



December 29, 2015

RE: 7843 Child Care Center Rule Revisions for Ohio Child Licensing and Quality System

On behalf of the Ohio Association of Child Care Providers thank you for the opportunity to comment on the proposed rule changes. We also would like to thank you for the extend clearance timeline. After careful review with members we have included responses to specific issues below. However, given the size and volume of this information we still found it a struggle to ingest and respond to all the proposed changes. We respectfully request the opportunity to meet with ODJFS to discuss these proposed rules and the timeline in which ODJFS plans on finalizing and implementing them. Thank you for your consideration of our concerns and we look forward to working with you further on these proposed rules.

Rule Subject	OACCP Response
5101:2-12-01 "Definitions for licensed child care centers"	<ul style="list-style-type: none"> OACCP expects that the definition of "owner" – will be updated in accordance with HB 340..
5101:2-12-02 "Application and amendments for a child care center license"	<ul style="list-style-type: none"> OACCP requests that ODJFS develop a timeframe in rule for the visit and license completion once the application has been submitted. Please define "owner representative"
5101:2-12-03 "Compliance, inspection and complaint investigation of a licensed child care center"	<ul style="list-style-type: none"> We request the allowance of a statement in the handbook that an electronic version is available on-line but that anyone may request a paper version printed for them if desired. OACCP requests further discussion for understanding of how ODJFS plans to use the point system. Concerns have been expressed by members of the lack of consistency between licensing inspectors and how that may impact this proposed licensing approach. OACCP requests more detail on appeal process in rule & a date for ODJFS to respond. In addition we request that in rule it is explicit that the appeal goes to a neutral party. (F) OACCP requests that there be a timeline in rule for ODJFS to respond to the provider.
5101:2-12-04 "Building department, fire inspection and food service licensure for a licensed child care center"	<ul style="list-style-type: none"> A3A & B2A OACCP requests that ODJFS review this process to be sure this does not delay a license due to this being required "at time of application" For efficiency purposes we would suggest that the ODJFS child care licensing application process begin first and prior to these additional inspections being completed and that it be finalized once these additional inspections are completed and submitted.
5101:2-12-05 "Denial, revocation and suspension of a child care center application"	<ul style="list-style-type: none"> A6 – OACCP members have concerns with this language as HB64 only referred to "serious risk" for a reason of summary suspension of a license. This proposed rule includes "moderate risk" as well. We request a review

