

**PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES**

DATE: May 4, 2005
TIME: 10:00 a.m.
LOCATION: Room 1823, Rhodes State Office Tower
30 East Broad St., Columbus, Ohio 43215

Pursuant to section 5104. and Chapter 119. of the Ohio Revised Code, the director of the Ohio Department of Job and Family Services gives notice of the department's intent to consider the amendment of the rules as identified below and of a public hearing thereon.

Rule 5101:2-12-07 entitled Inspection and Investigation Rights for Licensed Child Care Centers is being proposed for amendment. This rule sets forth inspection requirements for licensed child care centers and the center's rights to review findings. The rule is being amended to change the title, to clarify language and to add a reference in paragraph (K) to comply with a requirement of Am. Sub. HB 11 that allows the department to request an order from the court to enjoin a center from operating in violation of Ohio Revised Code Section 5104.02.

Rule 5101:2-12-10 entitled Building Approval for Licensed Child Care Centers is being proposed for amendment. This rule sets forth the requirements for a building inspection for child care centers. The rule is being amended to change the title and to clarify language.

Rule 5101:2-12-11 entitled Fire Department Approval for Licensed Child Care Centers is being proposed for amendment. This rule sets forth the requirement for an approval from the fire department for the operation of child care centers. This rule is being amended to change the title and to clarify language.

Rule 5101:2-12-12 entitled Food Service Licensure Requirements for Licensed Child Care Centers is being proposed for amendment. This rule sets forth the requirement for child care centers to have a food service license or an exemption. This rule is being amended to change the title and to clarify language.

Rule 5101:2-12-13 entitled Indoor Floor Space Requirements for Licensed Child Care Centers is being proposed for amendment. This rule sets forth requirements for indoor floor space in child care centers. It is being amended to change the title and to clarify language.

Rule 5101:2-12-14 entitled Outdoor Play Requirements for Licensed Child Care Centers is being proposed for amendment. This rule sets forth requirements for outdoor play space for child care centers. This rule is being amended to change the title, to clarify language and to add requirements that outdoor gates be latched and sandboxes be covered when not in use.

Rule 5101:2-12-15 entitled Safe and Sanitary Equipment and Environment in Licensed Child Care Centers is being proposed for amendment. This rule sets forth requirements for safe and sanitary equipment and environment in child care centers. This rule is being amended to change the title, to clarify language and to add the requirement that centers must post a notice regarding concealed weapons as required by section 2923.1212 of the Revised Code. A requirement is also being added to require that running water be publicly supplied or supplied by a well that meets zoning standards.

Rule 5101:2-12-16 entitled Requirements for Programming and Equipment in Licensed Child Care Centers is being proposed for amendment. This rule sets forth requirements for appropriate programming and equipment for child care centers. This rule is being amended to change the title and to clarify language.

Rule 5101:2-12-17 entitled Swimming and Water Safety Requirements for Licensed Child Care Centers is being proposed for amendment. This rule sets forth requirements for safety and supervision during swimming activities conducted by child care centers. This rule is being amended to change the title and to clarify language regarding the supervision of children.

Rule 5101:2-12-18 entitled Transportation and Field Trip Safety Requirements for Licensed Child Care Centers is being proposed for amendment. This rule sets forth requirements for safety when children are transported during field trips by child care centers. This rule is being amended to change the title, to clarify language and to add a requirement that the center have written permission from a parent before a child participates in activities near water.

Rule 5101:2-12-19 entitled Requirements for Children Who Rest, Nap or Sleep and Use of Cots in Licensed Child Care Centers is being proposed for amendment. This rule sets forth requirements for accommodating children who nap or sleep at child care centers. This rule is being amended to change the title and to clarify language.

Rule 5101:2-12-26 entitled Statement of Non-conviction and Criminal Records Checks for Licensed Child Care Centers is being proposed for amendment. This rule sets forth the required procedures for child care center personnel to sign non-conviction statements and to agree to criminal records checks. This rule is being amended to change the title, to clarify language and to add additional disqualifying offenses as required by Am. Sub. HB 11. Form JFS 01301 Statement of Non-conviction and Criminal Background Check for Child Care Providers has been revised and will now be used by licensed centers. This form replaces JFS 01313 Statement of Non-conviction. A requirement has also been added that an owner or administrator must submit to a federal fingerprint check if the individual has not lived in Ohio for at least five years.

Rule 5101:2-12-27 entitled Training in First Aid, CPR, Management of Communicable Disease and Child Abuse Prevention for Staff in Licensed Child Care Centers is being proposed for amendment. This rule sets forth training requirements for personnel in child care centers. This rule is being amended to change the title and to clarify language.

