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1	**Chapter 3301-37 Child Day-Care Programs - December 2013 DRAFT**	**OAC(rule) ORC (law)reference**
2	**3301-37-01 Definitions**	
3	(A) "Adult" means a person who is at least eighteen years of age.	
4	(B) "Alignment" means the coherence and correlation of the curriculum and assessments to standards	
5	(D) "Class" means a group of children enrolled in the preschool program; ~~maximum group size is specified in section 3301.56 of the Revised Code~~	max group size reference is not relevant to definition
6	(E) "Crib" means a full sized crib or porta crib that meets federal standards and ~~whichever~~ is appropriate to the size of the child.	Federal standards: 16 CFR parts 1219,1220 and 1500
7	(1) "Full sized crib" means a crib which has an interior dimension greater ~~than fifty-one inches~~ fifty-two and three-eighths inches (plus or minus five-eighths inch) in length and ~~twenty-seven and seven-eighths inches in length~~ twenty-eight inches (plus or minus five-eighths inch) in width. With the mattress support in its lowest position and the crib side in its highest position, the vertical distance from the upper surface of the mattress support to the upper surface of the crib side and/or end panel shall not be less than twenty-six inches. ~~A full sized crib shall be assigned only to children less than thirty-five inches tall. Children over thirty-five inches tall shall be assigned to use a cot.~~	OAC 5101:2-12-42 Crib assignment moved to rule section
8	(2) "Porta crib" means a crib which has an interior dimension smaller than a full size crib ~~than forty-nine and three-fourths inches (plus or minus five-eighths inch) in length and twenty-six and five-eighths inches (plus or minus five-eighths inch) in width.~~ With the mattress support in its lowest position and the crib side in its highest position, the vertical distance from the upper surface of the mattress support to the upper surface of the crib side and/or end panel shall not be less than twenty-two inches. Children enrolled in the program shall not use porta cribs with dimensions less than thirty-six inches in length and twenty-four inches in width.	OAC 5101:2-12-42
9	(F) "Curriculum" means an organized framework that describes those components of developmentally appropriate practice necessary to support optimum development and learning including the following:	
10	(1) Classroom environment;	
11	(2) Concepts and skills in all content areas and developmental domains;	
12	(3) Learning experiences;	
13	(4) Instructional strategies to help children achieve their goals; and	
14	(5) Assessment processes to inform instruction to monitor progress.	
15	(G) "Department" means the Ohio department of education.	
16	(H) "Developmentally appropriate" means curriculum, instruction, environments, and age-appropriate activities that reflect the cognitive, social, and emotional level of the learner and also includes the unique abilities or characteristics of a learner or group of learners including learners with disabilities, unique ethnic and/or cultural characteristics, and unique life experiences.	

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17	(I) "Director" means the head teacher, elementary principal, or site administrator who is the individual on site and responsible for supervision of a preschool program.	ORC 3301.52 E
18	(J) "Early learning program ~~guidelines~~ standards" means the department's framework for quality rated preschool programs to address outcomes and goals considered essential for children's learning and health development, ~~which are available at education.ohio.gov.~~	ELCG executive order
19	(K) "Eligible nonpublic school" means 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 twelve regardless of whether kindergarten is offered.	ORC 3301.52
20	(L) "Facility" means a building that is owned or leased and operated by the school district, education service center, ~~MR~~DD, or eligible nonpublic school and has been approved by a municipal, township, or county or state building department for the purpose of operating a program for preschool children.	ORC 3301.52
21	(M) "First aid training" means a course approved by ~~the state department of~~ an approved health organization.	OAC 5101:2-12-27
22		
23	(N) "Governing body" means a board of education for a school district, an education service center or ~~MR~~DD; or the group of persons who have similar authority over a nonpublic school program.	ORC 3301.52
24	(O) "Group size" means the number of children assigned to a head teacher in a classroom.	
25	(P) ~~"~~Hand washing facility means a permanent-type fixture with running water or sink service which conforms to the requirements of the "Ohio plumbing code" as established in division 4101:3 of the Administrative Code.	Hand washing facility is no longer defined in Ohio plumbing code "Sink service" is now used
26	(Q) "Head teacher" means a person hired to guide and instruct a class of preschool children enrolled in the program and who may supervise the preschool program.	
27	(R) "Infant" means a child who is less than eighteen months of age.	ORC 5104.01 V (effective 1/1/14)
28	(S) "~~MR~~DD board" means a county board of ~~mental retardation and~~ developmental disabilities.	ORC 3301.52
29	(T) "No ambulatory child" means any child who is unable to leave a building unassisted under emergency conditions; unable to walk forward or backward unassisted; unable to go up or down steps without help; and/or dependent upon mechanical aids such as crutches, walkers, and wheelchairs.	
30	(U) "Non-teaching employee" means a preschool employee whose primary responsibilities are duties other than care, teaching, and supervision of preschool children.	
31	(V) "~~Non-toilet-trained toddler" means a child who is at least eighteen months of age but less than three years of age, and requires the use of diapers, training pants, or disposable pull-up underwear.~~	Definition is not relevant ODJFS removed this definition from their rules

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32	(W) "Parent, guardian, or custodian" means a person or government agency that is or will be responsible for a child's school attendance under section 3321.01 of the Revised Code.	
33	(X) "Policies" mean principles governing the operation of the preschool program. policies shall be established and adopted by the program's governing body.	
34	(Y) "Preschool child" means a child who has not entered kindergarten and is not of compulsory school age.	
35	(Z) "Preschool child with a disability" means a child who is at least three years of age but not of compulsory school-age as prescribed by Chapter 3301-51 of the Administrative Code.	
36	(AA) "Preschool program" means either of the following:	
37	(1) A program for preschool children that is operated by a school district board of education, an eligible nonpublic school; or	
38	(2) A program for preschool children age three or older that is operated by a county ~~MR~~DD board.	ORC 3301.52
39	(BB) "Preschool staff member" means a preschool employee whose primary responsibility is care, teaching, or supervision of preschool children and is used to meet child: staff ratio requirements	added for clarification.
40	(CC) "Procedures" means an administrative course of action specified in writing.	
41	(DD) "Public school" means a school operated by a board of education of a city, county, exempted village, local, joint vocational school district, an ~~MR~~DD board or an educational service center governing body.	ORC 3301.52
42	(EE) "School-age child" means a child who is enrolled in kindergarten or age six and of compulsory school age according to the entry date determined by the school district in section 3321.01 of the Revised Code.	
43	(FF) "School district" means any city, county, exempted village, local, joint vocational and/or nonpublic school chartered by the state board of education or an educational service center if the educational service center operates a preschool program on behalf of area districts	
44	(GG) "Supervision" means the process of overseeing the daily operation of the preschool program.	
45	(HH) "Teacher" means a person hired to instruct a class of preschool children enrolled in the program.	
46	(II) "Toddler" means a child who is at least eighteen months of age but less than three years of age.	ORC 5104.01 SS (effective 1/1/14)
47	~~(JJ) "Toilet-trained child" means a child who does not require the use of diapers or training pants~~.	term is not used in rules
48	(KK) "Volunteer" means an adult not counted in the child-staff ratio except those designated in paragraph (U) of rule 3301-37-04 of the Administrative Code.	
49	3301-37-02 Compliance and investigation.	