or license"	<p>by ODJFS legal and a discussion with OACCP regarding this change in approach.</p> <ul style="list-style-type: none"> • We request a definition of "serious" injury
5101:2-12-06 "Procedures for a licensed child care center operating under a provisional license"	<ul style="list-style-type: none"> • (A) OACCP members would like to see a timeline in rule for the provisional license period. • (B)1 Does this mean 100% compliance of all rules or serious and moderate risk? Is it compliance after addressing any out of compliance or a "clean" visit? •
5101:2-12-07 "Administrator responsibilities, requirements and qualifications for a licensed child care center"	<ul style="list-style-type: none"> • C(6) – OACCP would request that documents be electronically available vs paper. • Appendix B #10 – please include more detail on if this space must be "exclusive use" • Appendix B #18 OACCP believes this warrants more detailed discussion at length since this is still an emerging process.
5101:2-12-08 "Employee and child care staff member requirements in a licensed child care center"	<ul style="list-style-type: none"> • OACCP requests a review from ODJFS legal regarding if under Ohio law you can "require" an employee to receive vaccinations if it is their "personal conviction, reasons of conscious, philosophical or moral beliefs to not immunize" as a condition of employment?
5101:2-12-09 "Criminal records check requirements for a licensed child care center"	<ul style="list-style-type: none"> • OACCP members have overwhelmingly expressed the challenges of hiring a new employee in this job market. Members expressed concerns that the changes in B2 of this rule of not allowing a staff member to be used in ratio vs. not left alone with a child will make it difficult to stay in ratio and concerns that providers will lose potential employees to other industries while waiting for finger print results. OACCP requests that this language remain as currently written in rule.
5101:2-12-10 "Training and professional development requirements for a licensed child care center"	<ul style="list-style-type: none"> • A2 - The proposed rules as written could require you to have many more staff on the premises than is required for the children in attendance. OACCP requests that this rule remain consistent with the current requirements for FA/CD & CPR. • A3 – Please review this language for consistency with Appendix B. More detail is required for compliance such as: within what timeframe? Prior to hire? OACCP requests that the 1 hour training direct staff members to consultation with a staff member with the 6 hour training and also refer staff member to follow company policy (as well as directing them to call children services for suspected abuse/neglect) • B –Thank you for this changing the training requirements to tracking on the fiscal year! This change will make it much easier and more administratively efficient to maintain compliance. • OACCP supports the change to ongoing training vs. 45 hours as is currently in rule. Would like ODJFS to consider accepting more on-line trainings such as the ones like this that school districts utilize http://www.sylcominc.com/default.asp?page=45430 or through organizations like http://www.cceionline.edu/ for both licensing and SUTQ compliance. • C3 please add "unless the training has been submitted to the OPR registry" • C We support the addition of verification utilizing OPR
5101:2-12-11 "Indoor and outdoor space requirements for a licensed child care center"	<ul style="list-style-type: none"> • B1 OACCP members expressed the need of further clarification for mixed age groups & intent of this language • C1c "functional latches that cannot be open by young children" – Members expressed concerns of how to meet this requirement and follow ADA guidelines
5101:2-12-12 "Safe equipment and environment for a licensed child care center"	<ul style="list-style-type: none"> • A7 OACCP members expressed concerns regarding the prohibition of bounce houses, and ball pits in the center or on field trips. We could not find reference to bounce houses in "Caring for our Children" and with ball pits it refers to those in public places but is not necessarily addressing those in child care centers.

	<ul style="list-style-type: none"> • A6 – OACCP strongly believes that ODJFS rules should not refer to an outside agency. The rule making authority for child care centers in Ohio is explicitly given to ODJFS not any other outside agency. • B1 Please address how this applies to police officers, other law enforcement and military on or off duty • B7 Please include preschool age children in the use of cleaning supplies with adult supervision. There is strong evidence that it is developmentally appropriate for preschool age children to utilize self-help and practice life skills. Some curriculums (including but not limited to Montessori) even call for the application of these skills. As an example please refer to: http://www.arborland.com/montessori-teach-preschool-child-clean-tables/
5101:2-12-13 "Sanitary equipment and environment for a licensed child care center"	<ul style="list-style-type: none"> • A4 We request that you include safely mopping of floors to this language if children are not occupying that portion of the room. • Appendix B "After taking off disposable gloves" – please add "for use of diaper changing, first aid, cleaning or sanitizing". Disposable gloves can be used for other purposes throughout the function of the day that do not expose the user to unsanitary conditions.
5101:2-12-14 "Transportation and field trip safety for a licensed child care center"	<ul style="list-style-type: none"> • C11 OACCP believes that ODJFS rules should not refer to ODE Admin code as it does not govern ODJFS licensed programs...these regulations should be spelled out in ODJFS rule. Also, If the program is utilizing a vehicle other than a school bus this training may not be appropriateE4 C11 ODJFS rules should not refer to ODE Admin code as it does not govern ODJFS licensed programs...this should be spelled out in ODJFS rule\ • Appendix B (2a) OACCP is assuming this will change based on the updated agreement between ODE, ODPS and ODJFS. We look forward to working with ODJFS on new language as it is developed.
5101:2-12-16 "Emergency and health-related plans for a licensed child care center"	<ul style="list-style-type: none"> • A2 Our members expressed concerns to if this really necessary to post if it is included in JFS 01242? Can we eliminate this posting or post with the communicable disease or CPR chart vs. in every classroom? • A4&5 OACCP questions if these really need to be "posted" we suggest that it is sufficient for this information to be kept on record for ODJFS review? • G2 Can you clarify if this attaches to point system in 5101:2-12-03? • A6 Emergency disaster best practice procedures continue evolve. New evidence questions historic "lockdowns" in many situations/environments. OACCP suggests changing this language to reflec a quarterly review of the center's disaster plan. Again, we request that this information not be "posted" but available for review by ODJFS. • B1 The number of first aid kits / children should be consistent with any other rule that uses "number of kids per" ie those trained in child abuse. • D3c – OACCP members expressed that a cot or mat is not always needed in this situation. We request that the language be changed to reflect "made comfortable" and if a cot or a mat is used it shall be sanitized... • D4 Please clarify if this refers to any communicable disease or only those listed on the Communicable Disease chart and diagnosed by a doctor. For example a general (possibly undiagnosed) cold virus? • F3 We ask for a definition of "communicable disease" vs. "illness". • F2 OACCP again requests that in this situation it is allowable to utilize electronic or off site record keeping as long as it is accessible if requested by ODJFS. • G2 We ask for more specification on "bump or blow to the head". There are many bumps & scrapes to the head which are minor in nature and occur often as a course of working with young children. OACCP is assuming ODJFS would not want centers to follow H 1-3 for these. • I(b) Please remove "lockdown" as that is not always appropriate in these

