

Frequently Asked Questions 2021-2022

For Preschool Rules effective July 1st 2021

To better support districts and preschool program providers, the Ohio Department of Education's Office of Early Learning and School Readiness is providing answers to the following frequently asked questions pertaining to [Ohio Administrative Code 3301-37](#). This document is divided into sections aligning with each rule. This document will continue to be updated based on additional questions and feedback from the field.

Rule 3301-37-02 Compliance and investigation

Question:

Who needs to report preschool (birth- age 5yrs not in kindergarten) information in the Education Management Information System EMIS?

Response:

Rule 3301-37-02 B requires all EMIS reporting entities that have been issued a license to operate a preschool program are to report all preschool students being educated by the entity as outlined in section 3301.0714 of the Revised Code using guidelines established by the department.

Rule 3301-37-03 Program

Question:

What are the sleeping/napping requirements for preschool?

Response:

Programs are required to comply with Rule 5101:2-12-20:

- The licensed child care center shall provide a quiet space for children who want to rest, nap, or sleep.
- Nap and rest time shall be in accordance with the developmental needs of the child. Rest or nap areas shall be lighted to allow for visual supervision of all children at all times.
- Any child who does not fall asleep during a designated nap time shall have the opportunity to engage in quiet activities.
- Evacuation routes shall not be blocked by resting or napping children. Each child shall have a free and direct means of escape, and the provider shall have a clear path to each resting child.
- Cribs shall be separated from the play space by a safe and sturdy physical barrier which does not impair the ability of childcare staff to supervise infants by sight and hearing. Sight and hearing is when the child care staff can see the infants in and out of their cribs and hear their sounds. The barrier shall provide for safe accessibility
- Ratio may be doubled for no more than two hours during nap time, and shall only be doubled if all of the children in the group are on cots or on mats, if the group does not

include any infants and if there are enough child care staff members in the building to meet staff/child ratio pursuant to rule 5101:2-12-19 of the Administrative Code for the group.

Rule 3301-37-04 Staff

Question:

What does start date mean?

Response:

- Rule 3301-37-04 G states that any individual who may have an assigned schedule with a preschool child (or group) or may be used to count in the ratio is obligated to have Orientation completed within thirty days of the individual's start date.
- Start date refers to the first day working in the position for which they are hired

Question:

Does one person or everyone need trained in first aid and CPR?

Response

- The Ohio Department of Job and Family Services (ODJFS) has updated rule so that all staff will need to be trained in first aid and age-appropriate CPR. This rule revision was effective as of October 29, 2021. The rule allows the existing expectation of at least one staff member to be onsite during hours of operation until all individuals are trained. The revised Ohio Department of Education Preschool and School Age Childcare rules references the revised requirement; therefore, this change is applicable to the Ohio Department of Education licensed programs. The Ohio Department of Education will follow the same implementation schedule as ODJFS and will not assess this requirement until May 1, 2022.

Ohio Department of Job and Family Services Rule 5101:2-12-10 (effective date 10/29/21)

(1) All childcare staff members are to be currently trained in first aid and cardiopulmonary resuscitation (CPR) appropriate for the age and developmental levels of the children in care.

(a) First aid and CPR trainings are to be completed within the first ninety days of hire.

(b) Until all required individuals are current in the trainings, at a minimum, the center is to have at least one trained childcare staff member on-site (in each building) during all hours of operation who meets this requirement.

Question:

Does everyone need Communicable Disease training or just one person?

Response:

Rule 3301-37-04 (1)(2) requires a person trained in **an approved course** to daily observe children as they enter the group

Question:

Are substitute requirements expected to be in place day one?

Response:

Rule 3301-37-04 J (8) The rule allows 30 days for the required orientation to be completed, all other requirements should be in place day one.

Question:

What is the Staff documentation Verification form?

Response:

It is a form that program human resource departments may use to document staff information on file. The [Staff documentation form](#) is available on the Preschool Licensing and School Age Child Care program pages.

Question:

Who is required to complete the Ohio Department of Job and Family Services (ODJFS) background check process and have a JFS 01176 form of file?

Response:

All staff associated with a license that has a provider agreement with ODJFS or is a Head Start program must complete the process through the Ohio Professional Registry. A background check using the ODJFS reason code 5104.013 is part of this process.

Rule 3301-37-09 School Food Services**Question:**

Does the rule prohibiting screen time during meals include using a Smartboard?

Response:

Yes, it includes anything that has a screen is prohibited during mealtime.

Rule 3301-37-10 Behavior management- discipline**Question:**

Can physical restraints be used on a preschool child?

Response:

Preschool rule 3301-37-10 (D) (3) prohibits physical restraints to confine a child by any means other than holding a child for a short period of time, so the child may regain control. The definition of Physical restraint and additional guidance on restrictions can be found in [Rule-3301-35-15](#).