

Chapter 3301-32 School Child Program

3301-32-01 Definitions.

(A) "Continuity of care:" the process developed for ensuring that children know which staff member(s) are responsible for their whereabouts and well-being at all times while they are attending the school child program.

(B) "County board of DD:" a county board of developmental disabilities.

(C) "Current first aid certification:" documentation of training received from an approved health organization .

(D) "Department:" the Ohio department of education.

(E) "Eligible nonpublic school:" a nonpublic school chartered as described in division (B)(8) of section 5104.02 of the Revised Code or chartered by the state board of education for any combination of grades one through grade twelve, whether or not it also offers kindergarten.

(F) "License capacity:" the maximum number of school children who may be permitted to attend a school child program at one time at one site.

(G) "Medicine:" a substance used to treat disease or injuries, maintain health, heal, or relieve pain. The term applies to prescription and nonprescription substances taken internally or applied externally.

(H) "Mildly ill child:" a child who does not feel well enough to participate in activities, but who does not have symptoms that may be indicative of a communicable disease.

(I) "Nutritious snack:" a snack that provides nutritional value in addition to calories and contains at least one food from any two of the five basic food groups: meat/beans ; grains ; fruits; vegetables; ; and/or milk.

(J) "Parent or guardian:" the person or persons with legal custody of the child in accordance with section 3321.01 of the Revised Code.

(K) "Person trained in child abuse recognition and prevention:" a person who has received training in child abuse recognition and prevention by a currently authorized instructor from an approved health organization .

(L) "Person trained in first aid:" a person who has received training in first aid by a currently authorized instructor from an approved health organization.

(M) "Person trained to recognize communicable disease:" a person who has received training in prevention, recognition, and management of communicable disease by a currently authorized instructor from an approved health organization .

(N) "Primary space:" usable space that is always available to and used exclusively by the school child program or a portion of space used concomitantly with other groups dedicated to the school child program during its hours of operation. Such space may be used by others at other times of the day.

(O) "Program site:" the building licensed for the operation of the school child program .

(P) "Related experience:" at least one-half of the experience must be in paid or unpaid employment caring for school age children.

(Q) "Responsible individual:" a person who is at least eighteen years of age; or less than eighteen years of age if a graduate of a two-year career-tech child-care training program; or a student enrolled in a high school or university-related program provided that the student performs duties under continuous supervision of a staff member of that program.

(R) "School building:" an existing facility currently in use as a school that is owned or leased and operated by the school district, county board of DD , or eligible nonpublic school that is in compliance with applicable building codes.

(S) "School child:" a person who is attending kindergarten or who is at least five years of age as of the first date of attendance in the school child program but is less than fifteen years of age.

(T) "School child curriculum:" a curriculum that addresses the following areas:

(1) "Health and safety:" that portion of the curriculum that addresses developing independent living skills for developing a healthy lifestyle such as self-protection and safety, nutrition, and respect ;

(2) "Personal discipline:" that portion of the curriculum that addresses acquiring the capacity for industry, production, and completion of tasks, developing responsibility for one's own actions, setting limits, respecting rights and property of others, forming friendships, and using community resources responsibly;

(3) "Recreational:" that portion of the curriculum that addresses developing a sense of confidence in dealing with the physical environment through games, hobbies and exercise, and learning to be content with personal abilities; and

(4) "Social development and emotional well-being:" that portion of the curriculum that addresses forming friendships, mastering a variety of human interactions such as comparing oneself with one's peers, and interacting in social situations.

(U) "School child program:" a program only for school aged children that is operated by a school district board of education, county board of DD , or eligible nonpublic school, that provides care and organized activities for school age children when school is not in session. The program employs a defined curriculum as promulgated by paragraphs (A) and (C) of rule [3301-32-05](#) the Administrative Code.

(V) "School district:" any city, county, exempted village, local, joint vocational school, community school, or educational service center.

(W) "Secondary space:" space that cannot be classified as primary space, because the usable space ordinarily assigned to the school child program may be scheduled for use by others on an occasional basis. Secondary space provides additional space options for program operations and must be available during the program's operation.

(X) "Staff member:" a person employed in a school child program as a program coordinator, program leader, or program assistant who meets the requirements of a program coordinator, leader or assistant in accordance with rule [3301-32-02](#) of the Administrative Code.

(Y) "Superintendent:" the chief administrative officer of the school district, county board of DD, or eligible nonpublic school.

(Z) "Supervision:" the process of overseeing the daily operation of a school child program.

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3301-32-02 Staff.

(A) Staff members of school child programs shall be recruited, employed, assigned, evaluated, and provided in-service education in accordance with adopted school district, county board of DD , or eligible nonpublic school board policies and without discrimination on the basis of age, color, national origin, race, sex, or disability.

(B) School child program staff members shall not have pleaded guilty or have been convicted of any offense mentioned in section 3301.541 of the Revised Code and shall have a criminal background check completed by the appropriate state or federal agency.

(C) All staff, volunteers, and responsible individuals shall sign a non-guilty/non-conviction statement on an annual basis.

(D) Staff members of school child programs shall be examined by a licensed physician, physician's assistant, clinical nurse specialist, or certified nurse not more than twelve months prior to employment and up to thirty days after employment. An employee medical statement shall be kept on file and updated according to program policies. Updates shall not exceed three years . If a staff member is currently employed by a school district board of education or an eligible nonpublic school or a county board of DD , the person shall be considered to have met the requirements of this paragraph .

(E) Community partners will provide the school child care administrator with documentation that confirms every reasonable assurance is taken to safeguard enrolled children in alignment with this rule and will provide documentation to support assurance upon request of the school child care administrator.