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50	(A) No school district board of education, county ~~MR~~DD board, educational service center, or eligible nonpublic school shall operate, establish, manage, conduct or maintain a preschool program including head start without a license issued under sections 3301.52 to 3301.59 of the Revised Code and this chapter of the Administrative Code. ~~Preschool programs operated by a head start grantee or head start delegate agency shall be licensed under Chapter 5104. of the Revised Code.~~	Clarification for enties that fall under the jurisdiction of ODE regarding Head Start programs
51	(B) Programs exclusively for children whose parent is enrolled in an adult education program are exempt from these rules provided all of the following apply:	ORC 3301.521
52	(1) At least one parent is on the premises and readily available at all times.	ORC 3301.521
53	(2) The program is provided on a part time basis during hours of operation.	ORC 3301.521
54	(C) Programs operated by a county ~~MR~~DD board for children under the age of three are not required to be licensed through the department of education. Programs operated by a county ~~MR~~DD board for preschool children age three and older are required to be licensed.	ORC 3301.52
55	(D) Programs in a building with a preschool program licensed by the department of job and family services or the Ohio Department of Education will be considered to meet the requirements of building standards provided:	ORC 5104.05 OAC 5101:2-12-10
56	(1) The approval is relevant to an existing preschool program licensed by the department of jobs and family services or the Ohio Department of Education in that building	
57	(2) The existing license issued by the department of jobs and family services is submitted with the program's application for licensing.	
58	(3) A building plan is submitted with the application.	ORC 3301.55 B
59	(E) The governing body responsible for the preschool program's operation shall be responsible for securing a license for the facility in which the preschool program operates using the prescribed process.	ORC 3301.58
60	(1) If the program is relocated to a new facility, the governing body shall be responsible for notifying the department ~~on~~ using the prescribed process ~~forms.~~	ORC 3301.58
61	(a) If the new facility is not currently licensed by the department for preschool ~~or school-age child care,~~ a new license will be issued following the completion of a new application in accordance with sections 3301.52 to 3301.59 of the Revised Code and this chapter of the Administrative Code	The protocol for this is under review SACC reference is not relevant
62	(b) If the new facility is currently licensed by the department for preschool ~~or school-age child care,~~ the existing license will be amended ~~in accordance with paragraph (E)(3) of this rule.~~	SACC reference is not relevant
63	(2) If the program is transferred to another governing body to operate the program but remains in the same facility, both governing bodies are responsible for notifying the department.. The new governing body shall ~~apply for a license~~ follow the amendment process established for a change in governing body.	5101:2-12-05 (same process as application but they do not issue a provisional license)

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64	(3) ~~If a school-age child care program is added to an existing licensed preschool program or a preschool program is added to an existing licensed school-age child care program, a six-month provisional license shall be obtained for the new program. after the six-month provisional period, the license will adhere to the renewal timelines of the pre-existing license.~~	Provisional process is no longer 6 month & there is no longer a two year renewal.
65	(F) Programs will receive ~~two~~ at least one on-site inspection~~s~~ in a twelve month period. ~~One inspection shall be unannounced. All~~ visits may be unannounced at the discretion of the department.	ORC 3301.58
66	(G) Data collected during a licensing inspection may be used in other inspections conducted by the department with regard to specific program performance standards.	ORC 3301.57
67	(H) Records and reports related to the program shall be submitted as requested by the department.	ORC 3301.57
68	(I) The most recent written compliance reports and the program's corrective action plan shall remain posted in a conspicuous place near the posted program license until the next compliance report is received from the department.	ORC 5104.04 B 1a
69	(J) All complaints and reports concerning the operation of programs regulated by this chapter of the Administrative Code and sections 3301.52 to 3301.59 of the Revised Code, may be reported to the department ombudsman or the office of early learning and school readiness. The name and phone numbers of both parties shall be posted in a conspicuous place near the posted program license.	
70	(K) All actions of the department with respect to licensing a preschool program, renewing a license, refusal to license or renew a license, and revocation of a license, shall be in conformity with sections 3301.57, 3301.58 and 119. of the Revised Code.	
71	(1) Those licensing actions which shall afford the right to an administrative hearing include:	
72	(a) The proposal to deny initial or renewal license;	
73	(b) The proposal to revoke an existing license, be it provisional or a ~~standard two-year~~ continuous license; or	ORC 3301.58
74	(c) The proposal to deny a standard ~~two-year~~ license at the expiration of a provisional license.	ORC 3301.58
75	(2) Those licensing actions that are of an administrative nature shall not afford the right to an administrative hearing. these actions include:	
76	(a) Refusal to submit a ~~renew a license due to a lack of a timely filed renewal application and/or~~ corrective action plan in accordance with section 3301.58 of the Revised Code.	ORC 3301.58 eliminated need for an application for renewal
77	(b) Rejection of any application for licensure for procedural reasons such as, but not limited to, incomplete submission, use of invalid form, or failure to make information available to the department or failure to make information available during an inspection.	

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78	(L) A request for any administrative hearing afforded pursuant to Chapter 119. of the Revised Code and this chapter of the administrative code shall be made in writing to the department of education, office of early learning and school readiness, and shall be considered to have been made as of the date the said request is postmarked. ~~r~~ Requests received by means other than the postal service shall be considered received when time-date stamped upon receipt by the office of early childhood education, department of education.	
79	(M) The department may deny or revoke a license, or refuse to renew a license, if the applicant knowingly makes a false statement on the application, does not comply with the requirements of this chapter of the Administrative Code, or has pleaded guilty or been convicted of an offense described in section 3301.541 of the Revised Code.	ORC 3301.58 ORC 5104.04 C
80	(N) If the department revokes a license or refuses to renew a license, the program or fiscal agent shall not be issued a license within ~~two~~ five years from the date of revocation of a license or refusal to renew a license.	Aligns to ODJFS rule to wait 5 yrs. instead of two OAC 5101:2-12-09 E
81	(O) The following are identified as "serious risk" violations of a license due to the great risk of harm to children:	ORC 5104.01 PP defines SR Appendix A list SR OAC 5101:2-17-02 ORC 5104.30 5 C3d
82	(1) Children are left ~~unsupervised pursuant to the requirements of this chapter;~~ unattended outside of facility building or during a swimming activity	Appendix A list SR OAC 5101:2-17-02 ORC 5104.30 5 C3d
83	(2) ~~Ratio of staff to children is not maintained pursuant to the requirements of this chapter;~~ Child left unattended on a field trip or in a vehicle; transportation policies not followed	Appendix A list SR OAC 5101:2-17-02 ORC 5104.30 5 C3d
84	(3) ~~Classroom and/or outdoor square footage do not meet the requirements of this chapter;~~ Falsified information is submitted that puts children at risk.	Appendix A list SR OAC 5101:2-17-02 ORC 5104.30 5 C3d
85	(4) ~~Staff do not meet the training requirements for management of communicable disease, prevention of child abuse, or first aid as established by this chapter;~~ Program fails to report suspected abuse/neglect/endangering	Broader application Appendix A list SR OAC 5101:2-17-02 ORC 5104.30 5 C3d
86	(5) ~~Administration of medication procedures do not meet the requirements of this chapter~~; Medication is dispensed to wrong child or wrong dosage is administered	Appendix A list SR OAC 5101:2-17-02 ORC 5104.30 5 C3d

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87	(6) ~~Evidence of physical punishment, or physical or verbal abuse is verified~~. Physical abuse/neglect/endangerment is substantiated by public children's services findings. In volvement of staff in inappropriate discipline	Appendix A list SR OAC 5101:2-17-02 ORC 5104.30 5 C3d
88	(7)Employee refuses to be fingerprinted and remains employed, or a person remains employed with a known prohibited conviction	Appendix A list SR OAC 5101:2-17-02 ORC 5104.30 5 C3d
89	(8) Swimming activity takes place without a life guard or a life guard is used to count in ratio. Swimming site is accessible to children without staff supervision. Swimming activity takes place in lakes ponds & rivers	Appendix A list SR OAC 5101:2-17-02 ORC 5104.30 5 C3d
90	(9) Firearms are on the premises without proper approval	2923.126 [Effective 1/1/2014] Duties of licensed individual
91	(10) The department or representatives of the department are denied access to conduct a rule compliance review pursuant to this chapter.	Appendix A list SR OAC 5101:2-17-02 ORC 5104.30 5 C3d
92	(P) Any serious risk violation described in, but not necessarily limited to, paragraph (O) of this rule, as reviewed by the department at its discretion and in conjunction with other violations of the rules in this chapter, may result in any of the following:	
93	(1) Prohibition of the issuance of a license pursuant to this chapter;	
94	(2) Initiation of the process for license revocation; or	
95	(3) Non-renewal of a license issued pursuant to this chapter.	
96	(4) Loss of funding	ELCG executive order
97	(Q) Any entity with serious risk violations shall provide documentation of correction ~~to the department within thirty days~~ as determined by the department from the date on the department's notification to the entity of said violation.	The date will match ODJFS and will be system driven in the new licensing data system
98	3301-37-03 Program.	
99	(A) A written philosophy and goals shall give direction to the program and shall provide a basis for daily operation that shall address the needs, interests, and abilities of each child through quiet and active play.	
100	(B) A written curriculum shall be adopted which describes developmentally appropriate activities, learning environment, and approaches which meet the individual needs of the children and is aligned to the early learning content standards adopted by the state board of education.	
101	(C)) The program's daily schedule for each age group shall include a balance of both quiet and active play, throughout the day which shall meet intellectual, physical, social, and emotional needs of each child through indoor and outdoor activities. The written daily schedule shall be reflected in actual observation of the program.	

