



January 18, 2024

**Child Care Center Manual Transmittal Letter No. 35
Family Child Care Manual Transmittal Letter No. 25**

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

FROM: Matt Damschroder, Director

**SUBJECT: Ohio Administrative Code Rules 5101:2-12-08 and 5101:2-13-08 Revisions to
Lower the Minimum Age for High School Students/Graduates Working in
Child Care**

This MTL Replaces CCCMPL 41 and FCCMPL 33.

Background:

On November 28, 2022, the Ohio Department of Job and Family Services (ODJFS) implemented two new policies to expand age requirements for child care workers. The new policies were outlined in Child Care Center Manual Procedure Letter (CCCMPL) 41 and Family Child Care Manual Procedure Letter (FCCMPL) 33. High school students/graduates are now permitted to work as a child care staff member (CCSM) in a limited capacity in licensed child care centers and family child care homes. As a CCSM, high school students and high school graduates under the age of eighteen are to meet all CCSM requirements outlined in Chapters 12 and 13 of the Ohio Administrative Code (OAC).

Rules 5101:2-12-08 and 5101:2-13-08 are effective January 27, 2024

Revised rules:

Rule 5101:2-12-08 "Employee and child care staff member requirements for a licensed child care center"

- Add criteria for enrolled high school students and high school graduates under the age of eighteen to work as CCSM.
- Add a new appendix D to rule 5101:2-12-08, outlining limitations on child supervision and safety requirements for high school students and high school graduates.

Rule 5101:2-13-08 "Employees, child care staff members and substitute responsibilities and qualifications for a licensed family child care provider"

- Add criteria for high school graduates under the age of eighteen to work as CCSM.
- Add criteria outlining limitations on child supervision and safety requirements for high school graduate.
- Revise appendix A to update age requirements for family child care staff members

Additional Information:

For child care centers, supervision of the high school students is the responsibility of the child care center administrator. The center administrator is also responsible for ensuring that another CCSM is assigned to work with the high school student and does not leave them alone at any time when supervising children.

Two new roles are available in the Ohio Professional Registry (OPR) for these child care staff members to use when they create their employment record for the program in the OPR. These roles include "High School Junior" and "HS Senior or Graduate <18."

Child care programs employing minors as a CCSM are to comply with [Ohio Minor Labor Law](#) requirements for those less than 18 years of age; including, but not limited to working permits, wage agreements, work hours, and student documentation, as outlined in [Chapter 4109. of the Ohio Revised Code](#) (ORC).

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

5101:2-12-08

Employee and child care staff member requirements for a licensed child care center.

(A) What are the requirements for an employee in a licensed child care center?

Each employee is to:

- (1) Have on file, on or before the employee's first day of employment, a completed medical statement that meets the requirements detailed in appendix A to this rule.
- (2) Have written documentation on file of current immunization against tetanus, diphtheria and pertussis (Tdap) from a licensed physician, as defined in Chapter 4731. of the Revised Code, physician's assistant, advanced practice registered nurse, certified nurse midwife, certified nurse practitioner or licensed pharmacist. The employee may be exempt from the immunization requirement for religious reasons with written documentation signed by the individual and for medical reasons with written documentation signed by a licensed physician.
- (3) For the purpose of tuberculosis (TB) screening, notify the child care center if the person has both resided in a country identified by the world health organization (WHO) as having a high burden of TB and arrived in the United States within the five years immediately preceding the date of application for employment. A current list of identified high burden countries (HBC) for TB can be found in the most recent report on the WHO website at <https://www.who.int/teams/global-tuberculosis-programme/tb-reports>.
 - (a) Notification is to be made on a completed medical statement that meets the requirements detailed in appendix A to this rule.
 - (b) If the person meets the criteria described above, the child care center is to comply with the testing requirements of section 5104.037 of the Revised Code before employment. The TB test is either a two-step mantoux tuberculin skin test or a blood assay for m. tuberculosis.
 - (i) If the result of the TB test is negative, the child care center may employ the person.
 - (ii) If the result of any TB test performed is positive, the child care center is to follow the requirements outlined in appendix C to this rule.

(B) What are the requirements for a child care staff member in a licensed child care center?