(F) Staff members of school child programs shall perform functions in accordance with the following classifications:

(1) Program coordinator is a staff member with responsibilities as follows:

(a) Overall program design, implementation and evaluation;

(b) Compliance with school-age child care rules;

- (c) Long-range planning;
- (d) Fiscal management;
- (e) Personnel recruitment, management, and evaluation;
- (f) Maintenance of program records;
- (g) Coordinating parent participation; and
- (h) Reporting to the superintendent or other administrative designee.

(2) Program team leader is a staff member with responsibilities as follows:

- (a) Planning program activities;
- (b) Designing the program environment;
- (c) Communicating with parents;
- (d) Directing the work of other staff members; and
- (e) Supervising children.

(3) Program assistant is a staff member with responsibilities as follows:

- (a) Assisting the program team leader in planning the program and environment; and
- (b) Working independently with children.

(G) All staff members shall meet the following minimum requirements at the time they are employed:

(1) A program coordinator shall, at a minimum, meet the requirements of a program team leader as specified in paragraph (G)(2)(a) to (G)(2)(c) of this rule .

(2) A program team leader shall: (a) Be at least twenty-one years of age;

(b) Have a high school diploma or equivalent;

(c) Have a minimum of two thousand hours of documented related experience, or ninety quarter or sixty semester hours of successfully completed coursework at an accredited college or university; and

(3) A program assistant shall:

(a) Be at least eighteen years of age,

(b) Hold a high school diploma or equivalent, and

(c) Have five hundred hours of related experience.

(4) Volunteers who meet the following criteria may be used as staff members:

(a) Satisfy the requirements of a criminal records check as established in section 3301.541 of the Revised Code;

(b) Possess a medical statement from an approved provider;

(c) Provide a signed non-guilty/non-conviction statement; and

(d) Complete required orientation training.

(H) If fully qualified staff members are not available to fill all of the positions, persons who meet the qualifications for the position, except for related experience hours, may be employed and the hours scheduled in the school child program may be used in calculating the related experience requirement. Within two years from date of employment, the staff member hired under the conditions detailed in this paragraph shall complete the experience requirement.

(I) All staff members as well as volunteers and responsible individuals used as staff members shall receive orientation training which addresses program policies and procedures as specified in rule [3301-32-10](#) of the Administrative Code prior to or within seven calendar days of the first scheduled date of attendance on job, except that the discipline policy and procedures shall be reviewed as specified in paragraphs (B) and (C) of rule [3301-32-09](#) of the Administrative Code.

(J) Each staff member designated as a team leader, program assistant, or responsible individual who is paid and scheduled to work directly with children shall have on file evidence of annually completing a minimum of fifteen clock hours of in-service training until forty-five clock hours of training have been accumulated. After forty-five hours of in-service training have been completed, each staff member shall have on file evidence of annually completing five hours of in-service training . Any staff member holding a teacher license or certificate issued by the Ohio department of education shall be considered to have met this requirement.

(K) In-service training hours may be accumulated through post secondary coursework, seminars, workshops, conferences, structured observation of other programs, topic specific staff meetings, and orientation training required in paragraph (I) of this rule. Video, CD-ROM computer software presentations, electronic media resource trainings, and self-study may be used for a maximum of ten of the child-care staff member's forty-five hours of in-service training .

(L) In-service training topics may include, but not be limited to, first-aid certification, CPR, child abuse recognition and prevention, management of communicable disease, behavior management, school child curriculum, space and environment designs, working with families, children with special needs, child growth and development, and administration of a school child program.

(M) Documentation of completed in-service training as required shall include date, place, topic, program coordinator's and presenter's signatures, or in the case of self-study, the title, author/producer, and annotated bibliography of the self-study course in lieu of the presenter's signature.

(N) In-service training on first aid, CPR, child abuse recognition and prevention, and management of communicable disease shall be updated according to the length of time required by the approved organization

(O) In-service training hours accumulated through post secondary coursework, seminars, workshops, and conferences on topics other than first-aid, child abuse, and management of communicable disease, shall be provided by an approved trainer who shall have at least two years of experience specific to the subject area and possesses one of the following:

(1) An associate or higher degree in child development, education, home economics, nursing, nutrition, psychology, dental hygiene, social work, or other related fields. Evidence of an associate or higher degree shall be a copy of a diploma, a transcript, or other written evidence of completion of at least ninety quarter credit hours or sixty semester credit hours from an accredited college, university, or technical college; or

(2) A currently valid child development associate credential issued by the council for professional recognition (www.cdacouncil.org).

(P) Resource persons who do not meet the trainer qualifications prescribed in paragraph (O) of this rule may be utilized to provide training when the resource person is accompanied or supervised by a person who meets the requirements of paragraph (O) of this rule.

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3301-32-03 Staff ratios and volunteers.

(A) Staff/child ratios shall be at least one staff member caring for eighteen school children who are five years old, but less than eleven years old; or at least one staff member caring for every twenty school children who are eleven years old, but less than fifteen years old.

(B) The maximum group size shall not exceed twice the maximum number of children allowed per staff member as required in paragraph (A) of this rule. When there is a combination of ages within a group of school children, the age of the youngest school child shall determine the maximum number of children per staff member. There may be multiple groups at one site.

(C) When one to eighteen children are in attendance, one staff member or responsible individual who is at least eighteen years of age shall be in attendance and, at a minimum, at least one other responsible individual shall be accessible in the building in which the program is located. At least two staff members shall be present on field trips including seven or more participating children.

(D) At a minimum, one team leader shall be present on site at least fifty per cent of the operating hours of the school child program.

(E) Staff/child ratios established in this rule shall be maintained for each program site.

