



Transmittal Letter No. 48

TO: Early Care and Education Stakeholders

FROM: Kara B. Wente, Director

DATE: June 18, 2026

SUBJECT: Five-Year Review of Child Care Center Rules

Background

The Department of Children and Youth (DCY) is changing Ohio Administrative Code (OAC) child care center rules as part of the five-year review process. The licensing rules below have been reviewed to ensure that DCY is only mandating essential health and safety requirements. The rules included in this five year review are as follows: 5180:2-12-01, 5180:2-12-02, 5180:2-12-03, 5180:2-12-05, 5180:2-12-07, 5180:2-12-08, 5180:2-12-09, 5180:2-12-11, 5180:2-12-12, 5180:2-12-13, 5180:2-12-15, 5180:2-12-16, 5180:2-12-19, 5180:2-12-20, 5180:2-12-21, 5180:2-12-22, and 5180:2-12-25.

The DCY rules in the OAC were renumbered to 5180 on January 2, 2025, as a result of House Bill 33 (HB33) of the 135th General Assembly.

These rules will be effective on July 1, 2026.

Purpose

DCY is shortening rule taglines, removing website hyperlinks and/or website addresses, updating references from the Ohio department of job and family services (ODJFS) to DCY and correcting rule citations. Rules were also revised to meet federal requirements, remove duplicate requirements, and provide clarifications for child care centers, employees and child care staff members (CCSM). Throughout the rules, the Ohio child licensing and quality system (OCLQS) is being referred to as the Ohio statewide licensing system.

OAC 5180:2-12-01 "Definitions" is being amended and defines terms used throughout Chapter 5180:2-12 of the Administrative Code.

- Revised the following definitions: Advanced practice registered nurse (APRN), Child care staff member (CCSM), Corrective action plan, Employee, Medication,



Moderate risk non-compliance, Serious risk non-compliance, and Special needs child care.

- Added the following definitions: Dentist, Developmentally appropriate, Medical food, Mobile preschool, Ohio professional registry (OPR), Ohio statewide licensing system, Supervision, Visitor, and Volunteer.
- Removed the following definitions: Certified nurse practitioner (CNP), Food supplement, and Modified diet.

OAC 5180:2-12-02 "Application and amendments" is being amended and outlines the application and amendment process for a child care center license.

- Added the lists of required documents for the application process and for permanent change of location into the rule.
- Clarified that programs operating in a school building serving only children ages two and a half and older are exempt from the certificate of occupancy requirement.
- Removed the requirement for a plan of operation to be submitted with the application and replaced with the requirement for a detailed and labeled site plan of the indoor and outdoor space proposed to be used to care for children.
- Added that the license capacity will be the maximum allowable unless otherwise requested.
- Amended the timeframe for requesting a change of administrator.
- Amended the voluntary temporary closure/inactive status requirements.
- Removed appendices A and B to rule 5180:2-12-02 because the content was moved into the rule.

OAC 5180:2-12-03 "Compliance inspection and complaint investigation" is being amended and outlines the inspection and monitoring process for licensed child care centers.

- Clarified that at least one inspection will be unannounced.
- Added the following definition for a licensing non-compliance: A licensing inspection non-compliance is a licensure rule violation. Inspections could result in moderate or serious risk findings. Non-compliance findings vary depending on the potential to lead to a risk of harm to a child and are observable and/or based on facts. Non-compliances are assigned point values, and the annual accumulated points may result in DCY licensing or Step Up To Quality actions.
- Added point values for moderate risk non-compliances (3) and serious risk non-compliances (6).



- Added the following actions that DCY may take if a serious risk non-compliance occurs: denial of a license application or approval for a non-expiring or continuous license, revocation of a license, reduction or removal of a quality rating, or loss of funding.
- Amended the process for submitting a request for review of a non-compliance finding.
- Amended appendix A to rule 5180:2-12-03 to change levels of select non-compliances, add mobile preschool non-compliances, and remove outdated information.

OAC 5180:2-12-05 "Denial, revocation and suspension of an application or license" is being amended and outlines the processes for application denial, license revocation, and license suspension for child care programs.

- Updated the method of delivery of written suspension orders.
- Added new ministerial closure reasons that allow DCY to close a child care center license:
 - DCY may close a license that has been in a temporary closure for more than twelve months and the center has not requested in the Ohio statewide licensing system to re-instate the license.
 - DCY may close a license if at the end of twelve months the center is unable to be re-opened.
 - DCY may close a license if children are not enrolled and attending for twenty-four months and the center refuses to voluntarily permanently close the program.

OAC 5180:2-12-07 "Administrators" is being amended and outlines the responsibilities, requirements, and qualifications for an administrator in a licensed child care center.

- Clarified that a DCY rules refresher course is available for administrators to take every five years following the initial rules review courses and that administrator duties may be shared with other employees.
- Moved the health and safety building coverage statement from rule 5180:2-12-10 to rule 5180:2-12-07, since ensuring building coverage with trained staff is a center administrator responsibility.
- Extended the timeframe to make changes in the OPR or the Ohio statewide licensing system from five to 10 business days.



- Removed the following requirements: posting the administrator's scheduled hours of availability, providing a copy of the licensing rules, and providing tax preparation information.
- Removed duplicative requirement regarding enrollment discrimination and compliance with the ORC and OAC.
- Appendix A to rule 5180:2-12-07:
 - Updated experience "in the early care and education field" where applicable.
 - Added the experience calculation note; and provided examples of experience.
- Appendix B to rule 5180:2-12-07:
 - Simplified the written information for parents and employees to allow providers more flexibility in developing their own handbook.
 - Added four additional program policies: written security plan; policy to prohibit center employee from exposing children to inappropriate language, media or behavior; social media policy; and policy for usage of emergency medical devices and emergency medications.
- Appendix C to rule 5180:2-12-07:
 - Updated the legally required information for families to correct hyperlinks and contact information for state and federal agencies.

OAC 5180:2-12-08 "Employees and child care staff members" is being rescinded and adopted as a new rule and outlines the responsibilities, requirements and qualifications for employees and CCSMs in a licensed child care center.

- Reorganized requirements for all employees, which include CCSMs, for ease of reading and reference.
- Updated the timeframe to require screening for tuberculosis (TB) prior to the first day of employment.
- Updated the timeframe to require employee immunization records for measles, mumps and rubella (MMR) and tetanus, diphtheria, and pertussis (Tdap) on file at the center no later than thirty days from the start date of employment.
- Extended the required timeframe for all employees to update their OPR profiles.
- Clarified that high school students and high school graduates working as CCSMs are to complete child care center staff orientation training within thirty days of starting employment.



- Removed the medical exam and medical statement requirements and removed appendix A to rule 5180:2-12-08.
- Former appendix B to rule 5180:2-12-08 is now appendix A and has been revised to remove the notarized statement requirement for refugees to verify education.
- Former appendix C to rule 5180:2-12-08 is now appendix B and has no change.
- Former appendix D to rule 5180:2-12-08 is now appendix C:
 - Clarified when high school students and graduates under eighteen years of age are permitted to be left alone in a classroom or center space.
 - Added that high school students and graduates (under eighteen years of age) are not permitted to be completely alone in the building while caring for children.

OAC 5180:2-12-09 "Background checks" is being amended and outlines the background check requirements and process for individuals working in a licensed child care center.

- Added clarification about which center roles do not require a background check.
- Clarified that until an individual receives preliminary approval from DCY, they cannot engage in any assigned duties, be near children, or otherwise have access to children.
- Clarified that if an individual submits a request for review of a background check decision and the original decision for ineligibility is upheld, the individual will remain ineligible for employment.
- Reformatted appendix A to rule 5180:2-12-09 to clarify rehabilitation standards and added two new prohibitive offenses to the non-rehabilitative offense list.

OAC 5180:2-12-11 "Indoor and outdoor space" is being amended and outlines the space and play equipment requirements for a licensed child care center.

- Removed requirements to have separate space and continuous barrier for indoor space used to care for children less than two and one-half years of age. Centers are to obtain DCY approval prior to the use of any space used to care for children younger than two and one-half years of age.
- Clarified outdoor space requirements for fences and natural barriers.
- Removed quarterly playground inspection documentation requirements and added that programs are to continue inspecting outdoor spaces daily to ensure that the space is free of conditions that pose a risk of harm to children.
- Clarified that centers are to protect children under six months from direct exposure to the sun and provide sun protection for all children.



- Added that distance and means to access an off-site play area must be safe and developmentally appropriate.
- Added that all equipment is to be free of conditions that pose a risk of harm to children and removed specific examples of hazards because it was not indicative of all hazards that could occur.
- Removed sandbox cover requirements.
- Added an exemption for play areas used by a center that are regulated by another state or local agency.
- Removed appendix A to rule 5180:2-12-11 because the content was moved into the rule.

OAC 5180:2-12-12 "Safe equipment and environment" is being amended and outlines the requirements to keep the equipment and environment safe when children are in the licensed child care center.

- Clarified that equipment, materials, and furniture are to be in good condition, sturdy, safe and easy to clean and maintain.
- Clarified that general-use trampolines are prohibited; however, individual-use, personal-sized therapy trampolines no larger than 48 inches in diameter may be used by children under direct supervision.
- Updated ORC citations for weapons in centers.
- Clarified that floor surfaces must be maintained to not cause slipping or tripping hazards.
- Removed the requirement that pets must be licensed and inoculated and the records kept on file. Centers will now follow all local and state ordinances governing animals as pets.

OAC 5180:2-12-13 "Sanitary equipment and environment" is being amended and outlines the requirements to keep the child care center sanitary while children are in care.

- Added that the environment, furniture, materials and equipment are to be always kept in a sanitary condition and removed the reference to appendix A to rule 5180:2-12-13.
- Removed the duplicative requirement to keep the premises free from infestation by insects and rodents.
- Removed toothbrushing requirements.
- Removed appendix A to rule 5180:2-12-13 because the environment, furniture, materials and equipment are to be always kept in a sanitary condition.



- Former appendix B to rule 5180:2-12-13 is now appendix A and has been revised to remove the requirement for employees and children to wash their hands prior to departure from the program.
- Removed appendix C to rule 5180:2-12-13 because details for keeping a smoke free environment are now in the rule.

OAC 5180:2-12-15 "Child records" is being rescinded and adopted as a new rule and outlines the required documents needed for children in the care of a child care center.

- Updated the enrollment form requirement to allow centers to use the newly revised DCY 01234 "Child Enrollment Form for Early Care and Education Programs" form or their own form if it contains equivalent information.
- Removed child medical statements as a required document to submit annually.
- Clarified the immunization record requirements for children.
- Updated the medical/physical care plan requirement to allow providers to use the newly revised DCY 01236 "Health Care Plan Documentation & Permission to Administer Medication" form or their own form if it contains equivalent information.
- Added the word "chronic" to special health conditions or diagnoses in reference to when health care plans are needed.
- Clarified that all child records, documentation of a child's chronic health condition or diagnosis and written permission to administer medication or medical foods from parents or physicians are to be kept on file for twelve months from the date the documentation is signed or updated, whichever is later, even if the child no longer attends the program or the documentation is no longer required for the child.

OAC 5180:2-12-16 "Emergency and health-related plans" is being amended and outlines the standard precautions child care centers are to take to maintain the health and safety of children in care.

- Added that centers are to post emergency phone numbers in spaces used by children.
- Removed the following forms: DCY 01242 "Medical, Dental and General Emergency Plan for Child Care" and DCY 01201 "Dental First Aid."
- Simplified the first-aid kit content requirements with a list of minimum items within rule.



- Renamed the disaster plan to the emergency preparedness and response plan (EPRP) to align with federal regulatory language.
- Added that the EPRP is to include details for assisting toddlers with special needs and/or health conditions and details for selecting and relocating to a designated safe site where children and staff can safely remain if evacuated.
- Removed existing appendix A to rule 5180:2-12-16.
- Former appendix B to rule 5180:2-13-16 is now appendix A and has been revised to reflect the new supervision language in Rule 5180:2-12-19.

OAC 5180:2-12-19 "Supervision of children and child guidance" is being amended and outlines the supervision requirements and child guidance techniques used in licensed child care centers.

- Clarified the definition of supervision.
- Added that a backup method of communication is required to be accessible when the program's primary phone is in use and provide examples of backup forms of communication.
- Clarified the requirement for the program to protect children from exposure to inappropriate language, media or behavior.
- Clarified that prohibited techniques in appendix A will not be used by any child care center employee.
- Clarified the child abuse and neglect reporting requirements.

OAC 5180:2-12-20 "Sleeping and napping" is being amended and outlines the requirements for providing care for children who are sleeping and napping at the licensed child care center.

- Clarified the requirements for crib placement.

OAC 5180:2-12-21 "Non-traditional care" is being rescinded and adopted as a new rule and outlines the requirements for child care centers providing non-traditional care such as evening and overnight care and mobile preschool programming.

- Changed the name of the rule to encompass all types of non-traditional care.
- Clarified the definition of evening care which is when children are in attendance between the hours of 7 p.m. and midnight.
- Added a new definition of overnight care which is when children are in attendance between the hours of 7 p.m. and 6 a.m.



- Moved the written security plan requirement from this rule to appendix B to Rule 5180:2-12-07, so that all centers will include a security policy in their written information for parents and employees.
- Clarified sleeping and bedtime routine requirements.
- Added mobile preschool definition and requirements.

OAC 5180:2-12-22 "Meal preparation and nutrition" is being amended and outlines the requirements for providing nutritious meals and snacks to the children in the care of the center.

- Changed "serve" to "offer" food.
- Changed to five food groups to align with national standards: protein, grain, fruit, vegetable, and dairy and clarified the number of groups required for meals, breakfast and snack.
- Amended milk requirements so providers may offer milk based on parental preference.
- Clarified that the program is to set their own policy for alternate diets.
- Added that individual water bottles are to be labeled with each child's name.
- Removed appendices A, B, and C to rule 5180:2-12-22.

OAC 5180:2-12-25 "Medication administration" is being rescinded and adopted as a new rule and outlines the requirements for the administration of medication to children in a licensed child care center.

- Reorganized existing requirements so they are easier to understand. No substantive additions have been put into the rule, and it is only being filed as a new rule so the existing requirements are easier to read.
- Replaced references to the DCY 01236 "Child Medical/Physical Care Plan for Child Care" and the DCY 01217 "Request for Administration of Medication for Child Care" forms with the newly revised DCY 01236 "Health Care Plan & Permission to Administer Medication" form.
- Clarified safety requirements when a school-age child carries their own emergency medication.

Implementation

- The effective date of the rules is July 1, 2026.



- Field Guides have been developed to help programs maintain compliance with the rules. These guides will be posted soon at the following link: [Resources | Department of Children and Youth](#).
- Revised forms are not required for children currently enrolled; the new versions will be required when they need updated or a new one is required.

Rules/Forms

The chart indicates the impacted OAC rules, transmittal letters, and/or forms. The most recent version of all DCY forms referenced in this letter can be accessed through [Forms Central](#).

OAC Rules	Previous Transmittal Letter	DCY Forms
5180:2-12-01 5180:2-12-02 5180:2-12-03 5180:2-12-05 5180:2-12-07 5180:2-12-08 5180:2-12-09 5180:2-12-11 5180:2-12-12 5180:2-12-13 5180:2-12-15 5180:2-12-16 5180:2-12-19 5180:2-12-20 5180:2-12-21 5180:2-12-22 5180:2-12-25	CCCMTL 32 CCCMTL 32 CCCMTL 33 CCCMTL 32 CCCMTL 37 CCCMTL 35 CCCMTL 36 CCCMTL 31 CCCMTL 21 CCCMTL 31 CCCMTL 32 CCCMTL 31 CCCMTL 31 CCCMTL 31 CCCMTL 31 CCCMTL 32 CCCMTL 32	Revised: • DCY 01234 "Child Enrollment Form for Early Care and Education Programs" • DCY 01236 "Health Care Plan Documentation & Permission to Administer Medication" • DCY 01299 "Incident/Injury Report for Child Care" to include school-based programs. Sample: • DCY 01242 "Medical, Dental and General Emergency Plan for Child Care" Obsoleted: • DCY 01201 "Dental First Aid" • DCY 01217 "Request for Administration of Medication for Child Care" • DCY 01250 "Plan of Operation for Child Care"

5180:2-12-01 **~~Definitions for licensed child care centers.~~**As used in this chapter:

- (A) "Administrator" means the person responsible for the daily operation of the center. The administrator and the owner may be the same person. The administrator is also a child care staff member.
- (B) "Adult" means an individual who is at least eighteen years of age.
- (C) "Advanced practice registered nurse (APRN)" means a certified registered nurse anesthetist, clinical nurse specialist, certified nurse midwife or certified nurse practitioner under Chapter 4723. of the Revised Code. ~~This was previously called advanced practice nurse (APN).~~
- (D) "Authorized representative" means an individual employed by a center that is owned by a person other than an individual and who is authorized by the owner to do all of the following:
- (1) Communicate on the owner's behalf.
 - (2) Submit on the owner's behalf applications for licensure or approval.
 - (3) Enter into on the owner's behalf provider agreements for publicly funded child care.
- (E) "Career pathways model" means an alternative pathway to meeting the requirements for a child care staff member or administrator that uses an approved framework to document formal education, training, experience, specialized credentials and certifications. This allows the child care staff member or administrator to achieve a designation as an early childhood professional level one, two, three, four, five, or six.
- ~~(F) "Certified nurse practitioner (CNP)" means a registered nurse who holds a valid certificate of authority issued under Chapter 4723. of the Revised Code that authorizes the practice of nursing as a CNP in accordance with section 4723.43 of the Revised Code and rules adopted by the board of nursing.~~
- ~~(G)~~(E) "Child" means an infant, toddler, preschool child or school-age child.
- ~~(H)~~(G) "Child care" per section 5104.01 of the Revised Code means all of the following:
- (1) Administering to the needs of infants, toddlers, preschool-age children and school-age children outside of school hours.
 - (2) By persons other than their parents, guardians, or custodians.

(3) For part of the twenty-four-hour day.

(4) In a place other than a child's own home, except that an in-home aide provides child care in the child's own home.

(5) By a provider required by Chapter 5104. of the Revised Code to be licensed or approved by the department of ~~job and family services~~ children and youth (DCY), certified by a county department of job and family services, or under contract with the department to provide publicly funded child care as described in section 5104.32 of the Revised Code.

~~(H)~~(H) "Child care staff member" means an employee of a licensed child care center ~~who~~ whose primary responsibility is to provide for the care and supervision of children. Only a child care staff member may be part of the staff-to-child ratio. A substitute child care staff member may replace a child care staff member on a temporary basis. For the purposes of this Chapter, child care staff members include substitute child care staff members and high school students and graduates under eighteen years of age working as child care staff members. The administrator, authorized representative, or owner may be a child care staff member when not involved in other duties.

~~(I)~~(I) "Corrective action plan" describes the action taken by the program to correct a licensing non-compliance. This plan does not confirm whether the program is in compliance with the rule; or negate the non-compliance finding. Corrective action plans are submitted in the Ohio ~~childstatewide~~ licensing and quality system (OCLQS) and are to be completed in their entirety to be approved.

(J) "Dentist" means a person issued a certificate to practice in accordance with Chapter 4715. of the Revised Code and rules adopted by the state dental board or a comparable body in another state.

(K) "Developmentally appropriate" means curriculum, instruction, environments, and age-appropriate activities that reflect the cognitive, social, and emotional level of the learner and includes the unique abilities or characteristics of a learner or group of learners including learners with disabilities, unique ethnic and/or cultural characteristics, and unique life experiences.

