



**Child Care Center Manual Transmittal Letter No. 24
Child Care In-Home Aide Manual Transmittal Letter No. 6
Family Child Care Manual Transmittal Letter No. 13**

**TO: All Child Care Center Manual Holders
All Child Care In-Home Aide Manual Holders
All Family Child Care Manual Holders**

FROM: Kimberly Hall, Director

**SUBJECT: Temporary Licensing, Certification and Payment Procedures to Address the
Coronavirus (COVID-19) Pandemic**

Background:

As a result of the K-12 school and child care program closures because of the coronavirus (COVID-19), the Ohio Department of Job and Family Services (ODJFS) is working to ensure:

1. Child care is available for parents employed providing health, safety and other essential services; and
2. Providers serving Ohio's most vulnerable children remain supported during program closure.

New Policy

Temporary Pandemic Child Care License:

In response to the COVID-19 pandemic, additional changes in policy are being implemented:

The following new rules are effective as of March 24, 2020.

Rule 5101:2-12-02.1: "Temporary Pandemic Child Care Center License" has been filed again to lower the ratio and group size requirements for pandemic child care centers in paragraph (D)(5), as well as to add notification requirements for serious incidents in paragraph (D)(19). Pandemic centers will be limited to six children per room.

Rule 5101:2-13-02.1: "Temporary Pandemic Family Child Care License" is a new rule which sets forth the process and requirements of the temporary pandemic family child care license. This temporary licensure will allow currently licensed family child care providers to apply to serve children whose parents are employed providing health, safety and other essential services as defined by the Director of the Ohio Department of Job and Family Services in consultation with the Director of the Ohio Emergency Management Agency. There is no application fee and these programs will not be required to be rated in Step Up To Quality in order to provide publicly funded child care. Payment for these programs will be determined through an agreement process with the Ohio Department of Job and Family Services. When approving programs for temporary licensure, ODJFS must use discretion regarding the number

of licenses approved based on need and pandemic health concerns. As a result, ODJFS will evaluate programs based on location, capacity, and the number of children currently being served with parents employed to provide health, safety or other essential services. Pandemic family child care providers are limited to six total children.

Rule 5101:2-14-02.1: "Temporary Pandemic In-Home Aide Certification" is a new rule which sets forth the process and requirements of the temporary pandemic in-home aide certificate. This temporary certification will allow currently certified in-home aides to apply to serve children whose parents are employed providing health, safety and other essential services as defined by the Director of the Ohio Department of Job and Family Services in consultation with the Director of the Ohio Emergency Management Agency. When approving programs for temporary certification, ODJFS must use discretion regarding the number of licenses approved based on need and pandemic health concerns. As a result, ODJFS will evaluate in-home aide applications based on location and the number of children currently being served with parents employed to provide health, safety or other essential services.

Temporary Pandemic Child Care Payments

The temporary pandemic child care programs will be paid the weekly five-star rate for enrolled publicly funded children. Providers must set their own private pay rates.

Child Care Payment During Closure

Programs should use pandemic days for Thursday, March 26 – Saturday, March 28, 2020.

ODJFS, in partnership with the Governor's office, is working with the General Assembly to provide closed programs with ongoing payments equal to a historical weekly PFCC payment for the week starting Sunday, March 29, 2020. Additional information will be forthcoming as details are determined.

Implementation

Programs willing to provide service for parents employed providing health, safety and other essential services during the pandemic should complete the JFS 01258 "Application for Temporary Pandemic Child Care Program" and submit it to ODJFS_CHILDCARE@jfs.ohio.gov as soon as possible.

If the application is approved, ODJFS will issue a letter notifying the pandemic child care program of the license/certification approval and approved capacity.

If a pandemic child care program needs to report a serious incident, injury or death pursuant to one of the emergency rules, the program shall send an email to childcarepolicy@jfs.ohio.gov with "pandemic reporting" in the subject and include the following details:

- Name, address, license number and phone number for the program.
- The name(s) and age(s) of the children involved.
- A summary of the incident including date and program staff involved.

Parent Reminder

Any parent that can find a safe and healthy alternative child care option during the pandemic that will keep their child(ren) out of a group setting and not with an elderly provider should do so as

soon as possible. However, we recognize that this is not an option for all families and are working to ensure all children have safe option while parents provide health, safety and other essential services.