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102	(D) A full-day program serving preschool children shall have a nap/rest period reflected in the daily written program. nap/rest periods shall not exceed one and one-half hours in the daily schedule for any child in a full day program. A quiet space for children who want to rest or nap shall be provided.	
103	(E) A child who attends the center for five hours or more on a given day shall be provided with a mat or cot to rest. The nap/rest period shall be flexible to meet individual needs with provisions for early risers and non-nappers.	
104	(F) Children's developmental progress shall be reviewed and reported to parent(s) at established intervals. All reporting shall be according to established procedures of the program's governing board. A conference involving the teacher and parent shall be held at least twice a year.	
105	(G) The program shall have on file and provide to each parent a parent handbook that will encourage parental participation and keep parents informed about the program's operations, services and policies. The handbook shall include information to advise parents how to obtain copies of inspection reports of the program and how to file a complaint.	
106	3301-37-04 Staff.	
107	(A) The director and staff shall be recruited, employed, assigned, evaluated, and provided in-service education in accordance with adopted board policies and without discrimination on the basis of age, color, national origin, race, sex, or handicap.	ORC 3301.53 A 3
108	(B) The preschool staff member assigned in each preschool class shall be of good character, possess adequate physical and emotional health, be equipped by education, training, and/or experience for the work they are to perform, and meet the requirements as prescribed in division (B) of section 3301.54 of the Revised Code.	ODJFS Rule OAC 5101:2-12-25 A
109	~~(C) Three references for staff members, including the director, shall be kept on file.~~	ODJFS removed this requirement from their rules
110	(D) Staff members, non-teaching employees, and volunteers shall annually sign a non-guilty/non-conviction statement on a prescribed form.	ODJFS rule OAC 5101:2-12-26
111	(E) Each director and preschool staff member shall be examined by a licensed physician, a physician's assistant, advanced practice nurse or a certified nurse practitioner ~~not more than thirty days before employment~~ within twelve months prior to the first day of employment.. An employee medical statement shall be on file and be available for review by the department. ~~Employee medical statements shall be updated on a regular basis according to program policies. The medical statement shall be provided either by a physician, physician's assistant, clinical nurse specialist, or certified nurse.~~	OAC 5101:2-12-25 A 1
112	(F) Each preschool staff member shall be at least eighteen years of age and have a high school diploma or a certification of high school equivalency issued by the state board of education or a comparable agency. A staff member may be less than eighteen years of age if:	ORC 3301.54
113	(1) The staff member is a graduate of a two-year career-technical center child care training program approved by the state board of education.	ORC 3301.54

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114	(2) The staff member is a student enrolled in the second year of such a program that leads to high school graduation, provided that the student performs duties in the preschool program under the continuous supervision of an experienced preschool staff member and receives periodic supervision from the career technical center child care training program teacher/coordinator in the student's high school.	ORC 3301.54
115	(G) The director and staff shall be assigned responsibilities in accordance with written position descriptions commensurate with their certification and/or licensure pursuant to Chapter 3301-24 of the Administrative Code, and qualifications, respectively. The director and/or head teacher acting as the director shall be onsite at the preschool program at least half of the program's operating hours.	ORC 3301.54
116	(H) The director of each preschool program shall be responsible for the following:	ORC 3301.56
117	(1) Ensuring that the health and safety of the children are safeguarded by an organized program of school health services designed to identify child health problems and to coordinate school community health resources for children as evidenced by, but not limited to, the following:	ORC 3301.56
118	(a) Requiring immunizations and compliance with emergency medical authorization requirements under section 3313.712 of the Revised Code;	ORC 3301.56
119	(b) Providing procedures for emergency situations, including fire drills, rapid dismissals, tornado drills, and school safety drills in accordance with section 3737.73 of the Revised Code, and keeping records of such drills or dismissals;	ORC 3301.56
120	(c) Posting emergency procedures in preschool rooms and making them available to school personnel, children, and parents;	ORC 3301.56
121	(d) Posting emergency numbers by each telephone;	ORC 3301.56
122	(e) Supervising grounds, play areas, and other facilities when scheduled for use by children; and	ORC 3301.56
123	(f) Providing first-aid facilities and materials.	ORC 3301.56
124	(2) Maintaining cumulative records for each child;	ORC 3301.56
125	(3) Supervising each child's admission, placement, and withdrawal according to established procedures;	ORC 3301.56
126	(4) Preparing a roster of children enrolled annually;	ORC 3301.56
127	(5) Ensuring that clerical and custodial services are provided for the program;	ORC 3301.56
128	(6) Supervising the instructional program and daily operation of the program; and	ORC 3301.56
129	(7) Supervising and evaluating preschool staff members according to a planned sequence of observations and evaluation conferences, and supervising nonteaching employees.	ORC 3301.56
130	(I) The director of the preschool program shall meet one of the following:	
131	(1) A director in a preschool program operated by a public school shall hold either	

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132	(a) A valid pre-kindergarten teaching certificate, pre-kindergarten endorsement or pre-kindergarten associate license issued under section 3301.50 of the Revised Code.	
133	(b) A valid educator license (teacher, administrator, or pupil services) issued under sections 3319.22 to 3319.313319.29 of the Revised Code and have completed at least four courses in child development or early childhood education from an accredited college, university, or technical college.	
134	(c) A valid principal license for grades pre-kindergarten through grade six pursuant to rule 3301-24-05 of the Administrative Code; or	
135	(d) An early childhood license pursuant to rule 3301-24-05 of the Administrative Code	
136	(e) If employed prior to July 1, 1988, a valid kindergarten-primary certificate issued under sections 3319.22 to 3319.31 of the Revised Code.	
137	(2) A director of a preschool special education program operated by a public school or a county board of ~~mental retardation and~~ developmental disabilities shall hold one of the following:	ORC 3301.52
138	(a) A valid intervention specialist license or education of the handicapped certificate with an endorsement in pre-kindergarten special needs or early education of the handicapped;	
139	(b) A valid pre-kindergarten certificate or endorsement or an early childhood license with an endorsement in pre-kindergarten special needs or early education of the handicapped;	
140	(c) A valid early childhood intervention specialist license; or	
141	(d) Meet the requirements of paragraph (I)(1)(b) or (I)(1)(c) of this rule.	
142	(3) A director employed to direct a program operated by an eligible, nontax-supported, nonpublic school shall be considered to meet the requirements of this rule if he holds a valid teaching certificate issued in accordance with section 3301.071 of the Revised Code.	
143	(4) A head teacher who meets educator licensure requirements as a director may be designated the director for purposes of this chapter.	
144	(J) Each class/group in a preschool program shall have assigned a head teacher in accordance with the following:	
145	(1) Publicly funded programs shall meet the staff criteria established in section 3301.311 of the Revised Code; or be higly rated in Ohio's tiered quality rating and improvement system developed under section 5104.30 of the Revised Code.	ORC 5104.30
146	(2) Preschool programs operated by public schools shall have a head teacher for each class/group of children enrolled that meets one of the following:	
147	(a) Valid prekindergarten teaching certificate issued under section 3301.50 of the Revised Code; or	