~~(L)~~(L) "Drop-in center," as defined in Chapter 5104. of the Revised Code, means a center that provides child care for children on a temporary, irregular basis. "Temporary and irregular" means no more than thirty days a year for any child enrolled. Drop-in centers shall comply with all rules in Chapter ~~5101:2-12~~ 5180:2-12 of the Administrative Code except:

- (1) In reference to rule ~~5101:2-12-25~~5180:2-12-25 of the Administrative Code, the drop-in center shall not administer any medical food or medication, ~~food supplement or modified diet~~.
 - (2) In reference to rule ~~5101:2-12-20~~5180:2-12-20 of the Administrative Code, the drop-in center ~~shall not be required to provide~~is exempt from providing a cot for each child the center is licensed to serve.
 - (3) In reference to rule ~~5101:2-12-04~~5180:2-12-04 of the Administrative Code, the drop-in center which does not prepare and serve food ~~shall not be required to obtain~~is exempt from obtaining a health department approval.
 - (4) In reference to rule ~~5101:2-12-11~~5180:2-12-11 of the Administrative Code, the drop-in center ~~shall not be required to meet~~is exempt from meeting the provisions of paragraphs ~~(C)~~(B) and ~~(D)~~(C) of that rule, but if these provisions are not met, the drop-in center ~~shall have~~has a specific plan to provide for gross motor activity for children in care. If a drop-in center chooses to include outdoor play, the drop-in center ~~shall meet~~center meets the requirements of paragraph (A)(5) of rule ~~5101:2-12-17~~5180:2-12-17 of the Administrative Code.
- ~~(L)~~(M) "Employee" means ~~a person~~an individual who ~~either~~ receives compensation for duties performed in a licensed child care center; or ~~has~~who is assigned specific work working hours or duties in a licensed child care center. This includes contracted employees or self-employed individuals who are compensated by the program and who have unsupervised access to children in care.
- ~~(M)~~(N) "Field trips" means infrequent or irregularly scheduled excursions from the center.
- ~~(N)~~ "Food supplement" means ~~a vitamin, mineral, or combination of one or more vitamins, minerals and/or energy-producing nutrients (carbohydrate, protein or fat) used in addition to meals or snacks.~~
- (O) "Infant" means a child who is under eighteen months of age.
- (P) "License capacity" is the maximum number of children who may be cared for in a child care center at any one time. License capacity is indicated on the license. License capacity is not the same as the total number of children enrolled in the center or attending the center on any given day. Children away from the center on a field trip or a special outing, and under the supervision of a child care staff member, ~~shall be~~are included in the count for license capacity.
- ~~(Q)~~ "Medical food" means food that is formulated to be consumed under the supervision of a physician, physician assistant (PA), or advanced practice registered nurse (APRN) and which is intended for the specific dietary management of a disease or condition.

- ~~(Q)~~(R) "Medication" means any substance or preparation which is used to prevent or treat a wound, injury, infection, infirmity, or disease. This includes medication that is over the counter, or prescribed or recommended by a licensed dentist, licensed physician, physician assistant (PA), or advance practice registered nurse (APRN) certified to prescribe medication, and permitted by the parent for administration or application.
- (S) "Mobile preschool" means a part-time preschool unit operated by a licensed child care center with a movable classroom that uses no permanent building on a regular basis. Mobile preschool is a type of non-traditional care pursuant to rule 5180:2-12-21 of the Administrative Code.
- ~~(R)~~(T) "Moderate risk non-compliance" means a licensure rule violation that has the potential to lead to an increased risk of harm to, or death of, a child and is observable and/or based on facts, not inferable.
- ~~(S)~~ ~~"Modified diet" means any diet eliminating the use of any one or more of the four food groups or altering the amount of food required to be served to meet one-third of the recommended dietary allowance as required by rule 5101:2-12-22 of the Administrative Code.~~
- (U) "Ohio professional registry (OPR)" is an online professional development tool for Ohio's child care professionals.
- (V) "Ohio statewide licensing system" is the Ohio department of children and youth system for child care program licensing and Step Up To Quality functions and activities.
- ~~(T)~~(W) "Owner" includes a person, as defined in section 1.59 of the Revised Code, or government entity.
- ~~(U)~~(X) "Parent" means the father or mother of a child, an adult who has legal custody of a child, an adult who is the guardian of a child, or an adult who stands in loco parentis with respect to a child, and whose presence in the home is needed as the caretaker of the child. Parent has the same meaning as "caretaker parent" as defined in section 5104.01 of the Revised Code.
- ~~(V)~~(Y) "Parent cooperative child care center", as defined in Chapter 5104. of the Revised Code, means a corporation or association organized for providing educational services only for children of its members without gain to the corporation. Ownership and control of the corporation or association rests solely with its members, and at least one parent member of the corporation is on the premises during the center's hours of operation. Parent cooperatives ~~shall~~ comply with all rules in Chapter ~~5101:2-12~~5180:2-12 of the Administrative Code except:

- (1) In reference to rule ~~5101:2-12-07~~5180:2-12-07 of the Administrative Code, the duties of the administrator of a parent cooperative may be carried out under the supervision and in conjunction with a parent board.
- (2) In reference to rule ~~5101:2-12-07~~5180:2-12-07 of the Administrative Code, the parent board of a parent cooperative, in cooperation with the administrator, may be responsible for conducting preadmission interviews.
- (3) In reference to rule ~~5101:2-12-04~~5180:2-12-04 of the Administrative Code, the parent cooperative center which does not prepare and serve food ~~shall~~is not ~~be~~ required to obtain a health department approval.

~~(W)~~(Z) "Part-time child care center," as defined in Chapter 5104. of the Revised Code, means a center that provides child care for no more than four hours per day for any child or no more than fifteen weeks per summer. Part-time child care centers ~~shall~~ comply with all rules in Chapter ~~5101:2-12~~5180:2-12 of the Administrative Code except:

- (1) In reference to rule ~~5101:2-12-20~~5180:2-12-20 of the Administrative Code, the part-time center, which does not include a nap as part of their scheduled daily program, ~~shall be required to provide~~provides only one washable cot, mat, or pad for an ill child.
- (2) In reference to rule ~~5101:2-12-07~~5180:2-12-07 of the Administrative Code, an administrator of a part-time center may have duties as a child care staff member during all hours of operation.
- (3) In reference to rule ~~5101:2-12-17~~5180:2-12-17 of the Administrative Code, only the part-time center which includes outdoor play as part of their scheduled daily program ~~shall be required to comply~~complies with all stipulations of that rule, except as indicated in paragraph (A)(5) of rule ~~5101:2-12-17~~5180:2-12-17 of the Administrative Code, for a part-time program that provides child care for no more than four hours per day for any child.

~~(X)~~(AA) "Physician" means a person issued a certificate to practice in accordance with Chapter 4731. of the Revised Code and rules adopted by the state medical board or a comparable body in another state.

~~(Y)~~(BB) "Physician assistant (PA)" means a person who has obtained a valid certificate to practice in accordance with Chapter 4730. of the Revised Code and rules adopted by the state medical board or a comparable body in another state.

~~(Z)~~(CC) "Preschool child" means a child who is three years old or older but is not a school-age child.

~~(AA)~~(DD) "Public children services agency (PCSA)" means an entity specified in section 5153.02 of the Revised Code that has assumed the powers and duties of the children services function prescribed by Chapter 5153. of the Revised Code for a county.

~~(BB)~~(EE) "Routine trips" means repeated excursions off the center premises which regularly occur on a previously scheduled basis and that parents have been made aware of the destinations of the trip.

~~(CC)~~(FF) "School-age child" means a child who is enrolled in or is eligible to be enrolled in 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.

~~(DD)~~(GG) "Serious risk non-compliance" means a licensure rule violation that has the potential to lead to a great risk of harm to, or death of, a child and is observable and/or based on facts.

~~(EE)~~(HH) "Special needs child care" ~~means child~~ refers to care provided ~~to~~ for a child ~~who is less than under the age of eighteen who: years of age and either has one or more chronic health conditions or does not meet age appropriate expectations in one or more areas of development, including social, emotional, cognitive, communicative, perceptual, motor, physical, and behavioral development and that may include on a regular basis such services, adaptations, modifications, or adjustments needed to assist in the child's function or development.~~

(1) Has one or more chronic (ongoing) health conditions; or

(2) Requires additional support due to severe developmental differences in one or more of the following areas:

(a) Social development.

(b) Emotional development.

(c) Cognitive development.

(d) Communication skills.

(e) Perception skills.

(f) Perception and sensory processing.

(g) Motor skills.

(h) Physical health or mobility.

(i) Behavioral development.

(3) These needs require regular and ongoing adaptations and/or daily specialized support to support their child's development. As a result, the level of care needed is significantly increased and leads to ongoing additional expenses for the child care program.

(II) "Supervision" means the process of overseeing care of a child or group of children in a licensed child care center and includes the duty to keep children safe from harm.

~~(FF)~~(JJ) "Toddler" means a child who is at least eighteen months of age but less than three years of age.

~~(GG)~~(KK) "Transitioning child" means any child enrolled in a center who, for easy adjustment, is temporarily being placed with a group prior to being permanently assigned to that group.

(LL) "Visitor" means an individual who is not considered an employee but may be temporarily present in the program. A visitor does not have assigned duties, is not used in ratio, or left alone with children.

~~(HH)~~(MM) "Voluntary temporary closure" means the program requests to stop serving children, but not close the license. A voluntary temporary closure shall not exceed twelve months.

(NN) "Volunteer" means an individual who is not considered an employee. A volunteer may have duties but is not compensated, not counted in ratio, and is not left alone with children.

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5180:2-12-02 **Application and amendments ~~for a child care center~~
license.**

(A) What is the application process to establish or operate a licensed child care center?

The owner or owner's representative is to:

- (1) Complete a professional registry profile through the Ohio professional registry (OPR) ~~at <https://www.ocerra.org/opr>.~~
- (2) Register online through the OPR and complete the required center prelicensing training. The prelicensing training shall have been taken within the five years prior to application for a license.
- (3) Complete an initial application online in the Ohio ~~child statewide~~ licensing and quality system (OCLQS) ~~at <https://oclqs.force.com>~~ and submit the fee of fifty dollars to the Ohio department of ~~job and family services (ODJFS)~~ children and youth (DCY).
 - (a) The application fee submitted with an application is nonrefundable and shall not be credited or transferred to any other application.
 - (b) The application is considered filed with the ~~ODJFS~~ Ohio statewide licensing system as of the date it is received electronically and the payment has cleared.
 - (c) The application will be deleted from the system after one hundred twenty days if the fee payment is not received.
 - (d) Any application submitted without complete and accurate information will need to be amended with complete and accurate information before being licensed.
 - (e) The application will be deleted and the fee forfeited if the center is not ready to be licensed after twelve months.
- (4) Notify in ~~OCLQS~~ the Ohio statewide licensing system if the owner or owner's representative wants to voluntarily withdraw the application. This results in a forfeiture of the application fee.

(B) What additional items shall be submitted during the application process?

~~The items listed in appendix A to this rule are required and shall be completed and submitted prior to licensure.~~

(1) A background check is to be requested at the time of application in accordance with rule 5180:2-12-09 of the Administrative Code.

(2) The following items will be completed and submitted prior to licensure:

(a) Documentation of building inspection pursuant to rule 5180:2-12-04 of the Administrative Code. A license will not be issued without the Certificate of occupancy issued pursuant to rule 5180:2-12-04 of the Administrative Code. Programs operating in a school building, as defined in section 3301.55 of the Revised Code, serving only children ages two and one half years and older are exempt from this requirement.

(b) Name of administrators and documentation that they meet the qualifications as outlined in rule 5180:2-12-07 of the Administrative Code.

(c) When the owner is an individual, the name of the individual owner. When the owner is a corporation, business trust, estate trust, partnership or association, the name of each individual with an ownership interest.

(d) Documentation of business entity registered with a local, state or federal agency, if applicable.

(e) A detailed and labeled site plan that includes: An indoor plan of the space proposed to be used to care for children and an outdoor play space diagram that includes the space used by children in care.

(f) Fire inspection issued pursuant to rule 5180:2-12-04 of the Administrative Code.

(g) Valid food service operation license, exemption status, and/or food processing establishment registration with the Ohio department of agriculture (ODA) issued pursuant to rule 5180:2-12-04 of the Administrative Code.

(C) How will license capacity be determined in a newly issued license?

Unless otherwise requested by the licensee, local certified building department, the Ohio department of commerce, state fire marshal or local fire safety inspector, the license capacity will be the maximum allowable.

~~(C)~~(D) Does the child care center license need to be visible?

The license is to be visible to parents at all times.

~~(D)~~(E) Can a child care center license be issued to an address or space that is currently licensed for family child care or a child care center?

A child care center license shall not be issued to any address that is currently licensed as a family child care home, or any space licensed for use by another child care center.

~~(E)~~(F) Will the license be a continuous license?

The license shall be a continuous license unless:

- (1) The center is in the provisional period pursuant to rule ~~5101:2-12-06~~5180:2-12-06 of the Administrative Code.
- (2) The center moves to a new address and does not propose a change of location amendment pursuant to ~~paragraph (G)~~ of this rule.
- (3) The owner of the center, ~~which can be a corporation or partnership as defined in 5180:2-12-01 of the Administrative Code~~, changes. This includes if the corporation or partnership no longer exists.
- (4) The center voluntarily surrenders the license by notifying ~~the ODJFS in OCLQS DCY~~ in the Ohio statewide licensing system.
- (5) It is revoked pursuant to rule ~~5101:2-12-05~~5180:2-12-05 of the Administrative Code.

~~(F)~~(G) What is the process to change or amend a license?

- (1) The center is to submit a request and all applicable documents in ~~OCLQS~~the Ohio statewide licensing system.
- (2) What information can be amended on an existing license?
 - (a) Name of administrator.
 - (b) License capacity.
 - (c) Change of location of the program.
- (3) What is the timeline for requesting an amendment?
 - (a) For a change in administrator, the center is to submit the amendment, with qualifications pursuant to rule ~~5101:2-12-07~~5180:2-12-07 of the Administrative Code for the new administrator, within ~~thirty~~sixty days. This

includes when an existing administrator is on temporary leave for ninety or more days.

(b) For a change in capacity, the center shall request and be approved for the amendment prior to serving additional children. This includes submitting all corrective action plans required pursuant to rule ~~5101:2-12-03~~5180:2-12-03 of the Administrative Code.

(c) For a change in location, the center shall request the amendment at least thirty days prior to the last day at the current location. Failure to request within thirty days may result in a gap of care. Care shall not begin until the license has been transferred to the new location.

(4) What are the requirements if a center wants to permanently move to a different location?

The center is to:

(a) Comply with paragraph ~~(F)(3)(e)~~(G)(3)(c) of this rule.

(b) Submit all required documents ~~listed in appendix B to this rule~~ prior to licensure at the new location:

(i) Documentation of building inspection pursuant to rule 5180:2-12-04 of the Administrative Code. A license will not be issued without the Certificate of occupancy issued pursuant to rule 5180:2-12-04 of the Administrative Code.

(ii) A detailed and labeled site plan that includes: An indoor plan of the space proposed to be used to care for children and an outdoor play space diagram that includes the space used by children in care.

(iii) Fire inspection issued pursuant to rule 5180:2-12-04 of the Administrative Code.

(iv) Valid food service operation license, or exemption status, and/or food processing establishment registration issued pursuant to rule 5180:2-12-04 of the Administrative Code.

(c) Submit a fee of fifty dollars in ~~OCLES~~the Ohio statewide licensing system thirty days prior to the proposed move.

(d) Comply with an inspection at the new location and any applicable determinations of license capacity for the new location.

- (e) Cease child care operations at the original center location at the time the license is issued for the new address.
- (f) If care ceases at the old location before the new location is ready to be licensed, the program may be temporarily closed pursuant to ~~paragraph (G)~~ of this rule.
- (g) If the new location is unable to be licensed within ninety days after the request, the request for amendment will be closed, which results in forfeiture of the application fee.

(5) What are the requirements if a center needs to temporarily provide care in a different location?

- (a) If the center is temporarily unable to provide care in the licensed location because the location has been deemed unsafe for care of children by the building department, fire department, local health department, local law enforcement or other government agency, the center may request to temporarily provide care in a new location.
 - (i) The center shall send a written request to ~~ODJFS~~ DCY and comply with an inspection of the temporary location prior to providing care at the temporary location.
 - (ii) The written request shall include written documentation from the government agency that deemed the location to be unsafe for care of children and shall include the plan and timeline for addressing the needs of the licensed location.
 - (iii) Prior to resuming care at the licensed location, the center shall provide written approval to ~~ODJFS~~ DCY from the government agency that has deemed the location safe to resume care of children.
- (b) If the center is unable to return to the licensed location within one hundred eighty days, the center shall notify DCY thirty days prior to the end of one hundred eighty days and follow the process for a permanent change of location pursuant to ~~paragraph (F)(4)~~ of this rule. There are no extensions for a temporary change of location.

~~(G)~~(H) How shall an administrator, owner or owner's representative request a voluntary temporary closure/inactive status for ~~a~~the license of a child care center?

(1) The administrator, owner or owner's representative is to request the temporary closure status in ~~OCLES~~the Ohio statewide licensing system. The program license will then be considered "inactive" in the system.

(2) The temporary closure/inactive status shall not exceed twelve months.

(3) The center shall not serve any children during the temporary closure/inactive status.

(4) If the center does not have children enrolled for more than one hundred and twenty days, they must submit a temporary closure.

~~(4)(5)~~ If the center is closed for at least six months, the center may be required to will comply with an inspection prior to the end of the temporary closure/inactive status and prior to serving children again.

~~(5)(6)~~ If at the end of the twelve months, the center has not requested in ~~OCLES~~the Ohio statewide licensing system to reinstate the license or is not able to be re-opened, the ~~ODJFS~~DCY may close the license without hearing rights afforded by Chapter 119. of the Revised Code.

~~(H)(I)~~ What information will the center keep current in ~~OCLES~~the Ohio statewide licensing system?

(1) Mailing address.

(2) Telephone number.

(3) Email address.

(4) Days and hours of operation.

(5) Services offered.

(6) Name of program.

(7) Ohio secretary of state entity number, if applicable.

(8) Private pay rates.

~~(H)(J)~~ What if an individual listed in ~~OCLES~~the Ohio statewide licensing system as a legal business owner (as defined in section 5104.03 of the Revised Code) changes?

The center is to log into ~~OCLES~~the Ohio statewide licensing system to complete and submit the information within thirty days of the change.

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Appendix A to Rule 5101:2-12-02 ***RESCINDED****Required Documents During the Application Process**

The following documents shall be submitted at the time of application for a licensed child care center:

- Documentation of building approval issued pursuant to rule 5101:2-12-04 of the Administrative Code. Note: A license will not be issued without the Certificate of occupancy issued pursuant to rule 5101:2-12-04 of the Administrative Code.
- Name of administrator and documentation that they meet the qualifications as outlined in rule 5101:2-12-07 of the Administrative Code.
- Articles of incorporation, if applicable.
- JFS 01250 "Plan of Operation for Child Care" and any necessary attachments.
- Fire inspection approval issued pursuant to rule 5101:2-12-04 of the Administrative Code.
- Valid food service operation license, exemption status, and/or food processing establishment registration with the Ohio department of agriculture (ODA) issued pursuant to rule 5101:2-12-04 of the Administrative Code.
- Written information for parents and employees as required in rule 5101:2-12-07 of the Administrative Code.
- Written disaster plan for the center as required in rule 5101:2-12-16 of the Administrative Code.

Note: Requests for background checks in the Ohio Professional Registry (OPR) and fingerprints for the bureau of criminal investigation (BCI) and federal bureau of investigation (FBI) criminal records checks for the owner(s) and administrator(s) are to be submitted at the time of application in accordance with rule 5101:2-12-09 of the Administrative Code.

Appendix B to Rule 5101:2-12-02 ***RESCINDED****Required Documents for a Permanent Change of Location**

The following documents are to be submitted at the time of a request for permanent change of location for a licensed child care center:

- Documentation of building approval issued pursuant to rule 5101:2-12-04 of the Administrative Code. Note: A license will not be issued without the Certificate of occupancy issued pursuant to rule 5101:2-12-04 of the Administrative Code.
- JFS 01250 "Plan of Operation for Child Care" and any necessary attachments.
- Fire inspection approval issued pursuant to rule 5101:2-12-04 of the Administrative Code.
- Valid food service operation license, or exemption status, and/or food processing establishment registration issued pursuant to rule 5101:2-12-04 of the Administrative Code.

5180:2-12-03

**Compliance inspection and complaint investigation of a
~~licensed child care center.~~**

(A) What compliance inspections are required for child care centers?

- (1) At least one inspection prior to the initial issuance of a provisional license.
- (2) At least two inspections during the provisional period.
- (3) At least one inspection each state fiscal year after the issuance of the continuous license. Compliance inspections completed in the state fiscal year pursuant to paragraph (A)(2) of this rule meet this requirement.
- (4) Any complaint investigations involving the center.
- (5) At least one inspection will be unannounced.

~~(B) Will inspections be announced or unannounced?~~

~~At least one inspection shall be unannounced and all inspections may be unannounced.~~

~~(C)~~(B) What is required of a licensed center for an inspection and/or complaint investigation?

The licensed child care center shall allow the Ohio department of ~~job and family services (ODJFS)~~children and youth (DCY) to:

- (1) Complete an inspection of all areas where child care is provided, children have access to and all areas used to verify compliance with Chapter ~~5101:2-12~~5180:2-12 of the Administrative Code and Chapter 5104. of the Revised Code.
- (2) Review required records and documentation.
- (3) Interview or take statements from anyone pertinent to the investigation which may include any of the following:
 - (a) Building officials, fire department inspectors, sanitarians, public health or other state or local officials.
 - (b) Neighbors.
 - (c) Parents and relatives of children in care.
 - (d) Staff of the public children services agency (PCSA).

