

Clearance #5392
OCF: Rule Changes for Licensed Type A Homes
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CHILD CARE MANUAL TRANSMITTAL LETTER NO.

TO: All Child Care Manual Users

FROM: China L. Widener, Chief of Staff

SUBJECT: RULE CHANGES FOR LICENSED TYPE A HOMES

This letter transmits changes to rules and forms governing Ohio's licensed type A child care homes. These amendments are a result of the agency's rule review process that requires all rules to be reviewed at least every five years. Changes have been made to all of the rules contained in this letter, though most of the revisions are due to language clarification and standardizing format. Several rules contain new policy language and one form has been revised.

These changes are planned to be effective on September 1, 2005. Following is a summary of the rules and revisions contained in this transmittal.

Rule 5101:2-13-10 Building Department Inspection for a Licensed Type A Home has been amended to change the title and to clarify language.

Rule 5101:2-13-11 Fire Department Approval for a Licensed Type A Home has been amended to change the title and to clarify language.

Rule 5101:2-13-12 Meal Preparation and Service and Water Sanitation in a Licensed Type A Home has been amended to change the title and to clarify language.

Rule 5101:2-13-13 Indoor Floor Space Requirements for a Licensed Type A Home has been amended to change the title.

Rule 5101:2-13-14 Outdoor Play Space Requirements for a Licensed Type A Home has been amended to change the title and to clarify language.

Rule 5101:2-13-15 Safe and Sanitary Equipment and Environment in a Licensed Type A Home has been amended to change the title, to clarify language and to add a requirement that the provider post a notice regarding concealed weapons as required by ORC 2923.1212.

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5101:2-13-13 **Indoor floor space requirements in licensed type A homes.**

A type A home shall have at least thirty-five square feet of usable wall-to-wall indoor floor space per child for the total number of children who are present at one time. Usable indoor floor space shall not include bathrooms, hallways, storage rooms, or other areas not available for the type A home care.

Rule 5101:2-13-16 Requirements for Programming and Equipment for a Licensed Type A Home has been amended to change the title and to clarify language.

Rule 5101:2-13-17 Swimming and Water Safety in Licensed Type A Homes has been amended to change the title and to clarify language.

Rule 5101:2-13-18 Transportation and Field Trip Safety Requirements for Licensed Type A Homes has been amended to change the title and to clarify language.

Rule 5101:2-13-19 Sleeping, Napping, Resting and Overnight Care Requirements in a Licensed Type A Home has been amended to change the title and to clarify language.

Rule 5101:2-13-29 Unlawful Discriminatory Practices for Licensed Type A Homes has been amended to change the title and add the category of family composition to the list as a basis for nondiscriminatory practice.

Rule 5101:2-13-30 Requirement to Provide Information, Policies and Procedures for Licensed Type A Homes has been amended to change the title and to clarify language.

5101:2-13-31 Administration of Medication Requirements for Licensed Type A Homes has been amended to change the title, and to clarify language. Form JFS 01217 "Request for Administration of Medication" has been revised for clarity and to comply with forms design requirements.

5101:2-13-32 Parental Participation Policies and Parent Roster Requirements for Licensed Type A Homes has been amended to change the title and to clarify language.

5101:2-13-33 Management of Illness in Licensed Type A Homes has been revised to change the title and to clarify language.

5101:2-13-39 Requirements for Meals and Snacks in Licensed Type A Homes has been amended to change the title and to clarify language.

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5101:2-13-10 **Building department inspection for licensed type A homes.**

- (A) ~~Type Building inspection: the type~~ A homes ~~home~~ shall be inspected by ~~secure a building department inspection from~~ the local building department having jurisdiction. Building inspections shall be obtained:
- (1) Upon initial application for licensure.
 - (2) At the time of any major modification, or alteration of any existing structure presently being used for a type A home but prior to the continued use of modified or altered parts of the structure for child care purposes. A "major repair, modification or alteration" shall include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support or the removal or change of any required means of escape, or rearrangement of parts of the structure affecting the exit requirements. Major repairs shall include addition to, alteration of, replacement or relocation of any gas, oil, water, soil, waste or vent piping, electrical wiring or heating, ventilating or air-conditioning equipment.
 - (3) Prior to the use of any area parts of the structure not previously inspected and approved for use for child care.
- (B) The building department inspection shall be documented on the JFS 01336 "Type A Home Building Inspection Report" ~~devised by the department in cooperation with the Ohio board of building standards~~.

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5101:2-13-11 Fire department approval for licensed type A homes.

(A) ~~Fire inspection:~~ Type type A homes shall secure a fire inspection and written approval from the state fire marshal or the local fire safety inspector for the municipality or township having jurisdiction. Type A ~~The~~ homes shall be inspected for compliance with rules promulgated by the state fire marshal.

(B) Fire department approval shall be verified in writing on a form approved by the department and signed and dated by the fire inspector.

~~(B)~~(C) Fire inspection and approval shall be obtained in the following circumstances:

- (1) Upon initial application for licensure;
- (2) At least once annually ~~Annually at least once~~ within each twelve months following the issuance of the type A home's existing license;
- (3) At the time of any major modification, major repair or alteration of any existing structure presently being used for a type A home;
- (4) Prior to the use of any area parts of the structure not previously inspected and approved for use for type A home care as required by rule 5101:2-13-10 of the Administrative Code;
- (5) Prior to caring for infants and non ambulatory children of any age ~~on~~ other than on the first floor of the type A home.

~~(C) Documentation of approval: fire approval shall be verified in writing on a form approved by the department. The form shall be signed and dated by the fire inspector.~~

(D) Failure to comply with the provisions of this rule shall be grounds for denial of licensure ~~refusal to license~~, or for revocation of a license. All such actions of the ~~department~~ director shall be in conformity with Chapter 119. of the Revised Code.

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5101:2-13-12 Meal preparation and /service and water sanitation for licensed type A homes.