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148	(b) Valid prekindergarten associate license issued under section 3301.51 of the Revised Code; or	
149	(c) Valid kindergarten-primary certificate issued under sections 3319.22 to 3319.31 of the Revised Code and have completed at least four courses in child development in early childhood education from an accredited college, university, or technical college; or	
150	(d) A bachelor's degree in child development or early childhood education earned from an accredited college or university with a minimum of thirty quarter or twenty semester hours in child development/preschool program planning and methods including a supervised practicum with preschool children; or	
151	(e) An early childhood license pursuant to rule 3301-24-05 of the Administrative Code.	
152	(3) Preschool special education programs operated by a public school or a county board of ~~mental retardation and~~ developmental disabilities shall have a head teacher that meets one of the following in accordance with rule 3301-24-05 of the Administrative Code:	ORC 3301.52
153	(a) A valid intervention specialist license or education of the handicapped certificate with an endorsement in pre-kindergarten special needs or early education of the handicapped;	
154	(b) A valid pre-kindergarten certificate or endorsement or an early childhood license with an endorsement in pre-kindergarten special needs or early education of the handicapped; or	
155	(c) A valid early childhood intervention specialist license.	
156	(d) A valid intervention specialist license that is valid for teaching visually or hearing impaired children if the children are visually or hearing impaired.	
157	(4) A preschool program operated by an eligible nontax-supported, nonpublic school, shall have a head teacher who is at least eighteen years of age who has a high school diploma or certification of high school equivalency issued by the state board of education or comparable agency or holds a valid teaching certificate issued in accordance with section 3301.071 of the Revised Code.	
158	(K) Extended day child care provided to preschool children before or after the preschool program shall have staff members assigned that at a minimum, are at least eighteen years of age and have at least a high school diploma or certification of high school equivalency issued by the state board of education or comparable agency. The extended child care staff member must also meet requirements related to a medical examination, in-service and background investigation as cited in this rule. Child care staff/child ratios in accordance with rule 3301-37-04 of the Administrative Code must be maintained at all times.	

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159	(L) Infant and toddler care provided by a public school, chartered nonpublic school, an eligible chartered, nontax-supported school, or a county board of ~~mental retardation and~~ developmental disabilities shall have staff members assigned that at a minimum, are at least eighteen years of age and have at least a high school diploma or certification of high school equivalency issued by the state board of education or comparable agency. The extended child care staff member must also meet requirements related to a medical examination, in-service and background investigation as cited in this rule. Child care staff/child ratios in accordance with this rule shall be maintained at all times.	ORC 3301.52
160	(M) Substitutes for preschool staff members shall meet the following requirements:	
161	(1) Substitute teachers shall meet the following minimum requirements for programs operated by entities other than public schools, education service centers, or county MRDD's:	
162	(a) Being at least eighteen years of age.	
163	(b) Have at least a high school diploma or certification of high school equivalency issued by the state board of education or comparable agency.	
164	(c) Meet the requirements related to a medical examination, in-service and criminal background investigation as cited in section 3301.541 of the Revised Code after fifteen school days.	
165	(2) Substitute teachers shall meet the following minimum requirements for programs operated by public schools, education service centers, or county ~~MR~~DD's:	
166	(a) Requirements related to a medical examination, in-service and criminal background investigation pursuant to section 3301.541 of the Revised Code after fifteen school days; and	
167	(b) Minimum requirements for the position for which they are substituting after sixty consecutive school days.	
168	(N) ~~Unless the p~~reschool staff member<u>s</u> ~~or director~~ <u>who do not have</u> ~~holds~~ an associate or higher degree in child development or early childhood education from an accredited college, university, or technical college, a pre-kindergarten associate certificate or license issued by the state board of education, or a pre-kindergarten teaching certificate or endorsement, the preschool staff member and director shall annually complete in-service training of fifteen hours until a total of forty-five hours has been completed. Preschool staff members who have met the forty-five hour in-service requirement shall thereafter complete ten annual clock hours of in-service.	
169	(1) In-service training will be in one or more of the following areas:	
170	(a) Child development or early childhood education;	
171	(b) Child abuse recognition and prevention;	
172	(d) Prevention, recognition, and management of communicable diseases.	

	A	B
173	(2) Annual completion refers to the school year, from July first to June thirtieth, or every twelve months from the date of hire for staff employed after the school year begins.	
174	(O) Preschool staff employed part-time shall complete the in-service requirement based upon the percentage of time or full-time equivalency of their preschool assignment.	
175	(P) Preschool staff members licensed by the department shall complete ten annual clock hours, which may be part of the professional development plan in accordance with Chapter 3301-24 of the Administrative Code. Annual completion refers to the school year, from July first to June thirtieth.	
176	( ) Staff who have an associates or higher degree shall complete 10 hours annual clock hours of in-service	Requirement for staff who have an associates or higher degree who do not hold an educator license was left out of last rules revision
177	(Q) The training specified in paragraph (N) of this rule shall be provided by an approved trainer who shall have at least two years of experience specific to the subject area and possess one of the following:	
178	(1) An associate or higher degree in child development or early childhood education, education, home economics, nursing, nutrition, psychology, dental hygiene, or social work. evidence of an associate or higher degree shall be a copy of a diploma, a transcript, or other written evidence accepted by the director as evidence of completion of at least ninety quarter credit hours or sixty semester credit hours from an accredited college, university, or technical college. The coursework shall include at least thirty-six quarter credit hours or twenty-four semester credit hours in courses in any of the subject areas listed in paragraph (K) of this rule; or	
179	(2) A prekindergarten certificate or endorsement or early childhood license issued by the state board of education; or	
180	(3) A license as a physician or registered nurse.	
181	(R) A director and preschool staff member shall provide evidence of a BCII investigation and FBI criminal background check as required by section 3319.391 of the Revised Code. Documentation that reports and five-year updates are sent to the district or the department's office of educator licensure as required by section 3319.391 of the Revised Code shall be kept on file.	
182	(S) Each staff member and volunteer shall annually complete a non-guilty/non-conviction statement.	
183	(T) The preschool staff member/child ratio must be maintained at all times.	
184	(1) Sufficient preschool staff members must be physically present with the children at all times to meet staff member/child ratio requirements.	
185	(2) Each class/group shall have at least one head teacher as defined in paragraph (J) of this rule.	
186	(3) No child shall ever be left alone or unsupervised.	
187	(4) In each program the maximum number of children per preschool staff member and the maximum group size by age category of children shall be as follows:	

	A	B
188	http://www.registerofohio.state.oh.us/pdfs/3301/0/37/3301-37-04_PH_FF_A_RU_20090615_1020.pdf	
189	(5) Preschool special education program shall meet the child/staff ratio requirements of one teacher for six children and ~~a second adult~~ an additional staff member when seven or more children are enrolled; maximum group size shall not exceed sixteen children. Waivers are required when a group of more than eight preschool children with disabilities are served in accordance with rule 3301-51-11 of the Administrative Code.	Change second adult to staff member
190	(U) Volunteers may be counted in the staff/child ratio if a BCII investigation is kept on file; however, a program shall ensure that such practice does not become routine.	
191	(V) At least two responsible adults shall be readily available at all times when seven or more children are present in the program. One adult shall be a preschool staff member. The second adult shall:	OAC 5101:2-12-20 H
192	(1) Be available within the building used for the preschool program or in an adjacent outdoor area;	OAC 5101:2-12-20 H
193	(2) Be able to be summoned by the preschool staff member without leaving the group alone or unsupervised; and	OAC 5101:2-12-20 H
194	(3) Be able to react in response to such summons so as to reduce risk to children during an emergency circumstance.	OAC 5101:2-12-20 H
195	(W) When age groups are combined for programming purposes the following requirements must be met:	
196	(1) When age groups are combined, the maximum number of children per preschool staff member shall be determined by the age of the youngest child in the group, except that when no more than one child, thirty months of age or older, receives care in a group in which all the other children are in the next older age group, the maximum number of children per preschool staff member and maximum group size requirements of the older age group established in paragraph (T) of this rule shall apply.	
197	(2) Any accredited program that uses the Montessori method endorsed by the American Montessori society (www.amshq.org) or the association Montessori internationale (www.montessori-ami.org) as its primary method of instruction may combine preschool children of ages three to five years of age with children enrolled in kindergarten. Notwithstanding anything to the contrary in division (B)(2) of section 3301.56 of the Revised Code, when such age groups are combined, the maximum number of children per preschool staff member shall be twelve and the maximum group size shall be twenty-four children.	