(e) Anyone mentioned by the complainant.

(f) Law enforcement personnel.

(g) Current and past center employees.

(h) Other witnesses.

(4) Document findings in writing or in photographs or by any other means.

(C) What is a licensing inspection non-compliance?

(1) A licensing inspection non-compliance is a licensure rule violation. Inspections could result in moderate or serious risk findings.

(2) Non-compliance findings differ in level of severity, depending on the potential to lead to a risk of harm to a child, and are observable and/or based on facts. Moderate and serious risk non-compliances are assigned point values and the annual accumulated points may result in DCY licensing or step up to quality (SUTQ) actions pursuant to section 5104.29 of the Revised Code.

(a) Moderate risk non-compliances (MRNC) may lead to an increased risk of harm to children and are worth three points.

(b) Serious risk non-compliances (SRNC) may lead to the greatest risk of harm to children and are worth six points.

(c) MRNC and SRNC are listed in appendix A to this rule.

(D) What actions may DCY take when a serious risk non-compliance occurs?

Any serious risk non-compliance described in, but not necessarily limited to this rule, as reviewed by DCY at its discretion may result in any of the following:

(1) Denial of a license application or approval for a non-expiring or continuous license.

(2) Revocation of a license.

(3) Reduction or removal of a quality rating.

(4) Loss of funding.

~~(D)~~(E) What are additional requirements for a licensed center as a result of an inspection and/or complaint investigation?

The center is to:

- (1) Complete and submit a corrective action plan in the Ohio ~~child licensing and quality system (OCLQS)~~statewide licensing system addressing the non-compliances detailed in the inspection report within the time frame requested in the inspection report.
- (2) Not misrepresent, falsify or withhold information from ~~ODJFS~~DCY.
- (3) Pursuant to section 5104.043 of the Revised Code, provide a written or electronic notice of the ~~serious risk non-compliance (SRNC)~~(SRNC) to all parents of enrolled children within fifteen business days of receipt of the non-compliance, if ~~ODJFS~~DCY determines that an act or omission of a child care center constitutes a SRNC pursuant to appendix A to this rule.
 - (a) The notice is to include a statement informing each parent of the web site maintained by ~~ODJFS~~DCY and the location of further information regarding the determination.
 - (b) If the center requests a review of the finding pursuant to paragraph ~~(F)~~(G) of this rule, and the finding is upheld, the notice to parents is to be sent within five business days of receipt of the decision by ~~ODJFS~~DCY.
 - (c) The center will need to provide a copy of the notice to ~~ODJFS~~DCY.
 - (d) The requirements of section 5104.043 of the Revised Code do not apply if ~~ODJFS~~DCY suspends the license of the child care center.

~~(E)~~(F) Will a licensed center have additional inspections based on non-compliances found?

All non-compliances may lead to additional inspections or compliance materials required by ~~ODJFS~~DCY.

~~(F)~~(G) What if the center does not agree with the licensing findings?

~~The center may complete and submit a JFS 01155 "Request for Review for Licensing and Step Up To Quality" with any applicable documentation within seven business days from the receipt of the inspection report.~~

- (1) The center may request a review of a non-compliance finding in the Ohio statewide licensing system within ten business days from the receipt of the inspection report.

(2) The center may elect to participate in an initial review of the request with a DCY representative.

(3) Following an initial review, the center may elect to participate in a committee review of the request with a DCY committee.

(4) The committee's decision will be considered final.

~~(G)~~(H) Are licensing inspection records available to the public?

(1) Inspections may be viewed using the child care search tool on the DCY website at <http://childcaresearch.ohio.gov/>.

(2) An individual may submit a written request to ~~ODJFS~~DCY for a copy of the center's licensing record.

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Appendix A to Rule 5180:2-12-03

Moderate and Serious Risk Non-Compliances and Point Values for Child Care Centers**5180:2-12-03 Compliance inspection and complaint investigation.****Serious Risk Non-Compliance (6 Points)**

- Owner, administrator, child care staff member, or employee refuses the department of children and youth (DCY) access to program.
- Administrator/owner falsifies information to DCY.

5180:2-12-04 Building department, fire inspection and food service licensure.**Moderate Risk Non-Compliance (3 Points)**

- Food Service License – Center unable to obtain or maintain license due to violations or is serving food with no license.
- Fire Inspection- Center has an expired fire inspection or update not requested at least 30 days prior to expiration. Center exceeds room/building occupancies; or cares for children on an unapproved floor, in a room not approved for care or in a room not approved for age group.

5180:2-12-09 Background checks.**Moderate Risk Non-Compliance (3 Points)**

- Background check request not submitted or fingerprints not submitted.
- Administrator, employee or child care staff member working at the program and preliminary approval not on file or in the Ohio professional registry (OPR).
- Child care staff member left alone with a child(ren) and preliminary approval or DCY 01176 is not on file or in the OPR.
- Background check is expired and not updated.

Serious Risk Non-Compliance (6 Points)

- Owner has an ineligible background check.
- Administrator, employee or child care staff member is not eligible for employment and remains employed.
- Owner, owner's representative, administrator, employee or child care staff member refuses to submit a background check request or refuses to submit fingerprints.

5180:2-12-11 Indoor and outdoor space.**Moderate Risk Non-Compliance (3 Points)**

- "S" hooks not closed appropriately, equipment and/or ropes not securely anchored or entrapment hazards exist.
- Protective surfacing is required but inadequate or missing under equipment used for climbing, swinging, balancing, and sliding.
- Fence or barrier missing or inadequate.
- Unsafe route to off-site space.

5180:2-12-12 Safe equipment and environment.**Moderate Risk Non-Compliance (3 Points)**

- Chemicals or unsafe equipment (lawnmowers, power tools accessible, etc.) are accessible to children.
- Children not protected from unsafe items, conditions or situations.
- Space heaters used without approval.
- No mats under indoor climbing equipment.
- Alcohol accessible in spaces used for child care and/or while child(ren) is present.

Serious Risk Non-Compliance (6 Points)

- Weapons, firearms or ammunition materials are found on the premises and there's no valid exemption, or are carried by someone with a valid exemption but are accessible to children.
- Illegal drugs on premises within access or brought in by a staff member in spaces used for child care and/or while child(ren) is present.

5180:2-12-14 Transportation and field trip safety.**Moderate Risk Non-Compliance (3 Points)**

- Inspection not completed or not updated annually, inspection not completed by Automotive Service Excellence (ASE) certified mechanic or approved entity, driving a vehicle without correcting the noted violations or vehicle type not permitted to be used.
- Exiting/entering vehicle not from the curb.
- Transporting a child under 12 years old in the front seat; not using required seat belts and/or car seats; more than one child in a seat belt; children sitting on floor or standing in a moving vehicle; not ensuring that all passengers adhere to the state of Ohio's child restraint law when transporting children in care.
- Child's health care plan documentation and/or specific items required on the health care plan documentation not available on trip.
- Not meeting additional adult requirements.

Serious Risk Non-Compliance (6 Points)

- Driver not 18 years old.
- Driver is not appropriately licensed, has a suspended license or has a license that expired more than 6 months ago.
- Driver is under the influence of drugs, alcohol or other substances which could impair driving.

5180:2-12-15 Child records.**Moderate Risk Non-Compliance (3 Points)**

- Health care plan documentation not implemented, not on file or not followed.
- No trained staff on-site when child is present or on field trip with child or non-trained staff performed procedure on child.

5180:2-12-18 Group size and ratios.**Moderate Risk Non-Compliance (3 Points)**

- Program is out of ratio.
- Program exceeds license capacity.
- Additional employee or child care staff member required but not present.

5180:2-12-19 Supervision of children and child guidance.**Moderate Risk Non-Compliance (3 Points)**

- Child left unattended inside the facility building.
- Employee or child care staff member uses prohibited disciplinary techniques.
- Staff under the influence of a substance which impairs their ability to supervise children who are present.

Serious Risk Non-Compliance (6 Points)

- Child unattended outside of facility building, during a swimming activity or any time child is off site.
- Child completely alone in building (no adults).
- Program fails to report suspected abuse/neglect/endangerment.
- Owner or administrator uses prohibited disciplinary techniques or there is a substantiated public children's services agency (PCSA) finding of abuse, neglect or endangerment for any employee, child care staff member, owner or administrator.
- Child(ren) not protected from harm which resulted in a serious incident or injury.

5180:2-12-20 Sleeping and napping.**Moderate Risk Non-Compliance (3 Points)**

- Child placed in crib with object which poses suffocation/strangulation risk (bibs, pacifier clips/ribbons, teething jewelry, blankets, pillows, boppies, bumper pads, etc.).
- Stacked cribs are used, cribs do not meet size requirements, cribs are unstable or cribs do not meet the Consumer Product Safety Commission standards.
- Something other than a crib is used for sleeping or napping.
- DCY 01235 sleep position waiver needed but not on file.

5180:2-12-21 Non-traditional care.**Moderate Risk Non-Compliance (3 Points)**

- Evening and overnight care staff responsible for supervising children are asleep.
- Evening and overnight care child(ren) is asleep on unapproved floor of the building.
- Vehicle not approved for use as a mobile preschool.
- Mobile preschool vehicle transported children.
- Mobile preschool vehicle not parked securely or secured with wheel chocks.

5180:2-12-22 Meal preparation-and nutrition.

Moderate Risk Non-Compliance (3 Points)

- Child in attendance more than four hours without being offered a meal.

5180:2-12-23 Infant care and diaper care.

Moderate Risk Non-Compliance (3 Points)

- Breast milk given to wrong child.
- Container used for heating bottles was accessible to children.

5180:2-12-24 Swimming and water safety.

Serious Risk Non-Compliance (6 Points)

- No lifeguard present during water activity or lifeguard is used to meet ratio.
- Staff not actively supervising.
- Swimming site accessible to child(ren) without staff supervision when not in use.
- Child(ren) younger than school-age swimming in lakes, ponds, rivers, etc.

5180:2-12-25 Medication administration.

Moderate Risk Non-Compliance (3 Points)

- Health care plan and permission to give medication forms not on file or not followed, no current label or physician's instructions on prescription medication, medication not in original container.
- Medication accessible to child(ren).
- Medication instructions not followed.

Serious Risk Non-Compliance (6 Points)

- Medication was administered to the wrong child, or the wrong dosage was administered to the child.

Moderate and Serious Risk Non-Compliances and Point Values for Child Care Centers

All non-compliances not identified as a moderate risk or serious risk below are valued as 1 point.

5101:2-12-03 Compliance inspection and complaint investigation of a licensed child care center

Serious Risk Non-Compliance (6 Points)

- Owner, administrator, child care staff member, or employee refuses ODJFS access to program.
- Administrator/owner falsifies information to ODJFS.

5101:2-12-04 Building department, fire inspection and food service licensure for a licensed child care center

Moderate Risk Non-Compliance (3 Points)

- Food Service License – Center unable to obtain or maintain license due to violations or is serving food with no license.
- Fire Inspection – Unable to complete inspection with no violations or update not requested at least 30 days prior to expiration.
- Center exceeds room/building occupancies; or cares for children on an unapproved floor, in a room not approved for care or in a room not approved for age group.

5101:2-12-09 Background check requirements for a licensed child care center

Moderate Risk Non-Compliance (3 Points)

- Background check request not submitted, or fingerprints not submitted.
- Administrator, employee or child care staff member engaged in assigned duties or near children and preliminary approval not on file or in the Ohio professional registry (OPR).
- Child care staff member left alone with a child(ren) and JFS 01176 is not on file or in the OPR.
- Background check is expired and not updated.

Serious Risk Non-Compliance (6 Points)

- Owner has an ineligible background check.
- Administrator, employee or child care staff member is not eligible for employment and remains employed.
- Owner, owner's representative, administrator, employee or child care staff member refuses to submit a background check request or refuses to submit fingerprints.

5101:2-12-11 Indoor and outdoor space requirements for a licensed child care center

Moderate Risk Non-Compliance (3 Points)

- "S" hooks not closed appropriately, equipment and/or ropes not securely anchored or entrapment hazards exist.
- Protective surfacing is required but inadequate or missing under equipment used for climbing, swinging, balancing, and sliding.
- Fence or barrier missing or inadequate.
- Unsafe route to off-site space.

5101:2-12-12 Safe equipment and environment for a licensed child care center

Moderate Risk Non-Compliance (3 Points)

- Chemicals or unsafe equipment (lawnmowers, power tools accessible, etc.) are accessible to children.
- Children not protected from unsafe items, conditions or situations.
- Space heaters used without approval.
- No mats under indoor climbing equipment.
- Illegal drugs on premises or alcohol accessible in area used for child care.

Serious Risk Non-Compliance (6 Points)

- Weapons, firearms or ammunition materials are found on the premises and there's no valid exemption or are carried by someone with a valid exemption but are accessible to children.

5101:2-12-14 Transportation and field trip safety for a licensed child care center

Moderate Risk Non-Compliance (3 Points)

- Inspection not completed or not updated annually, inspection not completed by Automotive Service Excellence (ASE) certified mechanic or approved entity, driving a vehicle without correcting the noted violations or vehicle type not permitted to be used.
- Exiting/entering vehicle not from the curb.

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- Transporting a child under 12 years old in the front seat; not using required seat belts and/or car seats; more than one child in a seat belt; children sitting on floor or standing in a moving vehicle; not ensuring that all passengers adhere to the state of Ohio's child restraint law when transporting children in care. - Child's JFS 01236 and/or specific items required on the JFS 01236 not available on trip. - Not meeting additional adult requirements. Serious Risk Non-Compliance (6 Points) - Driver not 18 years old. - Driver is not appropriately licensed, has a suspended license or has a license that expired more than 6 months ago. - Driver is under the influence of drugs, alcohol or other substances which could impair driving.
5101:2-12-15 Child record requirements for a licensed child care center Moderate Risk Non-Compliance (3 Points) - JFS 01236 incomplete, not implemented, not on file or not followed. - No trained staff on-site when child is present or on field trip with child or non-trained staff performed procedure on child.
5101:2-12-18 Group size and ratios for a licensed child care center Moderate Risk Non-Compliance (3 Points) - Program is out of ratio. - Program exceeds license capacity. - Additional employee or child care staff member required but not present.
5101:2-12-19 Supervision of children and child guidance for a licensed child care center Moderate Risk Non-Compliance (3 Points) - Child left unattended. - Child care staff member uses prohibited disciplinary techniques. - Staff under the influence of a substance which impairs their ability to supervise children who are present. Serious Risk Non-Compliance (6 Points) - Child unattended outside of facility building, during a swimming activity or any time child is off site. - Child completely alone in building (no adults). - Program fails to report suspected abuse/neglect/endangerment. - Owner or administrator uses prohibited disciplinary techniques. - Substantiated public children's services agency finding of abuse, neglect or endangerment for any employee, child care staff member, owner or administrator. - Child(ren) not protected from harm which resulted in a serious incident or injury.
5101:2-12-20 Sleeping and napping requirements for a licensed child care center Moderate Risk Non-Compliance (3 Points) - Child placed in crib with object which poses suffocation/strangulation risk (bibs, pacifier clips/ribbons, teething jewelry, blankets, pillows, boppies, bumper pads, etc.). - Stacked cribs are used, cribs do not meet size requirements, cribs are unstable, or cribs do not meet the Consumer ProductSafety Commission standards. - Something other than a crib is used for sleeping or napping. - JFS 01235 sleep position waiver needed but not on file.
5101:2-12-21 Evening and overnight care for a licensed child care center Serious Risk Non-Compliance (6 Points) - Staff responsible for supervising children are asleep. - Child(ren) are asleep on unapproved floor of the building.
5101:2-12-22 Meal preparation/nutritional requirements for a licensed child care center Moderate Risk Non-Compliance (3 Points) Supplemental food not onsite, meals or snacks provided do not meet the requirements of the rule.
5101:2-12-23 Infant care and diaper care for a licensed child care center Moderate Risk Non-Compliance (3 Points)

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- Breast milk given to wrong child.
- Container used for heating bottles was accessible to children.

5101:2-12-24 Swimming and water safety requirements for a licensed child care center

Serious Risk Non-Compliance (6 Points)

- No lifeguard present during water activity or lifeguard is used to meet ratio.
- Staff not actively supervising.
- Swimming site accessible to child(ren) without staff supervision when not in use.
- Child(ren) swimming in lakes, ponds, rivers, etc.

5101:2-12-25 Medication administration for a licensed child care center

Moderate Risk Non-Compliance (3 Points)

- JFS 01217 incomplete, not on file or not followed, no current label or physician's instructions on prescription medication, medication not in original container.
- Medication accessible to child(ren).
- Medication instructions not followed, or the wrong dosage was administered to the child.

Serious Risk Non-Compliance (6 Points)

- Medication was administered to the wrong child.

5180:2-12-05 **Denial, revocation and suspension of a ~~licensed child care center~~an application or license.**

(A) What does "owner" mean?

(1) For purposes of paragraphs (C) and (E) of this rule, "owner" is defined in rule ~~5101:2-12-01~~5180:2-12-01 of the Administrative Code, except that "owner" also includes a firm, organization, institution or agency, as well as any individual governing board members, partners, or authorized representatives of the owner as defined in section 5104.03 of the Revised Code.

(2) For all other paragraphs of this rule, "owner" is as defined in rule ~~5101:2-12-01~~5180:2-12-01 of the Administrative Code.

(B) What are the reasons an applicant may have an application denied or a licensed child care center may have a provisional or continuous license revoked?

(1) The center is not in compliance with Chapter ~~5101:2-12~~5180:2-12 of the Administrative Code or Chapter 5104. of the Revised Code.

(2) The owner or administrator has been determined not eligible to own a child care program or to be employed in a child care program as a result of the background check requirements pursuant to rule ~~5101:2-12-09~~5180:2-12-09 of the Administrative Code.

(3) The center fails to submit documentation or information requested by the Ohio department of ~~job and family services (ODJFS)~~children and youth (DCY) within required time frames.

(4) The center has refused to allow ~~ODJFS~~DCY staff access onto its premises or to any area used for child care.

(5) The center has furnished or made misleading or false statements or reports to ~~ODJFS~~DCY.

(6) Failure of any person, firm, partnership, organization, institution, or agency to cooperate with the ~~ODJFS~~DCY or any state or local official when performing duties required by Chapter 5104. of the Revised Code and Chapter ~~5101:2-12~~5180:2-12 of the Administrative Code.

(C) What happens if an application is in the process of being denied or a provisional or continuous license is in the process of being revoked?

- (1) If an application for a child care center, type A home or type B home has been issued a notice of intent to deny, no new application for a child care center license shall be processed for the owner until after the completion of the denial process.
- (2) If a provisional or continuous license for a child care center, type A home or type B home has been issued an intent to revoke, no new application for a child care center license shall be processed for the same owner until after the completion of the revocation process.
- (3) If the child care center has been issued a notice of intent to revoke the program's license, the center is to notify the families of all enrolled children and post the notice of intent in a noticeable location within forty-eight hours of receipt of the notice.

(D) What if a center voluntarily surrenders the license or voluntarily withdraws the application during the revocation or denial process?

The voluntary surrender of a license or the withdrawal of an application for licensure shall not prohibit ~~ODJFS~~DCY from revoking a license or denying an application.

(E) What happens if an application has previously been denied, or a provisional or continuous license, or an in-home aide certification is revoked?

- (1) If a license of a child care center, type A home, or type B home is revoked, another license shall not be issued to the owner of the center, type A home, or type B home until five years have elapsed from the date the license was revoked.
- (2) If an application for a child care center, type A home, or type B home license is denied, the applicant shall not be licensed until five years have elapsed from the date the application was denied.
- (3) If the certification of an in-home aide is revoked, the applicant shall not be issued a child care center license until five years have elapsed from the date the certification was revoked.

(F) Which licensing actions by ~~ODJFS~~DCY give the center rights to an adjudicatory hearing, in accordance with the requirements of Chapter 119. of the Revised Code?

- (1) Denial of an application.
- (2) Revocation of an existing license, either provisional or continuous.

- (3) The finding of jurisdiction in accordance with rule ~~5101:2-12-01~~5180:2-12-01 of the Administrative Code.
- (4) Issuance of a license with authorization for license capacity which does not agree with the authorization sought by the center.
- (5) Denial of a continuous license at the expiration of the center's provisional license.

(G) When can ~~ODJFS~~DCY suspend a license?