- (A) ~~The Inspection: the~~ department ~~director's representative~~ shall inspect the type A home and shall determine that the type A home is in compliance with the meal preparations and meal service requirements set forth in this rule. Compliance with this rule shall be a prerequisite for licensure.
- (B) Food ~~Food sources: food~~ shall be obtained from sources that comply with all laws relating to food and food products.
- (1) Home canned foods shall not be served or used.
 - (2) Milk and milk products used or served shall be pasteurized. Dry milk and dry milk products shall be used for cooking and baking only.
 - (3) Only government inspected meat shall be served.
 - (4) Home canned foods, unpasteurized milk, and meat that is not government inspected when available on the premises to feed the administrator or his family members, shall be stored separately, shall be clearly distinguishable from food and food containers to be used in the operation of the type A home, and shall not be served to the family members during the operation of the type A home.
- (C) All ~~Sanitation: all~~ food shall be prepared and served in a sanitary manner.
- (1) Food shall be ~~in sound condition,~~ free from spoilage, filth and contamination, and safe for human consumption.
 - (2) All employees and children shall thoroughly wash their hands and the exposed portions of their arms with soap and running water after using the bathroom facilities and before handling food or utensils.
 - (3) Food contact surfaces, tableware, kitchenware, and utensils shall be smooth, free of breaks, open seams, cracks, chips, pits and similar imperfections, and able to be thoroughly cleaned.
 - (4) All surfaces, appliances and equipment in the kitchen area shall be kept clean and in good repair.
 - (5) Food shall not be served on bare tables. Food for infants may be placed directly on an individual high chair tray if the tray is removed, washed and sanitized after each use.

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(6) All eating utensils and dishes shall be suitable for the age and developmental level of the children.

~~(5)~~(7) Kitchenware, tableware, and utensils shall be thoroughly washed and rinsed, either manually or by machine, after each use. After washing and rinsing, kitchenware, tableware, and utensils shall be air dried.

~~(6)~~(8) The premises shall be kept in such condition as to prevent the harborage or feeding of rodents, flies, cockroaches, and other insects. Openings to the outside shall be effectively protected against the entrance of rodents. Outside openings shall be protected against the entrance of insects by tight-fitting doors, closed windows, screening, or other means. Screens for windows, doors, skylights, transom, intake and exhaust air ducts, and other openings to the outside shall be tight-fitting and free of breaks.

~~(7)~~(9) A child or an employee suspected of having a communicable disease shall be served with common utensils when the utensils are washed, rinsed, sanitized by an approved technique, and air dried after each use. Approved sanitizing techniques include:

(a) Immersion for at least one minute in a clean solution containing one tablespoon of bleach per one gallon of water and at a temperature of at least seventy-five degrees fahrenheit. The bleach must contain at least 5.25 per cent sodium hypochlorite; or

(b) Immersion for at least one-half minute in clean hot water at a temperature of at least one hundred seventy degrees fahrenheit.

(D) The ~~Storage: the~~ type A home shall provide for the safe storage of all food.

(1) Unless its identity is unmistakable, bulk food, such as cooking oil, syrup, salt, sugar or flour, not stored in the original product container or package, shall be stored in an approved container identifying the food by common name.

(2) Refrigeration equipment shall be used for the storage of potentially hazardous foods and shall maintain food temperatures of forty-five degrees fahrenheit or below.

(a) "Potentially hazardous food" means a food that is natural or synthetic and that requires temperature control because it is in a form capable of supporting the rapid and progressive growth of infectious or toxigenic microorganisms, the growth and toxin production of clostridium botulinum, or in raw shell eggs, the growth of salmonella enteritidis.

(b) The administrator shall have a numerically scaled indicating thermometer in the refrigerator to monitor refrigeration temperatures.

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- (c) Ice intended for human consumption shall not be used as a medium for cooling stored food, food containers, or food utensils.
- (3) Leftover portions of food shall not be served again, except that a leftover portion can be served once to the same individual if the leftover portion has been labeled with the individual's name and refrigerated or properly stored between servings.
- (4) If safe storage of milk is not available on routine trips or field trips, milk may be served at snack instead of at the meal.
- (E) ~~The Water and sewage: the~~ water supply shall be of safe and sanitary quality. The water supply system shall meet the applicable standards of the Ohio department of health (private water supplies) or the Ohio environmental protection agency (public water supply).
- (1) The type A home shall have both hot and cold running water. The temperature of the hot water shall not exceed one hundred twenty degrees fahrenheit.
- (2) All potable water not provided directly by pipe to the home from the source shall be transported in bulk water transport system and shall be delivered to a closed-water system. Both systems shall be inspected and approved by the local health department. A copy of the inspection results shall be maintained on file at the type A home for review by the director's representative.
- (3) Bottled and packaged potable water shall be obtained from a source that complies with applicable laws and shall be handled and stored in a way that protects it from contamination. Bottled and packaged potable water shall be dispensed from the original container.
- (4) Water that is not publicly supplied shall be sampled by the local health department and determined to be safe by an approved laboratory prior to initial licensure approved and at least annually thereafter. A copy of the test results shall be maintained on file at the type A home for review by the director's representative.
- (5) A non-potable water system may be used for flushing water closets and for other uses not requiring potable water, provided such water shall not be accessible for drinking or for cooking. A non-potable system shall be readily distinguishable from the potable system by color coding approved by the local health department and shall be so marked at outlets to be readily identified as non-potable.
- (6) Onsite sewage disposal systems shall not present a public health hazard.

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5101:2-13-14 **Outdoor play requirements in licensed type A homes.**

- (A) The type A home shall provide outdoor play each day in suitable weather for any toddler, preschool, and school child who is in attendance four or more consecutive daylight hours. There shall be a written policy, followed by the type A home, which lists limitations placed on outdoor play due to weather or safety issues. Considerations may include temperature, humidity, wind chill, ozone levels, pollen count, lightening, rain or ice. This plan shall provide for indoor large muscle play.
- (B) Child care staff members shall watch for potential hazards while observing children and shall actively supervise all children to prevent injury.
- (C) ~~The Play area:—the~~ type A home shall have onsite, or safely accessible, a safe, sanitary outdoor play space free of hazardous conditions. The play area shall meet all of the following requirements which shall:
- (1) Provide at least sixty square feet of usable space per child using the area at one time;
 - (2) Is arranged so that all areas are visible to staff at all times
 - ~~(2)~~(3) Be well defined by a fence in good repair or a ; natural or other barrier;
 - (4) If gates are used, they shall be equipped with functional latches that cannot be easily opened by young children
 - ~~(3)~~(5) Be protected from traffic and animals;
 - ~~(4)~~(6) Be maintained free of foreign objects and rubbish;
 - ~~(5)~~(7) Provide a shaded area as needed;
 - ~~(6)~~(8) Provide access to bathroom facilities and drinking water during play times;
~~and~~
 - ~~(7)~~(9) Provide for storage of accumulated trash, rubbish and garbage outside of the play area.
- (D) A type A home that is approved to use an off site play space area may use the play space regardless of change of ownership unless it is determined, upon inspection, that the play space area or its accessibility is unsafe.
- (E) ~~Outdoor Equipment:—Outdoor~~ equipment, whether stationary or portable, shall be safe and designed to meet the developmental needs of all of the age groups of children using the space.

