

As Introduced

136th General Assembly

Regular Session

2025-2026

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~~ Subject to section 5104.044 of the Revised 64
Code, inspection procedures; 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	76
child care staff members, including training in first aid, in	77
prevention, recognition, and management of communicable	78
diseases, and in child abuse recognition and prevention;	79
(V) Standards providing for the needs of children who have	80
disabilities or who require treatment for health conditions	81
while the child is receiving child care or publicly funded child	82
care in the center;	83
(W) A procedure for reporting of injuries of children that	84
occur at the center;	85
(X) Standards for licensing child care centers for	86
children with short-term illnesses and other temporary medical	87
conditions;	88
(Y) Minimum requirements for instructional time for child	89
care centers rated through the step up to quality program	90
established pursuant to section 5104.29 of the Revised Code;	91
(Z) Any other procedures and standards necessary to carry	92
out the provisions of this chapter regarding child care centers.	93
Sec. 5104.017. The director of children and youth shall	94
adopt rules pursuant to Chapter 119. of the Revised Code	95
governing the operation of type A family child care homes,	96
including parent cooperative type A homes, part-time type A	97
homes, and drop-in type A homes. The rules shall reflect the	98
various forms of child care and the needs of children receiving	99
child care. The rules shall include the following:	100
(A) Submission of a site plan and descriptive plan of	101
operation to demonstrate how the type A home proposes to meet	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	131
type A home and methods for ensuring that the rights of	132
children, parents, and employees are protected and that the	133
responsibilities of parents and employees are met;	134
(M) Procedures for ensuring the safety and adequate	135
supervision of children traveling off the premises of the type A	136
home while under the care of a type A home employee;	137
(N) Procedures for record keeping, organization, and	138
administration;	139
(O) Procedures for issuing, denying, and revoking a	140
license that are not otherwise provided for in Chapter 119. of	141
the Revised Code;	142
(P) Inspection Subject to section 5104.044 of the Revised	143
Code, inspection procedures;	144
(Q) Procedures and standards for setting initial license	145
application fees;	146
(R) Procedures for receiving, recording, and responding to	147
complaints about type A homes;	148
(S) Procedures for enforcing section 5104.04 of the	149
Revised Code;	150
(T) A standard requiring the inclusion of a current	151
department of children and youth toll-free telephone number on	152
each type A home license that any person may use to report a	153
suspected violation by the type A home of this chapter or rules	154
adopted pursuant to this chapter;	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	240
residential parent and legal custodian, or a custodian or	241
guardian access to the type B home during its hours of	242
operation;	243
(W) Requirements for the type B home to notify parents	244
with children in the type B home that the type B home is	245
certified as a foster home under section 5103.03 of the Revised	246
Code;	247
(X) Minimum requirements for instructional time for type B	248
homes rated through the step up to quality program established	249
pursuant to section 5104.29 of the Revised Code;	250
(Y) Any other procedures and standards necessary to carry	251
out the provisions of this chapter regarding licensure of type B	252
homes.	253
Sec. 5104.019. The director of children and youth shall	254
adopt rules in accordance with Chapter 119. of the Revised Code	255
governing the certification of in-home aides. The rules shall	256
provide for safeguarding the health, safety, and welfare of	257
children receiving publicly funded child care in their own home	258
and shall include the following:	259
(A) Standards for ensuring that the child's home and the	260
physical surroundings of the child's home are safe and sanitary,	261
including physical environment, physical plant, and equipment;	262
(B) Standards for the supervision, care, and discipline of	263
children receiving publicly funded child care in their own home;	264
(C) Standards for a program of activities, and for play	265
equipment, materials, and supplies to enhance the development of	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~~ Subject to section 5104.044 of the Revised 284
Code, procedures 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 296
out the provisions of this chapter regarding certification of 297
in-home aides. 298

Sec. 5104.044. In establishing procedures for inspecting 299
child care centers, type A family child care homes, licensed 300
type B family child care homes, and the homes of children 301
receiving publicly funded child care in their own homes, all of 302
the following apply: 303

(A) The director of job and family services shall assist 304
the director of children and youth in establishing inspection 305
procedures. 306

(B) In an effort to establish consistent and uniform 307
inspection procedures, including for inspections conducted by 308
county departments of job and family services, the directors 309
shall jointly establish procedures that, where possible, apply 310
uniformly across the settings in which child care may be 311
provided in any county of this state. 312

(C) The directors shall jointly train individuals charged 313
with conducting inspections under this chapter. 314

Section 2. That existing sections 5104.015, 5104.017, 315
5104.018, and 5104.019 of the Revised Code are hereby repealed. 316

Section 3. Section 5104.019 of the Revised Code is 317
presented in this act as a composite of the section as amended 318
by H.B. 33 of the 135th General Assembly and H.B. 281 of the 319
134th General Assembly. The General Assembly, applying the 320
principle stated in division (B) of section 1.52 of the Revised 321
Code that amendments are to be harmonized if reasonably capable 322
of simultaneous operation, finds that the composite is the 323

resulting version of the section in effect prior to the	324
effective date of the section as presented in this act.	325