~~ODJFS~~DCY may immediately suspend the license of a center if ~~ODJFS~~DCY determines that any of the following have occurred:

- (1) A child dies or suffers a serious injury while receiving child care by the center.
- (2) A public children services agency (PCSA) accepts a complaint of abuse or neglect pursuant to section 2151.421 of the Revised Code on any of the following people:
 - (a) The center owner or owner's representative.
 - (b) The center administrator, if the administrator has not been released from employment or put on administrative leave.
 - (c) An employee of the center, if the employee has not been immediately released from employment or put on administrative leave.
- (3) Any of the following people have been charged by indictment, information, or complaint with an offense relating to the abuse or neglect of a child:
 - (a) The center owner or owner's representative.
 - (b) The center administrator, if the administrator has not been released from employment or put on administrative leave.
 - (c) An employee of the center, if the employee has not been released from employment or put on administrative leave.
- (4) ~~ODJFS~~DCY or a county agency determines that the center created a serious risk to the health or safety of a child receiving child care in the center that resulted in or could have resulted in a child's death or injury.
- (5) ~~ODJFS~~DCY determines that the owner or licensee of the center does not meet the requirements of section 5104.013 of the Revised Code.

(H) What happens if a center's license is suspended?

- (1) Upon receipt of a written suspension order from ~~ODJFS~~SDCY, delivered either by ~~certified mail or~~ in person, the center shall:
 - (a) Immediately stop providing care to all children.
 - (b) Provide written notification of the suspension to the parents of all children enrolled in the center.
- (2) Signature is required for delivery. Refusal of delivery by personal service or by ~~mail~~ is not failure of delivery and service shall be deemed to be complete.

(I) Can the center request a review of the decision to suspend the license?

The center may request an adjudicatory hearing before the department pursuant to sections 119.06 to 119.12 of the Revised Code.

(J) How long will the license be suspended?

The suspension shall remain in effect until ~~any of the following occurs~~the applicable items occur:

- (1) The PCSA completes its investigation pursuant to section 2151.421 of the Revised Code and determines that all of the allegations are unsubstantiated.
- (2) All criminal charges are disposed of through dismissal or a finding of not guilty.
- (3) Pursuant to Chapter 119. of the Revised Code, ~~ODJFS~~SDCY issues a final order terminating the suspension.

(K) Which ~~ODJFS~~SDCY licensing actions, ministerial in nature, are not subject to an administrative hearing?

- (1) Rejection by ~~ODJFS~~SDCY of any application for a license for procedural reasons such as, but not limited to, improper fee payment, incomplete submission of required materials or use of invalid forms.
- (2) Denial of an application pursuant to paragraph (E) of this rule.
- (3) Closing a license that has been in a temporary closure/inactive status for more than twelve months pursuant to rule ~~5101:2-12-02~~5180:2-12-02 of the Administrative Code, when the center has not requested in the Ohio statewide licensing system to reinstate the license.

- (4) Closing a license if the child care center is no longer located at the address on the license and the owner has not requested a change of location or closure pursuant to rule ~~5101:2-12-02~~5180:2-12-02 of the Administrative Code.
- (5) Closing a license if the owner of the child care center has changed.
- (6) Closing a license if, at the end of twelve months, the center is not able to be reopened.
- (7) Closing a license if children are not enrolled and attending for twenty four months and the center refuses to voluntarily permanently close the program.

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09/29/2011, 10/25/2015, 11/01/2015, 12/31/2016,
10/29/2017, 12/01/2019, 10/29/2021

5180:2-12-07 Administrators~~Administrator~~ ~~responsibilities, requirements and qualifications for a licensed child care center.~~

(A) What are the requirements to be an administrator in a licensed child care center?

- (1) Be named on the child care center license.
- (2) Written documentation verifying the administrator's qualifications is to be kept on file at the center or verified documentation is available for review in the Ohio professional registry (OPR). Administrators are to meet the education requirements detailed in appendix A to this rule.
- (3) A person named as administrator, who was promoted from within, and who does not meet the requirements of appendix A to this rule within one year of being named as administrator, is to no longer serve as the administrator. The person also is not to be named administrator at another location until the administrator qualifications have been met.
- (4) The administrator is to complete a rules review course provided by the Ohio department of ~~job and family services (ODJFS)~~children and youth (DCY).
 - (a) Administrators are to complete the rules review course within six months of the date of their appointment ~~and every five years thereafter.~~
 - (b) Administrators are to complete a rules review refresher course every five years thereafter.
 - ~~(b)(c)~~ Verification of completion of ~~the~~each rules review course is to be documented in the OPR.
- (5) The administrator is to complete the staff orientation training as prescribed by ~~ODJFS~~DCY within thirty days of being named administrator at the center or the administrator has documentation of completion of the child care center staff orientation or child care center pre-licensing training after December 31, 2016.

(B) What are the responsibilities of the administrator in a licensed child care center?

The administrator is to:

- (1) Be responsible for the daily operation of the child care center and for maintaining compliance with Chapter 5104. of the Revised Code and Chapter ~~5101:2-12~~ 5180:2-12 of the Administrative Code. Administrator duties may be shared with

other employees at the center, if applicable, but the responsibility for the daily operation remains with the center administrator.

- (2) Be on-site a minimum of one-half of the hours that the child care center is in operation during the week, or forty hours per week, whichever is less. If there is more than one administrator, at least one administrator is to meet this requirement.
- (3) For child care centers that are in operation on the weekends and/or evenings/overnights, as well as during the week, be on-site at the center at least twenty hours per week during the hours of six a.m. to seven p.m., Monday through Friday. If there is more than one administrator, at least one is to meet this requirement.
- ~~(4) Post the administrator's scheduled hours of availability to meet with parents in a noticeable location.~~
- ~~(5)~~(4) Be responsible for the creation, maintenance and implementation of the policies and procedures detailed in appendix B to this rule. Nothing in these policies shall conflict with Chapter 5104. of the Revised Code or Chapter ~~5101:2-12~~5180:2-12 of the Administrative Code, and if applicable, ~~Chapter 5101:2-16~~Chapters 5180:2-16, 5180:6-1, or 5101:2-175180:2-17 of the Administrative Code. A copy of these policies and procedures is to be available on-site at the center.
- ~~(6)~~(5) Provide the parent and all employees with the policies and ~~practices~~ procedures in appendix B to this rule.
- ~~(7)~~(6) Provide a copy of appendix C to this rule to the parents of the children enrolled in the center.
- (7) Ensure that all employees are current in required trainings in accordance with rule 5180:2-12-10 of the Administrative Code, including but not limited to, ensuring building coverage for child care staff members trained in health and safety. At a minimum, the center is to have at least one trained child care staff member on-site (in each building) during all hours of operation who meets health and safety training requirements.
- ~~(8) Make available the current licensing rules in a noticeable area on the premises. The rules may be made available via paper copy or electronically.~~
- ~~(9) Upon request, provide a parent with any information necessary for the parent to compile child care related expenses for income tax preparation, including tax identification numbers.~~

~~(10)~~(8) Cooperate with other government agencies as necessary to maintain compliance with Chapter ~~5101:2-12~~ 5180:2-12 of the Administrative Code.

~~(11) Ensure that no administrator, employee, licensee or child care staff member discriminates in the enrollment of children upon the basis of race, color, religion, sex, disability, or national origin.~~

(C) What are the OPR and documentation responsibilities for administrators in a licensed child care center?

All administrators are to:

- (1) Create or update their individual profile in the OPR.
- (2) Create or update the center's organization dashboard in the OPR for each child care center in which they are employed as administrator.
- (3) Ensure that all employees and child care staff members complete the following in the OPR:
 - (a) Create or update their individual profile in the OPR.
 - (b) Create an employment record in the OPR for the center on or before their first day of employment, including date of hire.
 - (c) Update changes to positions or roles in the OPR within ~~five calendar~~ business days of a change.
- (4) Update the center's organization dashboard in the OPR within ~~five calendar~~ business days of a change for employees and child care staff members of the program, including:
 - (a) Scheduled days and hours.
 - (b) Group assignments, if applicable.
 - (c) The end date of employment.
- (5) Maintain records for each current employee and child care staff member as required in Chapter ~~5101:2-12~~ 5180:2-12 of the Administrative Code on file in the center, if not yet verified in the OPR.
 - (a) Make employment records available upon request by ~~ODJFS~~ SDCY for at least three years after each person's departure, if not verified in the OPR.

- (b) Keep employment records confidential except when made available to ~~ODJFS~~SDCY for the purpose of administering Chapter 5104. of the Revised Code and Chapter ~~5101:2-12~~5180:2-12 of the Administrative Code.

(D) What if an administrator is not on the premises?

- (1) A child care staff member is to be designated as the person in charge and be on the premises, known as the administrator's designee.
- (2) The ~~designated person in charge~~ designee does not have to meet the educational requirements of an administrator nor be named on the license.
- (3) The ~~designated person in charge~~ designee is to handle all emergencies and have access to all records required by Chapter ~~5101:2-12~~5180:2-12 of the Administrative Code.

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10/29/2021, 03/21/2024

Appendix A to 5180:2-12-07

Administrator Qualifications

A child care administrator is to have completed a high school education and at least one of the following education/training options (A through L) combined with experience where noted:

	Education/Training*	Experience**
A	Minimum of an associate degree in child development, early childhood education or related field approved by the Ohio department of children and youth (DCY). Must be from an accredited college, university, or technical college.	No minimum experience.
B	A minimum of a current prekindergarten associate license issued by the Ohio department of education and workforce (DEW).	No minimum experience.
C	A current infant and toddler or early childhood credential from a program accredited by the Montessori accreditation council for teacher education.	No minimum experience.
D	Two years of training, including at least four courses in child development or early childhood education from an accredited college, university, or technical college.	No minimum experience.
E	A current Ohio administrator credential as approved by DCY.	No minimum experience.
F	A current Ohio school-age administrator professional endorsement (if serving only school-age children).	No minimum experience.
G	Current designation under a minimum of a career pathways level three.	No minimum experience.
H	Current designation under the career pathways level two.	Two years of experience working in the early care and education field.
I	Current designation under the career pathways level one, within one year, a current designation under the career pathways level two must be achieved.	Two years of experience working in the early care and education field.
J	At least four courses in child development or early childhood education from an accredited college, university, or technical college.	Two years of experience working in the early care and education field.
K	A current child development associate credential issued by the council for professional recognition.	Two years of experience working in the early care and education field.
L	No minimum education above the high school diploma or GED, but within 1 year of being named administrator, must have completed at least one of the education/training options above. Verification of high school education is to meet the requirements in appendix A to rule 5180:2-12-08 of the Administrative Code.	A person who has two years of experience working in the early care and education field and was promoted from within that center.

***Education/Training Calculation Note:**

- Two years of education/training is equal to sixty semester or ninety quarter hours from an accredited college, university or technical college.
- Four courses is equal to twelve semester hours or eighteen quarter hours from an accredited college, university or technical college.

****Experience Calculation Note:**

- One year of experience is equal to working fifteen hours per week for twelve consecutive months.
- If an individual works fewer than twelve consecutive months, their experience is adjusted proportionally. For example: working fifteen hours per week for nine months equals three-quarters of a year of experience.

****Examples of experience include:**

- Direct work and field experiences with young children birth to thirteen years of age in a regulated organization/agency or early care and education setting.
- Direct evidence-based services for children birth to thirteen years of age who have developmental delays or disabilities and their families.
- Direct home visiting services using an evidence-based or promising-practice model.
- Direct mental health services to children birth to thirteen years of age and their families.
- Supervision, leadership, or management of an early care and education program.
- Program coordination, development or regulation.
- Training, instruction, or technical assistance provided to early care and education programs.
- Employment as an evaluator or researcher in the field of early care and education.

Appendix B to Rule 5180:2-12-07

Written Information for Parents and Employees

Note: Provide each parent of enrolled children with a copy of the legally required information for parents (Center Parent Information) found in Appendix C to this rule in addition to the following information, policies and procedures.

Written information is to be developed and provided to parents and employees that include policies and procedures of the center containing, at a minimum, the following:

General Information

1. Center name, address, email address and phone number.
2. Description of the center's program philosophy.
3. Days and hours of operation, scheduled closings and basic daily schedule. Policy on changes to hours of operation: closing due to weather, school delays or closings, and any other factors.
4. Staff/child ratios and group size.
5. Meals and snacks provided.
6. Outdoor play, including limitations placed on outdoor play due to weather or safety issues. Considerations may include but are not limited to temperature, humidity, wind chill, ozone levels, pollen count, lightning, rain or ice.
7. Opportunities for parent involvement in center activities.
8. Opportunities for parents to meet with teachers or administrators regarding their child. Problem or issue resolution for parents or employees to follow when needing assistance in resolving problems related to the child care center.
9. Payment schedule, overtime charges and registration fees as applicable.
10. Programs are to have a policy in place describing supports for onsite breastfeeding or pumping for mothers who wish to do so (if the program serves infants or toddlers).

Center Policies and Procedures

1. Enrollment, including required enrollment information.
2. Written security plan that ensures that access to the center is limited to parents and guardians of children in care and authorized persons.
3. Attendance policy, including procedures for arrival and departure, program's absent day policy, releasing child to people other than the parent, releasing a child according to a custody agreement, and follow up when a child scheduled to arrive from another program or activity does not arrive.
4. Supervision of children, including a separate supervision policy for school-age children, if applicable.
5. Care of children without immunizations.
6. Child guidance.
7. Policy to prohibit center employees from exposing children to inappropriate language, media, or behavior.
8. Suspension, expulsion and disenrollment.
9. Ensure compliance with the Americans with Disabilities Act (ADA), including administering medication and/or care procedures to children with disabilities.
10. Food and dietary policy.

11. Management of illness policy.
12. Summary of procedures taken in the event of an emergency, serious illness or injury.
13. Administration of medication and topical products policy. If the program is not administering medication and topical products, parents need to be informed. If applicable, a policy permitting school-age children to carry their own medication and topical products.
14. Transportation policy for trips and emergencies, if applicable.
15. Water activities/swimming, if applicable.
16. Infant care, if applicable.
17. Sleeping, napping and resting, if applicable.
18. Non-traditional care (evening care, overnight care, and/or mobile preschool), if applicable.
19. Legally required information for parents and employees found in appendix C to this rule must be included with the parent/employee handbook.
20. Formal screenings and assessments on enrolled children and if the program reports child level data to DCY pursuant to Chapter 5180:2-17 of the Administrative Code.
21. Social media policy including, but not limited to, addressing publication of child photos or other identifying information, if applicable.
22. Usage of emergency medical devices and emergency medications, including but not limited to Automated External Defibrillators (AED) and Naloxone, if applicable.

Note: A copy of this document is required to be given to the parent upon enrollment of their child in the licensed child care center.

The child care center is licensed to operate legally by the Ohio Department of Children and Youth (DCY). This license is posted in a noticeable place for review.

A toll-free phone number is listed on the license and may be used to report a suspected violation of the licensing law or administrative rules. The licensing rules governing child care are available for review-online at <https://codes.ohio.gov/ohio-administrative-code/chapter-5180:2-12>.

Administrators and each employee of the center are required, under Section 2151.421 of the Ohio Revised Code, to report their suspicions of child abuse or child neglect to the local public children's services agency.

Any parent of a child enrolled in the center is permitted unlimited access to the center during all hours of operation for the purpose of contacting their children, evaluating the care provided by the center, or evaluating the premises. Upon entering the premises, the parent or guardian shall is to notify the Administrator of their presence.

Licensing records, including licensing inspection reports, complaint investigation reports, and evaluation forms from the building and fire departments, are available for review upon written request from DCY. Early care and education program information and inspections are also online using the Child Care Search Tool on the DCY website at <https://childrenandyouth.ohio.gov/for-families/early-care-education/child-care-search>.

It is unlawful for the center to discriminate in the enrollment of children upon the basis of race, color, religion, sex, national origin or disability in violation of the Americans with Disabilities Act of 1990, 104 Stat. 32, 42 U.S.C. 12101 et seq. To file a discrimination complaint, write or call Health and Human Services (HHS) or DCY. HHS and DCY are equal opportunity providers and employers.

Write or Call:
OCC/ACF/HHS
Southwest Region
1301 Young Street, Suite 958
Dallas, TX 75202
214-767-3849

Write or Call:
ODJFS
Bureau of Civil Rights
30 E. Broad St., 30th Floor
Columbus, OH 43215-3414
(614) 644-2703 (voice)
1-866-277-6353 (toll free)
(614) 752-6381 (fax)
1-866-221-6700 (TTY) or (614) 995-9961
bcr-fax@jfs.ohio.gov (e-fax)
Civil_Rights@jfs.ohio.gov (e-mail)

For more information about child care licensing requirements as well as how to apply for child care assistance, please visit <https://childrenandyouth.ohio.gov/for-families>.

For more information on Medicaid health screenings and early intervention services for your child, please visit <https://medicaid.ohio.gov/families-and-individuals/citizen-programs-and-initiatives/healthchek/> and <https://ohioearlyintervention.org>.

For information on cash food assistance, please visit <https://jfs.ohio.gov/cash-food-assistance>.

Appendix A to Rule 5101:2-12-07

Administrator Qualifications

A child care administrator is to have completed a high school education and at least one of the following educational options (A through L) combined with experience where noted:

	Education	Experience
A	Minimum of an associate-degree in child development, early childhood education or related field approved by the Ohio department of job and family services (ODJFS). Must be from an accredited college, university or technical college.	No minimum experience.
B	A minimum of a current prekindergarten associate license issued by the Ohio department of education (ODE).	No minimum experience.
C	A current infant and toddler or early childhood credential from a program accredited by the Montessori accreditation council for teacher education.	No minimum experience.
D	Two years of training, including at least four courses in child development or early childhood education from an accredited college, university, or technical college.	No minimum experience.
E	A current Ohio administrator credential as approved by ODJFS.	No minimum experience.
F	A current Ohio school-age administrator professional endorsement (if serving only school-age children).	No minimum experience.
G	Current designation under a minimum of a career pathways level three.	No minimum experience.
H	Current designation under the career pathways level two.	Two years of experience working as a child care staff member in a licensed child care program.
I	Current designation under the career pathways level one, within one year, a current designation under the career pathways level two must be achieved.	Two years of experience working as a child care staff member in a licensed child care program.
J	At least four courses in child development or early childhood education from an accredited college, university, or technical college.	Two years of experience working as a child care staff member in a licensed child care program.
K	A current child development associate credential issued by the council for professional recognition.	Two years of experience working as a child care staff member in a licensed child care program.
L	No minimum education above the high school diploma or GED, but within 1 year of being named administrator, must have completed at least four courses in child development or early childhood education from an accredited college, university, or technical college or achieve and maintain a career pathways level two. Verification of high school education is to meet the requirements in appendix B to rule 5101:2-12-08 of the Administrative Code.	A person who has two years of experience working as a child care staff member in a licensed child day care program and was promoted from within that center.

Two years of training is equal to sixty semester or ninety quarter hours from an accredited college, university or technical college. Four courses is equal to twelve semester hours or eighteen quarter hours from an accredited college, university or technical college.

Appendix B to Rule 5101:2-12-07

Written Information for Parents and Employees

Written information is to be developed and provided to parents and employees that include policies and procedures of the center containing, at a minimum, the following:

General Information

1. Center name, address, email address and telephone number.
2. Description of the center's program philosophy.
3. Days and hours of operation, scheduled closings and basic daily schedule.
4. Staff/child ratios and group size.
5. Opportunities for parent involvement in center activities.
6. Opportunities for parents to meet with teachers regarding their child.
7. Payment schedule, overtime charges and registration fees as applicable.
8. Programs are to have a policy in place describing supports for onsite breastfeeding or pumping for mothers who wish to do so (if the program serves infants or toddlers).

Center Policies and Procedures

1. Enrollment including required enrollment information.
2. Care of children without immunizations.
3. Attendance Policy:
 - Procedures for arrival and departure.
 - Program's absent day policy.
 - Releasing child to people other than the parent.
 - Releasing a child according to a custody agreement.
 - Follow up when a child scheduled to arrive from another program or activity does not arrive.
4. Supervision of children, including a separate supervision policy for school-age children, if applicable.
5. Child guidance.
6. Suspension and expulsion.
7. Ensure compliance with the Americans with Disabilities Act (ADA), including:
 - Administering medication to children with disabilities.
 - Administering care procedures to children with disabilities.
8. Outdoor play, including:
 - Limitations placed on outdoor play due to weather or safety issues.
 - Considerations may include but are not limited to temperature, humidity, wind chill, ozone levels, pollen count, lightning, rain or ice.
9. Food and dietary policy, including:
 - Information regarding meeting one-third of the child's recommended daily dietary allowance.
 - Policy regarding formula, breast milk, meals and snacks.
 - Policy on providing supplemental food.
10. Management of illness policy, including:
 - Isolation precautions.
 - Symptoms for discharge and return.
 - Notification of parent of ill child.
11. Summary of procedures taken in the event of an emergency, serious illness or injury.
12. Administration of medication and topical products policy, including:
 - Medical foods.