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- (1) Equipment, such as, but not limited to, climbing gyms, swings and ; slides shall meet all of the following requirements:
 - (a) Be placed out of the path of the area's main traffic pattern;
 - (b) Be anchored or stable, and have all parts in good working order and securely fastened;
 - (c) Have all climbing ropes anchored at both ends and not capable of looping back on themselves creating a loop with an interior perimeter of five inches or greater;
 - (d) Have all S hooks closed so that there is no gap greater than .04 inch or the thickness of a dime;
 - (e) Be free of rust, cracks, holes, splinters, sharp points or edges, chipped or peeling paint, protruding bolts, or tripping hazards;
 - (f) Have no completely bound openings that are greater than three and one half inches, but less than nine inches to avoid entrapment;
 - (g) Have protective barriers on platforms that are thirty inches high or over;
 - (h) Be assembled and installed, according to manufacturers' guidelines.
- (F) Outdoor ~~Fall surface: outdoor~~ play equipment, designated for climbing, swings and slides, shall have a fall zone of protective resilient material on the ground under and around the equipment. The material shall be, but not limited to, washed pea gravel, mulch, sand, wood chips, synthetic material such as rubber mats or tiles manufactured for this purpose. This equipment shall not be placed over grass, concrete, asphalt, blacktop, dirt, rocks, or any hard surface. Synthetic surfaces shall follow manufacturers' guidelines for depth.
- (G) The type A home shall not use outdoor porches, above the first floor, as play areas unless the porches are fully enclosed and determined to be structurally sound by the local building department having jurisdiction.
- (H) Sandboxes shall be covered with a lid or other covering when they are not in use.

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 - (h) Be assembled and installed, according to manufacturers' guidelines.
- (F) Outdoor ~~Fall surface: outdoor~~ play equipment, designated for climbing, swings and slides, shall have a fall zone of protective resilient material on the ground under and around the equipment. The material shall be, but not limited to, washed pea gravel, mulch, sand, wood chips, synthetic material such as rubber mats or tiles manufactured for this purpose. This equipment shall not be placed over grass, concrete, asphalt, blacktop, dirt, rocks, or any hard surface. Synthetic surfaces shall follow manufacturers' guidelines for depth.
- (G) The type A home shall not use outdoor porches, above the first floor, as play areas unless the porches are fully enclosed and determined to be structurally sound by the local building department having jurisdiction.
- (H) Sandboxes shall be covered with a lid or other covering when they are not in use.

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5101:2-13-15 **Safe and sanitary equipment and environment in licensed type A homes.**

- (A) ~~Safety: the~~ The type A home shall provide furniture, materials, equipment, and an environment which are safe.
- (1) Fire arms and ammunition materials shall be kept in locked storage areas.
 - (2) The home shall maintain an indoor temperature which will not fall below sixty-five degrees Fahrenheit.
 - (3) If the type A home's temperature goes above eighty-five degrees, ventilation that produces air movement or air conditioning shall be provided.
 - (4) Equipment, materials, and furniture shall be sturdy and safe, easy to clean and maintain, and free of sharp points or corners, splinters, protruding nails, loose or rusty parts, paint which contains lead or other poisonous materials, or other hazardous features as determined by the director's representative.
 - (5) Children in care shall be protected from any items and conditions which threaten their health, safety, and well being, including but not limited to: protecting children from stoves, bodies of water, window covering pull cords, telephone cords, electrical cords, ~~extension~~ extension cords, asbestos, wells, traffic, employees' personal belongings; lawn mowers, tools and machinery and other hazards. If area rugs are used, they ~~shall are to~~ have a non-skid backing; ~~Floor and floor~~ Floor and floor surfaces shall be maintained ~~so as to prevent injury not cause a tripping hazard.~~ so as to prevent injury not cause a tripping hazard. Lawnmowers, tools, machinery and other equipment shall not be used or stored where children have access to them.
 - (6) Furniture, equipment and materials which are not usable due to breakage or hazards shall be removed immediately and stored away from children until repaired.
 - (7) Toys or other materials small enough to be swallowed shall be kept out of the reach of infants and toddlers.
 - (8) Cleaning equipment and supplies shall be stored in a space that is inaccessible to children. Cleaning agents, aerosol cans and all other chemical substances shall be stored in a designated area in their original containers and/or clearly labeled.
 - (9) A pet or animal ~~is shall be~~ permitted if it presents no apparent threat to the safety or health of the children. All pets shall be properly housed, cared for, and inoculated. Verification of inoculations, for each pet requiring such inoculations, shall be on file at the type A home for review by the department ~~director's representative~~. Children shall not be directly exposed to animal urine or feces.