(F) Written policies , procedures, and supervision plans may include the following options provided staff/child ratios are maintained :

(1) Children may run errands or use the restroom without direct adult supervision in the area designated for the program's use by the site plan if the children are within hearing of a staff member, a staff member knows the whereabouts of the children at all times, and a staff member checks on the children every five minutes; and/or

(2) Children kindergarten grade and higher in groups of two or more may be without direct adult supervision in the area designated for the program's use by the site plan if the children are within sight or hearing of a staff member in adjoining or adjacent space, a staff member knows the whereabouts of the children at all times, and a staff member checks on the children every five minutes and documents the observation; and/or

(3) When a group of children are outdoors, a staff member shall be able to summon another adult without leaving the group alone or unsupervised. A school child fourth grade or older may leave the group to summon an adult .

(G) With mutual agreement of the parent(s) or guardian and the school child program, school children may be permitted to leave the school child program for specific activities in accordance with the requirements specified in paragraph (F)(8) of rule [3301-32-10](#) of the Administrative Code.

(H) A staff member with current valid first aid, CPR, child abuse recognition and prevention, and management of communicable disease certification shall be on site at all times when children are in attendance. A staff member with current valid first aid and CPR training shall be readily available during field trips.

(I) Only staff members volunteers, and responsible individuals who meet the requirements of rule [3301-32-02](#) of the Administrative Code and work directly with the children shall be counted in the staff/child ratios.

(J) Staff members, volunteers, and responsible individuals shall be responsible for implementing procedures that address continuity of care .

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[3301-32-04 Facilities.](#)

(A) School buildings shall not be required to undergo additional building code inspections or to have structural modifications for use as school child care programs.

(B) Programs not conducted in school buildings may not be licensed until it has been ascertained that such use conforms to local codes and ordinances, and until the premises have passed inspection by:

(1) A fire marshal. The premises shall have been inspected by the fire marshal holding local jurisdiction and any changes required by the fire marshal have been completed before children may occupy the premises. A floor plan of the area used by the program must be on file with the local fire department; and

(2) A building official. Local building authorities having jurisdiction over the premises shall be satisfied with building code compliance and documentation kept on file. Any required changes shall be made before the program may occupy the space.

(C) Both the scheduled and completed dates of the annual fire inspection shall be documented and maintained by the program.

(D) The superintendent is responsible for ensuring that the above inspections are carried out and that any needed modifications to program facilities are made. Documents verifying these inspections and any changes or reconstruction carried out pursuant to the official's requirements shall be available for inspection by any citizen in the superintendent's office. If any person has reasonable cause to believe that a potential hazard exists, he/she may request that the superintendent order a re-inspection .

(E) Program sites shall provide a minimum of thirty-five square feet of indoor primary space per child. When space is used concomitantly with other groups, only the actual portion of space available for the school child program shall be classified as primary space that may be used in the calculation of the square footage for primary space.

(F) Secondary space used for short periods of time are not required to meet the thirty-five square feet per child requirement.

(G) Unless the program operates for less than three hours per day, the facility must have an outdoor activity space of at least sixty square feet per child. The program must provide equipment or materials that promote large muscle development in adequate amounts for the group size.

(H) Upon making application for licensure, site plans for each program shall be filed with the department and shall specify the location and dimensions of the following:

(1) Primary;

(2) Secondary ; and

(3) Outdoor play space as required by paragraph (G) of this rule.

(I) If additional children are to be added at a program site and the result is that more children will be in attendance at the site than the license capacity permits, a new site plan shall be submitted to and approved by the department prior to opening the program for that increased number of children.

(J) Safe indoor and outdoor environments free of hazards shall be maintained.

(1) Items such as sharp objects, medicines, plastic bags, cleaning supplies, poisonous plants and chemicals shall be stored out of reach of children.

(2) Tables, chairs and other furniture shall be appropriate to the age and size of the children who use them.

(3) Equipment and furniture must be without sharp corners, splinters, or paint containing lead .

(4) Areas used by children must be free from debris, loose or peeling paint or wallpaper, crumbling plaster, holes in walls, floors, or ceilings, or litter. Rugs must have nonskid backing or be firmly attached to the floor and be free from wrinkles, tears, or edges that interfere with walking.

(5) The program facility must be cleaned daily, including disinfection of toilets and table tops.

(K) Safe outdoor play space totaling not less than sixty square feet for each child using the space at any one time, shall be regularly available and scheduled for use.

(1) The surface of the outdoor play space shall be well drained.

(2) The play space shall be free of hazards such as, but not limited to, broken glass, potholes, garbage, flammable materials and other debris.

(3) The play area shall be well defined to protect children from traffic, animals, or other hazards.

(L) Space for storage of equipment and children's personal belongings shall be available.

(M) Children shall have access to toilets, sinks, and drinking water at all times.

(N) A telephone that does not require coins to operate must be within, or immediately accessible to the program's primary space and accessible to staff at all times. Program staff must be available to parents by telephone during hours of program operation. Telephone numbers for emergency services as may be locally appropriate must be posted near the telephone.

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3301-32-05 Program and curriculum.

(A) A school child program shall have a written philosophy, goals, objectives, and daily plans that provide a balance to the academic emphasis of the regular school day.

(B) A school child curriculum shall address, but not necessarily be limited to, the following:

- (1) Personal discipline;
- (2) Social development and emotional well being;
- (3) Recreational skills; and
- (4) Health and safety skills.

(C) A written school child curriculum shall be adapted to address individual needs, personal interests and developmental levels. Personal choice and self-initiated learning experiences shall be encouraged and supported in all curriculum planning. The program may offer, but not necessarily be limited to, the following list of recommended activities and projects:

- (1) Creative construction;
- (2) Group and individual reading of literature;
- (3) Building and miniature imaginative play;
- (4) Fine arts;
- (5) Individual quiet space;
- (6) Puzzles and table games;
- (7) Science, math, and exploration;
- (8) Dramatic play;
- (9) Health, safety, and care of self;
- (10) Active outdoor and indoor activities;
- (11) Clubs, scouting, group sports, lessons, and/or special activities; and
- (12) Field trips.