	A	B
198	(X) In a room where children are napping or resting, if all children are at least eighteen months of age, the maximum number of children per preschool staff member shall, for a period not to exceed one and one-half hours in any twenty-four-hour day, be twice the maximum number of children per preschool staff member established in paragraph (O) of this rule if all the following criteria are met:	
199	(1) At least one preschool staff member shall be physically present in the room at all times during nap/rest time;	
200	(2) The preschool staff member(s) assigned to a room where children are napping shall be responsible for the care and supervision of the children in the room and shall be able to summon other child-care staff members without leaving the room;	
201	(3) There shall be enough preschool staff members readily accessible within the building in which the program is located to ensure that the maximum number of children per preschool staff member as required by paragraph (O) of this rule is met at all times; and	
202	(4) Nap/rest-time preparation shall have been completed and all napping children shall be resting or sleeping on cots or mats.	
203	(5) Staff are not required to be present in a nap room for the purpose of supervising children if fifty per cent of the wall space is open, staff can see all children at all times, and staff are routinely checking children every five minutes.	
204	3301-37-05 Facility.	
205	(A) The program shall be located in a safe and convenient facility and space that accommodates the enrollment, supports child growth and development according to program objectives, and meets the requirements of section 3301.55 of the Revised Code. The space shall be for the exclusive use of the children enrolled in the preschool program when that program is in session.	
206	(B) The program shall provide written documentation of an annual fire inspection and approval of the facility. annually means within twelve months of the previous fire inspection.	ORC 3301.55
207	(C) A phone shall be available while the program is in session.	
208	(D) The indoor space shall include not less than thirty-five square feet of usable, wall-to-wall, floor space for each child.	ORC 5104.032 A
209	(1) Such floor space shall not include hallways, kitchens, storage areas, or any other areas not available for the care of children.	
210	(2) Bathrooms shall be included only if they are used exclusively by children enrolled in the program when the program is in session.	
211	(3) Square footage shall determine the maximum capacity or number of children that may be served in the space. Maximum group size shall not exceed the maximum capacity in any given space but maximum group size may be less than the capacity depending upon the ages of children served in the space.	

	A	B
212	(4) Spaces meeting the required square footage per child may be defined by barriers to serve more than one class/group of children. Barriers shall be at least thirty-six inches in height, may be permanent or nonpermanent walls, bookcases, partitions or some similar device used to define the area.	
213	(E) Safe play space, including both indoor and 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.	ORC 5104.032 B
214	(1) The surface of the outdoor play space shall offer protection from falls and be well drained.	National Playground Safety Institute
215	(2) The play space shall be free of hazards such as, but not limited to, broken glass, potholes, garbage, flammable materials and other debris.	
216	(3) The play area shall be well defined to protect children from traffic, animals, or other hazards.	
217	(4) Child staff ratios are maintained at all times.	
218	(5) Groups of children are supervised during the use of and traveling to and from the play area.	
219	(F)~~ Programs serving I~~infants and ~~non-toilet trained children~~ toddlers shall be provided ~~for designated~~ space apart from their sleeping quarters so that each ~~infant~~ child is allowed to sit, crawl, toddle or walk, and play safely and comfortably according to his/her stage of development.	changed for clarification
220	~~(~~G) Hand washing facilities that are located elsewhere may be used ~~when the following requirements are met~~ If programs assure that children are safe and conditions are sanitary while toileting or being diapered.	moved to diapering section
221	~~(1) For the purposes of diaper changing, no more than one child per preschool staff member shall be removed at any time from the space or spaces where the non-toilet-trained children receive care~~.	ratio addressed in the staff section
222	~~(2) The staff member/child ratio requirements of paragraph (T) of rule 3301-37-04 of the Administrative Code shall be maintained at all times within the space or spaces where the non-toilet-trained children receive care.~~	not relevant Rule referenced states ratio must be maintained at all times
223	(H) Infants and non-ambulatory children eighteen months of age or older shall receive care in rooms on the first story with grade level exits to the outside unless approved by a certified fire safety inspector or state fire marshal. Care on a story other than the first story shall be annually approved by a certified fire safety inspector or state fire marshal. if other than the first story, the annual fire approval form prescribed by the department shall indicate the story approved for care of infants and non-ambulatory children eighteen months of age or older.	
224	(I) Swimming pools, wading pools, and other bodies of water two or more feet in depth shall be fenced or otherwise make the swimming pool, wading pool, or other body of water two or more feet in deep inaccessible to the children when adult supervision is not available and the pool is not in use.	
225	3301-37-06 Equipment and supplies.	

	A	B
226	(A) Indoor and outdoor play space shall contain furniture, materials and equipment of appropriate size and type to meet the intellectual, physical, social and emotional needs of the preschool children enrolled in the program. materials and equipment shall be:	
227	(1) Maintained in a safe and sanitary condition; and	
228	(2) Provided in quantities proportionate to the enrollment.	
229	(B) Furniture, materials and equipment shall meet safety and sanitation guidelines developed by the department. the following requirements shall be met:	
230	(1) Protective mats shall be placed under climbers,	
231	(2) Electrical outlets shall be covered when not in use;	
232	(3) Space heaters shall not be used in any preschool program unless approved in writing by the building and/or fire official having jurisdiction in the area; and	
233	(4) If electrical fans are used, they shall have protective coverings; shall not be easily tipped over; and shall be placed so that they are not hazardous to children.	
234	(5) Cleaning and sanitizing supplies shall be stored out of reach of children.	
235	(C) Play materials to be used in the program shall be arranged so that children may select, remove, and replace play materials with a minimum of assistance.	
236	(D) Adequate and sufficient first-aid supplies shall be readily available at all times the program is in operation.	
237	(E) One cot or mat shall be available for each child who remains more than five consecutive hours in the program.	
238	(1) Each cot or mat, with individual bedding, shall be labeled in some manner as to who is assigned to use the cot and shall be for the exclusive use of each child between sanitation procedures.	
239	(2) Cots, mats, and individual bedding shall be thoroughly cleaned with an appropriate germicidal detergent and regularly sanitized before assignment for use by another child.	
240	(F) Cribs shall be provided in accordance with all of the following:	
241	(new number) Cribs shall meet the United States consumer product safety commission (CPSC) safety standards	16 CFR parts 1219,1220 and 1500
242	new) Infants shall be placed in their cribs for sleeping, and shall not be allowed to sleep in car seats, swings, mesh cribs, playpens, bassinets of any type, or other equipment. If a medical condition exists where a child needs to sleep in equipment other than a crib, written permission shall be obtained and updated every six months from a physician and be available on file for review	OAC 5101:2-12 42
243	(new) A full sized crib shall be assigned only to children less than thirty-five inches tall. Children over thirty-five inches tall shall be assigned to use a cot	Crib assignment moved from definition to rule section
244	(1) Each infant shall be provided with a separate crib. If the center does not have all full size cribs, the center shall have a combination of full size and porta cribs.	OAC 5101:2-12-42