- Modified diets.
 - Whether school age children are permitted to carry their own medication and ointments.
13. Transportation policy for:
- Field trips.
 - Routine walking trips, if applicable.
 - Emergencies, including if the center will provide child care services to children whose parents refuse to grant consent for transportation to the source of emergency treatment.
14. Water activities/swimming.
15. Infant care, if applicable, including:
- Feeding.
 - Frequency of diaper checks.
 - Information about daily activities.
16. Sleeping, napping and resting.
17. Evening and overnight care, if applicable.
18. Policy on hours of operation:
- Closing due to weather.
 - School delays or closings.
 - Any other factors.
19. Situations that may require disenrollment of a child, if applicable.
20. Problem or issue resolution for parents or employees to follow when needing assistance in resolving problems related to the child care center.
21. Formal screenings and assessments on enrolled children and if the program reports child level data to ODJFS pursuant to Chapter 5101:2-17 of the Administrative Code.

Center Parent Information

The center is licensed to operate legally by the Ohio Department of Job and Family Services (ODJFS). This license is posted in a noticeable place for review.

A toll-free telephone number is listed on the center's license and may be used to report a suspected violation of the licensing law or administrative rules. The licensing rules governing child care are available for review at the center.

The administrator and each employee of the center is required, under Section 2151.421 of the Ohio Revised Code, to report their suspicions of child abuse or child neglect to the local public children's services agency.

Any parent of a child enrolled in the center shall be permitted unlimited access to the center during all hours of operation for the purpose of contacting their children, evaluating the care provided by the center or evaluating the premises. Upon entering the premises, the parent, or guardian shall notify the Administrator of his/her presence.

The administrator's hours of availability to meet with parents and child/staff ratios are posted in a noticeable place in the center for review.

The licensing record, including licensing inspection reports, complaint investigation reports, and evaluation forms from the building and fire departments, is available for review upon written request from the ODJFS. Inspections are also online at <http://childcaresearch.ohio.gov/>. Parents may search for a specific program and sign up to be notified when the program's latest inspection is posted online.

It is unlawful for the center to discriminate in the enrollment of children upon the basis of race, color, religion, sex, national origin or disability in violation of the Americans with Disabilities Act of 1990, 104 Stat. 32, 42 U.S.C. 12101 et seq. To file a discrimination complaint, write or call Health and Human Services (HHS) or ODJFS. HHS and ODJFS are equal opportunity providers and employers.

Write or Call:**HHS**

Region V, Office of Civil Rights

233 N. Michigan Ave, Ste. 240

Chicago, IL 60601

(312) 886-2359 (voice)

(312) 353-5693 (TDD)

(312) 886-1807 (fax)

Write or Call:**ODJFS**

Bureau of Civil Rights

30 E. Broad St., 37th Floor

Columbus, OH 43215-3414

(614) 644-2703 (voice)

1-866-277-6353 (toll free)

(614) 752-6381 (fax)

1-866-221-6700 (TTY) or (614) 995-9961

For more information about child care licensing requirements as well as how to apply for child care assistance, Medicaid health screenings and early intervention services for your child, please visit

<http://jfs.ohio.gov/cdc/families.stm>.

5180:2-12-08**Employees and child care staff members.**

(A) What are the tuberculosis (TB) screening requirements for all employees, including child care staff members, in a licensed child care center?

Prior to the first day of employment, every employee is to provide evidence of tuberculosis (TB) screening in accordance with section 5104.037 of the Revised Code.

(1) For the purpose of TB screening, employees are to notify the child care center through a signed and dated self-attestation statement, to be kept on file at the program, if they have both:

(a) Resided in a country identified by the world health organization (WHO) as having a high burden of TB; and

(b) Arrived in the United States within the five years immediately preceding the date of application for employment.

(2) If the employee meets the screening criteria described in this paragraph, 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.

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

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

(B) What are the immunization record requirements for all employees, including child care staff members, in a licensed child care center?

No later than thirty days from the start date of employment, every employee is to, unless otherwise exempt, provide immunization records, including:

(1) Written evidence that the employee is 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 is not to be substituted for the rubella vaccine. Only a laboratory test demonstrating detectable rubella antibodies will be accepted in lieu of the rubella vaccine.

(2) Written evidence that the employee is immunized against tetanus, diphtheria and pertussis (Tdap) from a licensed physician, as defined in Chapter 4731. of the Revised Code, physician's assistant (PA), advanced practice registered nurse (APRN), certified nurse midwife, certified nurse practitioner or licensed pharmacist.

(3) Documentation if the employee is exempt from the immunization requirements for one of the following reasons:

(a) Reasons of conscience, including religious convictions, with written documentation signed by the individual.

(b) Medical reasons with written documentation signed by a licensed physician, PA, or APRN.

(C) 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 ten business days of a change, including:

(a) Contact information.

(b) Positions or roles, and related dates.

(D) What are the additional requirements for an employee to work as a child care staff member in a licensed child care center?

Child care staff members are to:

(1) Be at least sixteen years of age.

(2) 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:

- (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.

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

(4) Provide verification of education 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 OPR.

(b) High school education is defined in appendix A 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 (D)(2) of this rule is to be verified.

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

(1) Child care staff members, including substitute child care staff members and high school students and graduates, are to complete the child care center staff orientation training as prescribed by the Ohio department of children and youth (DCY) 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 will 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.

(F) 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 DCY 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.

Replaces: 5180:2-12-08
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09/01/2007, 09/29/2011, 12/31/2016, 10/29/2017,
10/29/2021, 01/27/2024

Appendix A to Rule 5180:2-12-08

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 nonpublic 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 signed and dated 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 B to Rule 5180:2-12-08

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	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. • 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	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. • 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 or the physician 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 C to Rule 5180:2-12-08

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

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 in a classroom or center space with children?	No	Yes	Yes
Permitted to be completely alone in the building while caring for children?	No	No	No
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.

5180:2-12-09

Background ~~check~~~~check requirements for a licensed child care center.~~**(A) What records are included in a background check?**

- (1) Bureau of criminal investigation (BCI) records pursuant to section 5104.013 of the Revised Code.
- (2) Federal bureau of investigation (FBI) records pursuant to section 5104.013 of the Revised Code.
- (3) National sex offender registry.
- (4) State sex offender registry.
- (5) Statewide automated child welfare information system (SACWIS) records.

(B) Who shall have a background check?

- (1) An owner and administrator of a licensed child care center or applicants to be licensed as a child care center.
- (2) An employee in a licensed child care center as defined in rule ~~5101:2-12-01~~ 5180:2-12-01 of the Administrative Code.
- (3) A child care staff member in a licensed child care center as defined in rule ~~5101:2-12-01~~ 5180:2-12-01 of the Administrative Code, including substitutes and high school students and graduates under eighteen years of age working as child care staff members.

(C) Who is not required to have a background check?

Background checks are not required for volunteers and visitors. These are individuals who:

- (1) Are not counted in staff-child ratio.
- (2) Are not to be left alone with children at any time.

(D) When is a background check required?

- (1) At application for a child care center license.
- (2) Prior to the first day of employment for employees and child care staff members.

(3) Every five years from the date of the most recent BCI records check.

~~(D)~~(E) How is a background check obtained?

The individual shall:

- (1) Create a profile in the Ohio professional registry (OPR).
- (2) Submit fingerprints electronically according to the process established by BCI and have the BCI and FBI results sent directly to the Ohio department of children and youth (DCY). ~~job and family services (ODJFS). Information on how to obtain a background check can be found at <https://www.ohioattorneygeneral.gov/Business/Services-for-Business/WebCheck>.~~
- (3) Complete and submit the request for a background check for child care in the OPR.

~~(E)~~(F) What if an individual previously resided in a state other than Ohio?

- (1) ~~ODJFS~~DCY will contact any states in which the individual resided in the previous five years to request the information required in paragraph (A) of this rule.
- (2) Any information received from other states will be reviewed and considered by ~~ODJFS~~DCY as part of the background check review pursuant to paragraph ~~(G)~~(H) of this rule.

~~(F)~~(G) What happens if an individual does not complete the full background check determination process?

- (1) If the individual completes only the requirements in paragraph ~~(D)~~(E)(2) of this rule or only the requirements in paragraph ~~(D)~~(E)(3) of this rule and does not submit the other component within forty-five days, the background check process will end and a determination of eligibility will not be made.
- (2) ~~ODJFS~~DCY will notify the individual and the program that the background check determination process has ended.
- (3) The individual will need to complete the requirements of paragraphs ~~(D)~~(E)(2) and ~~(D)~~(E)(3) of this rule to restart the background check determination process in the future.

~~(G)~~(H) What makes an individual ineligible to own or be employed in a center?

(1) A conviction or guilty plea to an offense listed in division (A)(5) of section 109.572 of the Revised Code, unless the individual meets the rehabilitation criteria in appendix A to this rule.

(a) Section 109.572 of the Revised Code requires that this rule applies to records of convictions that have been sealed pursuant to section 2953.32 of the Revised Code.

(b) A conviction of or a plea of guilty to an offense listed in division (A)(5) of section 109.572 of the Revised Code is not prohibitive if the individual has been granted an unconditional pardon for the offense pursuant to Chapter 2967. of the Revised Code or the conviction or guilty plea has been set aside pursuant to law. For purposes of this rule, "unconditional pardon" includes a conditional pardon to which all conditions have been performed or have transpired.

(2) Being registered or required to be registered on the national or state sex offender registry or repository.

(3) The individual is identified in SACWIS as the perpetrator for a substantiated finding of child abuse or neglect in the previous ten years from the date the request for background check was submitted or the individual has had a child removed from their home in the previous ten years pursuant to section 2151.353 of the Revised Code due to a court determination of abuse or neglect caused by that specific person.

~~(H)~~(I) What happens after the individual requests the background check in the OPR and submits fingerprints through a webcheck location?

(1) The program and individual ~~will~~may receive notification of preliminary approval generated from the OPR.

(2) The center will receive the ~~JFS~~SDCY 01176 "Program Notification of Background Check Review for Child Care" from ~~ODJFS~~SDCY and shall keep it on file, if not available in the OPR.

(a) For those individuals not eligible for employment, the center shall not hire the individual or shall terminate them from employment immediately upon receipt of the ~~JFS~~SDCY 01176.

(b) Until preliminary approval is received from ~~ODJFS~~SDCY, an administrator, child care staff member or employee hired on or after the effective date of this rule cannot engage in any assigned duties, ~~or~~ be near children, or otherwise have access to children.

- (c) A child care staff member with preliminary approval but not a JFSDCY 01176 on file at the center or in the OPR shall not be left alone with children and shall be supervised at all times by another child care staff member with a JFSDCY 01176 on file or in the OPR.
- (d) Only child care staff members with a JFSDCY 01176 on file at the center or in the OPR may be left alone with children.
- (3) The individual will receive the JFSDCY 01177 "Individual Notification of Background Check Review for Child Care" from ~~ODJFS~~JFSDCY.
- (a) If the individual believes the information received is not accurate, the individual may directly contact the agency that contributed the questioned information.
- (b) If the individual disagrees with the employment eligibility decision made by ~~ODJFS~~JFSDCY, a JFSDCY 01178 "Request for Review of Background Check Decision for Child Care" shall be completed to request a review of the decision. The JFSDCY 01178 shall be submitted within fourteen business days from the date on the JFSDCY 01177.

~~(H)(J)~~ What happens after an individual submits a JFSDCY 01178 to ~~ODJFS~~JFSDCY?

If an individual requests a review of a background check decision pursuant to paragraph ~~(H)(I)~~(3)(b) of this rule:

- (1) The program shall not allow the individual to be on-site at the program during the review by ~~ODJFS~~JFSDCY.
- (2) If the individual is determined to be eligible for employment, the program may allow the individual to be employed and shall keep the updated JFSDCY 01176 on file pursuant to paragraph ~~(H)(I)~~(2) of this rule.

(3) If the decision is upheld, the individual remains ineligible for employment.

~~(J)(K)~~ What are the background check requirements if an individual becomes employed at another licensed program?

- (1) Only the request for a background check for child care in the OPR is required if the individual meets all of the following:
 - (a) The individual has a current background check determination by ~~ODJFS~~DCY completed in the previous five years pursuant to this rule.

- (b) The individual has been employed by a licensed child care center, licensed type A home, licensed type B home, approved day camp, a preschool or school-age program approved to provide publicly funded child care or certified as an in-home aide or was a resident of a licensed type A home or licensed type B home in the previous one hundred eighty consecutive days.
- (2) Upon receipt of the request, ~~ODJFS~~DCY will provide the ~~JFS~~DCY 01176 based on the existing background check determination to the new employer.

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Appendix A to Rule 5180:2-12-09

Standards for Rehabilitation

An applicant, employee, child care staff member, resident, owner or administrator of a licensed child care center who has a prohibited offense are to meet the following standards for rehabilitation provided that the victim of the offense (misdemeanor or felony) was not one of the following:

- a. Under 18 years of age.
- b. Functionally impaired as defined in section 2903.10 of the Revised Code. Intellectually disabled or developmentally disabled as defined in section 5123.01 of the Revised Code.
- c. Mentally ill as defined in section 5122.01 of the Revised Code.
- d. 60 years of age or older.

The following additional factors will also be considered in determining rehabilitation:

- a. The age of the person at the time of the offense.
- b. The nature and seriousness of the offense.
- c. The time elapsed since discharge from imprisonment, probation or parole.
- d. Whether the person is a repeat offender.

If the offense was a misdemeanor, the following standard for rehabilitation is to be met:

- a. At least three years have elapsed from the date the individual was fully discharged from imprisonment, probation or parole, unless the records were sealed.
- b. All fines imposed by the court as part of the sentence have been paid in full.

If the offense was a felony, the following standard for rehabilitation is to be met:

- a. At least 10 years have elapsed since the individual was fully discharged from imprisonment, probation or parole, unless the records were sealed.
- b. All fines imposed by the court as part of the sentence have been paid in full.
- c. The felony was not an existing or former offense of any municipal corporation, this state, or any other state, or the United States that is substantially equivalent to any of these offenses, or that would meet the ineligibility requirements under 45 CFR Section 98.43.

The following offenses (misdemeanor or felony convictions) are non-rehabilitative:

R.C. 2903.01 – Aggravated murder
R.C. 2903.02 – Murder
R.C. 2903.03 – Voluntary manslaughter
R.C. 2903.04 – Involuntary manslaughter
R.C. 2903.11 – Felonious assault
R.C. 2903.12 – Aggravated assault
R.C. 2903.13 – Assault
R.C. 2905.01 – Kidnapping
R.C. 2905.32 – Trafficking in persons
R.C. 2907.02 – Rape
R.C. 2907.03 – Sexual battery
R.C. 2907.04 – Unlawful sexual conduct with minor
R.C. 2907.05 – Gross sexual imposition
R.C. 2907.06 – Sexual imposition
R.C. 2907.07 – Importuning
R.C. 2907.12 – Felonious sexual penetration (as this former section of law existed)
R.C. 2907.19 – Commercial sexual exploitation of a minor
R.C. 2907.21 – Compelling prostitution
R.C. 2907.31 – Disseminating matter harmful to juveniles
R.C. 2907.321 – Pandering obscenity involving a minor or impaired person
R.C. 2907.322 – Pandering sexually oriented matter involving a minor or impaired person
R.C. 2907.323 – Illegal use of a minor or impaired person in nudity-oriented material or performance
R.C. 2909.02 – Aggravated arson
R.C. 2909.03 – Arson
R.C. 2911.01 – Aggravated robbery
R.C. 2911.02 – Robbery
R.C. 2911.11 – Aggravated burglary
R.C. 2911.12 – Burglary
R.C. 2919.22 – Endangering children
R.C. 2919.23 – Interference with custody
R.C. 2919.24 – Contributing to unruliness or delinquency of a child
R.C. 2919.25 – Domestic violence
R.C. 2923.13 – Having weapons while under disability
R.C. 2923.161 – Improperly discharging firearm at or into a habitation, in a school safety zone or with intent to cause harm or panic to persons in a school building or at a school function

Appendix A to Rule 5101:2-12-09

Standards for Rehabilitation

An applicant, employee, child care staff member, resident, owner or administrator of a licensed family care home who has a prohibited offense shall meet the following standards for rehabilitation:

1. If the offense was a misdemeanor:

- a. At least three years have elapsed from the date the individual was fully discharged for imprisonment, probation or parole, unless the records were sealed.
- b. All fines imposed by the court as part of the sentence have been paid in full.

2. If the offense was a felony:

- a. At least 10 years have elapsed since the individual was fully discharged from imprisonment, probation or parole, unless the records were sealed.
- b. All fines imposed by the court as part of the sentence have been paid in full.
- c. The felony was not an existing or former offense of any municipal corporation, this state, or any other state, or the United States that is substantially equivalent to any of these offenses, or that would meet the ineligibility requirements under 45 CFR Section 98.43 or one of the following:

- R.C. 2903.01 – Aggravated murder
- R.C. 2903.02 – Murder
- R.C. 2903.03 – Voluntary manslaughter
- R.C. 2903.04 – Involuntary manslaughter
- R.C. 2903.11 – Felonious assault
- R.C. 2903.12 – Aggravated assault
- R.C. 2903.13 – Assault
- R.C. 2905.01 – Kidnapping
- R.C. 2905.32 – Trafficking in persons
- R.C. 2907.02 – Rape
- R.C. 2907.03 – Sexual battery
- R.C. 2907.04 – Unlawful sexual conduct with minor
- R.C. 2907.05 – Gross sexual imposition
- R.C. 2907.12 – Felonious sexual penetration (as this former section of law existed)
- R.C. 2907.19 – Commercial sexual exploitation of a minor
- R.C. 2907.21 – Compelling prostitution
- R.C. 2907.31 – Disseminating matter harmful to juveniles
- R.C. 2907.321 – Pandering obscenity involving a minor or impaired person
- R.C. 2907.322 – Pandering sexually oriented matter involving a minor or impaired person
- R.C. 2907.323 – Illegal use of a minor or impaired person in nudity-oriented material or performance
- R.C. 2909.02 – Aggravated arson
- R.C. 2909.03 – Arson
- R.C. 2911.01 – Aggravated robbery
- R.C. 2911.02 – Robbery

R.C. 2911.11 – Aggravated burglary R.C.
2911.12 – Burglary
R.C. 2919.22 – Endangering children
R.C. 2919.23 – Interference with custody
R.C. 2919.24 – Contributing to unruliness or delinquency of a child
R.C. 2919.25 – Domestic violence
R.C. 2923.13 – Having weapons while under disability
R.C. 2923.161 – Improperly discharging firearm at or into a habitation, in a school safety zone or with intent to cause harm or panic to persons in a school building or at a school function

3. The victim of the offense (misdemeanor or felony) was not one of the following:
 - a. Under 18 years of age.
 - b. Functionally impaired as defined in section 2903.10 of the Revised Code.
 - c. Intellectually disabled or developmentally disabled as defined in section 5123.01 of the Revised Code.
 - d. Mentally ill as defined in section 5122.01 of the Revised Code.
 - e. 60 years of age or older.
4. The following additional factors shall also be considered:
 - a. The age of the person at the time of the offense.
 - b. The nature and seriousness of the offense.
 - c. The time elapsed since discharge from imprisonment, probation or parole.
 - d. Whether the person is a repeat offender.

5180:2-12-11

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 approved, usable wall-to-wall indoor floor space for each child that the center is licensed to serve.

(2) Spaces used to care for children less than two and one half years of age are to:

(a) Be approved by the Ohio department of children and youth (DCY) prior to use for the care of children younger than two and one half years of age.

(b) Provide at least thirty-five square feet of floor space for each child per room or area.

~~(2)~~(3) Usable indoor floor space shall not include bathrooms, hallways, storage rooms or other areas ~~not available or~~ not used for child care.

~~(3)~~(4) Bathrooms may be included if they are used exclusively by children enrolled in the center.

~~(4)~~(5) 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)~~(6) 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)~~(7) 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)~~(8) 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)~~(9) 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 defined by a continuous permanent or non-permanent barrier that is at least thirty six inches in height.~~

~~(C)~~(B) 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) Ensures that children are not able to leave the outdoor play area unsupervised and ensures that any hazards from the outside cannot enter the outdoor play area without the staff being aware of them. Outdoor space is protected from traffic or animals by one or more of the following:
~~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 ensure that children are not able to leave the outdoor play area unsupervised and shall 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.~~

~~(i) A continuous fence in good condition with functioning gates.~~

~~(ii) A continuous natural barrier.~~

~~(iii) A combination of fence and natural barrier.~~

(c) Has functional latches on gates which cannot be easily opened by young children if gates are used. Gates shall not be locked when children are present at the center.