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- (10) Electrical outlets, including surge protectors, within the reach of children shall have child proof receptacle covers when not in use, except for homes which serve school children exclusively.
 - (11) The home's air conditioners, heat pumps, electric fans, and heaters shall be mounted or placed out of the children's reach or have safeguards which prevent children from being injured. Only space heaters approved ~~;~~ in writing ~~;~~ by the fire department shall be used.
 - (12) Unless toilets and sinks are of suitable height for use by the children, the type A home shall provide a sturdy, non-slip platform on which the children may stand.
 - (13) All areas used by children shall be ventilated. All doors and windows ~~shall~~ ~~must~~ be screened when used for ventilation, and shall be in good repair to prevent rodents ~~, and/or~~ insects or other hazards from entering the home.
 - (14) Indoor swings (excluding infant swings), slides, climbers, and climbing apparatus shall not be placed over concrete, tile, or any similarly hard surface. There shall be shock absorbent protective covering under and around this equipment. If climbing equipment is over three feet high, landing mats at least one and one-half inches thick shall be used. The protective covering shall be used and placed according to manufacturer's ~~manufacturers'~~ guidelines.
 - (15) Any children's equipment equipped with straps shall be used in accordance with manufacturers' guidelines.
 - (16) Spray aerosols shall not be used when children are in attendance.
 - (17) In accordance with Ohio Revised Code 2923.1212 (8), the type A home shall post a sign that contains a statement in substantially the following form: "Unless otherwise authorized by law, pursuant to the Ohio Revised Code, no person shall knowingly possess, have under the person's control, convey or attempt to convey a deadly weapon or dangerous ordnance on these premises."
- (B) ~~The Sanitation: the~~ type A home shall provide a clean environment and furniture, materials, and equipment which are sanitary.
- (1) Toilet tissue, soap, running water, individually assigned towels or disposable toweling shall be provided in all bathrooms. Toilets shall be flushed after each use. Employees and all adults shall wash their hands with soap and running water upon arriving at the center and in accordance with hand washing requirements rule 5101:2-13-43 of the Administrative Code. Employees, children ~~Children~~ and all adults ~~employees~~ shall wash their hands with soap and running water after toileting, after helping with toileting, before eating/preparing food, and after contact with body fluids.

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- (2) Equipment, furnishings, and materials ~~shall be constructed of materials to facilitate cleaning and~~ shall be kept clean and in good repair.
 - (3) Washable equipment and furniture shall be cleaned with soap and water at least monthly. Any item soiled during daily use shall be cleaned immediately with soap and water and then disinfected with an appropriate germicidal agent.
 - (4) Toys and other items mouthed by children shall be thoroughly cleaned and disinfected with an appropriate germicidal solution and rinsed with water daily. These items shall be washed and disinfected immediately if soiled with blood, feces, urine or vomitus.
 - (5) All used blankets, sheets and bedding shall be laundered or sent home to be laundered weekly. If a blanket or sheet is used by a different child, it shall be laundered between uses.
 - (6) Cots, pads or mats used for napping shall be thoroughly cleaned with soap and water and disinfected at least every three months. Cots, pads or mats which become soiled during daily use shall be cleaned immediately with soap and water and disinfected with an appropriate germicidal agent.
 - (7) Inside the type A home trash, rubbish and garbage shall be contained in trash receptacles that are emptied daily.
 - (8) The home shall be cleaned daily and kept in a sanitary condition at all times. Cleaning shall not take place while rooms are occupied by children except for general clean up activities which are part of the daily routine. Cleaning shall not interfere with the supervision of children.
 - (9) Running water shall be publicly supplied or supplied by a well that meets zoning standards. Water that is not publicly supplied shall be sampled by the local health department and determined to be safe by an approved laboratory prior to the approval of initial licensure and at least annually thereafter. A copy of the test result shall be maintained on file at the center for review by the department.
- (C) ~~The No-smoking environment:—the~~ type A home shall provide for a smoke free environment for the children, and all of the following requirements apply ~~adhere to the following stipulations:~~
- (1) Smoking shall can only be allowed at the home during its hours of operation if persons who are smoking cannot be seen by the children, and if they smoke in either of the following:

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- (a) An indoor area that is separately ventilated from the rest of the home. "Separately ventilated" means stand alone ventilation, separate from the rest of the home's heating and cooling source; [or](#)
 - (b) An outdoor area that is so far removed from the children being cared for that they cannot inhale any smoke.
- (2) If smoking is permitted in the type A home during hours that the home is not providing child care, the administrator shall provide written notice to the parent, custodian, or guardian of each child enrolled that smoking occurs at the type A home outside of the home's business operating hours.
- (3) The administrator shall post in a conspicuous place at the main entrance of the type A home a notice stating that smoking is prohibited.

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5101:2-13-16 Requirements for programming ~~Programming~~ and equipment in licensed type A homes.

- (A) ~~Program: the~~ The type A home shall provide, on a daily basis, a well balanced program of activities and opportunities for both quiet and active play suitable to the developmental levels and abilities of each child in care.
- (B) A copy of the daily program schedule shall be posted in a conspicuous place. The ~~department director's representative~~ shall ~~also~~ observe ~~the~~ this program for each age group.
- (C) The home's program and environment shall:
- (1) Include outdoor play each day except as limited by rule 5101:2-13-14 of the Administrative Code. The program shall provide an opportunity for indoor gross motor play such as, climbing, jumping, running, riding wheel toys, or music and movement on days when outdoor play is not provided.
 - (2) Provide durable furniture, such as tables and chairs, for the purpose of implementing the program. This furniture shall be child-sized or safely adapted for use by children.
 - (3) Provide play materials to be used in the type A home's daily program. These materials shall be visible, readily accessible, and arranged in an orderly manner so that children have opportunities to select, remove, and replace play materials with a minimum of assistance during the day.
 - (4) Provide opportunities for periods of child initiated activities such as, imaginative play, language development and creative activities.
- (D) ~~The Equipment and materials: the~~ type A home shall ensure that equipment, materials, and furnishings provided for both indoor and outdoor play are sufficiently varied ~~and adequate~~ to meet the developmental needs of the children. The home shall have enough play materials and equipment so that, at any one time in the daily program, each child the home is authorized to serve can be actively involved in play with developmentally appropriate equipment or materials.
- (E) Equipment and materials shall be available and representative of all of the following categories for each age group.:
- (1) Infant:
 - (a) Pretend or dramatic play materials;
 - (b) Language arts and auditory equipment;

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- (c) Sensory perceptual motor materials;
- (d) Manipulative materials and equipment;
- (e) Music equipment;
- (f) Gross motor activities;
- (g) Large blocks; ~~and~~
- (h) Transportation toys.

(2) Toddler and preschool child:

- (a) Art supplies;
- (b) Blocks;
- (c) Transportation toys;
- (d) Language arts and auditory equipment and materials;
- (e) Pretend or dramatic play materials;
- (f) Gross motor equipment;
- (g) Manipulative materials and equipment;
- (h) Music equipment;
- (i) Science-nature equipment; ~~and~~
- (j) Sensory motor equipment.

(3) School child:

- (a) Art supplies;
- (b) Manipulative materials and equipment;
- (c) Sports and gross motor equipment;
- (d) Science-nature materials;
- (e) Language arts materials;

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(f) Pretend or dramatic play materials~~;~~

(g) Music equipment~~;~~

(h) Blocks~~;~~~~and~~

(i) Transportation toys~~;~~

(F) The home shall designate an area where children can store their personal belongings in an organized manner. This area shall not block walkways or evacuation routes.