(D) The school child program shall have written policy and procedures for communication with and involvement of parents whose children attend the program. The name and telephone number of the department's ombudsman shall be posted in a place visible to parents.

(E) A school child program shall provide a written plan for communication between the program and the kindergarten through grade twelve system and identify public and nonprofit entities with whom they may cooperate for programming.

(F) A school child program shall provide activities, equipment, and materials that are developmentally and age appropriate and reflect heterogeneous, racial, gender, and cultural attributes.

(G) The school child curriculum shall be adapted to the needs of children with disabilities.

(H) Developmentally appropriate equipment, materials, and furnishings shall be available at each program site for the number and ages of children enrolled. Equipment and materials shall support the program goals, objectives, and activities identified in the daily plans.

(I) The school child program shall have written permission from the parent or guardian of a child before the child shall be permitted to swim or otherwise participate in water play activities in bodies of water two or more feet in depth. The written permission shall be signed and dated, and shall include the following:

(1) The child's name;

(2) Location of the swimming/water play site;

(3) A statement indicating whether or not the child is a swimmer; and

(4) That the parent or guardian grants permission for the child to participate in water activities.

(J) Swimming pools, wading pools, and other bodies of water two or more feet in depth shall be fenced or otherwise made inaccessible to the children when adult supervision is not available.

(K) Staff members shall at all times accompany and supervise children at swimming sites including, but not limited to, public or private swimming pools, lakes, or rivers. Swimming sites removed from the program shall be approved and supervised by local authorities. Activities in bodies of water two or more feet in depth shall be supervised by persons who are currently certified as lifeguards or water safety instructors by the American red cross, YMCA, or an equivalent water safety program.

(L) The program shall provide enough staff members to meet the requirements of paragraph (A) of rule [3301-32-03](#) of the Administrative Code at all times during swimming and water play activities.

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[3301-32-06 Health and safety.](#)

(A) The program shall be guided by the written policies of the board concerning health and safety as required in rule [3301-32-10](#) of the Administrative Code.

(B) Medical examinations and records of immunizations shall not be required of children in a school child program who are enrolled in an accredited public, eligible nonpublic school, or county board of DD school.

(C) Nonprescription and prescription medication shall be administered in accordance with program policies and procedures and only with written permission of a parent.

(1) All prescription medicine must be current within the last twelve months, kept in its original container, and have a legible label containing the child's name and written instructions for use from a licensed physician, nurse practitioner, or dentist. All medicines must be kept in a place that is inaccessible to children. An inhaler or nonprescription medication may be available to a school child with a special health condition with parental permission in accordance with the program's policy.

(2) Except in cases of emergency, parents shall give the first dose of any newly prescribed medication so that they may personally observe the child's reaction.

(D) First aid supplies and directions for their use shall be readily available at all times the program is in operation and taken on all field trips. First-aid kits shall

(1) Contain the appropriate supplies and be sufficient in number; and

(2) Be reviewed and replaced regularly by a staff member.

(E) The program shall have an emergency plan and all staff shall have training and annual reviews of that emergency plan. The plan shall account for medical, dental, and general emergencies. General emergencies include any threats to the safety of children due to environmental conditions or threats of violence, natural disasters such as fire, tornado, flood, and loss of power, heat, or water.

(F) Children shall have drill practice at least once per quarter during the school year and at least once during a summer program to demonstrate appropriate procedures and appropriate behavior in accordance with the program's written policy and procedures during an emergency regarding the rooms where the program is provided.

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3301-32-07 Nutrition.

(A) A program shall serve a nutritious snack as defined in rule [3301-32-01](#) of the Administrative Code to each child in attendance.

(B) The school child program shall develop policies and procedures for providing meals to children who are in attendance at the school child program through the hours of eleven a.m. and one-thirty p.m., inclusively.

(C) Programs that provide meals or snacks shall

(1) Follow the requirements of the school district, county board of DD , or eligible nonpublic school, and comply with the nutritional requirements of the United States department of agriculture, food and nutrition service (Code of Federal Regulations, Title 7, Parts 210 {May 2000}, 220 {May 2000} and 226 {November 1984}). School district, county board of DD , or eligible nonpublic school food service personnel must review the program's menus and food preparation practices at least once annually. Menus must be planned on a weekly basis at a minimum and posted in a conspicuous place where they can be reviewed by parents.

(2) Have written procedures for preparing, handling, and serving food, and washing food, utensils, and equipment, and shall comply with the school district, county board of DD or eligible nonpublic school food service policies. Both staff and children shall wash hands before food service. All program personnel involved during food preparation or service shall be trained in sanitary procedures.

(3) Provide for a child's special dietary needs as prescribed by the child's source of medical care or require the parent to provide the prescribed diet items that are not part of the program's menu plan.

(4) Keep in the child's record a list of the allergies suffered by the child in attendance of the program . All program personnel, including those in food service, shall be informed of these allergies.

(5) Provide safe drinking water throughout hours of program operation through a drinking fountain or single service cups.

(D) Programs that allow or require parents to provide food for meals or snacks shall provide parents with written nutritional information.

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[3301-32-08 Management of communicable disease.](#)

(A) A person trained to recognize the common signs of communicable disease or other illness as required by paragraph (L) of rule [3301-32-02](#) of the Administrative Code, shall observe each child daily as the child enters the group.