	A	B
245	(a) There shall be one crib available which meets the requirements of this rule for each infant.	
246	(b) Each crib shall be labeled with each infant's name who is assigned to use the crib and shall be for the exclusive use of said child between sanitation procedures. Cribs shall be thoroughly cleaned with an appropriate germicidal detergent and regularly sanitized before assignment for use by another child.	
247	(2) Cribs shall be spaced apart from each other by a minimum of two feet on all sides or the cribs shall be separated by a divider and have at least two feet of space on two of the sides or ends of the crib. If a divider is used between cribs, the divider shall meet all of the following requirements:	ODJFS rule OAC 5101:2-12-42 A 3
248	(a) Be constructed so that staff may view children through or around the divider.	ODJFS rule OAC 5101:2-12-42 A 3
249	(b) Be unbreakable in normal use situations.	ODJFS rule OAC 5101:2-12-42 A 3
250	(c) Be made of a nonporous material that can be easily sanitized.	ODJFS rule OAC 5101:2-12-42 A 3
251	(d) Shall extend up higher than an infant standing in a crib can reach up and shall not impede child care staff members' ability to hear the child.	ODJFS rule OAC 5101:2-12-42 A 3
252	(3) The space between the mattress and the side of the crib or the end panels of the crib shall not exceed one and one-half inches.	
253	(4) Each mattress shall:	
254	(a) Be securely covered with a waterproof material which is not dangerous to children.	
255	(b) Have a clean bottom crib sheet and top sheet and/or blanket which is changed at least weekly or more often as necessary. the sheets and blankets shall be changed whenever another child uses the crib.	
256	(G) Potty chairs in the program shall be provided in accordance with all of the following:	
257	(1) Potty chairs shall not be located in areas used for food preparation or serving or in areas not normally used for diaper changing or toileting.	
258	(2) Potties shall be emptied, cleaned, disinfected, and rinsed with water after each use. the rinsing solution shall be disposed of into a toilet, not a sink.	
259	(3) Disposable cloths used for cleaning potties shall be used once and disposed of in a plastic-lined covered receptacle. reusable cloths shall be stored in an appropriate germicidal solution and held for laundering for no longer than one day.	
260	3301-37-07 Policies and procedures.	
261	(A) The program shall be guided by written policies of the board which are consistent with applicable statutory requirements contained in the Revised Code and rules adopted by the state board of education.	
262	(B) Policies shall be in accordance with policies and procedures established by the governing body or board of education and approved by said governing body.	
263	(C) Each school district or eligible nonpublic school that operates a program shall assign responsibilities for implementing policies and procedures.	
264	(D) Policies shall be appropriate for children enrolled in the program shall at a minimum include, but not be limited to preschool policies described in this rule:	

	A	B
265	(1) Staff which at a minimum meets the requirements of rule 3301-37-04 of the Administrative Code; and	
266	(a) Address staff awareness of each enrolled child's cumulative and health records required in rule 3301-37-08 of the Administrative Code;	
267	~~(b) Include procedures for checking references of potential employees.~~	Removed to align with ODJFS rules
268	(2) Cumulative records which at a minimum meets the requirements of rule 3301-37-08 of the Administrative Code;	
269	(3) Developmentally appropriate program planning which at a minimum meets the requirements of rule 3301-37-03 of the Administrative Code; and	
270	(a) Addresses developmentally appropriate materials and equipment;	
271	(b) Addresses selection and use of developmentally appropriate materials, equipment, and resources that meet the intellectual, physical, social, and emotional needs of the preschool child.	
272	(b) Addresses selection and use of developmentally appropriate materials, equipment, and resources that meet the intellectual, physical, social, and emotional needs of the preschool child.	
273	(4) Health and safety procedures, which at a minimum meets the requirements of rules 3301-37-11 and 3301-37-12 of the Administrative Code; and provides for the following:	
274	(a) Ensuring that the health and safety of the children are safeguarded by an organized program of school health services designed to identify child health problems and to coordinate school and community health resources for children, as evidenced by but not limited to:	
275	(i) Requiring immunization records and compliance with emergency medical authorization requirements in accordance with rules adopted by the state board of education under section 3301.53 of the Revised Code;	
276	Programs funded through the department of education shall ~~include~~ meet the requirements for health and developmental screening as described in ~~"Outcome 1" of the~~ ~~guidelines (education.ohio.gov).~~ the early learning program standards and be highly rated in Ohio's tiered quality rating and improvement system developed under section 5104.30 of the Revised Code."	ORC 5104.30
277	(ii) Providing and posting procedures for emergency situations, including fire drills, rapid dismissals, and tornado drills in accordance with section 3737.73 of the Revised Code, and keeping records of such drills or dismissals;	
278	(iii) Posting medical and dental emergency procedures in each preschool room and by each telephone and making such available to school personnel, children, and parents;	
279	(iv) Posting emergency numbers by each telephone;	
280	(v) Supervising grounds, play areas, and other facilities when scheduled for use by children; and	

	A	B
281	(vi) Procedures for providing written notification to parents when a child is injured and maintaining a log of injury reports.	
282	(b) Providing first-aid facilities and materials.	
283	(c) When administering a medication, food supplement, modified diet, or fluoride supplement, the program shall:	
284	(i) Prior to administration:	
285	*(a)* Secure the written instructions of a licensed physician or licensed dentist as appropriate for the administration of any medication, food supplement, modified diet, or fluoride supplement; and	
286	(ii) Each time medication is administered, a written record or log including dosage, date, and time shall be made. that record or log shall be kept on file for one year.	ORC 3313.713
287	(iii) Only employees who are health professionals or who have completed a drug administration training may administer medication per 3313.713.	ORC 3313.713
288	(iiii) Medication shall be stored in a designated locked storage place, except that drugs that require refrigeration may be kept in a refrigerator not accessible to children.	ORC 3313.713 D 1
289	(d) All preschool staff members shall wash their hands with soap and running water after each diaper change, or after assisting a child with toileting; after cleaning; after toileting; before preparing or eating food; before feeding any child; and when hands have been in contact with nasal or mucous secretions. Disposable towels or an air hand dryer shall be available at all times.	
290	(e) Preschool program with swimming and water play activities in bodies of water two or more feet in depth, shall:	
291	(i) 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. the written permission shall be signed and dated, and shall include the following:	
292	*(a)* The child's name;	
293	*(b)* A statement indicating whether or not the child is a swimmer; and	
294	*(c)* That the parent or guardian grants permission for the child to participate in water activities.	
295	(ii) The program shall provide enough preschool staff members to meet the requirements of rule 3301-37-04 of the Administrative Code at all times during swimming and water play activities.	
296	(f) Swimming activities at sites other than the preschool program location, shall:	
297	(i) Have preschool staff members shall always accompany and supervise children at swimming sites, including, but not limited to, public or private swimming pools, lakes, or rivers.	
298	(ii) Swimming sites removed from the program shall be approved and supervised by local authorities.	

	A	B
299	(iii) 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" or an equivalent water safety program.	
300	(iv) The program shall provide enough preschool staff members to meet the requirements of rule 3301-37-04 of the Administrative Code at all times during swimming and water play activities.	
301	(5) Admission and attendance which at a minimum meets the requirements of:	
302	(a) Supervising each child's admission, placement, and withdrawal according to established procedures.	
303	(b) Preparing at least once annually for each group of children in the program a roster of the name and telephone number of the child and of the child's parent and, on request, furnishing the roster for each parent.	ORC 3301.56 A 4
304	(c) Preparing a similar roster of all children in the program and, on request, make it available to each parent with a child in the program.	ORC 3301.56 A 4
305	(i) Securing from each parent a signed statement indicating whether such individual desires to be included in rosters prepared in accordance with this paragraph.	ORC 3301.56 A 4
306	(ii) Ensuring that a roster is not furnished to any person other than a parent.	ORC 3301.56 A 4
307	(6) Behavior management/discipline which at a minimum meets the requirements of rule 3301-37-10 of the Administrative Code;	
308	(7) Management of communicable diseases which at a minimum meets the requirements of rule 3301-37-11 of the Administrative Code; and	
309	(a) In each building in which a program is operated there shall be readily available at all times at least one preschool staff member who has completed a course approved by the state department of health (www.odh.ohio.gov):	
310	(i) First aid; and	
311	(ii) Prevention, recognition, and management of communicable diseases.	
312	(B) In each building in which a program is operated, there shall be readily available at all times at least one preschool staff member who has completed a child abuse recognition and prevention course based on an approved curriculum. <u>The curriculum used in the course may be consistent with requirements as established by section 3319.073 or appear on the approved curriculum list posted on the ODE website.</u>Consistent with requirements as established by section 3319.073 of the Revised Code, such staff shall complete at least four hours of in-service training in child abuse recognition and prevention within two years of employment and every five years thereafter.	A list of approved curriculum is posted on the ODE website. It includes one curriculm that is consistant with requirements as established by section 3319.073 ORC 51404.015O ORC 5104.037A
313	(8) Transportation and field trips.	