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5101:2-13-17 **Swimming and water safety requirements in licensed type A homes.**

(A) ~~Swimming sites: all~~ All swimming sites shall meet all state and local guidelines for environmental health inspections and for private pools. Verification of these inspections shall be maintained in the home. Swimming activities shall not be permitted in lakes, rivers, ponds, creeks, or other similar bodies of water with the exception of school children who have written permission from their parent or legal guardian.

(1) ~~Wading pools shall be filtered or emptied daily. Portable wading pools shall be sanitized daily, or more often if needed.~~ Swimming activities shall not be permitted in lakes, rivers, ponds, creeks or other similar bodies of water, with the exception of school children who have the written permission from the parent or guardian.

(2) 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, as determined by the department. The lifeguard may be a child care staff member when the swimming pool is onsite at the type A home.

(3) Child care staff members shall be actively supervising children and shall be able to clearly see all parts of the swimming area including the bottom of pools.

(B) Wading pools shall be filtered or emptied daily. Portable wading pools shall be sanitized daily, or more often, if needed.

~~(B)~~(C) ~~Water safety: child~~ Child care staff members shall review swimming and and/or water safety rules with children each time they participate in water activities. Included in these rules ~~there~~ shall be the a description of a system for checking to ensure that each child is safe when in the water.

(1) The use of saunas, hot tubs, and spas by children is prohibited, and these items - shall be inaccessible to them.

(2) Swimming pools, wading pools, and other swimming/wading sites shall be made inaccessible to the children when adult supervision is not available

~~(C)~~(D) ~~Parental permission: the~~ The type A home administrator shall have written permission from the parent or guardian:

(1) Before the child swims in water two or more feet in depth;

(2) Before the child participates in activities near water two or more feet in depth; or

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(3) Before infants and toddlers use wading pools.

(4) Before school children participate in swimming activities in lakes, rivers, ponds, creeks, or other similar bodies of water.

~~(D)~~(E) The written permission shall be signed and dated by the parent or guardian, and be on file for review. The permission shall include the following:

(1) The child's name and birth date.

(2) A statement indicating whether the child is a swimmer or a nonswimmer.

(3) Location of the swimming site.

(4) A statement that the parent or guardian grants permission for the child to participate.

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5101:2-13-18 Transportation and /field trip safety requirements for licensed type A homes.

(A) In Supervision: ~~In~~ order to ensure the safety and adequate supervision of children traveling off the premises of the home while under the care of a type A home employee, children shall be supervised at all times. ~~The in accordance with the~~ following requirements shall apply:

- (1) Staff/child ratio requirements of rule 5101:2-13-20 of the Administrative Code shall be met on field trips ~~as defined in paragraph (N) of rule 5101:2-13-01 of the Administrative Code,~~ and on routine trips ~~as defined in paragraph (Y) of rule 5101:2-13-01 of the Administrative Code,~~ except that parents, guardians or adults authorized by the type A home may be drivers on field trips provided that staff/child ratio requirements are met at the destination. Children shall be assigned to specific child care staff members for all trips.
- (2) On routine trips ~~as defined in paragraph (Y) of rule 5101:2-13-01 of the Administrative Code,~~ the driver shall be an employee or child care staff member.
- (3) At no time are children to be left unattended in a vehicle.
- (4) Whenever children are transported by vehicle, a second adult shall be present in the vehicle for every five infants or a combination of seven or more toddlers, preschool and school children.
- (5) Whenever only school children are transported in one vehicle, a second adult shall be present in the vehicle for every ten school children, or the driver shall have a means of immediate communication, such as cellular phone, to summon a second adult.
- (6) The second adult in the vehicle may be a parent or volunteer.
- (7) During walking routine trips or field trips, a second adult shall be present for every five infants or a combination of seven or more toddlers, preschool and school children or for every ten school children if the group of children on the walk includes only school children.

(B) The Parental permission: ~~The~~ type A home shall have written permission from the parent or guardian before transporting or walking children off the premises. Written permission from the parent or guardian shall include:

- (1) The child's name ;
- (2) The specific destination(s);

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- (3) The dated signature of the parent or guardian; and
 - (4) For field trips, the date of the field trip and the approximate time frame the children will be on the trip.
- (C) Permission for routine trips shall be updated at least annually, or as needed.
- (D) Written permission shall be retained on file for at least one year and shall be available for review by the director's representative.
- (E) ~~If Safety precautions and procedures:~~ if the vehicle is manufactured with seat belts, they shall be utilized, and no more than one child may be strapped in each seat belt. Children shall not be permitted to stand in a moving vehicle, or sit on the floor.
- (F) Children ~~required to be restrained in a child safety seat,~~ shall be restrained and seated according to the requirements of ~~in accordance with~~ Ohio law.
- (G) The driver shall see that each child boards and exits the vehicle from the curb side of the street and out of the path of moving vehicles.
- (H) The driver shall conduct a check of the vehicle at each destination to ensure that no child has been left on the vehicle.
- (I) Smoking shall be prohibited in all vehicles when occupied by children.
- (J) A person trained in first aid/management of communicable disease and CPR in accordance with rule 5101:2-13-27 of the Administrative Code shall be present at the destination on all field trips and a person trained in first aid/management of communicable disease in accordance with rule 5101:2-13-27 of the Administrative Code shall be present in the vehicle for routine trips.
- (K) The following shall be available on all trips, except for routine walks:
- (1) First aid supplies as required by rule 5101:2-13-36 of the Administrative Code. These supplies shall be available at all field trip destinations and on all vehicles used for routine trips;
 - (2) Emergency transportation authorization for each child;
 - (3) The health record for any child who has health conditions which could require special procedures or precautions during the course of the trip. The type A home shall also take supplies needed to provide treatment;
 - (4) A record listing each child on the trip.

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5101:2-13-29 **Unlawful discriminatory practices in licensed type A homes.**

It shall be unlawful for an administrator, licensee, or child care staff member to discriminate in the enrollment of children in the type A home upon the basis of race, color, religion, sex, ~~or~~ national origin or family composition.

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5101:2-13-30 ~~Type A home~~ Requirement to provide information, policies and procedures for licensed type A homes.