(B) The following precautions shall be taken for children suspected of having a communicable disease:

(1) The parent shall be notified immediately of the child's condition when a child has been observed with signs or symptoms of illness.

(2) A child with any of the following signs or symptoms shall be isolated immediately and discharged to the parent:

(a) Diarrhea (more than one loose stool in a twenty-four-hour period);

(b) Severe coughing, causing the child to become red or blue in the face or to make a whooping sound;

(c) Difficult or rapid breathing;

(d) Yellowish skin or eyes;

(e) Conjunctivitis;

(f) Temperature of one hundred degrees Fahrenheit taken by the auxiliary method when in combination with other symptoms;

(g) Untreated infected skin patch(es);

(h) Unusually dark urine and/or grey or white stool; or

(i) Stiff neck.

(3) A child with any of the following signs or symptoms of illness shall be isolated immediately. Decisions regarding exclusion from the program either immediately or at some later time in the day shall be determined by the program coordinator or team leader and the parent(s). While isolated, the child shall be observed for the following symptoms as well as those listed in paragraph (B)(2) of this rule:

(a) Unusual spots or rashes;

(b) Sore throat or difficulty swallowing;

(c) Elevated temperature;

(d) Vomiting; or

(e) Evidence of lice, scabies, or other parasitic infestation.

(4) A child suspected of having a communicable disease shall be

(a) Isolated in a room or portion of a room not being used in the school child program;

(b) Within sight or hearing of a staff member;

(c) Made comfortable in a warm, safe environment. All linen and blankets used by an ill child shall be laundered before being used by another child, and cots, if used, shall be disinfected; and

(d) Observed carefully for worsening condition.

(C) Each program shall have written policies and procedures for management of communicable disease consistent with the policies of the school district, county board of DD , or eligible nonpublic school board, which shall include, but not necessarily be limited to, the following:

(1) Training of staff members on signs and symptoms, hand-washing , and disinfecting equipment and materials;

(2) Isolating and excluding an ill child;

(3) Caring for a mildly ill child;

(4) Receiving notification from the parent(s) within the same business day when a child has been excluded from school because the child is suspected of having a communicable disease; and

(5) Placing the Ohio department of health's poster "communicable disease chart" (jfs.ohio.gov) or school's communicable disease chart in a conspicuous place for staff reference.

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3301-32-09 Discipline.

(A) The program shall have a written discipline policy describing the program's philosophy of discipline and the specific methods of discipline used at the program. This written policy shall be on file at the program for review. Constructive, developmentally-appropriate child guidance and management techniques are to be used at all times, and shall include such measures as redirection, separation from problem situations, talking with the child about the situation, and praise for appropriate behavior.

(B) All school age child care staff members shall receive a copy of the program's discipline policy for review upon employment.

(C) The school child program shall provide in-service training to staff regarding the written discipline policy and procedures before the school child program begins and/or before staff members begin working with children.

(D) The parent of a child enrolled in a program shall receive the program's written discipline policy.

(E) A school age child care staff member in charge of a child or a group of children shall be responsible for their discipline.

(F) Discipline shall be constructive and educational in nature, and may include such measures as praise for appropriate behavior, diversion, talking with the child, and separation from problem situations.

(G) Exclusion from the school child program for disciplinary reasons shall be addressed in the policy and procedures.

(H) The program shall neither abuse nor neglect children, but shall protect children from abuse and neglect while in attendance at the school child program.

(I) The program's actual methods of discipline shall apply to all persons on the premises and shall be restricted as follows:

(1) There shall be no cruel, harsh, or corporal punishment, or any unusual punishments such as, but not limited to, punching, pinching, shaking, spanking, or biting.

(2) Discipline shall not be delegated to a child.

(3) No physical restraints shall be used to confine a child by any means other than holding a child for a short period of time, such as in a protective hug, so that the child may regain control.

(4) No child shall be placed in a locked room or otherwise confined in an enclosed area such as a closet, box, or similar cubicle.

(5) No child shall be subjected to profane language, threats, derogatory remarks about himself/herself or his/her family, or any other verbal abuse.

(6) Discipline shall not be imposed on a child for failure to eat or sleep, or for toileting accidents.

(7) Techniques of discipline shall not humiliate, shame, or frighten a child.

(8) Discipline shall not include the withholding of food, rest, or toilet use.

(9) Separation shall be brief in duration, and age and developmentally-appropriate. The child shall be within sight and hearing of a school child care staff member, and in a safe, lighted, and well-ventilated space.

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3301-32-10 Policies and procedures, recordkeeping, and administration.

(A) The program coordinator shall be responsible for developing and maintaining written program policies and procedures that are consistent with the policies and procedures of the school district board of education. Such written policies and procedures shall include, but not necessarily be limited to, the following:

(1) Program philosophy and goals as required in paragraph (A) of rule [3301-32-05](#) of the Administrative Code;

(2) Ages of children served;

(3) Hours and days of operation;

(4) Admission and registration;

(5) Fees and payment;

(6) Enrollment of special needs children, including consultation with special education staff to make any needed program modifications as required in paragraph (G) of rule [3301-32-05](#) of the Administrative Code;

(7) Maintenance of staff/child ratios as required in rule [3301-32-03](#) of the Administrative Code, including a supervision plan as required in paragraph (F) of rule [3301-32-03](#) of the Administrative Code;

(8) Discipline as required in rule [3301-32-09](#) of the Administrative Code and exclusion of children for disciplinary reasons, if applicable;

(9) Staff/parent communication and parent involvement, including information for parents about the program and its services, discussing their children's needs and progress, and procedures for addressing parent complaints;

(10) Meals and snacks, including requirements for meals, if served, as required in paragraphs (A) to (D) of rule [3301-32-07](#) of the Administrative Code;

(11) Provision of a meal and/or snack to children who come to the program without a meal and/or snack to ensure that all children are provided with a meal and/or snack.

