

Child Care Regulations in Ohio

Overview

A summary of child care regulations in Ohio.

- Types of care that must be licensed
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Child care is regulated differently in every state and sometimes even in different counties or cities in the same state. In Ohio, the Department of Job and Family Services licenses child care centers, family child care homes (Type A), and school-age programs, and certifies family child care homes (Type B) receiving public funds. Some cities, such as Cincinnati, have licensing regulations of their own which may be more stringent than the state's requirements. Other types of local regulations, such as zoning, health, building, and fire safety codes, may also apply to child care facilities.

This guide explains the level of quality that is required by child care regulations in Ohio. Some child care programs in the state operate at this level and some well above it. As a parent, you have your own standards and will look for providers you trust to meet them. Over time, your informed consumer choice and cooperation with the licensing agency can help improve the quality of child care in your community.

The Ohio Department of Job and Family Services has implemented Ohio's Step Up To Quality Program. This is a Three-Star Quality Rating System that began as a pilot project in March 2005. The program recognizes and promotes programming above the minimum licensing standards in staff to child ratios, group sizes, staff education and training, national accreditation, workplace characteristics, and early learning standards. For more information on this program, contact the Ohio Department of Job and Family Services.

Both the law and licensing requirements are subject to change. To ensure that you have accurate and complete information, check with the licensing office to see whether there have been any changes since the information in this guide was last updated.

Types of care that must be licensed

Child care licensing is a type of regulatory activity in which the state authorizes an individual or a group to operate a child care facility. The Department of Job and Family Services is responsible for monitoring compliance with state standards and establishing procedures for revoking a license.

In Ohio, the following forms of child care must be licensed:

- *Child care centers.* Full- or part-time care in a nonresidential setting for seven to 12 children or in any place in which child care is provided for 13 or more children. In Ohio, this includes school-age programs, preschools, drop-in centers, and religiously-affiliated centers.
- *Family child care homes (Type A).* Full- or part-time care in a residence for seven to 12 children when no more than three children are under 2 years old, or for four to 12 children if four or more are under 2 years old including related children under 6 years old. The supply of Type A homes in certain areas may be limited due to zoning restrictions.

Types of care that must be certified

Certification is a form of regulatory activity that typically emphasizes self-inspection by the caregiver and encourages active parental monitoring of facilities.

In Ohio, the following forms of child care must be certified by the County Department of Job and Family Services:

- *Family child care homes with professional certification (Type B) that receive public funds.* Full- or part-time care in a residence for between one and six children, including related children under 6 years old, with no more than three children under 2 years old.
- *Family child care homes with limited certification (Type B) that receive public funds.* Care in a residence for eligible children all of whom have the same caretaker parents.

More detailed information about child care centers, family child care homes (Type A), and family child care homes (Type B) can be found later in this guide.

Types of care that may operate without a license or certification

Some types of child care are not required to be licensed or certified by the state. There are no agencies investigating or regulating these providers, so be sure to thoroughly check a provider's background and experience before choosing one of these types of care.

In Ohio, the following forms of child care are exempt from licensing or certification:

- Care provided in the child’s home or by relatives
- Family child care homes (Type B) that do not receive public funds and care for less than seven children at any one time
- Programs that operate for two weeks or less per year
- Programs where parents remain on the premises (unless at parent’s workplace)
- Programs for the sole purpose of providing specialized instruction, such as art, music, or swimming
- Programs that operate one day per week for less than six hours per day

When children’s programs are run by Head Start or public or private elementary schools, the Department of Education is responsible for regulating them. Other government agencies that run children’s programs also do their own regulating.

Age-group definitions

- *Infant*: child between birth and 18 months
- *Toddler*: child between 18 months and 3 years
- *Preschooler*: child between 3 years and kindergarten age
- *School-age child*: child between kindergarten age and 15 years

Subsidized child care

In Ohio, the Department of Job and Family Services makes funds available to assist eligible families with their child care payments to support parents’ work and training efforts. The County Departments of Job and Family Services assist in determining eligibility for funds and in distribution of such funds. These monies are paid directly to licensed or certified child care providers.