(d) Provides access to bathroom facilities and drinking water during play times.

(e) Is inspected by staff daily and determined to be 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)(2) Protects children under six months from direct exposure to the sun. Provides sun protection for all children. 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)(3)~~ 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.

~~(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" and kept on file for one year.~~

~~(D)(C)~~ What are the exemptions for having an on-site outdoor space?

A center may be exempt from having an on-site outdoor space if both of the following apply:

~~(1) A center may be exempt if both of the following apply:~~

~~(a)(1)~~ (1) 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)(2)~~ (2) There is a safe park or play area regularly available, scheduled for daily use in suitable weather where the distance and means to access the off-site play area is safe and developmentally appropriate 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)(D)~~ (D) What are the on-site outdoor equipment requirements for a center 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 free of conditions that pose a risk of harm to children.

~~(a)(b)~~ (b) Be placed out of the path of the area's main traffic pattern.

~~(b)(c)~~ (c) Be anchored or stable and have all parts in good working order and securely fastened.

~~(c)(d)~~ (d) 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)(e)~~ (e) 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.

~~(4) Sandboxes shall be covered with a lid or other covering when the program is closed. For programs operating twenty-four hours per day, this means sandboxes are covered during non-daylight hours.~~

~~(F)~~(E) What are the on-site fall zone requirements for a fall zone center?

(1) Equipment used for climbing, swinging, balancing and sliding should not be placed over, or immediately next to, hard surfaces such as asphalt, concrete, dirt, grass, or flooring covered by carpet or gym mats not intended for use as surfacing for climbing equipment.

(2) All pieces of playground equipment should be placed over and surrounded by a shock-absorbing surface.

(3) All loose fill materials must be raked to retain their proper distribution, shock-absorbing properties and to remove foreign material. This standard applies whether the equipment is installed outdoors or indoors.

~~(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 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 are to be removed prior to use by children.~~

~~(2)~~(4) 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 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)~~(5) Centers licensed as of January 1, 2007 that have fall zones meeting the requirements listed in paragraph ~~(F)(1)(E)(1)~~ of this rule are exempt from the requirements of ~~(F)(2)(E)(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 is to comply with the requirements of paragraphs ~~(F)(1)(E)(1)~~ and ~~(F)(2)(E)(2)~~ of this rule for all pieces of equipment designed or observed used for climbing, swinging, bouncing or sliding on that playground.

(F) What are the requirements for play areas used by a center that are regulated by another state or local agency?

On-site or off-site play areas that are regulated by another state or local agency are exempt from the DCY requirements for outdoor spaces, playground equipment, and fall zones. Centers are to protect children from harm while using these exempted play areas, including but not limited to, protection from traffic and animals; preventing

child access to bodies of water; limiting direct sun exposure for infants; and providing sun protection for all children.

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Appendix A to Rule 5101:2-12-11 *RESCINDED

**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.) (not suitable for equipment higher than 10 ft.)
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**

5180:2-12-12

Safe equipment and environment for a licensed child care center.

(A) What are the safe equipment requirements for a ~~licensed~~ child care center licensed by the Ohio department of children and youth (DCY)?

- (1) Equipment, materials, and furniture shall be sturdy, safe, ~~and easy to clean and maintain, and in good condition. They shall also be free of sharp points or corners, splinters, or protruding nails; loose or rusty parts; peeling or chipping paint; 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) All children's equipment shall be used in accordance with the manufacturer's guidelines.
- (6) ~~Trampolines~~ General-use 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. Individual-use, personal-sized therapy trampolines no larger than forty-eight inches in diameter may be used by children under direct supervision.

(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)~~ (1) Weapons, firearms, and ammunition materials shall be kept inaccessible to children, out of sight of children, and secured in locked storage areas. Each of

~~the~~The following groups ~~will~~ may be permitted to have ~~the following~~ weapons in a child care center, unless specifically not permitted by the child care center owner or prohibited pursuant to section 2923.126 (C)(3)(a) of the Revised Code. ~~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 or as otherwise permitted pursuant to section 2923.1214 of the Revised Code.

~~(3)~~(2) 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)~~(3) In accordance with 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 ordinance onto these premises."

~~(5)~~(4) 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.

~~(6)~~(5) 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~~DCY will make a referral to the appropriate agency.

~~(7)(6)~~ If area rugs are used, they shall have a nonskid backing and floor Floor surfaces shall be maintained to not cause a slipping or tripping hazard.

~~(8)(7)~~ Toys or other materials small enough to be swallowed shall be kept out of the reach of infants and toddlers.

~~(9)(8)~~ 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.

(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.

~~(10)(9)~~ Mercury thermometers shall not be used.

~~(11)(10)~~ 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.

~~(12)(11)~~ 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.

~~(13)(12)~~ 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.

~~(14)(13)~~ Lawnmowers, sharp tools, machinery and other equipment shall not be used or stored where children have access to them.

~~(15)(14)~~ All areas used by children shall be ventilated and shall provide protection from rodents, insects and other hazards.

~~(16)(15)~~ 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~~ are 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.~~

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5180:2-12-13 **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.
- (3) Accumulated trash and garbage are not to be stored in an area that has been approved for child care.
- (4) The center shall be cleaned daily. The environment, furniture, materials, and equipment are to be and kept in a sanitary condition at all times. Items to be cleaned and sanitized between uses, including but not limited to diaper changing stations, potty chairs, tables where food is served, and food prep areas, are to be cleaned and sanitized prior to reuse. 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)~~(5) 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)~~(6) On-site sewage disposal systems shall not present a public health hazard.

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

- (1) Handwashing shall occur in a handwashing sink.
- (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.
- (3) Handwashing requirements for center child care staff members, employees and children are detailed in appendix ~~B~~A 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 and according to the following:-

- (1) The center will not expose children to the following products including, but not limited to, cigarette, cigar, or pipe butts or ashes, smokeless tobacco, electronic cigarettes, vaporizers, chewing tobacco and their byproducts.
- (2) The center is to post in a noticeable place at the main entrance, a notice stating that smoking is prohibited while care is being provided.
- (3) If smoking is permitted in the center during hours that the center is not operating, the administrator is to provide written notice to the parent of each child enrolled that smoking occurs at the center outside of center operating hours.
- (4) Smoking will not be allowed in all vehicles owned by the child care center and any other vehicle when occupied by children under the center's care.

~~(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.~~

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Appendix A to Rule 5180:2-12-13

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.

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

- Upon arrival for the day 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.
- 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 A to Rule 51015180:2-12-13 *RESCINDED

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
Any item soiled with blood or bodily fluids	X	X	Immediately
Blankets/sheets	X		Weekly, when soiled and before another child uses.
Bottles, bottle caps, nipples and other equipment used for bottle feeding	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.
Carpets	X		Vacuum weekly or when soiled. Clean when soiled.
Changing table/pad	X	X	Clean when visibly soiled and sanitize after each use.
Reusable Cloths	X		Wash daily and when visibly soiled.
Cots/Pads/Mats	X	X	Before assigning to a different child, when used by a sick child, when soiled, and at least every 3 months.
Cribs	X	X	Monthly, when soiled, and before another child uses.
Diaper receptacles	X	X	Daily or more frequently as needed to eliminate odor.
Dishes/Cups/Silverware/ Water Containers	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.
Dividers (must be non-porous material)	X		Clean when visibly soiled.
Area/Object	Clean	Sanitize	Frequency Requirements

Dress up clothes and hats (Dramatic Play)	X		Monthly and when soiled.
Floors	X		Weekly and when soiled.
Food prep area, including sink	X	X	Before and after preparing food (including bottle preparation) and between preparing raw or cooked food.
Potty chairs	X	X	After each use, empty contents into toilet, rinse with water, clean and sanitize.
Tables (food)/High chair trays	X	X	Before and after each use.
Tables (play)	X	X	Clean when visibly soiled. Sanitize daily.
Toilet bowls	X	X	Clean when visibly soiled. Sanitize weekly.
Toilet seats, handles and hand washing sinks	X	X	Clean when visibly soiled. Sanitize daily.
Toys that go into the mouth	X	X	After each child's use.
Toys – other than those going into mouth	X		Monthly and when visibly soiled.
Washable furniture (including fabrics on infant equipment)	X		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.
Wastebaskets/Rinse Buckets including lids	X	X	Empty daily and more frequently as needed. Clean and sanitize when visibly soiled.

Appendix C to Rule 51015180:2-12-13 ***RESCINDED****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.

5180:2-12-15**Child records.**

(A) What are the child enrollment information requirements for a child care center licensed by the Ohio department of children and youth (DCY)?

The center is to:

- (1) Use an enrollment form that is equivalent in content to the DCY 01234 "Child Enrollment Form for Early Care and Education Programs" form, if the DCY 01234 is not used. The DCY 01234 (or equivalent) is to be on file for each child by the first day of attendance.
- (2) Ensure the DCY 01234 (or equivalent) is reviewed at least annually by the parent and updated as needed when information changes. The parent and administrator (or designee) are to initial and date the form when the information is reviewed or updated.
- (3) Send the child's enrollment form with any child who is being transported for emergency assistance.
- (4) Maintain a current copy of a completed enrollment form for each child in care in a location that can be easily and quickly accessed and removed from the center if there is an emergency that requires the children to be moved to another location.

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

- (1) The immunization record is to be on file at the center within thirty days of the child's first day of attendance and updated no more than every thirteen months thereafter. Children who attend a grade of kindergarten and above in an elementary school are exempt from this requirement.
- (2) The dated immunization record is to contain the following information:
 - (a) The child's name and birth date.
 - (b) A record of the immunizations that the child has had, specifying the month, day and year of each immunization.
- (3) Immunization requirements as outlined in section 5104.014 of the Revised Code can be found in appendix A to this rule.

(C) What are the immunization record exemptions for children in a licensed child care center?

A child may be exempt from the immunization record requirements if one or more of the following statements are provided:

(1) A statement from a licensed physician, physician assistant (PA), or advanced practice registered nurse (APRN) that one or more of the following apply:

(a) The child is in the process of being immunized.

(b) An immunization against a disease is medically contraindicated for the child.

(c) An immunization against a disease is not medically appropriate for the child's age.

(2) A statement from the child's parent that he or she has declined to have the child immunized against the disease for reasons of conscience, including religious convictions.

(D) What are the health care plan requirements for caring for children with specific chronic health conditions or diagnoses in a licensed child care center?

(1) Use a health care plan form that is equivalent in content to the DCY 01236 "Health Care Plan Documentation & Permission to Administer Medication" form, if the DCY 01236 is not used, for children with a chronic condition or diagnosis that requires the following:

(a) Monitoring the child for symptoms which require the staff to take action.

(b) Ongoing administration of medication or medical foods.

(c) Performing medical procedures which require trained staff.

(d) Avoiding specific foods, environmental conditions or activities.

(e) A school-age child to carry and administer their own emergency medication.

(2) The center is to:

(a) Ensure that there is documentation for each chronic health condition or diagnosis per child.

(b) Accept documentation and/or instructions from a physician, PA, or APRN as a substitute for the DCY 01236 (or equivalent) form.

(c) Ensure that there is, at all times, at least one trained child care staff member on-site to perform medical procedures and care for the child. This includes

ensuring there is a trained child care staff member on-site on field trips.
A list of trained staff is to be kept on file.

(d) Keep the documentation of a chronic health condition or diagnosis in a location that can be easily and quickly accessed, including being removed from the center if there is an emergency that requires the children to be moved to another location.

(3) Documentation of a chronic health condition or diagnosis is to be reviewed at least annually and updated as needed, including an updated list of trained staff members, if applicable.

(4) Documentation of a chronic health condition or diagnosis shall be on file with the center by the first day of attendance or upon confirmation of a chronic health condition or diagnosis.

(5) If the center suspects that a child has a chronic health condition or diagnosis, the center may require a physician's statement within a designated timeframe.

(6) Only staff members trained in the child's needs and required procedures are permitted to perform medical procedures or other action needed for a chronic health condition or diagnosis.

(E) What information regarding children's records can be shared?

Children's records are confidential but are to be available to the Ohio department of children and youth for the purpose of administering Chapter 5104. of the Revised Code and Chapter 5180:2-12 of the Administrative Code. The immunization records are to be subject to review by the Ohio department of health (ODH) for disease outbreak control and for immunization level assessment purposes.

(F) How long are child records to be kept on file at the center?

All child records as well as all written permission to administer medication or medical foods from parents or physicians are to be kept on file for twelve months from the date the documentation is signed or updated, whichever is later, even if the child no longer attends the program or the documentation is no longer required for the child.

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Appendix A to Rule 5180:2-12-15

Diseases for Immunizations

1. Chicken pox.
2. Diphtheria.
3. Haemophilus influenzae type b.
4. Hepatitis A.
5. Hepatitis B.
6. Influenza (if seasonal vaccine is available).
7. Measles.
8. Mumps.
9. Pertussis.
10. Pneumococcal disease.
11. Poliomyelitis.
12. Rotavirus.
13. Rubella.
14. Tetanus.

5180:2-12-16

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

- (A) What are the ~~medical, dental, and~~ emergency posting, weather emergency drill and safety drill ~~general emergency requirements for a licensed child care center~~ licensed by the Ohio department of children and youth (DCY)?

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." The plan shall be completed, implemented when necessary, and shall be posted, readily in view in each classroom and other spaces used by the children.~~

~~(2) Complete the JFS 01201 "Dental First Aid" and post in a location readily available to center staff and parents.~~

(1) Post emergency phone numbers, readily in view in each classroom and other spaces used by the children. Phone numbers are to include the seven digit backup number as well as the area code if area code must be dialed to complete the call and include the following emergency numbers:

(a) Emergency squad.

(b) Hospital.

(c) Police department.

(d) Fire department.

(e) Poison control.

(f) Public children's services agency (PCSA).

(g) Local health department.

(h) Local emergency management agency (EMA).

~~(3)(2) Post a weather and fire 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 that includes a diagram indicating evacuation routes and any instructions needed to safely evacuate.~~

~~(4)(3) Conduct monthly fire drills at varying times. Written documentation of these drills shall be kept on-site.~~

~~(5)~~(4) Conduct monthly weather emergency drills in the months March through September. Written documentation of these drills shall be kept on-site.

~~(6)~~(5) Conduct 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. 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.~~

(3) Adequate and sufficient first-aid supplies will be readily available at all times the program is in operation, including on field trips. This includes, at a minimum, band-aids, gauze squares, adhesive tape, an instant ice pack, disposable non-latex gloves, and a working digital thermometer. First-aid supplies are to be reviewed and replaced regularly by a staff member.

(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~~non-latex 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. 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 ~~AB~~ 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~~SDCY 08087 "Communicable Disease Chart" 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 to communicable diseases.
 - (a) The center is to follow the requirements listed on the ~~JFS~~SDCY 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 the Ohio statewide licensing system in accordance with paragraph (G) of this rule by the end of the next business day.
- (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~~SDCY 08087.
- (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~~SDCY 01299 "Incident/Injury Report for Child Care"?

- (1) Staff shall complete the ~~JFS~~SDCY 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 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~~DCY 01299 shall be kept on file at the center for at least one year and shall be available for review by DCY, ~~the Ohio department of job and family services (ODJFS)~~.

(F) What is a serious incident?

(1) Death of a child at the center.

(2) An incident, injury, or illness that requires professional medical consultation or treatment for a child.

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

(4) An incident defined as a serious risk non-compliance in appendix A to rule ~~5101:2-12-03~~5180:2-12-03 of the Administrative Code.

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

(1) The center shall log in to ~~http://ocls.force.com~~the Ohio statewide licensing system by the next business day to report the incident, as defined in paragraph (F) of this rule.

(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~~5180:2-12-19 of the Administrative Code.

(3) The center may print the completed serious incident report in ~~OCLQ~~the Ohio statewide licensing system 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~~5180:2-12-15 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~~emergency preparedness and response plan (EPRP) requirements for a center?

The center is to develop a written ~~disaster plan~~EPRP 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~~EPRP shall include procedures that will be used to prepare for and respond to the following types of emergency or disaster situations:

(a) Medical or dental emergencies, including emergency transportation.

~~(a)(b)~~ Weather emergencies and natural disasters which include severe thunderstorms, tornadoes, flash flooding, major snowfall, blizzards, ice storms or earthquakes.

~~(b)(c)~~ Emergency outdoor or indoor lockdown ~~or evacuation~~ due to threats of violence which includes active shooter, bioterrorism or terrorism.

~~(c)(d)~~ Emergency ~~or disaster evacuation~~evacuation and relocation procedures due to hazardous materials and spills, gas leaks or bomb threats; or due to threats of violence which include active shooter, bioterrorism, or terrorism.

~~(d)(e)~~ Outbreaks, epidemics or other infectious disease emergencies.

~~(e)(f)~~ Loss of power, water or heat.

~~(f)(g)~~ Other threatening situations that may pose a health or safety hazard to the children in the center.

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

(a) Emergency numbers for medical, dental, and transport-related emergencies, in addition to 9-1-1.

~~(a)(b)~~ 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)(c)~~ Assisting infants, toddlers, and children with special needs and/or health conditions.

(d) A designated safe site where staff and children can safely relocate and remain when evacuated.

~~(e)(e)~~ 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)~~(f) The location of supplies and procedures for gathering necessary supplies for staff and children if required to shelter in place.
- ~~(e)~~(g) What to do if a disaster occurs during the transport of children or when on a field trip or routine trip.
- ~~(f)~~(h) Making the ~~plan~~EPRP available to all child care staff members and employees.
- ~~(g)~~(i) Training of staff or reassignment of staff duties as appropriate.
- ~~(h)~~(j) Updating the ~~plan~~EPRP on a yearly basis.
- ~~(i)~~(k) Contact with local emergency management officials.

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Appendix A to Rule 5180:2-12-16

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 maintain supervision 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.

Appendix A to Rule 5101:2-12-16 ***RESCINDED****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

5180:2-12-19

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

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

The program is to ensure that child care staff members provide supervision of the children in care. 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.~~

(a) Being aware of the physical, developmental, and behavioral needs, as well as parental preferences, of the child(ren) they are caring for.

(b) Maintaining situational awareness of the children in care at all times. Maintaining situational awareness may include the use of analog or digital technology (including mirrors) to supplement direct observation of the children in care but may not be the sole means of observation. It also includes, but is not limited to, being:

(i) Aware of the activity a child is engaged in and being near enough to protect children from harm, meet their basic needs and respond to emergent circumstances.

(ii) Near enough to observe, respond, and anticipate reasonably foreseeable hazards and threats.

(iii) Able to summon another adult for assistance in an emergency.

~~(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)~~ (2) 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)~~(3) Always have immediate access to a working ~~telephone~~ phone on the premises which is available and capable of making outgoing calls and receiving incoming calls. A backup method of communication, including but not limited to email, text messaging services or an additional phone, is to be accessible when the primary phone is in use.

~~(5)~~(4) Only release a child to the parent or to a person who has been previously approved by the parent.

~~(6)~~(5) ~~Not permit children to be exposed~~ Limit children's exposure to inappropriate language, ~~or media, or behavior.~~ This includes inappropriate actions by the following, but not limited to, non-staff adults, parents, and other children.

~~(7)~~(6) 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 and behavior management practices 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, and prohibited techniques in the appendix will not be used by any child care employee as a means to control or discipline 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)~~ statewide licensing system in accordance with paragraph (G) of rule ~~5101:2-12-16~~ 5180:2-12-16 of the Administrative Code.

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

~~If the~~The owner, administrator, employee or child care staff member who has reasonable cause to suspect~~suspects~~ that a child has been abused or neglected,~~he or she shall~~ is to immediately make a report in accordance with section 2151.421 of the Revised Code~~notify the public children services agency (PCSA).~~

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Appendix A to Rule 5180:2-12-19

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.

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.

5180:2-12-20 **Sleeping and napping ~~requirements for a licensed child~~
care center.**

(A) What are the sleep and nap requirements for a ~~licensed~~ child care center licensed by the Ohio department of children and youth (DCY)?

- (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 ~~5101:2-12-18~~ 5180:2-12-18 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)~~ (E) 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 non-porous material that can be easily sanitized.~~
- ~~(d) 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)~~(3) Bumper pads shall not be used.
- ~~(5)~~(4) Nothing shall be placed or hung over the side that obstructs the provider's view of the infant.
- ~~(6)~~(5) Infants shall not be placed in cribs with bibs or any other items which could pose a strangulation or suffocation risk.
- ~~(7)~~(6) 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)~~(7) The cribs may be placed in storage on the premises if not currently assigned to an infant.
- ~~(9)~~(8) 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)~~(9) Infants under twelve months old shall be placed on their backs to sleep unless the parent provides written authorization on the ~~JFS~~DCY 01235 "Sleep Position Waiver Statement for Child Care" signed by the child's physician. The ~~JFS~~DCY 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)~~(10) Cribs assigned to a child shall not be used for storage of toys and other materials.