	A	B
314	(E) Any parent of a child enrolled in the program shall be permitted unlimited access to the school during its hours of operation to contact his child, evaluate the care provided by the program, the premises, or for other purposes approved by the director. Upon entering the premises, the parent shall report to the school office	
315	(F) A preschool program serving a preschool child with an individualized education program (IEP) ~~disability in a public school~~ shall do so in accordance with Chapter 3301-51 of the Administrative Code. ~~and a preschool program serving a child in an eligible nonpublic school shall do so in accordance with the child's service plan concerning care of children with disabilities or health conditions~~.	The Office of Early Learning and School Readiness & the Office for Exceptional Children has the resposibility for monitoring complianace with "Ohio's Operating Standards for Agencies Serving Children with Disabilities" (OAC 3301-51)
316	3301-37-08 Child information.	
317	(A) The parent shall provide, prior to the date of admission or not later than thirty days after date of admission, and every thirteen months from the date of examination thereafter, a report from a licensed physician affirming that the child is in suitable condition for enrollment in the program. "Prior to the date of admission" means:	
318	(1) For children younger than three years old at the time of admission, the examination shall occur within six months prior to the date of admission;	
319	(2) For children three years old or older at the time of admission, the examination shall occur within twelve months prior to the date of admission.	
320	(3) A preschool child with a disability shall not be excluded from the program for lack of a medical statement until the team responsible for the individualized education plan (IEP) established pursuant to Chapter 3301-51 of the Administrative Code reconvenes; exclusion from the program until the IEP is revised may be a denial of a free, appropriate public education.	
321	(4) The medical statement shall be provided by a physician, physician's assistant, clinical nurse specialist, or certified nurse.	
322	(B) The program shall secure and have on file all required information no later than the first day of attendance unless otherwise required.	
323	(1) The cumulative record of each child shall include but not be limited to:	
324	(a) Name and date of birth;	
325	(b) Name, address (home and/or business), and telephone number of parent(s);	
326	(c) Names, addresses, and telephone numbers of two persons to contact in an emergency if the parent cannot be located;	
327	(d) Name of persons(s) to whom the child can be released; and	
328	(e) Parent authorization for transportation related to the program.	
329	(2) The health record of each child shall include but not be limited to:	

	A	B
330	(a) A statement signed by a licensed physician as required by paragraph (A) of this rule;	
331	(b) Physician's and dentist's authorization and written instructions to administer prescription medication to a child enrolled in the program;	
332	(c) Immunization record as required by section 3313.67 of the Revised Code, which record shall include immunizations required by section 3313.67 1 of the Revised Code;	
333	(d) A list of any allergies and treatment for said allergies;	
334	(e) A list of any medications, food supplements, modified diets, or fluoride supplements currently being administered to the child;	
335	(g) A list of any diseases the child has had;	
336	(h) Names, addresses, and telephone numbers of physician and dentist in case of emergency;	
337	(i) Permission of parent for emergency medical and dental care as required by section 3313.712 of the Revised Code; and	
338	(j) Permission of parent for emergency transportation.	
339	(C) The program shall maintain daily attendance records including admission and withdrawal.	
340	(D) The program shall notify parents when a child is injured and maintain a log of injury reports.	
341	3301-37-09 School food services.	
342	(A) The program shall be in compliance with sections ~~3313.81 and 3313.813~~ 3717.01 of the Revised Code.	ORC 3717.01 ORC 5104.05 A 3
343	(B) The program shall provide ~~meals and~~ snacks in accordance with all of the following:	Separated meals & snacks for clarification ORC 5104.015 E OAC 5101:2-12-39-A
344	(1) ~~Meals and~~ snacks shall be of quantity and quality to supplement food served at home so that the daily nutritional needs of the child are met in accordance with required daily allowance as prescribed by the U.S. department of agriculture meal patterns (www.usda.gov).	see draft meal/ snack edit
345	~~(2) A food source of vitamin C shall be served daily and a food source of vitamin A shall be served three times per week either with the meal required by this rule.~~	deleted to align to ODJFS rules
346	(3) Fluid milk shall be vitamin D fortified. low-fat, skim, or dry powdered skim milk shall be vitamin A and vitamin D fortified. reconstituted dry powdered milk shall be used only for cooking and shall not be used as a beverage.	ORC 5104.015 E OAC 5101:2-12-39-A
347	~~(4) Lunch shall be served to a preschool child who is in attendance entirely through the hours of eleven a.m. and one-thirty p.m., inclusively.~~	moved to meal section
348	~~(5) The snack shall be served during the longest period between meals for children attending four hours or longer.~~	moved to meal section

	A	B
349	(6) A choice from two of the groups listed below must be served for snack:	ORC 5104.015 E OAC 5101:2-12-39-A
350	(a) Meat/meat-equivalent group;	ORC 5104.015 E OAC 5101:2-12-39-A
351	(b) Bread/bread-alternatives group;	ORC 5104.015 E OAC 5101:2-12-39-A
352	(c) Milk group; or	ORC 5104.015 E OAC 5101:2-12-39-A
353	(d) Fruit/vegetable group.	ORC 5104.015 E OAC 5101:2-12-39-A
354	(7) Parents providing snacks shall be provided information on nutritious snack choices.	
355	( ) The program shall provide meals for children attending four hours or longer in accordance with all of the following:	ORC 5104.015 E OAC 5101:2-12-39-A
356	(1) Meals ~~and snacks~~ shall be of quantity and quality to supplement food served at home so that the daily nutritional needs of the child are met in accordance with required daily allowance as prescribed by the U.S. department of agriculture meal patterns (www.usda.gov).	moved from section above for clarification
357	(3) Fluid milk shall be vitamin D fortified. low-fat, skim, or dry powdered skim milk shall be vitamin A and vitamin D fortified. reconstituted dry powdered milk shall be used only for cooking and shall not be used as a beverage.	moved from section above for clarification
358	(4) Lunch shall be served to a preschool child who is in attendance entirely through the hours of eleven a.m. and one-thirty p.m., inclusively.	moved from section above for clarification
359	(5) The snack shall be served during the longest period between meals ~~for children attending four hours or longer.~~	moved from section above for clarification
360	(C) Current menus for the entire week shall be posted in a conspicuous place and shall reflect all meals and snacks to be served by the program. any substitute foods served shall be from the same basic food group and shall be recorded on the posted menu on the day the substitute food is served.	
361	(D) Programs shall provide food and/or formula for infants in accordance with all of the following:	
362	(1) Infant food and/or formula provided by the parent shall be labeled with the child's name, date of preparation, and immediately refrigerated, except for unopened commercially prepared canned food or formula.	
363	(2) Breast milk or formula provided by the parent shall be labeled with the child's name, the date of receipt, and immediately refrigerated. Breast milk or formula shall not be stored for more than twenty-four hours. The unused portion of formula, breast milk, or food remaining in the container from which the infant has been directly fed shall not be reheated or served a second time.	

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364	(3) Infant food and formula shall be prepared, stored, and served in a manner appropriate to the equipment use and the needs of each individual child according to his stage of development and in conformity with written instruction from the parent or physician in charge of the child.	
365	(4) Formula shall not be heated in a microwave oven.	
366	(5) Food heated in a microwave oven shall be stirred or shaken during heating to avoid uneven heating.	
367	(6) Infants shall be held for all bottle feedings.	
368	(7) Programs that care for infants shall provide commercially prepared formula to be used in the event that the parent does not provide a quantity of formula sufficient to meet the infant's daily requirement.	
369	3301-37-10 Behavior management/discipline.	
370	(A) A preschool staff member in charge of a child or a group of children shall be responsible for their discipline.	
371	(B) The center shall have a written discipline policy describing the center's philosophy of discipline and the specific methods of discipline used at the center. This written policy shall be on file at the center 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.	
372	(C) Behavior management/discipline policies and procedures shall ensure the safety, physical, and emotional well-being of all individuals on the premises.	
373	(D) The center's actual methods of discipline shall apply to all persons on the premises and shall be restricted as follows	
374	(1) There shall be no cruel, harsh, corporal punishment or any unusual punishments such as, but not limited to, punching, pinching, shaking, spanking, or biting	
375	(2) No discipline shall be delegated to any other child.	
376	(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 the child may regain control.	
377	(4) No child shall be placed in a locked room or confined in an enclosed area such as a closet, a box, or a similar cubicle.	
378	(5) No child shall be subjected to profane language, threats, derogatory remarks about himself or his family, or other verbal abuse	
379	(6) Discipline shall not be imposed on a child for failure to eat, failure to sleep, or for toileting accidents.	
380	(7) Techniques of discipline shall not humiliate, shame, or frighten a child.	
381	(8) Discipline shall not include withholding food, rest, or toilet use.	
382	(9) Separation, when used as discipline shall be brief in duration and appropriate to the child's age and developmental ability, and the child shall be within sight and hearing of a preschool staff member in a safe, lighted, and well-ventilated space.	