Each child care staff member is to:

~~(1) Meet one of the following:~~

~~(a)(1) Be at least ~~eighteen~~ sixteen years of age and have completed a high school education.~~

~~(i) High school education is defined in appendix B to this rule.~~

~~(ii) Verification shall be on file on or before the child care staff member's first day of employment.~~

~~(b)(2) Be Have completed a high school education or be at least a high school junior (on or after the start of high school junior year) and enrolled in or completed one of the following: the second year of or have completed a two year career-technical program in child development or early childhood education or be a high school senior and also enrolled in a college credit program in child development or early childhood education.~~

~~(a) An early childhood education or child development career technical program.~~

~~(b) A child development associate (CDA) training program or achieved a CDA credential for the age group in which the high school student is working.~~

~~(c) A college credit program with early childhood education or child development focus.~~

~~(i) Enrollment or completion of a two year career-technical program shall be verified by a signed statement from student's teacher/coordinator of the training program verifying that the student is enrolled in the program and receiving supervision by the training program.~~

~~(ii) Enrollment in a college credit program shall be verified by written documentation from the college credit program.~~

~~(3) Follow the limitations on child supervision and safety outlined in appendix D to this rule when the child care staff member is a high school student and high school graduate under the age of eighteen.~~

~~(iii)(4) Verification Provide verification of education shall be on file on or before the child care staff member's first day of employment.~~

~~(a) Verification is to be kept on file at the center or in the Ohio professional registry (OPR).~~

(b) High school education is defined in appendix B to this rule.

(c) For high school students, documentation of high school grade level and enrollment in or completion of a technical, training or college credit program as described in paragraph (B)(2) of this rule is to be verified.

~~(2)~~(5) Have on file, on or before the child care staff member's first day of employment, a completed medical statement that meets the requirements detailed in appendix A to this rule.

~~(3)~~(6) Have written documentation on file of current immunization against tetanus, diphtheria and pertussis (Tdap) from a licensed physician, as defined in Chapter 4731. of the Revised Code, physician's assistant, advanced practice registered nurse, certified nurse midwife, certified nurse practitioner or licensed pharmacist. The child care staff member may be exempt from the immunization requirement for religious reasons with written documentation signed by the individual and for medical reasons with written documentation signed by a licensed physician.

~~(4)~~(7) For the purpose of TB screening, notify the child care center if the person has both resided in a country identified by the WHO as having a high burden of TB and arrived in the United States within the five years immediately preceding the date of application for employment.

(a) Notification is to be made on a completed medical statement that meets the requirements detailed in appendix A to this rule.

(b) If the person meets the criteria described above, the child care center is to comply with the testing requirements of section 5104.037 of the Revised Code before employment. The TB test is either a two-step mantoux tuberculin skin test or a blood assay for m. tuberculosis.

(i) If the result of the TB test is negative, the child care center may employ the person.

(ii) If the result of any TB test performed is positive, the child care center is to follow the requirements outlined in appendix C to this rule.

(C) What are the orientation requirements for child care staff members?

(1) Child care staff members, including substitute child care staff members, shall complete the child care center staff orientation training as prescribed by the ODJFS within thirty days of starting employment at the center as a child

care staff member unless the child care staff member has documentation of completion of the training after December 31, 2016.

- (2) Completion of the training shall be documented with verification from the OPR.
- (3) The child care staff member may be used in ratio, but is not to be left alone with children until the orientation is completed.

(D) What are the Ohio professional registry (OPR) requirements for employees and child care staff members in a child care center?

All employees and child care staff members, including substitute child care staff members, are to:

- (1) Create or update their individual profile in the OPR.
- (2) Create an employment record for the child care center on or before the first day of employment, including date of hire.
- (3) Update their individual profiles or employment records in the OPR within five calendar days of a change, including:
 - (a) Contact information.
 - (b) Positions or roles, and related dates.

(E) Do employees and child care staff members have whistle blower protection?

Yes, an employer is not to discharge, demote, suspend or threaten to discharge, demote, suspend or in any manner discriminate against any employee or child care staff member based solely on the employee taking any of the following actions:

- (1) Making any good faith oral or written complaint to the ODJFS or other agency responsible for enforcing Chapter 5104. of the Revised Code regarding a violation of this chapter or the rules adopted pursuant to Chapter 5104. of the Revised Code;
- (2) Instituting or causing to be instituted any proceeding against the employer under section 5104.04 of the Revised Code;
- (3) Acting as a witness in any proceeding under section 5104.04 of the Revised Code;
- (4) Refusing to perform work that constitutes a violation of Chapter 5104. or the rules adopted pursuant to Chapter 5104. of the Revised Code.