For further information about program availability and how to qualify, contact the Bureau of Child Care, Department of Job and Family Services, at 614-466-1043.

Whom to contact

For more detailed information regarding child care regulations in Ohio, to obtain a copy of the state standards, or to report licensing violations, contact:

Department of Job and Family Services

Child Care Licensing Section
65 East State Street, 5th Floor
Columbus, OH 43215
614-466-1043

http://jfs.ohio.gov/families/child_care/index.stm

Child abuse reporting

The staffs of all child care facilities are required to report known or suspected child abuse or neglect to the state or to police. Cases of child abuse and neglect are handled by Protective Children's Services Agencies within each county. Refer to the local telephone directory for one of the five district offices, call the toll-free national hotline at 800-4-A-child, or call local law enforcement.

Child care centers

Licenses

- Must be licensed.
- Provisional license issued for six months from approval date, then licensed for the balance of two years.
- Must be renewed every two years.
- Liability insurance is not required.

State inspection

- Inspection is required prior to licensing, during provisional period, and upon renewal.
- Full-time centers are inspected twice each year with at least one being unannounced.
- Part-time centers are inspected once each year.
- Inspection may be conducted after a complaint.
- An unannounced inspection may occur at any time.

Staff:child ratios

- Birth to 12 months: one staff for up to five children (1:5) or two staff for up to 12 children (2:12)

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- 12 to 18 months: one staff for up to six children (1:6)
- 18 to 2 1/2 years: one staff for up to seven children (1:7)
- 2 1/2 to 3 years: one staff for up to eight children (1:8)
- 3 years: one staff for up to 12 children (1:12)
- 4 to 5 years: one staff for up to 14 children (1:14)
- Kindergarten to 11 years: one staff for up to 18 children (1:18)
- 11 to 14 years: one staff for up to 20 children (1:20)

The center shall have at least two responsible adults available on the premises at all time when seven or more children are present.

Children younger than 2½ years must be cared for in an area separate from older children.

In mixed-age groups, the age of the youngest child determines the staff:child ratio of the group, except when one of the children is 2½ years or older and permanently assigned to a group, in which case the ratio for the older group applies.

Ratios and group size may be doubled for no more than 1½ hours during naptime as long as the staff for the correct ratio is readily available.

Cincinnati ratios and maximum group size regulations may be smaller.

Maximum group size

- Must not exceed twice the maximum number of children allowed per staff member.
- For infants under 12 months old, the maximum group size is 12 with at least two staff present at all times.
- When there are 12 or more children present, the grouping may include children of all ages.

Staff qualifications

Director

- Must have a high school diploma or a general equivalency diploma (GED).
- Must be on site a minimum of one half of the hours of operation or a minimum of forty hours per week, whichever is less.
- Must complete rules review.

- Must have one of the following:
 - Two years of department approved experience and four courses in child development plus a filed written plan with the department for completion of Child Development Associate (CDA) credential
 - Two years of training from an accredited college, university, or technical school
 - Two years of experience in a center or Type A home and four child development courses
 - Two years of experience in a center or Type A home and CDA credential
 - Equivalent of two years of experience and four courses in child development
 - Montessori preprimary/early childhood credential
 - Prekindergarten associate teacher certificate

Teacher

- Must be at least 18 years old, unless a student in a vocational child care program and supervised.
- Must have a high school diploma, a GED, or a vocational-tech training course.

Substitute

- Must meet all requirements of staff members.
- Must have a list of substitutes and their qualifications on file for review.

Staff training

- Fifteen hours of inservice training annually until a total of 45 hours completed, unless the staff has a higher education degree or an early childhood credential.
- Staff must receive orientation on policies, procedures, and licensing requirements upon employment.

CPR and first aid

- At least one staff member with current first-aid and CPR training must be present on and off site when children are in care.