Provider Guidance

Providers shall:

- Limit use of shared space or mixing of groups. If shared space is used you **MUST** have a rigorous cleaning schedule.
- Maintain the same teachers and children in the room, whenever possible.
- Keep children of parents of the same employer together, whenever possible (i.e. when determining classes keep children of Hospital A together)
- Limit parent interaction at drop off and pick up.

Questions

Please contact the Child Care Policy Helpdesk at 1-877-302-2347, option 4, or email childcarepolicy@jfs.ohio.gov if you have any questions about the new policy.

5101:2-12-02.1**Temporary Pandemic Child Care Center License.****(A) What is a temporary license for pandemic child care?**

A temporary license for pandemic child care is a license/certification issued to a certified in-home aide, licensed type a family day-care home, license type b family day-care home or new temporary child care pandemic center on a short-term basis to provide child care as defined in section 5104.01 of the Revised Code as issued by the Ohio department of job and family services.

(B) What is a temporary pandemic child care center license?

A temporary pandemic child care center license is a short-term license to provide child care services to children whose parents are employed providing health, safety and other essential services as defined by the director of the Ohio department of job and family services in consultation with the director of the Ohio emergency management agency.

(C) When may ODJFS issue a temporary pandemic child care license?

ODJFS may issue a temporary pandemic child care license if the governor of Ohio declares a state of emergency and directs ODJFS to issue this license type.

(D) How do programs apply for a temporary pandemic child care license?

- (1) The child care center shall submit the JFS 01258 "Application for Temporary Pandemic Program" to ODJFS.
- (2) If the program is not currently operating as a licensed child care center, it shall also comply with a pre-licensing inspection.
- (3) If the program is currently operating a licensed child care center, a pre-licensing inspection shall not be required.

(E) What are the licensing requirements for a pandemic child care center?

The pandemic child care center shall meet the following requirements. The other requirements in this chapter shall not apply during the temporary license period.

- (1) The pandemic center shall have a building certificate of occupancy and fire inspection for the space being utilized for child care.
- (2) There shall be at least thirty-five square feet of usable wall-to-wall indoor floor space for each child the center is licensed to serve.

- (3) All employees and child care staff members (including the owner and administrator) shall submit a request for background checks and fingerprints pursuant to rule 5101:2-12-09 of the Administrative Code within seven calendar days of the individual's date of hire or assignment. Child care staff may be used in ratio but shall not be left alone with children until the JFS 01176 "Program Notification of Background Check Review for Child Care" or the written notification from ODJFS is received by the pandemic child care center.
- (4) There shall be at least one child care staff member on-site during all hours of operation who is currently trained in cardiopulmonary resuscitation (CPR) appropriate for all age groups that the center is licensed to serve. The training shall meet the requirements in appendix A to rule 5101:2-12-10 of the Administrative Code.
- (5) The pandemic center shall ensure that following staff child ratios and maximum group size limitations are maintained at all times:
 - (a) One child care staff member per four infants with no more than six children in the room.
 - (b) One child care staff member per six children older than infants with no more than six children in the room.
- (6) Child care staff members shall not leave a child unsupervised. Supervision means the child care staff members have knowledge of a child's needs and accountability for his or her care at all times. Supervision includes awareness of and responsibility for the activity of each child and being near enough to respond and reach children immediately including responding to the child's basic needs and protecting them from harm.
- (7) The child care staff members shall ensure all children in care are within sight and hearing of child care staff members at all times. Within sight and hearing means without the use of mechanical devices such as baby monitors, video cameras or walkie talkies. The use of mirrors to view children in another room does not meet the supervision requirements of this rule.
- (8) Each child care staff member shall use only the allowable discipline techniques in appendix A to rule 5101:2-12-19 of the Administrative Code.
- (9) If the owner, administrator, employee or child care staff member suspects that a child has been abused or neglected, he or she shall immediately notify the public children services agency (PCSA).

