (7) Children in care shall be protected from any items and conditions which threaten their health, safety, and well being, including but not limited to: stoves, bodies of water, window covering pull cords, telephone cords, electrical cords, extension cords, lead hazards, asbestos, wells, traffic, provider's, staff's or household member's personal belongings and other environmental hazards and

dangerous situations. If a potential lead hazard is identified, ODJFS will make a referral to the appropriate agency.

- (8) If area rugs are used, they shall have a nonskid backing and floor surfaces shall be maintained to not cause a tripping hazard.
- (9) Toys or other materials small enough to be swallowed shall be kept out of the reach of infants and toddlers.
- (10) Cleaning and sanitizing equipment and supplies shall be stored in a space that is inaccessible to children. Cleaning agents, aerosol cans and all other chemical substances shall be stored in a designated area in their original containers and/or clearly labeled.
- (11) Mercury thermometers shall not be used.
- (12) Electrical outlets, including surge protectors, within the reach of children shall have child proof receptacle covers when not in use unless designed with safety guards, except for homes which serve school-age children exclusively.
- (13) Renovations and remodeling to the home shall be conducted in a safe manner to ensure that lead poison hazards are not introduced into the environment as required by Chapter 3742. of the Revised Code.
- (14) Unless toilets and sinks are of suitable height for use by the children, the home shall provide a sturdy, nonslip platform on which the children may stand.
- (15) Lawnmowers, sharp tools, machinery and other equipment shall not be used or stored where children have access to them.
- (16) All areas used by children shall be ventilated and shall provide protection from rodents, insects and other hazards.
- (17) Aerosol spray products shall not be used in ~~room~~rooms where children are in attendance.
- (18) All utilities shall be operable.
- (19) The home shall contain a kitchen sink, refrigerator and stove or microwave oven in working condition.
- (20) If gates are used in the home, they shall be firmly anchored when in use. Gates at the top of stairs shall be wall mounted. Gates shall have no spaces where a child could become entrapped. Accordion style gates shall not be used.

- (21) Handles of pots and pans placed on top of a stove or oven shall be directed inward so they are not easily accessible to children.
 - (22) The home shall have both hot and cold running water. The temperature of the hot water shall not exceed one hundred twenty degrees Fahrenheit unless the provider demonstrates that the hot water faucet can be made inaccessible or inoperable when children are in care.
- (C) What are the regulations for having pets in a licensed family child care home?
- (1) Pets and animals shall be permitted if they present no apparent threat to the safety or health of the children.
 - (2) All pets shall be properly housed, cared for, licensed and inoculated. All local and state ordinances governing the keeping of animals (exotic or domesticated) shall be followed and updated as required. Verification of license and compliance with local and state requirements and inoculations, for each pet requiring such license or inoculations, or regulated by local or state government shall be on file at the family child care provider's home.
 - (3) Children shall not be directly exposed to animal urine or feces inside the home or in the outdoor play area.

Effective: 6/28/2020
Five Year Review (FYR) Dates: 4/10/2020 and 06/28/2025

CERTIFIED ELECTRONICALLY

Certification

06/15/2020

Date

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