Staff medical requirements

- Medical exam with a TB skin test is required within three years prior to employment date and every three years thereafter.
- Staff must be physically and mentally fit to care for children.
- Immunizations as dictated by the Ohio Department of Health.

Staff background checks

- All staff must sign a statement that they have never been convicted of or pleaded guilty to child abuse or other crimes of violence.
- State criminal background check with fingerprinting is required.
- Must have three written references from individuals not related.
- FBI background checks are required for persons who have lived in Ohio for less than five years.

Discipline

- Must have written discipline policy.
- Certain methods of discipline, including corporal punishment, are prohibited.

Parents' rights

- Must receive written information concerning policies, procedures, programs, and activities.
- Must have access to licensing reports and complaint investigations.
- Must be notified of incident, injury, or potential exposure to a communicable disease.
- Must have unlimited access to all parts of center.
- Must sign statement as to whether or not they will participate in the parent roster and receive copies of roster.
- Parental participation in center programs shall be encouraged.

Health and safety requirements

- Must obtain and maintain current local building, fire, health, and safety approval.
- No child may be left alone.
- Must have immediate access to the phone.
- First-aid supplies must be readily available.
- Must have a written and posted fire plan, weather alert plan, and safety policy.
- Must have a monthly fire drill at varying times of the day.
- Cleaning equipment and supplies must be inaccessible to children.
- Spray aerosols may not be used when children are present.
- Only department approved space heaters may be used.

- Air conditioners, heat pumps, electric fans, and heaters must be mounted or out of reach of children.
- Doors and windows used for ventilation must be screened.
- Electrical outlets within reach of children must be covered.
- Firearms and ammunition are not permitted on the premises.
- Environment, materials, equipment, and furniture must be safe and clean.
- Pets or animals must not pose a threat to the health or safety of children and must receive proper care.
- Must have a written plan for general, medical, or dental emergencies posted where children are present.
- Outdoor play area must be naturally or artificially fenced, safely accessible, sanitary, and free of hazardous conditions.
- Outdoor play equipment must meet the developmental needs of all the age groups of children using the space.
- Swimming sites must be inaccessible to children when not in use and must meet state and local guidelines for environmental health and safety.
- Swimming activities in lakes, rivers, ponds, or creeks are only permitted for school-age children who have written parental permission.
- Lifeguards are required for pools more than 2 feet deep.
- Wading pools must be filtered or emptied daily.
- Portable pools must be sanitized daily.
- Saunas, hot tubs, and spas are prohibited.
- Smoking prohibited by a center must be accompanied by a posted sign; smoking during operating hours must be out of sight and ventilation of children, and smoking outside of operating hours must be with parental knowledge.

Transportation and field trips

- On routine trips, the driver must be employed by the center unless a contracted service is used.
- Parents, guardians, or other adults may be drivers on field trips as long as staff:child ratios are met.
- Drivers must be at least 18 years old.
- Drivers must have a current license.

- Must obtain and maintain current insurance and annual safety approval; inside of the vehicle must be checked after each destination is reached.
- Age-appropriate child safety restraints must be used.
- Must have a first-aid kit.
- Parental permission is required.

Child medical requirements

- Full-time programs must have record of medical exam dated within 12 months of enrollment and renewed every 13 months thereafter until kindergarten.
- Must have up-to-date or in-process immunizations, including hepatitis B.
- Full-time centers shall set policy on administration of medications and must obtain written parental permission and meet all recommended guidelines to administer them; part-time centers may not administer medication, food supplements, or modified diets.

Care for sick children

- At least one staff member with current training in child abuse recognition and prevention and communicable disease management must be present.
- Children with any of the following must be excluded from care:
 - Temperature of 100 degrees in combination with any other symptom
 - Three episodes of diarrhea within 24 hours
 - Severe coughing
 - Difficult or rapid breathing
 - Yellowish skin or eyes or redness of the eyes
 - Untreated or infected skin patches
 - Unusually dark urine or gray or white stool
 - Sore throat or difficulty swallowing
 - Vomiting more than one time or when accompanied with other signs of illness
- When children show signs or symptoms of illness while in care, a parent or guardian must be notified and the children must be isolated until they can be picked up.
- Mildly ill children may be cared for at the discretion of the director.
- Must have written policies describing the handling of ill children and must notify parents of these policies.