(12) Handling and/or exclusion of ill children and reporting communicable diseases as required in paragraph (C) of rule [3301-32-08](#) of the Administrative Code;

(13) Administration of medications as required in paragraph (C) of rule [3301-32-06](#) of the Administrative Code by staff members authorized to administer medications as required under section 3313.713 of the Revised Code;

(14) Emergency action in case of fire, homeland security , severe weather, medical, dental, and other emergencies;

- (15) Recording and reporting of accidents;
 - (16) Release of children to authorized individuals;
 - (17) Recording and reporting of absences, no shows, and missing persons;
 - (18) Transportation arrangements to and from the program;
 - (19) Transportation for field trips and obtaining parent permission including provision for children who may not attend the field trip;
 - (20) Child data privacy provisions;
 - (21) Reporting child abuse or suspicions of child abuse or neglect as required by section [2151.421](#) of the Revised Code to the local children's protective service agency. The school child program shall neither abuse nor neglect children, but shall protect children from abuse or neglect while in the program's care;
 - (22) Parent participation regarding program design and evaluation, including how input will be considered by program administrators;
 - (23) Use of volunteers;
 - (24) Nondiscrimination in providing services to children and their families on the basis of race, religion, cultural heritage, political beliefs, disability, or marital status; and
 - (25) Continuity of care.
- (B) Program policies and procedures shall be given to all parents at the start of the school year or at the time of enrollment; to staff prior to working with the children, and to other persons upon request.
- (C) The program coordinator shall be responsible for developing written personnel policies and procedures which are consistent with the policies of the school district, county board of DD, or eligible nonpublic school and which shall include, but not necessarily be limited to, the following:
- (1) Equal opportunity employment;
 - (2) The terms of employment shall include, but not necessarily be limited to, the following: job descriptions, staff qualifications, wages, benefits, probation, grievance procedures, performance evaluation, resignation, and termination;
 - (3) Requirement for checking at least three references not related to an applicant for hire prior to hiring the applicant to work as a school child program staff member;
 - (4) Staff orientation and in-service training consistent with paragraphs (I) to (O) of rule [3301-32-02](#) of the Administrative Code;
 - (5) Use of volunteers; and
 - (6) Staff data privacy provisions.

(D) Personnel policies shall be available to staff and other persons upon request.

(E) Individual staff records shall be maintained and include, but not necessarily be limited to, the following:

- (1) Documentation of education and/or related experience ;
- (2) Medical statement, if applicable;
- (3) Records of in-service training ;
- (4) Performance evaluation;
- (5) Evidence of three written references or documentation of three reference checks;
- (6) Non-guilty/non-conviction statement and criminal background check; and
- (7) Attendance records.

(F) Individual child records shall be maintained, updated at least annually, and include, but not necessarily be limited to, the following:

- (1) Registration information including, but not necessarily limited to, the following: child's name, date of birth, date of admission, parent's name , home address , business address and telephone number where the parent can be reached during the time the child attends the program (if applicable) and/or procedures for reaching the parents, name of the school the child attends, and any special concerns such as dietary restrictions and allergies;
- (2) Telephone numbers of three authorized person(s) to take the child from the program in the event of an emergency;
- (3) Parental consent for first aid, medication, and transportation to an emergency care facility;
- (4) Name and telephone number of the child's physician, dentist, or other health care providers;
- (5) Signed parental permission slip for administration of medication and log of medication administration;
- (6) Information on any injury to the child. The program shall notify parents when their child is injured and the program shall maintain a log of such reports;
- (7) Transportation plan that shall include parental designations of authorized person to take the child from the program;
- (8) If school district, county board of DD , or eligible nonpublic school policy permits, a transportation plan that shall include mutual agreement and consent between the program coordinator and the child's parents to allow a school child to leave the school child care program for specific activities. The agreement shall specify, but not be limited to, the following:
 - (a) Child's destination; and

(b) Estimated time of arrival and departure, and the time period for which the agreement is valid.

(9) Information on special medical or health needs, allergies, dietary restrictions; and

(10) Attendance records.

(G) Policies and procedures previously approved and/or adopted, or records maintained to comply with Chapter 3301-35 of the Administrative Code (the "operating standards for Ohio's schools"), that meet the requirements of this rule, shall be acceptable evidence of compliance with this rule.

(H) Each school child program shall submit reports to the department of education or the school district as requested.

(I) Each school child program shall have its license granted under section 3301.58 of the Revised Code and most recent compliance report and corrective action plan posted in a conspicuous place .

(J) Each school child program shall establish a system of business management and record keeping to assure the program maintains complete and accurate accounts and records.

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3301-32-11 Licensure and monitoring.

(A) All school districts, county boards of DD, and eligible nonpublic schools accepting state or federal funds specifically for school child care and/or child day care pursuant to Chapter 5104. of the Revised Code shall be licensed. School districts, county boards of DD , and eligible nonpublic schools not accepting state or federal funds specifically for child day care, but who wish to obtain a license for a school child program, shall file a written application with the department in accordance with sections 3301.58 and 3301.59 of the Revised Code to obtain a six-month provisional license issued by the department .

(B) An application shall be considered to be filed with the department as of the date the application is postmarked. Applications received by means other than the postal service shall be considered received as of the time date stamped in the department. Any receipted application submitted without complete and/or accurate information must be amended with complete and/or accurate information before a license can be issued .

(C) A license or provisional license is valid only for the licensee, the address, and capacity for each school child program site designated on the license.

(1) Prior to any change in the address of the program site or license capacity designated on the license, the licensee shall forward written notice of the proposed change and verification of compliance for the proposed change; and

(2) Upon approval of the proposed change, an amended license shall be issued by the department.