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10/29/2021

Appendix A to Rule 5101:2-12-08

**Medical Statement Requirements for Administrator, Employees, and Child Care Staff
Members in a Licensed Child Care Center**

The following items are to be contained in a medical statement:

- The date of the examination (must be within the previous twelve months).
- The signature, business address, telephone number of the licensed physician, as defined in Chapter 4731. of the Revised Code, physician's assistant, advanced practice registered nurse, certified nurse midwife or certified nurse practitioner who completed the examination.
- A statement that verifies that the individual is:
 - Physically fit for employment in a center caring for children.
 - Immunized against measles, mumps and rubella (MMR), except that for persons born on or before December 31, 1956, a history of measles or mumps disease may be substituted for the vaccine. A history of rubella disease shall not be substituted for rubella vaccine. Only a laboratory test demonstrating detectable rubella antibodies shall be accepted in lieu of rubella vaccine.
 - Immunized against tetanus, diphtheria-and pertussis (Tdap) from a licensed physician as defined in Chapter 4731. of the Revised Code, physician's assistant, advanced practice registered nurse, certified nurse midwife, certified nurse practitioner or licensed pharmacist.
 - The person may be exempt from the immunization requirement for religious reasons with written documentation signed by the individual, and for medical reasons with written documentation signed by a licensed physician.
 - Screened for TB as outlined in rule 5101:2-12-08 of the Administrative Code, including the following information:
 - Has the individual resided in a country identified by the world health organization (WHO) as having a high burden of TB?
 - Has the individual arrived in the United States within the five years immediately preceding the date of application for employment?
 - If the answer to both questions above are yes, the individual is to be tested for TB.
 - If tested for TB, the medical statement is to include the TB test date and TB test results as positive or negative.
- An additional report or examination by a licensed physician or mental health professional may be required when there is concern about an employee's ability to perform required duties.

Appendix B to Rule 5101:2-12-08

Verification of High School Education

Verification of a high school education is to be one of the following:

1. A copy of a high school diploma recognized by the state board of education or the appropriate agency of another state or country as equivalent to the completion of a high school education.
2. A copy of other written documentation verifying high school completion or equivalency, such as the Ohio high school equivalence diploma.
3. A copy of the degree or transcript verifying completion of an associate's degree or higher from an accredited college, university or technical college.
4. For a home schooled student or a graduate of a non-chartered non-public school, documentation as required by section 3313.6110 of the Revised Code.
5. If the person does not have a copy of his or her high school diploma because of being a refugee, he or she may submit both of the following instead:
 - a. Documentation from the federal government that the person was admitted to the United States of America as a refugee.
 - b. A notarized statement that the person received a high school diploma (or equivalent) in his or her home country prior to being admitted to the United States as a refugee.

Appendix C to Rule 5101:2-12-08

Center Requirements for Positive Tuberculosis (TB) Test Results

The child care center is to take the following actions when a **positive** TB test result is received for a prospective administrator, employee or child care staff member:

If the result of any TB test performed is positive	Prior to employment, the child care center is to require the person to undergo additional testing for TB, which may include a chest radiograph or the collection and examination of specimens.
If additional testing indicates active TB	<p>Until the county or district TB control unit determines that the person is no longer infectious, the child care center is to not employ the person or, if employed, the center is to not allow the person to be physically present at the program's location.</p> <ul style="list-style-type: none"> • Evidence that a person is no longer infectious is to consist of a written statement to that effect signed by a representative of the TB control unit.
If additional testing indicates latent TB	<p>Until the person submits to the child care center evidence that the person is receiving treatment as prescribed by a licensed health professional, the child care center is to not employ the person or, if employed, the center is to not allow the person to be physically present at the program's location.</p> <ul style="list-style-type: none"> • Once the person submits to the program evidence of a TB treatment regimen, the child care center may employ the person and allow the person to be physically present at the program's location. • Evidence is to consist of a written statement to that effect signed by a representative of the TB control unit that is overseeing the person's treatment.

Licensed health professionals that meet the qualifications to prescribe TB treatment include the following: licensed physicians, licensed physician assistants, certified nurse practitioners, and clinical nurse specialists.

Child care centers may check with their local board of county commissioners to locate the county TB control unit.

Appendix D to Rule 5101:2-12-08

**High School Students and Graduates Working as Child Care Staff Members (CCSM)
Limitations on Child Supervision and Safety Requirements**

Child Supervision and Safety Requirements for high school students/graduates working as a CCSM	High school juniors (On or after start of high school junior year)	High school seniors (After completion of high school junior year)	High school graduates under eighteen years of age
Permitted to be left alone with children?	No	Yes	Yes
Permitted to be counted in ratio when the CCSM is at least two years older than the child(ren) they supervise?	Yes	Yes	Yes
Permitted to transport children?	No	No	No
Permitted to be alone on routine trips or field trips?	No	No	No
Permitted to administer medication or medical procedures?	No	No	No
Permitted to be an administrator, provider, or designee?	No	No	No

Supervision of the high school students is the responsibility of the child care center administrator.