Family child care homes (Type A)

Licenses

- Must be licensed.
- Must be posted.
- Must be renewed every two years.
- Provisional license issued for six months from approval date, then licensed for balance of two years.
- Liability insurance is not required.

State inspection

- Inspections are required prior to licensing, during provisional period, and upon renewal.
- Full-time homes are inspected twice annually with at least one unannounced.
- Part-time homes are inspected once annually.
- Inspection may be conducted after a complaint.
- An unannounced inspection may occur at any time.

Staff:child ratios

- One caregiver may care for up to:
 - No infants and six older children
 - One infant and five older children
 - Two infants and four older children
 - Three infants and three older children
 - Four infants and no older children
- Two caregivers may care for seven to 12 children

Maximum group size

- No more than 12 children may be in care at one time

Staff qualifications

Provider/administrator

- Must be at least 18 years old.
- Must have a high school diploma or a GED.
- Must reside in the home where care is provided.

- Must be responsible for operation of family child care home.
- Must be on site a minimum of one-half of the hours of operation, or a minimum of 40 hours per week, whichever is less.
- Must have one of the following:
 - Two years of training from an accredited college, university, or technical school
 - Two years of experience in a center or as a child care home provider
 - CDA credential
 - Two years of state-approved vocational training
 - Montessori preprimary/early childhood credential
 - Prekindergarten associate teacher certificate

Assistant

- Must be at least 18 years old.
- Must have a high school diploma or a GED.
- May be under 18 years old if completed two years of approved training in child care or a student in a vocational child care program and supervised.

Substitute

- Must meet all requirements of staff members.
- Must have a list of substitutes and their qualifications on file for review.

Staff training

- Fifteen hours of inservice training annually until a total of 45 hours completed, unless the staff has a higher education degree or an early childhood credential.
- Staff must receive orientation on policies, procedures, and licensing requirements upon employment.

CPR and first aid

- At least one staff member with current first-aid and CPR training must be present on and off site when children are in care.

Staff medical requirements

- Medical exam with a TB skin test is required within three years prior to employment date and every three years thereafter.
- Staff must be physically and mentally fit to care for children.
- Immunizations as dictated by the Ohio Department of Health.

Staff background checks

- Must have a signed statement from the provider and family members 18 years old and older that they have no criminal record of acts involving children.
- Staff and those who are 18 years old and older in home must complete a criminal record check with fingerprints.
- FBI background checks are required for persons who have lived in Ohio for less than five years.
- Must have three references from individuals not related.

Discipline

- Written discipline policy must be provided to parents and staff.
- Certain methods of discipline, including corporal punishment, are prohibited.

Parents' rights

- Must receive written information concerning policies, procedures, programs, and activities.
- Must have access to licensing reports and complaint investigations.
- Must be notified of incident, injury, or potential exposure to a communicable disease.
- Must be permitted unlimited access to all areas of the home used for care.
- Must sign statement as to whether or not they will participate in the parent roster and receive copies of roster.

Health & safety requirements

- Must obtain and maintain current local building, fire, health, and safety approval.
- Children must always be within sight or sound of the provider and, if children are outside, the provider or an assistant must be outside with the children.
- Must have a phone.
- Must have a written safety policy.
- Must have a monthly fire drill at varying times of the day.
- Spray aerosols may not be used when children are present.
- Air conditioners, heat pumps, electric fans, and heaters must be mounted or out of reach of children.
- Doors and windows used for ventilation must be screened.
- Firearms and ammunition must be kept in a locked storage area.