(A) ~~Policies and procedures: the~~ The administrator shall supply the parent or guardian and all employees with written information concerning licensing, the program, policies and procedures of the type A home at the time of enrollment or employment, or when there are any revisions or additions. The information shall be completed on the prescribed form and shall include:

(1) Licensing information:

- (a) The home shall post the license issued by the Ohio department of job and family services in a conspicuous place in the type A home for review.
- (b) A toll free number is listed on the license for reporting suspected violations of Chapter 5104. of the Revised Code or Chapter 5101:2-13 of the Administrative Code. A copy of the law and rules are available at the type A home for review upon request.
- (c) The administrator and each employee of the type A home are required under section 2151.421 of the Revised Code to report their suspicions of child abuse or neglect to the public children services agency.
- (d) Any parent or guardian of a child enrolled in a type A home shall be permitted unlimited access to the home during hours of operation for the purposes of contacting their children, or evaluating the care or the premises. A parent of a child enrolled at the home who is not the child's residential parent shall be permitted unlimited access to the home and be afforded the same rights as the residential parent unless there is court documentation limiting access and conditions of the nonresidential parent. Upon entering the home, the parents and guardians shall notify the administrator or designee of their presence.
- (e) Rosters that include names and telephone numbers of parents of enrolled children are available upon request. Parents shall be notified that the rosters do not include the names or telephone numbers of those parents who requested not to be included.
- (f) Licensing inspection reports and complaint investigation reports for the current licensing period must be displayed in a conspicuous location readily in view of parents or guardians.
- (g) The type A home's licensing record including licensing inspection reports and complaint investigations as well as evaluation forms from the building

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and fire departments that inspect the home, are available upon request from the Ohio department of job and family services.

- (h) It is unlawful for the type A home to discriminate in the enrollment of children upon the basis of race, color, religion, sex, national origin, or disability in violation of the Americans with Disabilities Act of 1990, 104 Stat. 32, 42 U.S.C. 12101 et seq.
- (2) Type A home program information, which includes at least all of the following information a minimum:
- (a) The type A home's name, address, telephone number;
 - (b) Days and hours of operation;
 - (c) The staff/child ratios maintained;
 - (d) Sample of the daily program schedule for all hours of operation; and
 - (e) Procedure for parents and guardians and employees who need assistance with problems at the type A home.
- (3) Type A home written information, policies and procedures, shall not be in conflict with the licensing rules and shall include at a minimum each of the following:
- (a) Guidance and management policy (rule 5101:2-13-22 of the Administrative Code):
 - (i) Specific behavior management techniques to be used;
 - (ii) A statement that the specifications of rule 5101:2-13-22 of the Administrative Code apply to all employees of the home.
 - (b) Supervision of children (rule 5101:2-13-20 of the Administrative Code):
 - (i) Arrival and departure procedure to assure that children are supervised by type A home staff at all times.
 - (ii) Procedure for releasing a child to persons other than the parent or guardian.
 - (iii) Procedures regarding custody agreements.
 - (iv) A statement that all children will be supervised at all times according to rule 5101:2-13-20 of the Administrative Code.

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- (v) Written procedures for determining the whereabouts of a child when the child is absent but scheduled to be at the type A home and the plan for operating when schools or programs are delayed or canceled.
- (c) Food information (rule 5101:2-13-39 of the Administrative Code):
 - (i) Meals and snacks which will be served by the type A home ;
 - (ii) Required nutritional information if food is provided by parents or guardians.
- (d) Procedures for emergencies and accidents (rule 5101:2-13-34 of the Administrative Code):
 - (i) A summary of the action to be taken by the type A home in the case of a general emergency or a serious incident, injury or illness.
 - (ii) The procedure to complete an incident/injury report.
- (e) Management of illness (rules 5101:2-13-31 and 5101:2-13-33 of the Administrative Code):
 - (i) Symptoms for discharge;
 - (ii) Isolation precautions ;
 - (iii) Means of notifying parents or guardians when their children have been exposed to communicable disease;
 - (iv) Procedures for administration of medication, food supplements and modified diets.
 - (v) Policy regarding whether or not the home allows the possession and use of an inhaler or medication by a school child when needed in an emergency for a child with a special health condition, including the procedures for obtaining consents and releases as the home deems appropriate if the home allows such possession and use.
- (f) Transportation of children (rules 5101:2-12-18 and 5101:2-13-34 of the Administrative Code):
 - (i) Means of transporting children for emergencies, field trips and routine trips;

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- (ii) Specific supervision plans for field trips and routine trips, which explains how all children will be accounted for at all times while in route and at destination;
 - (iii) A statement that written permission from parent or guardian is required for all trips.
 - (g) Swimming policy (rule 5101:2-13-17 of the Administrative Code):
 - (i) Summary of the type A home's plan for any swimming activities;
 - (ii) Specific supervision plan during swimming activities;
 - (iii) A statement that written permission from parent or guardian is required for swimming activities.
 - (h) Outdoor play (rule 5101:2-13-14 of the Administrative Code):
 - (i) A statement that the type A home shall provide outdoor play each day in suitable weather for toddlers, preschool, and school children in attendance four or more consecutive daylight hours;
 - (ii) The type A home's policy to limit outdoor play due to weather or safety issues.
 - (i) Evening and overnight care (rule 5101:2-13-23 of the Administrative Code):
 - (i) A specific plan for supervision of children during evening and overnight care;
 - (ii) A security plan that ensures that access to the type A home is limited to parents and guardians and authorized persons;
 - (iii) Safe evening and overnight program and schedule.
 - (j) Fees, overtime charges, registration, and permanent disenrollment.
 - (k) Enrollment and health information which is required for admission (rule 5101:2-13-37 of the Administrative Code).
 - (l) Any additional type A home policies.
- (B) A copy of the type A home's written information, policies and procedures shall be available at the home for review by the [department](#) ~~director's representative~~.

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- (C) The parent or guardian and each employee shall sign and date a statement verifying the review and receipt of the written policies and procedures. The signed statement shall be kept on file at the type A home for review.
- (D) The type A home shall demonstrate in daily practice that all written policies, procedures, and statements given to the parents, guardians, and employees are followed.
- (E) ~~The Preadmission interview:~~ The administrator or designee shall interview each child and their parent or guardian prior to the child's admission to the program.
- (F) The type A home shall provide the tax identification number to parents or guardians at the time children are accepted into the program, ~~upon request~~.

