



John R. Kasich, Governor
Paolo DeMaria, Superintendent of Public Instruction

MEMORANDUM

TO: Preschool and School Age Child Care Programs Licensed by the Ohio Department of Education

FROM: Wendy Grove, Director, Office for Early Learning and School Readiness

DATE: February 28, 2017

SUBJECT: CLARIFYING AND REVISING GUIDANCE CONTAINED IN FEBRUARY 10, 2017 MEMORANDUM

On February 10, 2017, you received a memorandum that contained inaccurate information about Ohio's plans to no longer allow families to cite *reasons of conscience* for declining immunizations. The purpose of this memorandum is to clarify how the Ohio Department of Education, in close coordination with the Ohio Department of Job and Family Services, will address *reasons of conscience* over the coming months.

Our memorandum dated February 10 indicated that "Effective July 1, 2017, parents will no longer be able to use *reasons of conscience* as a valid exemption for declining immunizations for one's child in programs that the Ohio Department of Education licenses." Regrettably, this is an inaccurate statement.

Currently, Ohio Revised Code Section 3313.671 states *reasons of conscience* qualifies as an acceptable reason for declining immunizations. However, the United States Department of Health and Human Services (HHS) recently notified the state that Ohio is currently not in compliance with federal requirements under the federal Child Care Development Block Grant (45 C.F.R. 98) which do not include *reasons of conscience* as a valid exemption for declining immunizations. The state is working with HHS to determine next steps to comply with federal rule. It should be noted that HHS has stated that while Ohio must reconcile state law with federal requirements, parents are permitted to use *reasons of conscience* until this reconciliation occurs.

The February 10 Memorandum also contained two federal and state requirements that did become effective on December 31, 2016, and will affect your program, which is licensed by the Ohio Department of Education. These [requirements](#) are aligned with the Child Care Development Block Grant. Under [state law](#), the Ohio Department of Education must meet or exceed the requirements in state statute for preschool and the rules for school-age children that Ohio Job and Family Service's adopts.

Written Information to Families and Employees

1. **Effective immediately**, your program must provide families with information about Early and Periodic Screening, Diagnostic and Treatment. While children enrolled in Medicaid are required to participate in this program, you must provide information to all families. Follow this link for [more information](#). Licensing specialists will be looking for evidence that your program provided this information to parents in handbooks, handouts or electronic communication for all enrolled children.
2. **Effective immediately** for programs serving infants and toddlers, your program must provide families information regarding the Individuals with Disabilities Education Act (IDEA), Part C Assessments and Screenings. This requirement is for early intervention services for infants and toddlers. Here is [more information](#). Licensing specialists will be looking for evidence that your program provided this information to parents in handbooks, handouts or electronic communication for those parents of infants and toddlers they currently serve.

New Pre-Service Orientation for Program Staff

All staff members must complete an online orientation that the Ohio Department of Education prescribes within 30 days of starting employment as a staff member. This requirement is effective immediately for all staff members hired after the date of this communication. You may use the staff member in ratio, but he or she may not have sole care of children until the completion of orientation. Staff members employed before the effective date of this communication have until June 30, 2017, to complete the required online orientation.

The staff member may use the online orientation for up to six hours of professional development for licensing. It is the staff member's responsibility to make sure that they document the orientation completion with verification within their profile on the Ohio Professional Registry. Licensing Specialists will be looking for documentation of completed orientation within staff professional development profiles.

The Ohio Department of Education is currently in the process of reviewing and revising OAC Chapter 3301-37, titled Child Day-Care Programs, and OAC Chapter 3301-32, titled School Child Program, to reflect these new requirements.

Per state law, the Ohio Department Education's Licensing Specialists will begin monitoring compliance with these two new requirements effective immediately.

The Ohio Department of Education will provide its own required orientation as the rules are revised. In the interim, your program may use an orientation created by our partners at the Ohio Department of Job and Family Services. To access the orientation, please [click here](#).

Please visit the Ohio Department of Education [Preschool Licensing](#) or [School-Age Child Care](#) website if you have any questions about new or existing licensing requirement. You also may email us directly at OESLR.licensing@education.ohio.gov or call the Office for Early Learning and School Readiness at (614) 752-1151.