- (10) Each child enrolled for care shall have a completed JFS 01234 "Child Enrollment and Health Information for Child Care" and a completed JFS 01259 "Pandemic Child Care Program Child Enrollment Addendum" on file by the child's first day of attendance at the center.
- (11) The pandemic child care center shall have a written attendance record that tracks in and out times for each child each day. The record shall include the child's name and date of birth.
- (12) The pandemic child care center shall provide opportunities for both quiet and active play suitable to the developmental levels and abilities of each child in care.
- (13) Children in care shall be protected from any items and conditions which threaten their health, safety, and well being, including but not limited to: stoves, bodies of water, window covering pull cords, telephone cords, electrical cords, extension cords, lead hazards, asbestos, wells, traffic, employee's personal belongings and other environmental hazards and dangerous situations.
- (14) The pandemic child care center shall follow the cleaning and sanitizing chart in appendix A to rule 5101:2-12-13 of the Administrative Code and the handwashing requirements in appendix B to rule 5101:2-12-13 of the Administrative Code.
- (15) Children are not permitted to rest, nap, or sleep on the floor without a cot or mat. Cots and mats shall meet the requirements described in rule 5101:2-12-20 of the Administrative Code.
- (16) All infants shall rest and nap in a crib. Cribs shall meet the following requirements:

 - (a) Any crib manufactured before June 28, 2011 shall have a certificate of compliance (COC) on file. The center may have to contact the manufacturer of the crib to receive a COC if they do not request one from the retailer when they purchase the crib
 - (b) Cribs with a documented manufacture date after June 28, 2011 have to meet the new federal standards to be sold, so they do not require a COC. The date of manufacture shall be attached to the crib.
 - (c) Cribs shall be used according to manufacturer's instructions.
- (17) Parents/caregivers shall provide written permission and instructions (if different than the label) when the center shall administer prescription medications.

nonprescription medicines containing codeine or aspirin, or nonprescription medication.

(18) The pandemic child care center shall not provide transportation nor swimming activities in water deeper than eighteen inches to any child without prior approval from ODJFS.

(19) The pandemic child care center shall immediately notify ODJFS in writing if any of the following occur to a child while in the care for the pandemic child care center:

(a) A child dies.

(b) A child receives a bump or blow to the head that requires first aid or medical attention.

(c) An incident, injury, or illness requires a child to be removed by the parent or emergency services from the program for medical treatment, professional consultation or transportation for emergency treatment.

(d) Abuse of a child is substantiated by a public children services agency.

(F) How long is a temporary pandemic child care license valid?

The temporary pandemic child care license is valid until the governor of Ohio rescinds the executive order.

(G) What happens when the executive order is rescinded by the governor of Ohio?

(1) If the center was licensed as a child care center before becoming a pandemic child care center, the center shall resume following all of the child care center licensing requirements of this chapter.

(2) If the center was not previously licensed as a child care center, it shall do one of the following within ten calendar days of the rescision of the executive order:

(a) Notify ODJFS in writing that the center will voluntarily close not later than ten days after the rescision of the executive order.

(b) Submit an application for a child care center license pursuant to rule 5101:2-12-02 of the Administrative Code.

(3) If the pandemic child care center does not voluntarily close or submit an application within 10 calendar days, ODJFS will revoke the temporary license.

(H) A denial of an application for a license for a pandemic child care center and the revocation of a temporary license for a pandemic child care center are not subject to appeal rights pursuant to Chapter 119. of the Revised Code.

(I) How will the pandemic child care center be paid?

The pandemic child care center will be paid through an agreement with ODJFS for care provided to children determined eligible for publicly funded child care pursuant to Chapter 5101:2-16 of the Administrative Code.

Replaces: 5101:2-12-02.1(EM)

Effective: 3/24/2020

CERTIFIED ELECTRONICALLY

Certification

03/24/2020

Date

Promulgated Under: 119.03
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Rule Amplifies: 5104.015, 5104.03, 5104.032, 5104.05
Prior Effective Dates: 03/18/2020 (Emer.)

5101:2-13-02.1**Temporary Pandemic Family Child Care License.****(A) What is a temporary license for pandemic child care?**

A temporary license for pandemic child care is a license/certification issued to a certified in-home aide, licensed type a family day-care home, license type b family day-care home or new temporary child care pandemic center on a short-term basis to provide child care as defined in section 5104.01 of the Revised Code as issued by the Ohio department of job and family services.

(B) What is a temporary pandemic family child care license?