(D) Upon the filing of an application for an initial license or renewal of a license, the department shall investigate and inspect the school child program to determine whether the requirements of sections 3301.52 to 3301.59 of the Revised Code and Chapter 3301-32 of the Administrative Code are met. The department shall provide a written inspection report to the superintendent within a reasonable time after each inspection prior to the issuance of a license.

(E) The department shall determine that the school child program site is in compliance with all applicable requirements by examination of the following:

(1) The completed application;

(2) The program's physical plant through on-site inspection and proposed operational format at the time of initial application or renewal application; and

(3) Any other documentation as required by Chapter 3301-32 of the Administrative Code.

(F) When, following the investigation and inspection, the department has determined that all requirements have been satisfied, the department shall issue a provisional license for a period of not more than six months from the date of approval of the license.

(1) The provisional license shall be granted to allow the program time to implement its plan for full compliance outlined in the site plan and descriptive plan of operation.

(2) Within the six-month provisional period, the program shall be inspected at least once by the department to determine whether the requirements of sections 3301.52 to 3301.59 of the Revised Code and Chapter 3301-32 of the Administrative Code are being met.

(a) If the program's operation is judged to be in compliance and has met all requirements prior to the end of the six-month period, the provisional license shall be amended to regular licensure at the end of the provisional period for the balance of two years.

(b) If the program is not in compliance at the end of the six-month provisional period, the provisional license shall not be amended to regular licensure.

(G) Any school district, county board of DD, or eligible nonpublic school seeking to renew a license shall file a written application for renewal with the department not less than sixty days prior to the expiration date of the existing license. If the application is not received at least sixty days prior to the expiration date, the school child program will lose all legal rights to do business after the expiration date of the current license, pursuant to Chapter 119. of the Revised Code.

(H) When the department determines that a program is out of compliance with the requirements of Chapter 3301-32 of the Administrative Code, the department shall notify the superintendent and program coordinator. The written notification shall include the following:

(1) A statement of the alleged violation;

(2) What must be done to correct any violation; and

(3) The date by which any correction must be completed.

(I) Any licensed program applying for renewal licensure, after having been judged as compliant with the requirements of sections 3301.52 to 3301.59 of the Revised Code and Chapter 3301-32 of the Administrative Code, shall be issued a license for a period of two years from the date of expiration of the previous license.

(J) If the department revokes a license or refuses to renew a license of a school district, county board of DD , or eligible nonpublic school, it shall not issue a license to the facility within two years from the date of revocation of a license or refusal to renew a license.

(K) All actions of the department with respect to licensing a school child program's facility, renewing a license, refusal to license or renew a license, and revocation of a license, shall be in conformity with sections 3301.57 and 3301.58 and Chapter 119. of the Revised Code.

(1) Those licensing actions, which shall be afforded the right to an administrative hearing, include the following:

(a) The proposal to deny an initial or renewal license;

(b) The proposal to revoke an existing license, be it provisional or a standard two-year license; or

(c) The proposal to deny a standard two-year license at the expiration of a provisional license.

(2) Those licensing actions that are of an administrative nature shall not be afforded the right to an administrative hearing. These actions include the following:

(a) Refusal to renew a license due to a lack of a timely filed renewal application in accordance with section 3301.58 of the Revised Code.

(b) Rejection of any application for licensure for procedural reasons such as, but not limited to, incomplete submission, use of an invalid form, failure to make information available to the department, or failure to make information available during an inspection.

(L) A request for an administrative hearing pursuant to Chapter 119. of the Revised Code and Chapter 3301-32 of the Administrative Code shall be made in writing to the department of education's office of early learning and school readiness , and shall be considered to have been made as of the date the said request is postmarked. Requests received by means other than the postal service shall be considered received when time-date stamped upon receipt by the department of education's office of early learning and school readiness .

(M) The department may deny or revoke a license, or refuse to renew a license, if it is determined that the applicant knowingly made a false statement on the application, does not comply with the requirements of Chapter 3301-32 of the Administrative Code, or has pleaded guilty or has been convicted of an offense described in section 3301.541 of the Revised Code.

(N) Each program shall be inspected at least once during every twelve-month period of operation, which may be unannounced. The superintendent shall be informed of announced inspection dates and procedures.

(O) A plan to correct deficiencies shall be prepared and submitted to the department.

(P) On-site verification may be conducted to review progress regarding the correction of deficiencies.

(Q) An extension of the timeline or alternate means for correction of deficiencies may be filed with and approved by the department.

(R) The department, upon receiving a complaint or otherwise being advised that a school district, county board of DD, or eligible nonpublic school is providing a school child program as described in paragraph (A) of rule 3301-32-11 of the Administrative Code without a license, shall conduct an investigation of the program for the purpose of verifying licensure. The department may inspect primary space and other areas necessary for the care of children during the program's suspected hours of operation.

(S) The department, upon determining that a school district, county board of DD, or eligible nonpublic school as described in paragraph (A) of rule 3301-32-11 of the Administrative Code is operating a school child program without a license, shall, pursuant to section 3301.57 of the Revised Code, notify the attorney general, the prosecuting attorney of the county in which the program is located, or the city attorney, village solicitor, or other chief legal officer of the municipal corporation in which the program is located, that the school district, county board of DD, or eligible nonpublic school is operating a program without a license. Upon receipt of the notification, the attorney general, prosecuting attorney, city attorney, village solicitor, or other chief legal officer of a municipal corporation shall file a complaint in the court of common pleas of the county in which the program is located, requesting that the court grant an order enjoining the owner from operating the program. The department may petition for injunctive relief in the following instances:

(1) Against a school district, county board of DD, or eligible nonpublic school described in paragraph (A) of rule 3301-32-11 of the Administrative Code that is operating a program for which it has not made application for licensure, or against a school district, county board of DD, or eligible nonpublic school that has made application but is operating without a license;

(2) Against a school district, county board of DD, or eligible nonpublic school described in paragraph (A) of rule 3301-32-11 of the Administrative Code that is operating a program after expiration of an existing license that has failed to make a timely renewal application as required in paragraph (I) of rule 3301-32-11 of the Administrative Code; and

(3) Against a school district, county board of DD, or eligible nonpublic school described in paragraph (A) of rule 3301-32-11 of the Administrative Code that is operating a program after the entry of a lawful adjudication order revoking an existing license or denial of a timely filed renewal application for licensure.