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5101:2-13-31 Administration of medication requirements in licensed type A homes.

(A) The type A home shall set its own policy regarding whether or not the home will administer medication. If a home chooses to administer medication, food supplements, or modified diets, the home shall meet the following requirements:

- (1) ~~The Prescription medication, food supplements and modified diets:~~ ~~the~~ type A home shall secure and follow the written instructions of a licensed physician, an advanced practice nurse certified to prescribe medication, or a licensed dentist on the JFS 01217 "Request for Administration of Medication." All instructions on this form shall be followed. ~~prescribed form provided by the department.~~ The home shall also secure written instructions from the parent or guardian on the form. A prescription label also serves as written instructions for medications and food supplements as long as the following are met:
 - (a) The label contains the child's full name, a current date (within the last twelve months), the exact dosage to be given and the means of administration;
 - (b) The prescription label is attached to the original container.
- (2) ~~Only Nonprescription medication:~~ ~~only~~ fever/pain reducing medications that do not contain aspirin or cough or cold medications that do not contain codeine may be administered by the type A home, without written instructions from a licensed physician, if the following are met:
 - (a) The type A home secures and follows written instructions from the parent or guardian on the prescribed form provided by the department. These instructions do not exceed manufacturers' recommended dosages;
 - (b) Medication is in the original container with the original label attached. The label must specify appropriate dosages based on the child's age or weight;
 - (c) The full name of the child, who is to receive the medication, is printed on the container.
 - (d) The type A home administers the medication for no more than three consecutive days at one time.
- (3) ~~Type Nonprescription topical products or lotions:~~ ~~type~~ A homes may apply nonprescription topical products or lotions if the following are met:
 - (a) The type A home shall secure written instructions from the parent or guardian on the JFS 01217 "Request for Administration of Medication"-

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~~prescribed form provided by the department.~~ The form shall be valid for no longer than twelve months; [and](#)

(b) The type A home shall follow manufacturers' guidelines regarding application; [and](#)

(c) When used for skin irritations, such as diaper rash, the topical product shall be applied by the home for no longer than fourteen consecutive days at any one period of use.

~~(4) Syrup of ipecac: in cases of extreme emergency, type A home personnel may administer syrup of ipecac to a child without written instructions from a physician or parent or guardian following verbal instructions of the poison control center or a licensed physician.~~

(B) ~~When Safeguards: when~~ administering medication, food supplements, modified diets, the type A home shall:

(1) Assure that the medication, food supplement, or modified diet is not administered for any period of time beyond the date indicated by the physician, advanced practice nurse certified to prescribe medication, or licensed dentist, or for twelve months whichever comes first; [and](#)

(2) Designate individuals who will administer prescription and nonprescription medication; [Any staff member can apply nonprescription topical products or lotions used as a preventative measure; and](#)

(3) Verify each administration or application of medication by documenting it on the [JFS 01217 "Request for Administration of Medication"](#) ~~prescribed form provided by the department.~~ Application of nonprescription topical products and lotions used only as a preventative measure does not need to be documented; [and](#)

(4) Assure that dosages administered by the type A home do not exceed prescribed dosages or manufacturers' recommended dosages; [and](#)

(5) Assure that a separate form is used for each medication to be administered; ~~and:~~

(6) Assure that completed forms be kept on file at the type A home for review by the director's representative for at least one year following the administration of the medication, food supplement, or modified diet.

(C) ~~When Storage of medications: when~~ storing medications the type A home shall:

(1) Assure that all medication and food supplements are given directly to type A home personnel for immediate safe storage, except that an inhaler or medication may be available to a school child with a special health condition or in an

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emergency, in accordance with the home's policy as required in rule 5101:2-13-30 of the Administrative Code; [and](#)

- (2) Assure that all type A home personnel are made aware of all school children [who have ~~having~~ immediate access to personal inhalers; and that a JFS "Request for Administration of Medication" is completed for all school children who have immediate access to personal inhalers; and](#)
- (3) Refrigerate medication as needed immediately upon arrival at the type A home and store in a separate container to prevent contamination with foods; [and](#)
- (4) Keep medications out of the reach of children; and
- (5) Remove all medications from the type A home when no longer needed [or if the label indicates that the medication has expired.](#)

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5101:2-13-32

Parental participation policies and parent ~~Parent~~ roster requirements and procedure for concerns for licensed type A homes.

- (A) The type A home administrator shall provide each parent, employee and child care staff member a written standard procedure for parents or guardians and employees to follow when they need assistance with problems related to the type A home.
- (B) ~~The Parent roster: the~~ type A home administrator shall annually prepare at least once annually a roster of names and telephone numbers of parents or guardians of children who are cared for in the type A home. The roster shall ~~include the names and telephone numbers of parents or guardians, and~~ shall be dated and given to parents or guardians, upon request.
- (C) The type A home administrator shall have each parent or guardian sign a statement indicating whether they want their name and telephone number included on the roster. Only those individuals who indicate they want to be on the roster will be included.
- (D) The type A home administrator shall furnish any roster prepared in accordance with this rule only to a parent or guardian of a child who attends the type A home and to the department~~director's representative~~ for review.

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5101:2-13-39

Requirements for meals ~~Meals~~ and snacks in type A homes.

- (A) ~~Meals and snacks~~: A meal or snack which meets the requirements of this rule shall be prepared and served to any toddler, preschool child or school child at intervals of not more than four hours.

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The type A home shall serve:	If a child is in attendance at a type A home:
1 meal and 1 snack	More than 4, up to 7 consecutive hours
1 meal and 2 snacks or 2 meals and 1 snack	7 to 10 consecutive hours

In addition, the following stipulations apply:

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The child shall be served at least:	If a child is in attendance at a Type A home:
1 breakfast	Entirely between 5:00 a.m. and 6:30 a.m.
1 meal	Entirely between 11:00 a.m. and 1:30 p.m.
1 meal	Entirely between 5:00 p.m. and 7:00 p.m.
1 snack	From 6:30 p.m. to bedtime
1 snack	Before school (school children only) no later than thirty minutes prior to leaving for school
1 snack	After school (school children only)

- (1) Children in evening or overnight care shall be accommodated to the above schedule, as applicable, during the hours the child is awake.
- (2) A meal shall meet one-third of the recommended daily dietary allowances as most recently specified by USDA child and adult care food program child care component. This includes at a minimum, one serving of fluid milk, one serving of meat or meat alternative, two servings of vegetables and/or fruits (one serving of each is recommended) and one serving of bread or grains.

