

As Introduced

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H. B. No. 781

Representative Brewer

Cosponsors: Representatives Brent, Brennan, Lett, Miller, J., Upchurch

To amend sections 5104.015, 5104.017, 5104.018, and 1
5104.019 and to enact section 5104.044 of the 2
Revised Code regarding procedures for inspecting 3
child care providers. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 5104.015, 5104.017, 5104.018, and 5
5104.019 be amended and section 5104.044 of the Revised Code be 6
enacted to read as follows: 7

Sec. 5104.015. The director of children and youth shall 8
adopt rules in accordance with Chapter 119. of the Revised Code 9
governing the operation of child care centers, including parent 10
cooperative centers, part-time centers, and drop-in centers. The 11
rules shall reflect the various forms of child care and the 12
needs of children receiving child care or publicly funded child 13
care and shall include specific rules for school-age child care 14
centers that are developed in consultation with the department 15
of education and workforce. The rules shall include the 16
following: 17

(A) Submission of a site plan and descriptive plan of 18
operation to demonstrate how the center proposes to meet the 19

requirements of this chapter and rules adopted pursuant to this	20
chapter for the initial license application;	21
(B) Standards for ensuring that the physical surroundings	22
of the center are safe and sanitary including the physical	23
environment, the physical plant, and the equipment of the	24
center;	25
(C) Standards for the supervision, care, and discipline of	26
children receiving child care or publicly funded child care in	27
the center;	28
(D) Standards for a program of activities, and for play	29
equipment, materials, and supplies, to enhance the development	30
of each child; however, any educational curricula, philosophies,	31
and methodologies that are developmentally appropriate and that	32
enhance the social, emotional, intellectual, and physical	33
development of each child shall be permissible. As used in this	34
division, "program" does not include instruction in religious or	35
moral doctrines, beliefs, or values that is conducted at child	36
care centers owned and operated by churches and does include	37
methods of disciplining children at child care centers.	38
(E) Admissions policies and procedures;	39
(F) Health care policies and procedures, including	40
procedures for the isolation of children with communicable	41
diseases;	42
(G) First aid and emergency procedures;	43
(H) Procedures for discipline and supervision of children;	44
(I) Standards for the provision of nutritious meals and	45
snacks;	46
(J) Procedures for screening children that may include any	47

necessary physical examinations and shall include immunizations	48
in accordance with section 5104.014 of the Revised Code;	49
(K) Procedures for screening employees that may include	50
any necessary physical examinations and immunizations;	51
(L) Methods for encouraging parental participation in the	52
center and methods for ensuring that the rights of children,	53
parents, and employees are protected and that responsibilities	54
of parents and employees are met;	55
(M) Procedures for ensuring the safety and adequate	56
supervision of children traveling off the premises of the center	57
while under the care of a center employee;	58
(N) Procedures for record keeping, organization, and	59
administration;	60
(O) Procedures for issuing, denying, and revoking a	61
license that are not otherwise provided for in Chapter 119. of	62
the Revised Code;	63
(P) Inspection <u>Subject to section 5104.044 of the Revised</u>	64
<u>Code, inspection procedures;</u>	65
(Q) Procedures and standards for setting initial license	66
application fees;	67
(R) Procedures for receiving, recording, and responding to	68
complaints about centers;	69
(S) Procedures for enforcing section 5104.04 of the	70
Revised Code;	71
(T) Minimum qualifications for employment as an	72
administrator or child care staff member, which shall not	73
include requiring an administrator or child care staff member to	74

hold or obtain a bachelor's, master's, or doctoral degree;	75
(U) Requirements for the training of administrators and child care staff members, including training in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;	76 77 78 79
(V) Standards providing for the needs of children who have disabilities or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the center;	80 81 82 83
(W) A procedure for reporting of injuries of children that occur at the center;	84 85
(X) Standards for licensing child care centers for children with short-term illnesses and other temporary medical conditions;	86 87 88
(Y) Minimum requirements for instructional time for child care centers rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;	89 90 91
(Z) Any other procedures and standards necessary to carry out the provisions of this chapter regarding child care centers.	92 93
Sec. 5104.017. The director of children and youth shall adopt rules pursuant to Chapter 119. of the Revised Code governing the operation of type A family child care homes, including parent cooperative type A homes, part-time type A homes, and drop-in type A homes. The rules shall reflect the various forms of child care and the needs of children receiving child care. The rules shall include the following:	94 95 96 97 98 99 100
(A) Submission of a site plan and descriptive plan of operation to demonstrate how the type A home proposes to meet	101 102

