



June 24, 2020

**Child Care Center Manual Transmittal Letter No. 21**

**TO: All Child Care Manual Holders**

**FROM: Kimberly Hall, Director**

**SUBJECT: Child Care Center Licensing Rule Five Year Review**

**Background:**

The Ohio Department of Job and Family Services (ODJFS) amended the following draft rule contained in 5101:2-12 of the Ohio Administrative Code due to the five year review.

This rule will be effective June 28, 2020.

5101:2-12-12 "Safe Equipment and Environment for a Licensed Child Care Center 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
- Clarified language in paragraph (A) so all children's equipment is 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 shall not be permitted for use at the center.
- Removed requirement for carbon monoxide detectors on each floor where care is provided
- 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
- Clarified that school-age children may use cleaning equipment, supplies, and cleaning agents with adult supervision and the cleaning equipment, supplies, and cleaning agents may be accessible in spaces only used by school-age children.

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

5101:2-12-12

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

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

- (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. All heaters utilized by the child care center shall be approved in writing by the fire department and/or the building department.
- (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 manufacturers' guidelines.
- (5) ~~Any~~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 center.

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

- (1) Weapons, firearms and ammunition materials shall not be on the premises. 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 in a child care center, unless specifically not permitted by the child care center owner. Although permitted to be in the program, 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 and substances shall not be on the premises. Alcohol shall only be kept in areas not approved or used for child care.
- ~~(4) At least one carbon monoxide detector shall be on each floor where care is provided. The carbon monoxide detector shall be placed, installed, tested and maintained in accordance with manufacturer's recommendations.~~
- ~~(5)~~(4) In accordance with ~~division (A)(8)~~ of section 2923.1212 of the Revised Code, the center 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 ordnance or ordnance on onto these premises."
- ~~(6)~~(5) The center shall maintain an indoor temperature of at least sixty-five degrees Fahrenheit. If the center's indoor temperature exceeds eighty-five degrees Fahrenheit, ventilation that produces air movement or air conditioning shall be provided.
- ~~(7)~~(6) 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, employee'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)~~(7) If area rugs are used, they shall have a nonskid backing and floor surfaces shall be maintained to not cause a tripping hazard.
- ~~(9)~~(8) Toys or other materials small enough to be swallowed shall be kept out of the reach of infants and toddlers.

~~(10)~~(9) 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. ~~School-age children may use cleaning supplies with adult supervision and the cleaning supplies may be stored in spaces used only by school-age children.~~

(a) School-age children may use cleaning equipment, supplies, and cleaning agents with adult supervision.

(b) The cleaning equipment, supplies, and cleaning agents may be accessible in spaces only used by school-age children.

~~(11)~~(10) Mercury thermometers shall not be used.

~~(12)~~(11) 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 space used only by school-age children.

~~(13)~~(12) Renovations and remodeling to areas in which child care is provided 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)~~(13) Unless toilets and sinks are of suitable height for use by the children, the center shall provide a sturdy, nonslip platform on which the children may stand.

~~(15)~~(14) Lawnmowers, sharp tools, machinery and other equipment shall not be used or stored where children have access to them.

~~(16)~~(15) All areas used by children shall be ventilated and shall provide protection from rodents, insects and other hazards.

~~(17)~~(16) Aerosol spray products shall not be used in rooms where children are in attendance.

(C) What are the regulations for having pets in a licensed child care center?

(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 center.

- (3) Children shall not be directly exposed to animal urine or feces inside the program or in the outdoor play area.

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

CERTIFIED ELECTRONICALLY

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Certification

06/15/2020

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Date

Promulgated Under: 119.03  
Statutory Authority: 5104.015  
Rule Amplifies: 2923.1212, 5104.015  
Prior Effective Dates: 03/01/1981, 06/01/1984, 09/01/1986, 01/02/1992  
(Emer.), 04/01/1992, 04/01/2003, 09/01/2005,  
01/01/2007, 09/01/2007, 11/22/2015, 12/31/2016,  
10/29/2017