- Environment, materials, equipment, and furniture must be safe and clean.
- Cleaning equipment must be stored out of reach of children.
- Space heaters may not be used in the home unless approved by the department in writing.
- Electrical outlets must be covered.
- Pets or animals must not pose a threat to the health or safety of children and must receive proper care.
- First-aid supplies must be readily available.
- Must have a written plan for general, medical, or dental emergencies posted where children are present.
- Outdoor play area must be naturally or artificially fenced, safely accessible, sanitary, and free of hazardous conditions.
- Outdoor porches above the first floor are not permitted to be used as play areas unless fully enclosed and structurally sound.
- Outdoor play equipment must meet the developmental needs of all the age groups of children using the space.
- Swimming sites must be inaccessible to children when not in use and must meet state and local guidelines for environmental health and safety.
- Swimming activities in lakes, rivers, ponds, or creeks are permitted only for school-age children who have written parental permission.
- Lifeguards are required for pools more than 2 feet deep.
- Wading pools must be filtered or emptied daily.
- Portable pools must be sanitized daily.
- Saunas, hot tubs, and spas are prohibited.
- Smoking prohibited in a home must be accompanied by a posted sign; smoking during operating hours must be out of sight and ventilation of children, and smoking outside of operating hours must be with parental knowledge.

Transportation and field trips

- Drivers must be at least 18 years old.
- Drivers must have a current license.
- Must obtain and maintain current insurance and annual safety approval.
- Inside of the vehicle must be checked after each destination is reached.

- Age-appropriate child safety restraints must be used.
- Must have a first-aid kit.
- Parental permission is required for transport of children.

Child medical requirements

- Full-time homes must have record of medical exam dated within 12 months of enrollment and renewed every 13 months thereafter until kindergarten.
- Must have up-to-date or in-process immunizations, including hepatitis B.
- Full-time homes must set policy on administration of medications, and must obtain written parental permission and meet all recommended guidelines to administer them; part-time homes may not administer medication, food supplements, or modified diets.

Care for sick children

- At least one staff member with current training in child abuse recognition and prevention and communicable disease management must be present.
- Children with any of the following must be excluded from care:
 - Temperature of 100 degrees in combination with any other symptom
 - Three episodes of diarrhea within 24 hours
 - Severe coughing
 - Difficult or rapid breathing
 - Yellowish skin or eyes or redness of the eyes
 - Untreated or infected skin patches
 - Unusually dark urine or gray or white stool
 - Sore throat or difficulty swallowing
 - Vomiting more than one time or when accompanied with other signs of illness
- When children show signs or symptoms of illness while in care, a parent or guardian must be notified and the children must be isolated until they can be picked up.
- Mildly ill children may be cared for at the discretion of the provider.
- Must have written policies describing the handling of ill children and must notify parents of these policies.

Family child care homes (Type B) receiving public funds

Certification

- Must be certified to receive public funding.
- Certification must be posted.
- Professional certificate valid for one year; limited certificate valid for two years.
- Liability insurance is not required.

State inspection

- Professional certificate requires two inspections annually, at least one unannounced; limited certificate requires one inspection annually.
- Limited certified family child care home provider must complete a Parent/Provider Inspection (PPI).
- An unannounced inspection may occur at any time.

Staff:child ratios

- Caregiver may care for no more than three children under 2 years old and no more than six children total
- Related children under 6 years old must be included in the total of six children
- Related children over 6 years old who receive public funds must be included in total
- Related children over 6 years old who do not receive public funds are not included in total

Maximum group size

- No more than six children may be in care at one time

Staff qualifications

Provider/applicant

- Must be at least 18 years old.
- Must have a high school diploma or a GED.
- Must have six months of experience caring for children 12 years old or younger or 30 hours of approved training.
- May not be involved in any activities or employment that may interfere with the care of the children.

Assistant

- No requirements.

Substitute

- Must have a list of substitutes and their qualifications on file for review.

Staff training

- Must have inservice training in first year of employment in child growth and development.
- Must have six hours of inservice training annually, unless educationally exempt.
- Professionally certified and limited certified providers must complete a six-hour Health and Safety in Family Day Care course during the first three months of care.