The center administrator is responsible for ensuring that another CCSM is assigned to work with high school juniors and does not leave them alone at any time when supervising children, as permitted in the table.

5101:2-13-08

Employees and child care staff members responsibilities and qualifications for a licensed family child care provider.

(A) What are the requirements for an employee of a family child care provider?

Employees are to:

- (1) Have on file, on or before the employee's first day of employment, a completed medical statement that meets the requirements of appendix B to rule 5101:2-13-02 of the Administrative Code.
- (2) Have written documentation on file of current immunization against tetanus, diphtheria and pertussis (Tdap) from a licensed physician as defined in Chapter 4731. of the Revised Code, physician's assistant, advanced practice registered nurse, certified nurse midwife, certified nurse practitioner or licensed pharmacist. The employee may be exempt from the immunization requirement for religious reasons with written documentation signed by the individual and for medical reasons with written documentation signed by a licensed physician.

(B) What are the requirements for a child care staff member of a family child care provider?

Child care staff members, including substitute child care staff members:

- (1) Are to meet all of the requirements detailed in appendix A to this rule.
- (2) Are to have on file, on or before the child care staff member's first day of employment, a completed medical statement that meets the requirements of appendix B to rule 5101:2-13-02 of the Administrative Code.
- (3) Are to have written documentation on file of current immunization against tetanus, diphtheria and pertussis (Tdap) from a licensed physician as defined in Chapter 4731. of the Revised Code, physician's assistant, advanced practice registered nurse, certified nurse midwife, certified nurse practitioner or licensed pharmacist. The child care staff member may be exempt from the immunization requirement for religious reasons with written documentation signed by the individual and for medical reasons with written documentation signed by a licensed physician.
- (4) Are to complete the family child care staff orientation training as prescribed by the Ohio department of job and family services (ODJFS) within thirty days of starting employment unless the child care staff member has documentation of completion of the training after December 31, 2016. Completion of the training is to be documented with verification from the OPR.

(5) May be used to meet group size and supervision requirements but are not to be left alone with the children until the orientation training is completed.

(6) May act in the provider's place during an inspection if the provider is not present.

(C) What are the requirements for a high school graduate working as a child care staff member in a family child care home?

All high school graduates under the age of eighteen years old working in a family child care home:

(1) Are to be at least sixteen years of age or older.

(2) Are to maintain compliance with the requirements of a child care staff member in Chapter 5101:2-13 of the Administrative Code.

(3) Are not to be the administrator, provider, or designee of a family child care home.

(4) Are not permitted to transport children or act as a driver of a family child care home.

(5) Are not permitted to be left alone with the children on routine trips or field trips.

(6) Are not permitted to administer medication or medical procedures.

(7) May be counted in ratio when the high school graduate is at least two years older than the child(ren) in their care.

~~(C)~~(D) What are the OPR and documentation requirements for employees and child care staff members in a family child care home?

All employees and child care staff members, including substitute child care staff members are to:

(1) Create or update their individual profile in the OPR.

(2) Create an employment record for the family child care program on or before the first day of employment, including date of hire.

(3) Update their individual profiles or employment records in the OPR within five calendar days of a change, including:

(a) Contact information.

(b) Positions or roles, and related dates.

~~(D)~~(E) Do employees and child care staff members have whistle blower protection?

Yes, an employer is not to discharge, demote, suspend or threaten to discharge, demote, suspend or in any manner discriminate against any employee or child care staff member based solely on the employee or child care staff member taking any of the following actions:

- (1) Making any good faith oral or written complaint to the ODJFS or other agency responsible for enforcing Chapter 5104. of the Revised Code regarding a violation of this chapter or the rules adopted pursuant to Chapter 5104. of the Revised Code;
- (2) Instituting or causing to be instituted any proceeding against the employer under section 5104.04 of the Revised Code;
- (3) Acting as a witness in any proceeding under section 5104.04 of the Revised Code;
- (4) Refusing to perform work that constitutes a violation of Chapter 5104., or the rules adopted pursuant to Chapter 5104. of the Revised Code.

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Appendix A to Rule 5101:2-13-08

Family Child Care Staff Member

A child care staff member, including substitute child care staff members and high school graduates working in a family child care home are to meet the following requirements prior to caring for children:

1. Be at least sixteen years of age.
2. Provide verification of a high school education, a high school diploma or Ohio high school equivalence diploma in accordance with the guidelines in appendix A to rule 5101:2-13-07 of the Administrative Code.
3. Provide a medical statement that meets the requirements detailed in appendix B to rule 5101:2-13-02.