the requirements of this chapter and rules adopted pursuant to	103
this chapter for the initial license application;	104
(B) Standards for ensuring that the physical surroundings	105
of the type A home are safe and sanitary, including the physical	106
environment, the physical plant, and the equipment of the type A	107
home;	108
(C) Standards for the supervision, care, and discipline of	109
children receiving child care or publicly funded child care in	110
the type A home;	111
(D) Standards for a program of activities, and for play	112
equipment, materials, and supplies, to enhance the development	113
of each child; however, any educational curricula, philosophies,	114
and methodologies that are developmentally appropriate and that	115
enhance the social, emotional, intellectual, and physical	116
development of each child shall be permissible;	117
(E) Admissions policies and procedures;	118
(F) Health care policies and procedures, including	119
procedures for the isolation of children with communicable	120
diseases;	121
(G) First aid and emergency procedures;	122
(H) Procedures for discipline and supervision of children;	123
(I) Standards for the provision of nutritious meals and	124
snacks;	125
(J) Procedures for screening children, including any	126
necessary physical examinations and the immunizations required	127
pursuant to section 5104.014 of the Revised Code;	128
(K) Procedures for screening employees, including any	129

necessary physical examinations and immunizations;	130
(L) Methods for encouraging parental participation in the type A home and methods for ensuring that the rights of children, parents, and employees are protected and that the responsibilities of parents and employees are met;	131 132 133 134
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the type A home while under the care of a type A home employee;	135 136 137
(N) Procedures for record keeping, organization, and administration;	138 139
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	140 141 142
(P) Inspection <u>Subject to section 5104.044 of the Revised Code, inspection procedures;</u>	143 144
(Q) Procedures and standards for setting initial license application fees;	145 146
(R) Procedures for receiving, recording, and responding to complaints about type A homes;	147 148
(S) Procedures for enforcing section 5104.04 of the Revised Code;	149 150
(T) A standard requiring the inclusion of a current department of children and youth toll-free telephone number on each type A home license that any person may use to report a suspected violation by the type A home of this chapter or rules adopted pursuant to this chapter;	151 152 153 154 155
(U) Requirements for the training of administrators and	156

child care staff members in first aid, in prevention,	157
recognition, and management of communicable diseases, and in	158
child abuse recognition and prevention;	159
(V) Standards providing for the needs of children who have	160
disabilities or who require treatment for health conditions	161
while the child is receiving child care or publicly funded child	162
care in the type A home;	163
(W) Standards for the maximum number of children per child	164
care staff member;	165
(X) Requirements for the amount of usable indoor floor	166
space for each child;	167
(Y) Requirements for safe outdoor play space;	168
(Z) Qualifications and training requirements for	169
administrators and for child care staff members, which shall not	170
include requiring an administrator or child care staff member to	171
hold or obtain a bachelor's, master's, or doctoral degree;	172
(AA) Procedures for granting a parent who is the	173
residential parent and legal custodian, or a custodian or	174
guardian access to the type A home during its hours of	175
operation;	176
(BB) Minimum requirements for instructional time for type	177
A homes rated through the step up to quality program established	178
pursuant to section 5104.29 of the Revised Code;	179
(CC) Any other procedures and standards necessary to carry	180
out the provisions of this chapter regarding type A homes.	181
Sec. 5104.018. The director of children and youth shall	182
adopt rules in accordance with Chapter 119. of the Revised Code	183
governing the licensure of type B family child care homes. The	184

rules shall provide for safeguarding the health, safety, and	185
welfare of children receiving child care or publicly funded	186
child care in a licensed type B family child care home and shall	187
include all of the following:	188
(A) Requirements for the type B home to notify parents	189
with children in the type B home that the type B home is	190
certified as a foster home under section 5103.03 of the Revised	191
Code;	192
(B) Standards for ensuring that the type B home and the	193
physical surroundings of the type B home are safe and sanitary,	194
including physical environment, physical plant, and equipment;	195
(C) Standards for the supervision, care, and discipline of	196
children receiving child care or publicly funded child care in	197
the home;	198
(D) Standards for a program of activities, and for play	199
equipment, materials, and supplies to enhance the development of	200
each child; however, any educational curricula, philosophies,	201
and methodologies that are developmentally appropriate and that	202
enhance the social, emotional, intellectual, and physical	203
development of each child shall be permissible;	204
(E) Admission policies and procedures;	205
(F) Health care, first aid and emergency procedures;	206
(G) Procedures for the care of sick children;	207
(H) Procedures for discipline and supervision of children;	208
(I) Nutritional standards;	209
(J) Procedures for screening children, including any	210
necessary physical examinations and the immunizations required	211

