

ACTION: ORIGINAL
FILED

DATE: 09/13/2002
01:58 PM

5101:2-12-01 **Definitions.**

(A) "Administrator" means the person responsible for the daily operation of the center. The administrator and the owner may be the same person. The administrator is also a child care staff member.

(B) "Adult" means an individual who is at least eighteen years of age.

(C) "Certified nurse practitioner (CNP)" means a registered nurse who holds a valid certificate of authority issued under Chapter 4723. of the Revised Code that authorizes the practice of nursing as a CNP in accordance with section 4723.43 of the Revised Code and rules adopted by the board of nursing.

(D) "Chartered nonpublic school" means a school that meets standards for nonpublic schools prescribed by the state board of education pursuant to section 3301.07 of the Revised Code.

(E) "Child" means an infant, toddler, preschool child or school child.

(F) "Child care staff member" means any adult employee of a child care center who is primarily responsible for the care and supervision of children.

(G) "Child care" means administering to the needs of infants, toddlers, preschool children and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four hour day, in a place or residence other than a child's own home.

(1) "Administering to the needs" means giving care, maintenance, training, and supervision such as the providing of food, shelter, security, recreation, safety, and guidance. Educational instruction may or may not be given to infants, toddlers, preschool children, or school children.

(2) Care given to children who are in a grade of kindergarten or above, and are cared for in a school building in a program which is owned and operated by a public school, a chartered nonpublic school, or an unchartered nonpublic school, regardless of the hours care is given, shall be considered within school hours and shall not be considered child care.

(3) "Parents or guardians, custodians, or relatives by blood, marriage, or adoption " shall mean:

(a) The child's lawful mother or father to include the natural or adoptive mother or father, or the stepmother or stepfather, if no subsequent

judicial decree has divested one or both of them of the statutory co-guardianship, as created by their marriage; or

(b) Any individual or agency whose status with respect to the child has been established by judicial decree.

(4) Parents, guardians, custodians, or relatives by blood, marriage, or adoption shall be considered to be administering to the needs of their own children if they are present in the same building at all times their own children are in care and if they are in a position to continue to directly maintain control over their own children as determined by the director, except that child care provided on the premises of a parent's, custodian's, or guardian's place of employment shall be licensed in accordance with Chapter 5104. of the Revised Code.

(H) "Cot" shall mean a narrow bed made of washable material. The bottom of the cot's sleeping surface shall stand at least three inches and not more than eighteen inches off the floor. The cot shall be firm enough to support the child, but shall be resilient under pressure. The cot's materials shall be easily disinfected. Each cot shall be at least thirty-six inches in length and at least as long as the child assigned to the cot is tall.

(I) "Date of admission" means the first day the child attends the center.

(J) "Department" means the Ohio department of job and family services.

(K) "Director" means the director of the Ohio department of job and family services.

(L) "Director's representative" means the child care licensing staff authorized by the Ohio department of job and family services.

(M) "Employee" means a person who is at least fifteen years old and either receives compensation for duties performed in a child care center or has assigned work hours or duties in a child care center. Employee shall not include a parent or guardian of a child enrolled in a center when the parent or guardian is assigned specific working hours or duties in the center as a condition of the child's enrollment in the program, and when the parent or guardian is not used to meet staff/child ratio requirements of rule 5101:2-12-20 of the Administrative Code.

(N) "Employer" means a person, firm, institution, organization, or agency that operates a child care center that is subject to licensure pursuant to Chapter 5104. of the Revised Code and rules promulgated pursuant to Chapter 5104. of the Revised Code.

(O) "Field trips" means infrequent or irregularly scheduled excursions from the center.

(P) "Food supplement" means any substance, including a vitamin, which is an addition of a food or nutrient to a meal or diet.

- (Q) "Infant" means a child who is under eighteen months of age.
- (R) "License capacity" means the maximum number of children in each age category who may be cared for in a child care center at any one time as determined by the director of the Ohio department of job and family services.
- (S) "Licensed physician" means a person licensed to practice medicine by the state medical board or by a comparable body in another state.
- (T) "Licensee" means the owner of a child care center that is licensed pursuant to Chapter 5104. of the Revised Code and who is responsible for ensuring the center's compliance with Chapter 5104. of the Revised Code and Chapter 5101:2-12 of the Administrative Code.
- (U) "Medication" means any substance or preparation which is used to prevent or treat a wound, injury, infection, infirmity, or disease, and is prescribed or recommended by a licensed physician or advance practice nurse certified to prescribe medication, and permitted for administration or application by parent.
- (V) "Modified diet" means any diet eliminating the use of any one or more of the four food groups or altering the amount of food required to be served to meet one-third of the recommended dietary allowance as required by rule 5101:2-12-39 of the Administrative Code.
- (W) "Owner" includes a person, firm, organization, institution, corporation or agency.
- (X) "Preschool child" means a child who is at least three years old, or is four or five years old, but is not age eligible to be enrolled in a grade of kindergarten or above.
- (Y) "Routine trips" means frequent scheduled excursions from the center which include, but are not limited to, taking a child to or from school, to or from home, to or from the center, or taking a child on walking trips in the vicinity of the center that are part of the center's curriculum.
- (Z) "School child" means a child who is eligible to be enrolled in a grade of kindergarten or above, but is less than fifteen years old. For the purposes of licensure, "eligible to be enrolled in a grade of kindergarten or above" means that, as of September first of the current school year, the child is either attending or could attend a grade of kindergarten or above.
- (AA) "Substitute" means a child care staff member who replaces an assigned staff member on a temporary basis.
- (BB) "Toddler" means a child who is at least eighteen months of age but less than three years of age.

(CC) "Transitioning child" means any child enrolled in a center who, for easy adjustment, is temporarily being placed with a group prior to being permanently assigned to that group.

Replaces: 5101:2-12-01, 5101:2-17-01

Effective:

R.C. 119.032 review dates:

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 5104.01, 5104.011
Rule Amplifies: 5104.01
Prior Effective Dates: 3/1/81, 2/8/82, 6/1/84, 9/1/86,
1/1/90, 1/2/92 (Emer.), 4/1/92