Form JFS 01307 Documentation of Inservice Training for Employees of Child Care Centers and Type A Homes has been revised with minor language and formatting changes.

Rule 5101:2-12-29 entitled Unlawful Discriminatory Practices in Licensed Child Care Centers is being proposed for amendment. This rule sets forth the list of categories against which child care centers may not discriminate in enrollment practices. This rule is being amended to change the title and to clarify language.

Rule 5101:2-12-30 entitled Provision of Information, Policies and Procedures in Licensed Child Care Centers is being proposed for amendment. This rule sets forth the requirements for child care centers to provide information to parents and employees. This rule is being amended to change the title, to clarify language and to add a requirement that written procedures include the center's plan for operating when schools or programs are delayed or canceled.

5101:2-12-31 entitled Administration of Medication in Licensed Child Care Centers is being proposed for amendment. This rule sets forth the requirements for administering medication to children while they are in child care centers. This rule is being amended to change the title, to clarify language and to remove the reference to Syrup of Ipecac because it is no longer recommended for use. A requirement has been added that the provider be aware of all school children who have access to personal inhalers. Form JFS 01217 Request for Administration of Medication has been revised for clarity and to comply with forms design requirements.

5101:2-12-32 entitled Parental Participation Policies and Parent Roster Requirement in Licensed Child Care Centers is being proposed for amendment. This rule sets forth the requirements for child care centers to promote parental participation and to provide a roster of parent names. This rule is being amended to change the title and to clarify language.

5101:2-12-33 entitled Management of Illness in Licensed Child Care Centers is being proposed for amendment. This rule sets forth requirements for the appropriate management of illness in child care centers. This rule is being amended to change the title, to clarify language and to add requirement that a child's temperature be taken by the axillary method with a digital thermometer.

5101:2-12-39 entitled Requirements for Meals and Snacks in Licensed Child Care Centers is being proposed for amendment. This rule sets forth requirements for nutritional meals and snacks in child care centers. This rule is being amended to change the title and to clarify language.

Rule 5101:2-13-03 entitled License Capacity for Licensed Type A Homes is being proposed for amendment. This rule sets limits on the number and ages of children in type A homes. This rule is being amended to change the title and to add a requirement

for the administrator to document the work schedule of employees for review by the department.

Rule 5101:2-13-07 entitled Inspection and Investigation Rights for Licensed Type A Homes is being proposed for amendment. This rule sets forth the department's inspection requirements for type A homes and the home's rights to review findings. to change the title, clarify language and to add a reference in paragraph (K) to comply with a requirement of Am. Sub. HB 11 that allows the department to request an order from the court to enjoin a center from operating in violation of Ohio Revised Code Section 5104.02.

Rule 5101:2-13-10 entitled Building Department Inspection for Licensed Type A Homes is being proposed for amendment. This rule sets forth the requirements for a building inspection for type A homes. This rule is being amended to change the title and to clarify language.

Rule 5101:2-13-11 entitled Fire Department Approval for Licensed Type A Homes is being proposed for amendment. This rule sets forth the requirements for an approval from the fire department for operation of type A homes. This rule is being amended to change the title and to clarify language.

Rule 5101:2-13-12 entitled Meal Preparation and Service and Water Sanitation for Licensed Type A Homes is being proposed for amendment. This rule sets forth requirements for safe and sanitary food preparation and service in type A homes. This rule is being amended to change the title, to clarify language and to add requirements that food not be served on bare tables and that eating utensils be age appropriate for children.

Rule 5101:2-13-13 entitled Indoor Floor Space Requirements in Licensed Type A Homes is being proposed for amendment. This rule sets forth the requirements for the amount of indoor space necessary in type A homes. This rule is being amended to change the title.

Rule 5101:2-13-14 entitled Outdoor Play Requirements in Licensed Type A Homes is being proposed for amendment. This rule sets forth requirements for outdoor play space for type A homes. This rule is being amended to change the title, to clarify language and to add requirements for appropriate latches on gates and covers for sandboxes.

Rule 5101:2-13-15 entitled Safe and Sanitary Equipment and Environment in Licensed Type A Homes is being proposed for amendment. This rule sets forth requirements for safe and sanitary equipment and environment in type A homes. This rule is being 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 Ohio Revised Code Section 2923.1212. A requirement is being added that the home's running water be publicly supplied or supplied by a well that meets zoning standards.