pursuant to section 5104.014 of the Revised Code;	212
(K) Procedures for screening administrators and employees,	213
including any necessary physical examinations and immunizations;	214
(L) Methods of encouraging parental participation and	215
ensuring that the rights of children, parents, and	216
administrators are protected and the responsibilities of parents	217
and administrators are met;	218
(M) Standards for the safe transport of children when	219
under the care of administrators;	220
(N) Procedures for issuing, denying, or revoking licenses;	221
(O) Procedures <u>Subject to section 5104.044 of the Revised</u>	222
<u>Code, procedures</u> for the inspection of type B homes that	223
require, at a minimum, that each type B home be inspected prior	224
to licensure to ensure that the home is safe and sanitary;	225
(P) Procedures for record keeping and evaluation;	226
(Q) Procedures for receiving, recording, and responding to	227
complaints;	228
(R) Standards providing for the needs of children who have	229
disabilities or who receive treatment for health conditions	230
while the child is receiving child care or publicly funded child	231
care in the type B home;	232
(S) Requirements for the amount of usable indoor floor	233
space for each child;	234
(T) Requirements for safe outdoor play space;	235
(U) Qualification and training requirements for	236
administrators and employees, which shall not include requiring	237
an administrator or employee to hold or obtain a bachelor's,	238

master's, or doctoral degree;	239
(V) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type B home during its hours of operation;	240 241 242 243
(W) Requirements for the type B home to notify parents with children in the type B home that the type B home is certified as a foster home under section 5103.03 of the Revised Code;	244 245 246 247
(X) Minimum requirements for instructional time for type B homes rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;	248 249 250
(Y) Any other procedures and standards necessary to carry out the provisions of this chapter regarding licensure of type B homes.	251 252 253
Sec. 5104.019. The director of children and youth shall adopt rules in accordance with Chapter 119. of the Revised Code governing the certification of in-home aides. The rules shall provide for safeguarding the health, safety, and welfare of children receiving publicly funded child care in their own home and shall include the following:	254 255 256 257 258 259
(A) Standards for ensuring that the child's home and the physical surroundings of the child's home are safe and sanitary, including physical environment, physical plant, and equipment;	260 261 262
(B) Standards for the supervision, care, and discipline of children receiving publicly funded child care in their own home;	263 264
(C) Standards for a program of activities, and for play equipment, materials, and supplies to enhance the development of	265 266

each child; however, any educational curricula, philosophies,	267
and methodologies that are developmentally appropriate and that	268
enhance the social, emotional, intellectual, and physical	269
development of each child shall be permissible;	270
(D) Health care, first aid, and emergency procedures,	271
procedures for the care of sick children, procedures for	272
discipline and supervision of children, nutritional standards,	273
and procedures for screening children and in-home aides,	274
including any necessary physical examinations and immunizations;	275
(E) Methods of encouraging parental participation and	276
ensuring that the rights of children, parents, and in-home aides	277
are protected and the responsibilities of parents and in-home	278
aides are met;	279
(F) Standards for the safe transport of children when	280
under the care of in-home aides;	281
(G) Procedures for issuing, renewing, denying, refusing to	282
renew, or revoking certificates;	283
(H) Procedures <u>Subject to section 5104.044 of the Revised</u>	284
<u>Code, procedures</u> for inspection of homes of children receiving	285
publicly funded child care in their own homes;	286
(I) Procedures for record keeping and evaluation;	287
(J) Procedures for receiving, recording, and responding to	288
complaints;	289
(K) Qualifications and training requirements for in-home	290
aides;	291
(L) Standards providing for the needs of children who have	292
disabilities or who receive treatment for health conditions	293
while the child is receiving publicly funded child care in the	294

child's own home;	295
(M) Any other procedures and standards necessary to carry out the provisions of this chapter regarding certification of in-home aides.	296 297 298
<u>Sec. 5104.044. In establishing procedures for inspecting child care centers, type A family child care homes, licensed type B family child care homes, and the homes of children receiving publicly funded child care in their own homes, all of the following apply:</u>	299 300 301 302 303
<u>(A) The director of job and family services shall assist the director of children and youth in establishing inspection procedures.</u>	304 305 306
<u>(B) In an effort to establish consistent and uniform inspection procedures, including for inspections conducted by county departments of job and family services, the directors shall jointly establish procedures that, where possible, apply uniformly across the settings in which child care may be provided in any county of this state.</u>	307 308 309 310 311 312
<u>(C) The directors shall jointly train individuals charged with conducting inspections under this chapter.</u>	313 314
Section 2. That existing sections 5104.015, 5104.017, 5104.018, and 5104.019 of the Revised Code are hereby repealed.	315 316
Section 3. Section 5104.019 of the Revised Code is presented in this act as a composite of the section as amended by H.B. 33 of the 135th General Assembly and H.B. 281 of the 134th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the	317 318 319 320 321 322 323

resulting version of the section in effect prior to the
effective date of the section as presented in this act.

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