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383	(10) The center shall not abuse or neglect children and shall protect children from abuse and neglect while in attendance in the preschool program.	
384	(E) The parent of a child enrolled in a center shall receive the center's written discipline policy.	
385	(F) All preschool staff members shall receive a copy of the center's discipline policy for review upon employment.	
386	3301-37-11 Management of communicable disease.	
387	(A) A person trained to recognize the common signs of communicable disease or other illness shall observe each child daily as he enters a group. A "person trained to recognize the common signs of communicable disease" means any person trained in prevention, recognition, and management of communicable diseases as required by paragraph (D) of rule 3301-37-07 of the Administrative Code.	
388	(B) The following precautions shall be taken for children suspected of having a communicable disease:	
389	(1) The program shall immediately notify the parent or guardian of the child's condition when a child has been observed with signs or symptoms of illness.	
390	(2) A child with any of the following signs or symptoms of illness shall be immediately isolated and discharged to his parent or guardian:	
391	(a) Diarrhea (more than one abnormally loose stool within a twenty-four-hour period);	
392	(b) Severe coughing, causing the child to become red or blue in the face or to make a whooping sound;	
393	(c) Difficult or rapid breathing;	
394	(d) Yellowish skin or eyes;	
395	(e) Conjunctivitis;	
396	(f) Temperature of one hundred degrees Fahrenheit taken by the auxiliary method when in combination with other signs of illness;	
397	(g) Untreated infected skin patch(es);	
398	(h) Unusually dark urine and/or grey or white stool; or	
399	(i) Stiff neck; or	
400	(j) Evidence of lice, scabies, or other parasitic infestation	
401	(3) A child with any of the following signs or symptoms of illness shall be immediately isolated from other children. Decisions regarding whether the child should be discharged immediately or at some other time during the day shall be determined by the director and the parent or guardian. the child, while isolated at the program, shall be carefully watched for symptoms listed in paragraph (B)(2) of this rule as well as the following:	
402	(a) Unusual spots or rashes;	
403	(b) Sore throat or difficulty in swallowing;	
404	(c) Elevated temperature; or	

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405	(d) Vomiting.	
406	(4) Programs shall follow the Ohio department of health "child day care communicable disease chart" (www.odjfs.state.oh.us/forms) for appropriate management of suspected illnesses.	
407	(5) A child isolated due to suspected communicable disease shall be:	
408	(a) Cared for in a room or portion of a room not being used in the preschool program;	
409	(b) Within sight and hearing of an adult at all times. no child shall ever be left alone or unsupervised;	
410	(c) Made comfortable and provided with a cot. all linens and blankets used by the ill child shall be laundered before being used by another child. After use, the cots shall be disinfected with an appropriate germicidal agent, or, if soiled with blood, feces, vomit, or other body fluids, the cots shall be cleaned with soap and water and then disinfected with an appropriate germicidal agent	
411	(d) Observed carefully for worsening condition; and	
412	(e) Discharged to parent, guardian, or person designated by the parent or guardian as soon as practical.	
413	(C) Each program shall have a written policy concerning the management of communicable disease. the policy shall include, at a minimum:	
414	(1) The program's means of training all preschool staff in signs and symptoms of illness and in hand-washing and disinfection procedures;	
415	(2) Procedures for isolating and discharging an ill child and policy for readmitting such child;	
416	(3) Procedures for notifying the parent or guardian immediately when a child is exhibiting signs or symptoms of illness or has been exposed to a communicable disease; and	
417	(4) Procedures regarding the care of a mildly ill child. "Mildly ill child" means a child who is experiencing minor common cold symptoms, but who is not exhibiting any of the symptoms specified in paragraph (B) of this rule or a child who does not feel well enough to participate in activities, but who is not exhibiting any of the symptoms specified in paragraph (B) of this rule.	
418	(5) Procedures for notifying all parents of enrolled children when children are exposed to a diagnosed communicable disease such as pink eye, ringworm, chicken pox, or lice.	
419	3301-37-12 Diapering.	
420	(A) The changing of diapers for all non-toilet-trained children shall be handled in conformity with the following methods:	ODJFS rule 5101:2-12-15.2
421	(1) The changing of diapers for all non-toilet-trained children shall occur in a space that contains a hand-washing facility.	ODJFS rule5101:2-12-15.2
422	~~(2~~) Hand washing facilities that are located elsewhere may be used ~~when the following requirements are met~~ If programs assure that children are safe and conditions are sanitary while toileting or being diapered.	moved from facility section
423	(2) The program shall provide disposable gloves for diapering; however, the use of gloves or hand sanitizer does not preclude requirements for proper hand washing	

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424	(3) If an infant's diapers are to be changed in his crib or at a central changing station, there shall be some separation material between the infant and the changing surface. The material shall be discarded and replaced after each change.	ODJFS rule 5101:2-12-15.2
425	(4) The central diaper-changing station or crib shall be disinfected after each diaper change with an appropriate germicidal agent in a manner consistent with manufacturer guidelines. If the diaper-changing station is soiled after the diaper change, it shall be cleaned with soap and water and then disinfected with an appropriate germicidal agent.	**ODJFS rule 5101:2-12-15.2**
426	(5) Any product used during diaper changing on more than one child shall be used in such a way that the container does not touch the child. Any product obtained applied to a child shall be applied in such a manner so as not to contaminate the product or its container. Common containers shall be cleaned and disinfected with an appropriate germicidal agent when soiled.	ODJFS rule 5101:2-12-15.2
427	(6) For the purpose of diapering, topical ointments and creams provided by parents shall include written instructions. such instructions shall include the name of the ointment, cream, or lotion; name of the child; birth date of the child; date; and signature. written instructions shall be valid for no longer than three months. Authorization for administration of the ointment, cream, or lotion may be cancelled by written request of the parent at any time.	ODJFS rule 5101:2-12-15.2
428	(B) Storing of clean diapers shall be handled in accordance with the following methods:	ODJFS rule 5101:2-12-15.2
429	(1) A clean supply of diapers stored in a specifically designated area shall be available at all times.	ODJFS rule 5101:2-12-15.2
430	(2) Diapers or clothing used during diaper changing and brought from the child's home shall be stored in space assigned exclusively for each child's belongings. soiled clothing and/or diapers shall be sent home daily.	ODJFS rule 5101:2-12-15.2
431	(C) Storage and laundering of soiled diapers shall be handled in accordance with the following methods:	ODJFS rule 5101:2-12-15.2
432	(1) Diapers or clothing soiled with fecal matter and sent home with a child need not be rinsed at the program facility, but may be placed directly into a plastic container or bag, sealed tightly, stored away from the rest of the child's belongings and out of the reach of children.	ODJFS rule 5101:2-12-15.2
433	(2) Soiled diapers to be disposed of or cleaned by the program shall be placed in a common plastic-lined covered container which shall be emptied, cleaned, and disinfected with an appropriate germicidal agent daily or more frequently as needed. diapers to be laundered at the program facility should be stored in an appropriate germicidal solution until laundered.	ODJFS rule 5101:2-12-15.2
434	(3) Soiled diapers to be commercially laundered shall be held for pickup for laundering for no longer than seven days.	ODJFS rule 5101:2-12-15.2
435	(4) Diapers to be laundered at home or by the program shall be held for laundering for no longer than one day	ODJFS rule 5101:2-12-15.2
436	(5) Soiled disposable diapers shall be discarded daily.	ODJFS rule 5101:2-12-15.2