Rule 5101:2-13-16 entitled Requirements for Programming and Equipment in Licensed Type A Homes is being proposed for amendment. This rule sets forth requirements for appropriate equipment and materials in type A homes. This rule is being amended to change the title and to clarify language.

Rule 5101:2-13-17 entitled Swimming and Water Safety Requirements in Licensed Type A Homes is being proposed for amendment. This rule sets forth requirements for safety and supervision during swimming activities conducted by type A homes. This rule is being amended to change the title, to clarify language and to add requirements that swimming activities are not permitted in lakes, rivers, ponds, and creeks except for school children who have parental permission, and that wading pools be filtered, sanitized or emptied daily.

Rule 5101:2-13-18 entitled Transportation and Field Trip Safety Requirements for Licensed Type A Homes is being proposed for amendment. This rule sets forth requirements for safety when children are transported during field trips from type A homes. This rule is being amended to change the title, to clarify language and to add a requirement that children be seated and restrained according to the requirements of Ohio law.

Rule 5101:2-13-19 entitled Sleeping, Napping, Resting and Overnight Care Requirements in Licensed Type A Homes is being proposed for amendment. This rule sets forth requirements for age appropriate arrangements for children who sleep or nap in type A homes. This rule is being amended to change the title and to clarify language.

Rule 5101:2-13-20 entitled Supervision and Staff/Child Ratios in Licensed Type A Homes is being proposed for amendment. This rule sets forth requirements for supervision and staff/child ratios in type A homes. This rule has been amended to add language that clarifies the allowable staff/child ratios.

Rule 5101:2-13-26 entitled Statement of Non-conviction and Criminal Records Checks for Licensed Type A Homes is being proposed for amendment. This rule sets forth the required procedures for personnel in type A homes to sign non-conviction statements and to agree to criminal records checks. This rule is being amended to change the title, to clarify language and to add additional disqualifying offenses as required by Am. Sub. HB 11. Form JFS 01301 Statement of Non-conviction and Criminal Background Check for Child Care Providers has been revised and will be used by type A homes. An additional requirement has also been added that an owner or administrator must submit to a federal fingerprint check if the individual has not lived in Ohio for at least five years.

Rule 5101:2-13-29 entitled Unlawful Discriminatory Practices in Licensed Type A Homes is being proposed for amendment. This rule sets forth the list of categories against which type A homes may not discriminate in enrollment practices. This rule is being amended to change the title and to clarify language.

Rule 5101:2-13-30 entitled Requirement to Provide Information, Policies and Procedures for Licensed Type A Homes is being proposed for amendment. This rule sets forth the requirements for type A homes to provide information to parents and employees. This rule has been amended to change the title and to clarify language.

5101:2-13-31 entitled Administration of Medication Requirements in Licensed Type A Homes is being proposed for amendment. This rule sets forth the requirements for administering medication to children while they are in type A homes. This rule is being amended to change the title, to clarify language and to remove the reference to Syrup of Ipecac because it is no longer recommended for use. A requirement has also been added that the provider be aware of all school children who have access to personal inhalers. Form JFS 01217 Request for Administration of Medication has been revised to clarify instructions and to comply with forms design requirements.

5101:2-13-32 entitled Parental Participation Policies and Parent Roster Requirement for Licensed Type A Homes is being proposed for amendment. This rule sets forth the requirements for type A homes to provide policies and information to parents. This rule is being amended to change the title and to clarify language.

5101:2-13-33 entitled Management of Illness in Licensed Type A Homes is being proposed for amendment. This rule sets forth requirements for appropriately managing the illness of children in type A homes. This rule has been amended to change the title, to clarify language and to add the requirement that a child's temperature be taken by the axillary method with a digital thermometer.

5101:2-13-39 entitled Requirements for Meals and Snacks in Licensed Type A Homes is being proposed for amendment. This rule sets forth the requirements for appropriate and nutritious meals and snacks for children in type A homes. This rule has been amended to change the title and to clarify language.

A copy of the proposed rules is available, without charge, to any person affected by the rules at the address listed below. The rules are also available on the internet at <http://www.registerofohio.state.oh.us/>. A public hearing on the proposed rules will be held at the date, time, and location listed at the top of this notice. Either written or oral testimony will be taken at the public hearing. Additionally, written comments submitted or postmarked no later than the date of the public hearing will be treated as testimony.

Requests for a copy of the proposed rules or comments on the rules should be submitted by mail to the Ohio Department of Job and Family Services, Office of Legal Services, 30 East Broad Street, 31st Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at legal@odjfs.state.oh.us.