A temporary pandemic family child care license is a short-term license to provide child care services to children whose parents are employed providing health, safety and other essential services as defined by the director of the Ohio department of job and family services in consultation with the director of the Ohio emergency management agency

(C) When may ODJFS issue a temporary pandemic child care license?

ODJFS may issue a temporary pandemic child care license if the governor of Ohio declares a state of emergency and directs ODJFS to issue this license type.

(D) How do programs apply for a temporary pandemic child care license?

A licensed family child care provider shall apply to become a pandemic family child care by submitting the JFS 01258 "Application for Temporary Pandemic Program" to ODJFS.

(E) What are the licensing requirements for a pandemic family child care provider?

The pandemic family child care provider shall meet the following requirements. The other requirements in this chapter shall not apply during the temporary license period.

(1) All employees and child care staff members (including the provider) shall submit a request for background checks and fingerprints pursuant to rule 5101:2-13-09 of the Administrative Code within seven calendar days of the individual's date of hire or assignment. Child care staff may be used in ratio but shall not be left alone with children until the JFS 01176 "Program Notification of Background Check Review for Child Care" is received by the pandemic family provider.

(2) There shall be at least one child care staff member on-site during all hours of operation who is currently trained in cardiopulmonary resuscitation (CPR) appropriate for all age groups that the provider is licensed to serve. The

training shall meet the requirements in appendix A to rule 5101:2-13-10 of the Administrative Code.

- (3) The pandemic family child care provider shall ensure that the following staff child ratios and maximum group size limitations are maintained at all times:
 - (a) Each pandemic family child care provider shall care for no more than six children at any one time. No more than three of those children may be under two years of age.
 - (b) The family child care provider shall follow the requirements set forth in rule 5101:2-13-18 of the Administrative Code to determine which children count in ratio and group size.
- (4) Child care staff members shall not leave a child unsupervised. Supervision means the child care staff members have knowledge of a child's needs and accountability for his or her care at all times. Supervision includes awareness of and responsibility for the activity of each child and being near enough to respond and reach children immediately including responding to the child's basic needs and protecting them from harm.
- (5) The child care staff members shall ensure all children in care are within sight or hearing of child care staff members at all times. Within sight and hearing means without the use of mechanical devices such as baby monitors, video cameras or walkie talkies. The use of mirrors to view children in another room does not meet the supervision requirements of this rule.
- (6) Each child care staff member shall use only the allowable discipline techniques in appendix A to rule 5101:2-13-19 of the Administrative Code.
- (7) If the provider, employee or child care staff member suspects that a child has been abused or neglected, he or she shall immediately notify the public children services agency (PCSA).
- (8) Each child enrolled for care shall have a completed JFS 01234 "Child Enrollment and Health Information for Child Care" and a completed JFS 01259 "Pandemic Child Care Program Child Enrollment Addendum" on file by the child's first day of attendance at the provider.
- (9) The pandemic family child care provider shall have a written attendance record that tracks in and out times for each child each day. The record shall include the child's name and date of birth.

- (10) The pandemic family child care provider shall provide opportunities for both quiet and active play suitable to the developmental levels and abilities of each child in care.
- (11) Children in care shall be protected from any items and conditions which threaten their health, safety, and well being, including but not limited to: stoves, bodies of water, window covering pull cords, telephone cords, electrical cords, extension cords, lead hazards, asbestos, wells, traffic, employee's personal belongings and other environmental hazards and dangerous situations.
- (12) The pandemic family child care provider shall follow the cleaning and sanitizing chart in appendix A to rule 5101:2-13-13 of the Administrative Code and the handwashing requirements in appendix B to rule 5101:2-13-13 of the Administrative Code.
- (13) Children are not permitted to rest, nap, or sleep on the floor. Children shall sleep on cribs, playpens, couches, cots or mats that meet the requirements described in rule 5101:2-13-20 of the Administrative Code.
- (14) Parents/caregivers shall provide written permission and instructions (if different than the label) when the center shall administer prescription medications, nonprescription medicines containing codeine or aspirin, or nonprescription medication.
- (15) The pandemic family child care provider shall not provide transportation nor swimming activities in water deeper than eighteen inches to any child without prior approval from ODJFS.
- (16) The pandemic family child care provider shall immediately notify ODJFS in writing if any of the following occur to a child while in the care for the pandemic family child care provider:
- (a) A child dies.
 - (b) A child receives a bump or blow to the head that requires first aid or medical attention.
 - (c) An incident, injury, or illness requires a child to be removed by the parent or emergency services from the home for medical treatment, professional consultation or transportation for emergency treatment.
 - (d) Abuse of a child is substantiated by a public children services agency.
- (F) How long is a temporary pandemic child care license valid?