(C) What are the crib placement requirements for use in a licensed child care center?

Cribs used in a child care center shall be placed either:

- (1) Spaced apart from each other by a minimum of two feet on all sides; or
- (2) Separated by a divider. If a divider is used between cribs, the divider will meet all of the following requirements:
 - (a) Have at least two feet of space on two of the sides or ends of the crib. A corner wall at the end of a crib may meet this requirement as long as staff have access to the infant on one side, at a minimum.
 - (b) Be constructed so that staff may view children through or around the divider.

- (c) Be unbreakable in normal use situations.
- (d) Be made of a non-porous material that can be easily sanitized.
- (e) 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.

~~(C)~~(D) What are the cot and mat requirements for a licensed child care center?

- (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.
- (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.
- (3) Children are only permitted to rest, nap, or sleep on a cot or mat.
- (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)~~(E) 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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5180:2-12-21 **Non-traditional care.****(A) What is non-traditional care?**

Non-traditional care means care for children in evening and overnight settings or care provided through mobile preschools operating as part of a licensed child care center.

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

For the purposes of this rule:

- (1) Evening care is provided when children are in attendance anytime between the hours of seven p.m. and midnight.
- (2) Overnight care is provided when children are in attendance anytime between the hours of seven p.m. and six a.m.

(C) What are the requirements for all centers providing evening and overnight care?

Centers providing evening and overnight care are to ensure that:

- (1) Child care staff members remain awake at all times.
- (2) Adequate lighting is provided 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) Parking areas, outdoor walkways, and all building entrances be adequately lighted for safety and security.

(D) What are the requirements when evening and overnight care is provided where children are preparing for bedtime and/or sleeping at the center?

If a licensed child care center provides evening or overnight care, when children are preparing for bedtime and/or sleeping at the center, the center is to ensure the following:

- (1) The center is to develop and follow bedtime routines in consultation with the parents of the children.
- (2) The center is to provide sleeping arrangements so that sleeping children are cared for separately from children who are awake, so that sleeping children are not disturbed by arrivals and departures.

(3) The center is to 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.

(E) What sanitary environment and additional hygiene stipulations are to be followed by the center when children are preparing for bedtime and/or sleeping at the center?

The center will:

(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) If the child has a bedtime routine occurring at the center, 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.

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

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

(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 are to bathe separately unless the children are siblings and the parent has provided written consent that the children can be bathed together.

(F) What is a mobile preschool?

"Mobile preschool" means a part-time preschool unit operated by a licensed child care center with a movable classroom that uses no permanent building on a regular basis. A mobile preschool can enroll preschool children, as defined in rule 5180:2-12-01 of the Administrative Code. For purposes of mobile preschool, a child who is eligible for but not yet attending kindergarten may be considered a preschool age child.

(G) What are the facility requirements for a center operating a mobile preschool?

Centers are to ensure that a mobile preschool vehicle or mobile unit meets the following facility requirements in addition to applicable child care center requirements in chapter 5180:2-12 of the Administrative Code:

- (1) Vehicles approved for use in mobile preschools are class C recreational vehicles or class C motorhomes. The class C vehicle is to contain a minimum of one restroom with a toilet and a sink.
- (2) Mobile preschool vehicles are to be approved by the Ohio department of children and youth (DCY) before use and are to comply with ongoing vehicle inspection requirements found in rule 5180:2-12-14 of the Administrative Code.
- (3) There is to be a minimum of fifteen square feet per child in the mobile classroom. Usable floor space means wall-to-wall indoor floor space for the exclusive use of children. This does not include the driver's area of the recreational vehicle, which is to be off-limits to children at all times.
- (4) The center is to ensure that the mobile preschool vehicle is to:
 - (a) Be parked on a level surface and secured with wheel chocks on both sides of at least one axle prior to children arriving for care. Wheel chocks should be the appropriate size and made of suitable material to securely hold the vehicle in place.
 - (b) Have two means of emergency egress.
 - (c) Be capable of providing heating and air conditioning.
 - (d) Obtain and maintain an appropriate food service license.

(H) What are the staffing and supervision requirements for a center operating a mobile preschool?

Centers are to ensure that a mobile preschool unit meets the following staffing and supervision requirements in addition to applicable child care center requirements in chapter 5180:2-12 of the Administrative Code. The center operating a mobile preschool is to ensure that:

- (1) No more than eight children are in attendance at any given time in each mobile preschool. Mobile preschool units will have their own licensed capacity which is included in the total capacity of the licensed child care center.
- (2) At least two qualified child care staff members are present on-site during operating hours.

- (3) Each preschool class session is not to exceed four hours.
- (4) A qualified administrator is available at the center and responsible for the mobile preschool during the mobile unit's operating hours. An administrator can oversee multiple mobile preschool units under the same child care center license.
- (5) The driver of the mobile preschool complies with all driver requirements found in rule 5180:2-12-14 of the Administrative Code.
- (6) Children are directly supervised when entering and exiting the mobile preschool.

(I) What are the safety and emergency preparedness requirements for a center operating a mobile preschool?

Centers are to ensure that a mobile preschool meets the following safety and emergency preparedness requirements in addition to applicable child care center requirements in chapter 5180:2-12 of the Administrative Code. The center operating a mobile preschool is to ensure that:

- (1) Written stop location schedules are to be provided to parents and DCY. Any changes to the mobile preschool parking location are to be communicated to parents and submitted to DCY thirty days in advance through the Ohio statewide licensing system.
- (2) The center is to have a DCY approved plan for:
 - (a) Child records, including recording attendance and maintaining enrollment information in accordance with rule 5180:2-12-15 of the Administrative Code.
 - (b) Health care plans and administration of medication procedures in accordance with rules 5180:2-12-16 and 5180:2-12-25 of the Administrative Code.
 - (c) Always-available communication with the licensed child care center administrator or their designee during hours of operation.
 - (d) Emergency preparedness and response plan (EPRP), including evacuation and location for reunification with parents, for fire, severe weather, security threats and unexpected incidents.
 - (e) Transporting children to and from the mobile unit, in the case of an emergency.

(f) Vehicle breakdowns and cancellation policy or location within the center for children to attend when mobile unit is not available.

(g) Unexpected care incidents including, but not limited to, parent failure to pick up a child or staff illness during preschool time.

(h) Conducting monthly drills for fire evacuation, severe weather response, stranger danger scenarios, and security threats.

(J) What are the safe and sanitary environment and additional hygiene stipulations that are to be followed by the center operating a mobile preschool?

Centers are to ensure that a mobile preschool unit follows child care center requirements for a safe and sanitary environment outlined in Chapter 5180:2-12 of the Administrative Code. In addition, the center operating a mobile preschool is to ensure:

(1) The mobile preschool vehicle is not to move while children are in attendance.

(2) Children are not exposed to carbon monoxide emissions.

(3) An indoor temperature of at least sixty-five degrees Fahrenheit. If indoor temperature exceeds eighty-five degrees Fahrenheit, ventilation that produces air movement or air conditioning is to be provided.

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5180:2-12-22

Meal preparation and nutrition~~preparation/nutritional requirements for a licensed child care center.~~

(A) What are the requirements for meals and snacks in a licensed child care center?

The center is to:

- (1) ~~Serve~~Offer varied, nutritious, and appropriately timed meals and snacks ~~as described in appendix A to this rule.~~
- (2) Offer food from the five basic food groups: protein, grain, fruit, vegetable, and dairy according to the following:~~Follow the portion sizes and nutritional requirements for meals and snacks described in appendix B to this rule.~~
 - (a) Meals consist of food from each of the five basic food groups.
 - (b) Breakfast consists of food from three of the five basic food groups.
 - (c) Snack consists of food from two of the five basic food groups.
- (3) ~~Serve~~Offer food that is not a choking hazard, and that is developmentally appropriate in size, amount and texture.
- (4) Provide meals and snacks according to the posted current weekly menu, and spaced no more than four hours apart.
 - (a) The menus shall be posted in a visible place readily accessible to parents.
 - (b) The menus shall include all meals and snacks being served by the center, any substitutions shall be noted at the time of the change.
- (5) Offer milk based on parental preference.
- ~~(5)~~(6) ~~Serve~~Offer only one hundred per cent, undiluted fruit or vegetable juice, if used to meet the fruit or vegetable requirement for meals and snacks. Other fruit or vegetable juice is permitted as a beverage alternative.
- ~~(6)~~(7) ~~Ensure that supplemental food is on-site at the center and~~Offer food to ensure that no child goes more than four hours without at least a ~~snack or meal~~, except when sleeping.
- ~~(7)~~(8) Obtain a physician's written instructions if administering a medical food to any child or if an entire food group is eliminated. When special diets are required for cultural or religious reasons, the center shall obtain written, dated and signed

instructions from the child's parent unless the special diet is part of a center program.

~~(8)~~(9) Set its own policy regarding the accommodation of a parent's alternate diet for a child when the center provides the meal. ~~The center shall ensure that any alternate diet, except those required for religious, cultural, or medical reasons as specified in paragraph (A)(7) of this rule, include items from each of the following food groups: meat or meat alternative, grain, fruit/vegetable, and fluid milk.~~

~~(9)~~(10) Provide for the safe storage of all food, including milk (formula and breast milk for infants). If safe storage of milk is not available on routine trips or field trips, milk may be served at snack time instead of at the meal.

~~(10)~~(11) Have provisions for safe storage of parent provided food.

~~(11)~~(12) Have drinking water freely available to children. If drinking fountains are used, there shall be sufficient water pressure so that the child's mouth does not come in contact with the water dispensing mechanism. Individual bottles of water are to be labeled with each child's name.

~~(12)~~(13) Ensure that individual servings or individual packages of food or drink that have been served to a child are discarded or sent home with the child if not consumed during meal or snack time. Food or drink that is individually packaged and the package has not been opened may be stored at the center to be served again or sent home.

~~(13)~~(14) Not have screens (television, computer, etc.) on during meals and snacks.

(B) What requirements shall a center implement for safe, independent self-feeding?

The center shall ensure that:

(1) Food is not served on bare tables. Food for infants may be placed directly on an individual highchair tray if the tray is removed, washed, and sanitized ~~in accordance with appendix A to rule 5101:2-12-13 of the Administrative Code.~~

(2) Eating utensils and dishes are suitable for the age and developmental level of the children.

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Appendix A to Rule 51015180:2-12-22 *RESCINDED

Meal and Snack Requirements

The number of meals, snacks and/or breakfast provided by a licensed child care center is to be available as follows:

Center Hours of Operation	Meals and Snacks Available
4 to 8 hours per day	One of the following: • 1 meal and 1 snack • 1 meal and 1 breakfast
More than 8 hours and fewer than 14 hours per day	One of the following: • 1 meal and 2 snacks • 1 meal and breakfast • 1 meal and 1 snack • 2 meals and 1 snack
More than 14 hours or overnight	Breakfast, 2 meals and 2 snacks
After school for school children	1 snack

The content of meals, snacks and breakfast is to be selected from the following four basic food groups:

1. Meat or meat alternative
2. Breads and grains
3. Fruits and vegetables (juices may be used if 100% and undiluted)
4. Fluid Milk (see appendix C to rule 5101:2-12-22)

Meal, snack and breakfast food group requirements:

Type of Feeding	Food Group
Meal (provide 1/3 of the recommended daily dietary allowances as specified by the United States Department of Agriculture (USDA))	All of the following: • 1 serving of fluid milk • 1 serving of meat or meat alternative • 1 serving of fruit* • 1 serving of vegetables* • 1 serving of bread and grains
Breakfast	1 serving each from 3 of the 4 basic food groups
Snack	1 serving each from 2 of the 4 basic food groups

*A vegetable may be used to meet the entire fruit requirement. When two vegetables are served at lunch or dinner, two different kinds of vegetables are to be served.

Appendix B to Rule 51015180:2-12-22 *RESCINDED

Portion Sizes for Meals

Meal	Component		Minimum Serving	
	Age of Child	1 & 2 years	3-5 years	6-12 years
Breakfast	Meat or Meat Alternative (optional)	½ oz.	½ oz.	1 oz.
	Fluid Milk	½ cup	¾ cup	1 cup
	Juice/Fruit or Vegetable	¼ cup	½ cup	½ cup
	Grains/Breads/Dry Cereal	½ slice ¼ cup or 1/3 oz.	½ slice 1/3 cup or ½ oz.	½ slice ¾ cup or 1 oz.
Meal	Meat or Meat Alternative	1 oz.	1 ½ oz.	2 oz.
	Fruit or Vegetable	¼ cup	½ cup	¾ cup
	Grains/Breads/Pasta/Noodles (cooked)	½ slice ¼ cup	½ slice ¼ cup	1 slice ½ cup
	Fluid Milk	½ cup	¾ cup	1 cup
Snack	Meat or Meat Alternative	½ oz.	½ oz.	1 oz.
	Fruit or Vegetable	½ cup	½ cup	¾ cup
	Grains/Breads/Pasta/Noodles (cooked)	½ slice ¼ cup or 1/3 oz.	½ slice ¼ cup or 1/3 oz.	½ slice ¼ cup or 1/3 oz.
	Fluid Milk	½ cup	½ cup	1 cup

Additional information on meal preparation and nutrition may be found at:
http://www.fns.usda.gov/cnd/care/ProgramBasics/Meals/Meal_Patterns.htm

Appendix C to Rule 51015180:2-12-22 *RESCINDED

Fluid Milk Requirements for Children by Age

The licensed child care center is to ensure that children are served fluid milk unless the parent provides written instructions by a licensed physician, physician's assistant (PA), advanced practice registered nurse (APRN) or certified nurse practitioner (CNP). Below is a list of ageappropriate fluid milk selections that meet the Ohio department of job and family services (ODJFS) requirement for centers.

Age	Fluid Milk Requirement
Infants up to twelve months of age	• Formula • Breast milk
Infants and toddlers twelve months of age up to twenty-four months of age	• Unflavored whole homogenized vitamin D fortified cow's milk • Breast milk at parent's request, without written instructions from a licensed physician, PA or CNP • Non-cow milk substitutions that are nutritionally equivalent to milk, with written parental consent
Toddlers and children twenty-four months of age and older	• Unflavored one per cent milk that is vitamin A and D fortified • Unflavored fat free or skim milk that is vitamin A and D fortified • Non-cow milk substitutions that are nutritionally equivalent to milk, with written parental consent

The center is not to use reconstituted dry powdered milk as a beverage unless the parent provides written instructions by a licensed physician, PA, APRN or CNP.

5180:2-12-25 **Medication administration.**

(A) What are the requirements for a center to administer medication to a child?

(1) Written permission from a parent is needed for the child care center to administer the following to a child:

(a) All prescription medication.

(b) All non-prescription medication.

(c) All sample medication.

(d) All medical foods.

(e) Topical products and lotions. Written parental permission is not required for lip balm use or for using hand sanitizer with children older than twenty-four months.

(2) A record of medication(s) and medical food(s) administered is to be kept for each child containing:

(a) Name of child.

(b) Name of medication and dosage.

(c) Date and time administered.

(d) Signature of the staff member that administered the medication.

(e) A record of medication administered is not required for non-prescription topical products and lotions.

(3) The Ohio department of children and youth (DCY) 01236 "Health Care Plan Documentation & Permission to Administer Medication" may be used to document medication administration.

(B) Who can provide instructions for administering medications or medical foods?

Instructions for administration are needed from the following individuals, depending on the type of medication or medical food:

(1) Instructions from a licensed dentist, licensed physician, physician assistant (PA), or advanced practice registered nurse (APRN) are required for administering:

- (a) Medical foods.
- (b) Prescription medications, including samples.
- (c) Non-prescription medicines containing aspirin.
- (d) Topical preventative products and lotions or non-prescription medications, when the instructions for use exceed or do not match the manufacturer's instructions or are not stored in original container.
- (e) Instructions are not required if the prescription medication is stored in the original container with prescription label that includes the child's full name, exact dosage, and directions for use.

(2) Instructions from the child's parent are needed when:

- (a) Following manufacturer's instructions to administer topical preventative products and lotions.
- (b) The non-prescription medication is stored in the original container and used following manufacturer's instructions.

(3) Acceptable documentation formats for all instructions the center utilizes to meet this rule include information provided on, but not limited to, DCY forms, electronic patient chart systems, physician or hospital discharge instructions.

(C) What are the additional requirements for administering medications or medical foods?

When administering medications or medical foods, the center is to:

- (1) Not administer any medication, medical food, or topical product until after the child has received the first dose or application at least once prior to the center administering a dose or applying the product, to avoid unexpected reactions. Emergency medications for the child are exempt from this requirement.
- (2) Not administer any medication, medical food or topical product for any period of time beyond the date indicated by the licensed dentist, licensed physician, PA, or APRN or as directed on the manufacturer's instructions.
- (3) Apply non-prescription topical products and lotions according to the manufacturer's instructions.
- (4) Document each administration or application immediately after administering, including when school-age children administer their own medication, if the

center policy allows. This excludes non-prescription topical products and lotions.

(5) Follow prescribed dosages or the manufacturer's recommended dosages for administering non-prescription medication.

(6) Complete a separate documentation for each medication to be administered for each child, excluding the exempted items in paragraph (A)(2)(e) of this rule. Written permission is valid for the time period specified on the permission, not to exceed twelve months from the date of signature.

(D) What are the requirements for storing medication, topical products and medical foods in a licensed child care center?

The center is to:

(1) Safely store all medication, medical foods, and topical products immediately upon arrival at the center. Ensure the medication, medical food, or topical product is stored per the requirements on the label in the original container with the child's name affixed. Non-prescription medications and topical products are to have a manufacturer's label containing directions based on the age and/or weight of the child.

(2) Keep medication, medical foods, and topical products out of the reach of children, unless a school-age child is permitted to carry their own emergency medication and documentation is completed and on file at the center. If a school-age child is permitted to carry their own emergency medication, it is to be carried on their person or stored away from children in a location that only that child and child care staff members can access.

(3) Refrigerate, in a separate container, medications, medical foods, or topical products immediately upon arrival at the center if needed.

(4) Ensure that medications, medical foods, and topical products are accessible to employees at all times.

(5) Ensure that medications, medical foods, and topical products are removed from the center when no longer needed. Medication is to be discarded when expired, unless documentation is provided by a physician for continued use.

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Certification

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CHILD ENROLLMENT FORM FOR EARLY CARE AND EDUCATION PROGRAMS

Parents: Complete this form or an electronic version in its entirety prior to the child's first day of attendance, review annually, and update as needed. The program may supplement or substitute this document with their own content equivalent form and request additional information from the parent/guardian.

Child's Name		Date of Birth		First Day at Program	
Address					
City		State		Zip Code	
Parent #1 Name		Parent #1 Phone Number			
Parent #1 Address ☐ Same as Child's		City		State	Zip Code
Parent #1 Email Address (if applicable)		Parent #1 Cell Phone (if applicable)			
Parent #1 Work/School Name (if applicable)		Parent #1 Work/School Phone Number (if applicable)			
Check here if Not Applicable ☐	Parent #2 Name		Parent #2 Phone Number		
Parent #2 Address ☐ Same as Child's		City		State	Zip Code
Parent #2 Email Address (if applicable)		Parent #2 Cell Phone (if applicable)			
Parent #2 Work/School Name (if applicable)		Parent #2 Work/School Phone Number (if applicable)			
Primary Emergency Contact #1 Name (cannot be parent/guardian)		Check here if Not Applicable ☐	Optional Emergency Contact #2 Name (cannot be parent/guardian)		
Primary Emergency Contact #1 Phone Number		Optional Emergency Contact #2 Phone Number			
Primary Emergency Contact #1 Other number or email address for emergency contact (if applicable)		Optional Emergency Contact #2 Other number or email address for emergency contact (if applicable)			
My child may be released to this emergency contact ☐ Yes ☐ No		Optional My child may be released to this emergency contact ☐ Yes ☐ No			
Does your child have a chronic health condition or diagnosis that requires the program to: observe or monitor symptoms, administer medication, serve medical foods, perform medical procedures, avoid specific foods/environmental conditions/activities, or allow a school age child to carry and administer their own medication? ☐ Yes (complete or provide a Health Care Plan, documentation from a licensed physician, or an electronic equivalent) ☐ No					

Child's Name			Date of Birth	
Information on my child's development: (personal, behavior, patterns, habits, and individual needs, etc.) ☐ N/A				
The following accommodation(s) may be helpful to most effectively meet my child's needs while at the program: ☐ N/A				
My child will receive specialized/individual services at the program: ☐ Yes ☐ No Name of service provider(s) and frequency ☐ N/A				
Emergency Transportation Authorization				
☐ The program has permission to secure emergency transportation for my child in the event of an illness or injury which requires emergency treatment. The emergency transportation service will determine the facility to which my child will be transported. ☐ The program does not have permission to secure emergency transportation for my child in the event of an illness or injury which requires emergency treatment. I wish for the following action to be taken:				
SIGNATURE This form should be reviewed 12 months from the date the parent acknowledges accuracy and receipt of policies and procedures.				
Parent Acknowledgement of Accuracy and Receipt of Policies and Procedures By signing this form, I attest that the information is accurate and that I have reviewed and received a copy of the program's policies and procedures (parent handbook).				
Parent Signature			Date	
Program Acknowledgement of Completion By signing this form, I attest that I have reviewed for completeness and that this form has been signed by the parent/guardian. This form is to be completed prior to the child receiving care.				
Program Administrator/Designee Signature			Date	
Parent/Guardian Initials	Date of Review	Administrator/Designee Initials	Date of Review	
Parent/Guardian Initials	Date of Review	Administrator/Designee Initials	Date of Review	
Parent/Guardian Initials	Date of Review	Administrator/Designee Initials	Date of Review	

HEALTH CARE PLAN DOCUMENTATION & PERMISSION TO ADMINISTER MEDICATION FOR EARLY CARE AND EDUCATION PROGRAMS

Parents: Complete this form or an electronic version in its entirety prior to the child's first day of attendance and update annually and as needed when a child has a special chronic health condition that may require the program to perform a medical procedure or administer medication. The program may supplement or substitute this document with their own content equivalent form and request additional information from the parent/guardian.