CPR and first aid

- Provider must have current first-aid and CPR training.

Staff medical requirements

- Medical exam with a TB skin test is required within three years prior to licensing and every three years thereafter.
- Provider must be physically and mentally fit to care for children.
- Immunizations as dictated by the Ohio Department of Health.

Staff background checks

- Professional and Limited Certification providers must have a signed statement from the provider, staff substitutes, and those 18 years old and older living in the home that they have no criminal record of acts involving children.
- Professionally certified providers must have three references; limited certified providers do not require references.
- Criminal background check with fingerprinting is required, but may be waived for limited certification providers who are relatives or non-relatives providing care for only one family.
- FBI background checks are required for persons who have lived in Ohio for less than five years.

Discipline

- Written discipline policy statement must be signed and approved by parents.
- Certain methods of discipline, including corporal punishment, are prohibited.

Parents' rights

- Must have interview with provider if professional certification is given.
- Must be notified of incident, injury, or potential exposure to communicable disease.
- Parent and provider must complete written agreement for care.
- Inspection reports must be accessible for review.

Health & safety requirements

- Provider may release child only to caretaker or parent.
- Children must have a space for their personal belongings.
- Must have a written fire evacuation plan.
- Must have monthly fire drills at different times of day.
- All floors used for care must have a primary escape route that is kept clear and a secondary exit.
- Must properly store flammable materials.
- Electrical outlets must be covered.
- Electrical cords may not be used as permanent wiring.
- Must have smoke detectors on each level, including the basement.
- Must have a fire extinguisher in the kitchen.
- Unvented fuel heaters are not permitted during operating hours.
- Vented methods of heating must have a barrier.
- Air conditioners, heat pumps, electric fans, and heaters must be mounted or out of reach of children.
- Spray aerosols may not be used when children are present.
- Cleaning equipment must be stored out of reach of children.
- Environment, materials, equipment, and furniture must be safe and clean.
- Parental permission is required to participate in swimming activities.
- On-site pools must be under 2 feet deep and emptied daily.
- Off-site pools must meet all state and local guidelines.
- Swimming is not permitted in lakes, ponds, creeks, or streams.
- Permission for routine transportation is required.

- Outdoor play area must be naturally or artificially fenced, safely accessible, sanitary, and free of hazardous conditions.
- Outdoor porches above the first floor are not permitted to be used as play areas unless fully enclosed and structurally sound.
- Outdoor play equipment must meet the developmental needs of all the age groups of children using the space.
- Trampolines over 2 feet high are prohibited.
- Pets must be properly vaccinated.
- Must use screens if windows are open.
- Firearms and ammunition must be in locked storage, away from the sight of children.
- No child may be left unsupervised.
- Must have immediate access to a phone.
- First-aid supplies must be readily available.
- Must have a written plan for general, medical, or dental emergencies.
- Smoking is prohibited during hours of care unless out of sight and ventilation of children, and smoking outside of operating hours must be with parental knowledge.

Child medical requirements

- Must have medical exam records of children younger than kindergarten age.
- Professionally-certified home must have records of up-to-date immunizations.
- Providers must set policy on administration of medications, and must obtain written parental permission and meet all recommended guidelines to administer them.

Care for sick children

- Professionally-certified provider must have current training in child abuse recognition and prevention and communicable disease management.
- Children with any of the following must be excluded from care:
 - Temperature of 100 degrees in combination with other symptoms
 - Three episodes of diarrhea within 24 hours
 - Severe coughing
 - Difficult or rapid breathing
 - Yellowish skin or eyes or redness of the eyes

- Untreated or infected skin patches
 - Unusually dark urine or gray or white stool
 - Sore throat or difficulty swallowing
 - Vomiting more than one time or when accompanied with other signs of illness
- When children show signs or symptoms of illness while in care, a parent or guardian must be notified and the children must be isolated until they can be picked up.
 - Mildly ill children may be cared for at the discretion of the provider.
 - Must have written policies describing handling of ill children and must notify parents of these policies.