The temporary pandemic child care license is valid until the governor of Ohio rescinds the executive order.

(G) What happens when the executive order is rescinded by the governor of Ohio?

The provider shall resume following all of the family child care provider licensing requirements of this chapter.

(H) A denial of an application for a license for a pandemic family child care provider and the revocation of a temporary license for a pandemic family child care provider are not subject to appeal rights pursuant to Chapter 119. of the Revised Code.

(I) How will the pandemic family child care provider be paid?

The pandemic family child care provider will be paid through an agreement with ODJFS for care provided to children determined eligible for publicly funded child care pursuant to Chapter 5101:2-16 of the Administrative Code.

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5101:2-14-02.1**Temporary Pandemic In-Home Aide Certification.****(A) What is a license for temporary pandemic child care?**

A temporary license for pandemic child care is a license/certification issued to a certified in-home aide, licensed type a family day-care home, license type b family day-care home or new temporary child care pandemic center on a short-term basis to provide child care as defined in section 5104.01 of the Revised Code as issued by the Ohio department of job and family services.

(B) What is a temporary pandemic in-home aide certificate?

A temporary pandemic in-home aide certificate is a short-term certificate to provide publicly funded child care services to children whose parents are employed providing health, safety and other essential services as defined by the director of the Ohio department of job and family services in consultation with the director of the Ohio emergency management agency.

(C) When may ODJFS issue a temporary pandemic in-home aide certificate?

ODJFS may issue a temporary pandemic in-home aide certificate if the governor of Ohio declares a state of emergency and directs ODJFS to issue this certificate type.

(D) How do programs apply for a temporary pandemic in-home aide certificate?

A certified in-home aide shall apply to become a pandemic in-home aide by submitting the JFS 01258 "Application for Temporary Pandemic Child Care Program" to ODJFS.

(E) What are the certification requirements for a pandemic in-home aide?

The pandemic in-home aide shall meet the following requirements. The other requirements in this chapter shall not apply during the temporary certification period.

- (1) The pandemic in-home aide shall use only the allowable discipline techniques in appendix A to rule 5101:2-14-04 of the Administrative Code.
- (2) If the pandemic in-home aide suspects that a child has been abused or neglected, he or she shall immediately notify the public children services agency (PCSA).
- (3) Each child enrolled for care shall have a completed JFS 01234 "Child Enrollment and Health Information for Child Care" and a completed JFS 01259 "Pandemic Child Care Program Child Enrollment Addendum" on file by the child's first day of attendance with the pandemic in-home aide.

(4) The pandemic in-home aide shall have a written attendance record that tracks in and out times for each child each day. The record shall include the child's name and date of birth.

(5) The pandemic in-home aide shall not provide transportation nor swimming activities in water deeper than eighteen inches to any child without prior approval from ODJFS.

(6) The pandemic in-home aide shall immediately notify ODJFS in writing if any of the following occur while in the care of the pandemic in-home aide:

(a) A child dies.

(b) A child receives a bump or blow to the head that requires first aid or medical attention.

(c) An incident, injury, or illness requires a child to be removed by the parent or emergency services from the home for medical treatment, professional consultation or transportation for emergency treatment.

(d) Abuse of a child is substantiated by a public children services agency.

(F) How long is a temporary pandemic in-home aide certificate valid?

The temporary pandemic child care certificate is valid until the governor of Ohio rescinds the executive order.

(G) What happens when the executive order is rescinded by the governor of Ohio?

The in-home aide shall resume following all of the in-home aide certification requirements of this chapter.

(H) How will the pandemic in-home aide be paid?

The pandemic in-home aide will be paid through an agreement with ODJFS for care provided to children determined eligible for publicly funded child care pursuant to Chapter 5101:2-16 of the Administrative Code.

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