HEALTH CARE PLAN DOCUMENTATION

Child's Name

Date of Birth

If the child does not have a special chronic health condition or diagnosis check here: ☐
Skip to page 2 to give permission to administer medication/medical food.

Complete a new form or provide separate documentation for each condition that requires different actions to be taken.

☐ **Check here if additional information/documentation is attached from a licensed dentist, licensed physician, physician assistant (PA), or advanced practice registered nurse (APRN).** This documentation may serve as a substitute for page 1.

Special Chronic Health Condition

What are the signs, symptoms, or situations which require staff to take action, perform a medical procedure and/or administer medication or medical food?

What are the activities, foods, conditions, etc. to avoid? ☐ Not Applicable

What are the instructions to care for the child or perform a medical procedure?

If the child's health condition does not improve or side effects to medication appear, trained staff will do one or more of the following:

☐ Call 9-1-1

☐ Call Parent

☐ Other:

Additional Information and/or what is needed if the child care program must be evacuated:

If the special health condition does not require administering medication/medical food: STOP HERE AND SKIP TO PAGE 3

Page 1 is completed to provide instructions for performing a medical procedure.

PERMISSION TO ADMINISTER MEDICATION

Instructions from a licensed dentist, licensed physician, physician assistant (PA), or advanced practice registered nurse (APRN) are required for administering:

- Medical foods.
- Prescription medications, including samples.
- Non-prescription medicines containing aspirin.
- Topical preventative products and lotions or non-prescription medications, when the instructions for use exceed or do not match the manufacturer's instructions or are not stored in original container.

Child's Name	Date of Birth	Weight (if needed to determine dosage)
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What are the instructions to administer medication or medical food?

☐ **Not Applicable:** Instructions are not required if the prescription medication is stored in the original container with prescription label that includes the child's full name, exact dosage, and directions for use.

What actions are to be taken if the medication or medical food is not available?

Name of Medication/Medical Food	Name of Medication/Medical Food	Name of Medication/Medical Food
Dosage of Medication/Medical Food	Dosage of Medication/Medical Food	Dosage of Medication/Medical Food
Time of Medication/Medical Food Administration	Time of Medication/Medical Food Administration	Time of Medication/Medical Food Administration
☐ Administer because symptoms are present	☐ Administer because symptoms are present	☐ Administer because symptoms are present

SIGNATURE PAGE

Child's Name

PARENT/GUARDIAN By signing this form I attest that: (check all that apply) ☐ I have provided information for care or implementing a medical procedure ☐ I have trained staff and have given permission to perform the procedure ☐ I have trained staff and have given permission to administer medication to my child		
Parent Signature	Date of Signature	
LICENSED PHYSICIAN, PHYSICIAN ASSISTANT, ADVANCED PRACTICE REGISTERED NURSE, LICENSED DENTIST Health Care Professional's signature is only required in this box if their instructions have been provided on this form, prescribed medication does not have a prescription label, or as directed by the manufacturer's instructions.		
Physician Signature	Date of Signature	
CERTIFIED PROFESSIONAL TRAINER (A signature from a Certified Professional Trainer is not required if the parent/guardian has provided instructions for care, training, or administering medication) If a Certified Professional Trainer provided instructions, my signature indicates that: ☐ I have provided instructions for care and/or training for the medical procedure. ☐ I have provided instructions for administering medication.		
Certified Professionals Name (please print)	Phone Number	
Certified Professionals Signature	Date of Signature	
PROGRAM STAFF Signatures of all individuals who have received instructions for care, have been trained in performing the procedure for this child and/or administering medication. Additional names and signatures can be attached on a separate sheet.		
Printed Name	Signature	Date
Printed Name	Signature	Date
Printed Name	Signature	Date
Printed Name	Signature	Date
Printed Name	Signature	Date

DOCUMENTATION OF ADMINISTRATION OF MEDICATION OR MEDICAL FOOD	
Child's Name	Name of Medication/Medical Food

Ohio Department of Children and Youth
INCIDENT/INJURY REPORT FOR EARLY CARE AND EDUCATION PROGRAMS

☐ Child Care Center ☐ Family Child Care ☐ In-Home Aide ☐ School-Based Preschool Program ☐ School-Based School-Age Program			
SECTION I			
Name of program			Program number
Street address	City	Zip code	County
Is this a child who has a written medical/physical care plan on file as defined in the Ohio Administrative Code? ☐ Yes ☐ No <i>(If yes, explain in summary section)</i>			
Full name of child (first name, last name)		Child's date of birth (MM/DD/YY)	☐ Female ☐ Male
Date of incident/injury/illness		Time of incident/ injury/illness	
Name of person responsible for child at time of incident		Witness(es)	
At the time of the incident/injury/illness			
How many children were there in this child's group?		How many child care staff members were supervising the group?	
Were parents contacted? ☐ Yes ☐ No If yes, when?		Who provided first aid? Date	
How many hours is this child in your care per day? (check one) ☐ Part-time (< four hours per day) ☐ Full-time (> four hours per day)			
Age of child-group that child was assigned to at the time of the incident/injury/illness			
☐ Young Infant (Less than 12 months)	☐ Infant (12 - 18 months)	☐ Toddler (18 months - 3 years)	☐ Preschool (3 - 5 years & not in school) ☐ School Age Child (eligible for kindergarten and older)
SECTION II			
TYPE OF INJURY (check all that apply) ☐ Bit tongue/Cheek/Lip ☐ Bite-Human ☐ Bite/Sting-Animal or Insect ☐ Bump/Bruise ☐ Burn ☐ Choking ☐ Cut ☐ Difficulty Breathing ☐ Nosebleed ☐ Object Inserted into Body Part ☐ Puncture Wound ☐ Scrape/Scratch ☐ Something in Eye ☐ Stubbed Finger/Toe ☐ Sunburn ☐ Swelling/Redness ☐ N/A - Incident/Illness ☐ Other (specify in summary)		BODY PART AFFECTED (check all that apply) ☐ Arm ☐ Back ☐ Chin ☐ Ear ☐ Eye ☐ Face ☐ Fingers ☐ Foot ☐ Front of Trunk/Stomach ☐ Genitals/Buttocks ☐ Hand ☐ Head ☐ Knee ☐ Leg ☐ Lungs/Difficulty Breathing ☐ Mouth/Teeth ☐ Neck ☐ Nose ☐ Shoulder/Collarbone ☐ Throat ☐ Toe ☐ Whole Body	
☐ Diaper Rash ☐ Fever ☐ Stomachache/Vomiting/Diarrhea ☐ Other Illness (specify in summary section) ☐ N/A - Injury/Incident			
TYPE OF INCIDENT (check all that apply) ☐ Baby Fed Wrong Bottle ☐ Blood or Bruise Found on Child ☐ Other (specify in summary) ☐ Collision w/Object ☐ Collision w/Person ☐ Fall - Walk/Run/Trip ☐ Fall to Surface ☐ Fighting ☐ N/A Injury/Illness			
WHERE DID INCIDENT/INJURY HAPPEN? (check all that apply) ☐ Bathroom ☐ Changing Table ☐ Crib ☐ Classroom ☐ Hall/Doorway ☐ High Chair ☐ In Vehicle ☐ Inside Play Area/Large Muscle Area ☐ Kitchen/Eating Area ☐ On Fieldtrip/Routine Trip ☐ Outdoor Play Area ☐ Parking Area/Driveway ☐ Pool ☐ Stairway			
INCIDENT HAPPENED DURING? ☐ Arrival/Depart Period ☐ Diaper Change ☐ Naptime/Rest			
☐ Bus/Vehicle/During Transportation ☐ Classroom Activity ☐ Indoor Play/Group Activities/Free Play ☐ Meals/Snacks ☐ Outdoor Play ☐ Transition Between Activities			
ACTION TAKEN (check all that apply) ☐ Bandage ☐ Body Part Elevated ☐ Contacted Children's Protective Services ☐ Hug/Pat ☐ Ice ☐ Pressure Applied ☐ Referred for Further Medical Care ☐ Rested on Cot ☐ Returned to Normal Activity ☐ Sent Home Early/Picked Up Early ☐ Washed/Soaped ☐ Other (specify in summary)			
Summary of Incident/Injury/Illness (Explain, attach additional paper if needed)			Date
Print First and Last Name of Person Completing Form		Signature of Person Completing Form	Telephone Number
Person Receiving Form - Parent/Family Member (Optional - for record keeping purposes only)			Date

Incident/Injury Report Instructions

A DCY 01299 "Incident/Injury Report" must be completed when:

- A child becomes ill or receives an injury which requires any first aid treatment.

FILL IN REQUIRED SECTION I ON THE FRONT SIDE OF THIS FORM. Provide a complete description of the incident/injury/illness in the summary section (if additional space is needed, attach paper to the incident report). The person completing the form signs the report and it is provided on the same day of the incident to the parent or person picking up the child from the center/home. Request parent to sign report; however, do not delay giving report to parent if parent refuses to sign. The parent's signature is *not* required. **PLEASE BE SURE ALL SECTIONS HAVE BEEN COMPLETED.**

DEFINITIONS

Incident: An unusual event that happens that does not necessarily result in an injury to the child. A copy of the report for an incident shall be retained on file at the center or home for at least one year and shall be available for review by the Ohio Department Children and Youth or county agency.

Minor Injury: An injury resulting in a child being able to return to normal activity; basic first aid may be given by staff. A copy of the report for a minor injury shall be retained on file at the center or home for at least one year and shall be available for review by the Ohio Department of Children and Youth or county agency.

Child care providers may contact the Family and Customer Support Center toll-free at 1-844-234-5437, for technical assistance.

TO BE RESCINDED

5180:2-12-08

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 in this paragraph, 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) Be at least sixteen years of age.
- (2) 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:
 - (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.
- (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.
- (4) Provide verification of education 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.
- (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.
- (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.

- (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 in this paragraph, 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, 01/27/2024

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	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. • 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	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. • 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.

TO BE RESCINDED

5180:2-12-15 **Child record requirements for a licensed child care center.**

(A) What are the requirements for the JFS 01234 "Child Enrollment and Health Information" for a licensed child care center?

The center shall:

- (1) Have a completed JFS 01234 on file for each child by the first day of attendance.
- (2) Ensure the JFS 01234 is reviewed at least annually by the parent and updated as needed when information changes. The parent and administrator shall initial and date the form when the information is reviewed or updated.
- (3) Send the child's JFS 01234 with any child who is being transported for emergency assistance.
- (4) Maintain a current copy of the completed JFS 01234 for each child in care in a location that can be easily and quickly accessed and removed from the center if there is an emergency that requires the children to be moved to another location.

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

- (1) The center shall secure and have on file verification of a medical examination for each child. Children who attend a grade of kindergarten and above in an elementary school are exempt from this requirement.
- (2) The medical statement shall be on file at the center within thirty days of the child's first day of attendance and updated every thirteen months thereafter from the date of the examination.
- (3) The medical statement shall contain the following information:
 - (a) The child's name and birth date.
 - (b) The date of the medical examination, which is to be no more than thirteen months prior to the date the form is signed.
 - (c) A statement that the child has been examined and is in suitable condition for participation in group care.
 - (d) The signature, business address and telephone number of the physician, as defined in Chapter 4731. of the Revised Code, physician's assistant (PA),

advanced practice registered nurse (APRN) or certified nurse practitioner (CNP) who examined the child.

- (e) A record of the immunizations that the child has had, specifying the month, day and year of each immunization. This record may be an attachment to the medical statement.
- (f) A statement from the physician, PA, APRN, or CNP that the child has been immunized or is in the process of being immunized against the diseases required by division 5104.014 of the Revised Code and found in appendix A to this rule or a statement that the child meets one of the following:
 - (i) A statement from a physician, PA, APRN, or CNP that an immunization against the disease is medically contraindicated for the child.
 - (ii) A statement from a physician, PA, APRN, or CNP that an immunization against the disease is not medically appropriate for the child's age.
 - (iii) A statement from the child's parent that he or she has declined to have the child immunized against the disease for reasons of conscience, including religious convictions.

(C) What are the health care plan requirements for caring for children with a specific health condition in a licensed child care center?

- (1) The JFS 01236 "Medical/Physical Care Plan for Child Care" is to be used for children with a condition or diagnosis that require the following:
 - (a) Monitoring the child for symptoms which require the staff to take action.
 - (b) Ongoing administration of medication or medical foods. Medical food means food that is formulated to be consumed under the supervision of a physician, PA, APRN, or CNP and which is intended for the specific dietary management of a disease or condition.
 - (c) Administering procedures which require staff to be trained on those procedures.
 - (d) Avoiding specific food(s), environmental conditions or activities.
 - (e) A school-age child to carry and administer their own emergency medication.
- (2) The center is to:

- (a) Ensure that there is a completed JFS 01236 for each condition per child.
 - (b) Ensure that all child care staff members who are trained to perform the medical procedure have signed the JFS 01236.
 - (c) Ensure that there is at least one child care staff member caring for the child at all times who has signed the JFS 01236 on the child's condition. This includes on-site at field trips.
 - (d) Implement and follow all requirements of each child's JFS 01236.
 - (e) Keep each JFS 01236 in a location that can be easily and quickly accessed, including being removed from the center if there is an emergency that requires the children to be moved to another location.
- (3) The JFS 01236 shall be reviewed by the parent at least annually and updated as needed, including an updated list of trained staff members, if applicable. The parent and administrator shall initial and date the form when the information is reviewed or updated.
- (4) The JFS 01236 shall be on file with the center by the first day of attendance or upon confirmation of a health condition.
- (5) If the center suspects that a child has a health condition, the center may require a physician's statement within a designated timeframe.
- (6) Only staff members trained on the child's needs and required procedures shall be permitted to perform medical procedures or other action needed for a health condition or special need.

(D) What information regarding children's records can be shared?

Children's records shall be confidential but shall be available to the Ohio department of job and family services for the purpose of administering Chapter 5104. of the Revised Code and Chapter 5101:2-12 of the Administrative Code. The immunization records shall be subject to review by the Ohio department of health (ODH) for disease outbreak control and for immunization level assessment purposes.

(E) How long are child records to be kept on file at the center?

All child medical statements, JFS 01217 "Request for Administration of Medication for Child Care," JFS 01234 and JFS 01236 as well as all written permission from parents or physicians are to be kept on file for twelve months from the date the form is

signed or updated, whichever is later, even if the child no longer attends the program or the form is no longer required for the child.

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Appendix A to Rule 5101:2-12-15

Diseases for Immunizations

1. Chicken pox.
 2. Diphtheria.
 3. Haemophilus influenzae type b.
 4. Hepatitis A.
 5. Hepatitis B.
 6. Influenza (if seasonal vaccine is available).
 7. Measles.
 8. Mumps.
 9. Pertussis.
 10. Pneumococcal disease.
 11. Poliomyelitis.
 12. Rotavirus.
 13. Rubella.
 14. Tetanus.
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TO BE RESCINDED

5180:2-12-21 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.
- (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 develop and follow bedtime routines in consultation with the parents of the children.
- (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.
- (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.
- (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.

(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) If the child has a bedtime routine occurring at the program, 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.
- (5) Provide children access to running water, liquid soap and toothpaste.
- (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.
- (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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TO BE RESCINDED

5180:2-12-25 **Medication administration for a licensed child care center.**

(A) When is a JFS 01217 "Request for Administration of Medication for Child Care" required?

- (1) The JFS 01217 is required for all prescription and non-prescription medication, including sample medication.
- (2) The JFS 01217 is not required for a medication or medical food required by a JFS 01236 "Child Medical/Physical Care Plan for Child Care" pursuant to rule 5101:2-12-15 of the Administrative Code.
- (3) The JFS 01217 is not required for non-prescription topical lotions or products.

(B) What are the requirements for prescription medications, non-prescription medicines containing codeine or aspirin, or non-prescription medication to be given longer than three consecutive days in a fourteen day period?

- (1) The center shall ensure that the parent completes and signs box one of the JFS 01217.
- (2) The center shall ensure that the instructions in box two of the JFS 01217 are completed and signed by a licensed physician, as defined in Chapter 4731. of the Revised Code, licensed dentist, advanced practice registered nurse or certified physician's assistant.
- (3) Box two of the JFS 01217 does not need to be completed if the medication is stored in the original container with prescription label that includes the child's full name, a current dispensing date within the previous twelve months, exact dosage and directions for use.

(C) What are the requirements for non-prescription medications?

The center shall:

- (1) Ensure that the parent completes and signs box one of the JFS 01217.
- (2) Ensure that one of the following is met:
 - (a) The medication is stored in the original container with a manufacturer's label containing directions based on the age and/or weight of the child.

- (b) The instructions in box two of the JFS 01217 are completed and signed by a licensed physician as defined in Chapter 4731. of the Revised Code, licensed dentist, advanced practice registered nurse, or certified physician's assistant, this excludes topical preventative products and lotions unless the instructions exceed or do not match the manufacturer's instructions or the non-prescription medication is not stored in original container.

(D) What are the requirements for topical products and lotions?

Written parental permission is not required for lip balm use or for using hand sanitizer with children older than twenty-four months.

For all other topical products and lotions, the center shall:

- (1) Ensure that the product is stored in the original container with a manufacturer's label that includes directions based on the age and/or weight of the child.
- (2) Ensure that the parent provides signed written permission to administer that topical product or lotion.
- (3) Apply the non-prescription topical products and lotions according to the manufacturer's instructions. Documentation is not required by the staff.

(E) What are the requirements for a licensed child care center to administer medications, medical foods or topical products in a licensed child care center?

The center shall:

- (1) Not administer any medication, medical food, or topical product until after the child has received the first dose or application at least once prior to the center administering a dose or applying the product, to avoid unexpected reactions. Emergency medications for the child are exempt from this requirement.
- (2) Not administer any medication, medical food or topical product for any period of time beyond the date indicated by the physician, physician's assistant, advanced practice registered nurse certified to prescribe medication, or licensed dentist, on the prescription label, for twelve months from the date of the form, or after the expiration date on the medication, whichever comes first.
- (3) Document each administration or application on the JFS 01217 immediately after administering, including when school-age children administer their own medication. This excludes items in paragraph (D) of this rule.

- (4) Follow prescribed dosages or the manufacturer's recommended dosages for administering non-prescription medication.
- (5) Complete a separate JFS 01217 for each medication to be administered for each child, excluding items in paragraph (D) of this rule. Each JFS 01217 is valid for the time period listed on the form, not to exceed twelve months from the date of signature.

(F) What are the requirements for storing medication, topical products and medical foods in a licensed child care center?

The center shall:

- (1) Safely store all medication, medical foods, and topical products immediately upon arrival at the center. Ensure the medication, medical food, or topical product is stored per the requirements on the label in the original container with the child's name affixed.
- (2) Keep medication, medical foods, and topical products out of the reach of children, unless a school-age child is permitted to carry their own emergency medication and a JFS 01236 is completed and on file at the center.
- (3) Permit school-age children to carry and use their own topical products.
- (4) Refrigerate, in a separate container, medications, medical foods, or topical products immediately upon arrival at the center if needed.
- (5) Ensure that medications, medical foods, and topical products are accessible to employees at all times.
- (6) Ensure that medications, medical foods, and topical products are removed from the center when no longer needed or expired.

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