(T) The surrender of a license to the department or the withdrawal of an application for licensure by a school district, county board of DD, or eligible nonpublic school shall not prohibit the department from instituting any of the actions set forth in this rule.

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3301-32-12 Complaint investigation.

(A) The department shall investigate and may inspect any licensed school child program upon receipt of any complaint that the program is out of compliance with the requirements of sections 3301.52 to 3301.59 of the Revised Code or Chapter 3301-32 of the Administrative Code.

(1) The investigation of complaints alleging serious life, health, or safety risks shall be initiated within twenty-four hours of receipt of the report.

(2) The investigation and appropriate action on all other complaints shall commence within five working days of the receipt of the report.

(B) The investigation may include any number of contacts with persons such as, but not necessarily limited to, the following:

(1) Building inspectors, fire inspectors, sanitarians, public health officials;

(2) Neighbors;

(3) Parents and relatives of children in care;

(4) County protective services staff;

(5) Persons mentioned by the complainant;

(6) Health agency or law enforcement personnel;

(7) Current and past center employees; or

(8) Other witnesses.

(C) The department shall complete a report for each complaint at the conclusion of the investigation summarizing all allegations, the results of the investigation, and the expectations for correction of any confirmed violations of the requirements of this rule. The report shall be kept on file at the department. A copy of the report containing substantiated or discovered non-compliance findings shall be provided to the superintendent and the program coordinator.

(D) The superintendent may submit to the department a written response to a complaint investigation, which shall be kept on file at the department.

(E) The department shall immediately notify the local public children services agency upon receipt of a complaint that includes allegations of child abuse or child neglect, and shall send to the public children services agency a follow-up letter which includes:

(1) A summary of the allegations;

(2) The department's plans for investigation of alleged noncompliance with requirements of sections 3301.52 to 3301.59 of the Revised Code or Chapter 3301-32 of the Administrative Code; and

(3) A request for clarification of joint or parallel investigatory roles.

(F) A copy of the program's licensing record, with confidential information deleted, shall be provided to any person who submits a written request to the department. The licensing record shall include, but not be limited to, complaint investigation documents. Neither the disposition report nor the summary letters required by paragraph (C) or (D) of this rule shall disclose the results of investigations of abuse or neglect conducted by the local public children services agency.

(G) All complaints and reports concerning the operation of programs regulated by Chapter 3301-32 of the Administrative Code and sections 3301.52 to 3301.59 of the Revised Code may be reported to the designated department ombudsman. The name and phone numbers of both parties shall be posted in a conspicuous place near the posed program license.

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3301-32-13 Complaint investigation.

(A) The department shall investigate and may inspect any licensed school child program upon receipt of any complaint that the program is out of compliance with the requirements of sections 3301.52 to 3301.59 of the Revised Code or Chapter 3301-32 of the Administrative Code.

(1) The investigation of complaints alleging serious life, health, or safety risks shall be initiated within twenty-four hours of receipt of the report.

(2) The investigation and appropriate action on all other complaints shall commence within five working days of the receipt of the report.

(B) The investigation may include any number of contacts with persons such as, but not necessarily limited to, the following:

(1) Building inspectors, fire inspectors, sanitarians, public health officials;

- (2) Neighbors;
- (3) Parents and relatives of children in care;
- (4) County protective services staff;
- (5) Persons mentioned by the complainant;
- (6) Health agency or law enforcement personnel;
- (7) Current and past center employees; or
- (8) Other witnesses.

(C) The department shall complete a disposition report for each complaint at the conclusion of the investigation. The report shall be kept on file at the department.

(D) The department shall forward to the superintendent and program coordinator summary letters which outline the allegations, the results of the investigation, and expectations for corrections of any confirmed or discovered violations of the requirements. Copies of the summary letters shall be kept on file at the department.

(E) The superintendent may submit to the department a written response to a complaint investigation. The letter shall be kept on file at the department.

(F) The department shall immediately notify the local public children services agency upon receipt of a complaint which includes allegations of child abuse or child neglect, and shall send to the public children services agency a follow-up letter which includes:

- (1) A summary of the allegations;
- (2) The department's plans for investigation of alleged noncompliance with requirements of sections 3301.52 to 3301.59 of the Revised Code or Chapter 3301-32 of the Administrative Code; and
- (3) A request for clarification of joint or parallel investigatory roles.

(G) A copy of the program's licensing record, with confidential information deleted, shall be provided to any person who submits a written request to the department. The licensing record shall include, but not be limited to, complaint investigation documents. Neither the disposition report nor the summary letters required by paragraph (C) or (D) of this rule shall disclose the results of investigations of abuse or neglect conducted by the local public children services agency.

(H) All complaints and reports concerning the operation of programs regulated by Chapter 3301-32 of the Administrative Code and sections 3301.52 to 3301.59 of the Revised Code, may be reported to the designated department ombudsman. The name and phone numbers of both parties shall be posted in a conspicuous place near the posed program license.

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