The sizes of individual food servings may be varied according to the developmental needs of the child being served, but additional amounts of food shall be prepared and ready to serve in order to meet one-third of the recommended daily dietary allowance for each child in attendance.

- (3) A snack shall provide nutritional value in addition to calories and contain at least one food from two of the four basic food groups. The basic food groups are:
 - (a) Meat/meat alternate;

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- (b) Bread/grains ;
 - (c) Fruit/vegetable; and
 - (d) Milk.
- (4) Breakfast shall include, at a minimum, one serving each of fluid milk, fruit or vegetable, and bread or grains.
- (5) Only full strength (one hundred per cent) fruit or vegetable juice shall meet the fruit or vegetable requirement for meals or snacks.
- (6) For children over twenty-four months of age, the type A home shall provide fluid milk that is vitamin D fortified. Low fat and 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.
- (7) For children under twelve months of age, the home shall use formula or breast milk unless otherwise directed in writing by a licensed physician. For children older than twelve months but under twenty-four months of age, the home shall provide and use whole homogenized vitamin D fortified cow's milk, unless otherwise directed in writing by a licensed physician.
- (B) In order to verify compliance with this rule, the director's representative may require the type A home to submit food preparation records that shall include:
- (1) Menus which reflect quantities of all foods served by the type A home ;
 - (2) Record of ingredients, from the four food groups, which were used to prepare mixed food recipes, such as pasta and cheese, casseroles, or soups;
 - (3) The total number of children of each age group and the adults served.
- (C) Current dated menus for the entire week shall be displayed in a conspicuous place readily in view for parents or guardians at the home, and shall reflect all meals and snacks served by the type A home. Any substitute foods served shall be recorded on the posted menu at the time of the change.
- (D) Modified diets shall be approved in writing by a licensed physician. If an entire food group is eliminated, the home shall obtain written instructions from a physician on the prescribed form provided by the department. When special diets are required for cultural or religious reasons, the type A home shall obtain written, dated and signed instructions from the child's parent or guardian unless the special diet is part of a type A home program.

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- (E) When the type A home provides the meal, the home shall set its own policy regarding the accommodation of a parent's alternate diet for a child, but the type A home shall assure that any alternate diet, except those required for religious, cultural, or medical reasons as specified in paragraph (D) of this rule, include items from each of the following categories: protein, grain, fruit/vegetable, dairy.
- (F) Food provided by parents or guardians: parents or guardians may provide food for the children's meals and snacks if the type A home meets the following requirements:
- (1) Has provisions for safe storage of parent provided food.
 - (2) Has supplemental foods from all four food groups, [protein, grain, fruit and vegetable and dairy](#), on the premises and readily accessible during meal times. Supplemental food which is needed to fulfill one-third of the child's recommended daily dietary allowances shall be readily available and offered to each child if the parent provided meal does not meet the requirements of paragraph (A) of this rule; and
 - (3) Provides all parents or guardians and staff written nutritional information regarding meeting one-third of the child's recommended daily dietary allowance. A copy of this written nutritional information shall be on file at the home.

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5101:2-13-33 **Management of illness in licensed type A homes.**

- (A) A child care staff member with current ~~currently~~ valid training in the management of communicable diseases according to rule 5101:2-13-27 of the Administrative Code shall observe each child daily upon arrival at the type A home.
- (B) The type A home shall immediately notify the parent or guardian of the child's condition when a child has been observed with signs or symptoms of illness.
- (C) ~~A Symptoms observed which require isolation and immediate discharge:~~ a child with any of the following signs or symptoms of illness shall be immediately isolated and discharged to his parent or guardian or person designated by the parent or guardian:
- (1) Temperature of at least one hundred degrees Fahrenheit when in combination with any other sign or symptom of illness. ~~;~~ Temperature shall be taken by the axillary method.
 - (2) Diarrhea (three or more abnormally loose stools within a twenty-four hour period). ~~;~~
 - (3) Severe coughing, causing the child to become red or blue in the face or to make a whooping sound. ~~;~~
 - (4) Difficult or rapid breathing. ~~;~~
 - (5) Yellowish skin or eyes. ~~;~~
 - (6) Redness of the eye, obvious discharge, matted eyelashes, burning, itching eyes. ~~;~~
 - (7) Untreated infected skin patches, unusual spots or rashes. ~~;~~
 - (8) Unusually dark urine and/or gray or white stool. ~~;~~
 - (9) Stiff neck with elevated temperature. ~~;~~
 - (10) Evidence of untreated lice, scabies, or other parasitic infestations. ~~;~~
 - (11) Sore throat or difficulty in swallowing. ~~;~~ ~~or~~
 - (12) Vomiting more than one time or when accompanied by any other sign or symptom of illness.
- (D) ~~A Isolation precautions:~~ a child isolated due to suspected communicable disease shall be:

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- (1) Within sight and hearing of a staff member ~~an adult~~ at all times; ad
 - (2) Cared for in another room or portion of a room away from other children; and
 - (3) Provided with a cot and made comfortable. After use, the cot shall be disinfected with an appropriate germicide, or if soiled with blood, feces, vomitus or other body fluids, the cot shall be cleaned with soap and water and disinfected with an appropriate germicide.
 - (4) A school child may be made comfortable on a mat that shall be cleaned with soap and water and disinfected with an appropriate germicide.
- (E) The ~~Preventative practices: the~~ type A home shall implement the following - preventative practices for the management of communicable disease on a daily basis:
- (1) The home shall provide training for all staff in the process of handwashing and disinfection procedures prior to working with children; including a thorough review of rule 5101:2-13-43 "Handwashing and diapering."
 - (2) The home shall release employees who have a communicable disease or who are unable to perform their duties due to illness;
 - (3) The home shall notify parents, within the next day of operation, when their child has been exposed to a communicable disease; and
 - (4) Type A homes shall follow the current version of the JFS 08087 "Ohio Department of Health Communicable Disease Chart" for appropriate management of suspected illnesses. The chart shall be posted in a location readily available to type A home staff and parents.