	<p>situations and change to “procedures”</p> <ul style="list-style-type: none"> • H2a OACCP believes that this rule should include procedures “such as shelter in place, lock down, evacuation, drop/cover/hold or monitor” • H2h The most common threat to the safety of a center likely comes from past or current parents. We believe parents should know we have disaster plans in place but should NEVER receive a copy. You do not want someone who is a threat to know how you plan to react in that situation and you do NOT want copies of your disaster plan getting into general circulation. • Appendix B please revise to only address “unexpected or unexplained” diarrhea. At times diarrhea/loose stools is the side effect of a medication or non-communicable diagnosed GI chronic illness and it is not necessary to remove the child from care • Appendix A please revise to reflect that ice should not be located “in” the first aid box but available in lieu of a instant cold pack • Appendix A – OACCP requests the use of temporal artery thermometers, digital ear thermometers, or new technology and ask that rule language be revised to allow for this flexibility.
5101:2-12-17 "Programming and materials for a licensed child care center"	<ul style="list-style-type: none"> • A5 OACCP asks for the revision of this rule to reflect outdoor play for infants to be “when possible” vs. a daily requirement. Given the individual schedules of infants in order to go outside conditions need to be right including having all in your infants in your group awake, changed and fed in order to take the group outside and this is not always possible • A6 We ask that you please include “yoga or other physical fitness activities” • B2 Please revise to reflect “and in accordance to the daily schedule” • 3b We request a change from “the” to “an”
5101:2-12-18 "Group size and ratios for a licensed child care center"	<ul style="list-style-type: none"> • A4 Please revise from “children shall be organized by age-group” and change to “in to defined groups” • OACCP asks for consideration of additional language to address mixed age grouping in this rule • C2 OACCP requests the allowance of other forms of recording attendance as long as it meets a-d. Many providers have additional necessary information on their attendance sheet used for internal quality assurance purposes. • C4 As previously requested for other documentation please allow for electronic or off site record keeping as long as it is accessible if requested by ODJFS.
5101:2-12-19 "Supervision of children and child guidance for a licensed child care center"	<ul style="list-style-type: none"> • Appendix A defines “allowable discipline techniques” but then makes them “required” in the description language. Please change description to reflect “allowable”. Providers should be allowed to adopt their own techniques as long as they are not “prohibited”. There are some “allowable” techniques that a program might not allow but this language says it “shall be used” • A5 Please clarify if the permission would need to be in writing or can it be verbal or electronic. • B3 OACCP asks ODJFS to review this proposed rule with ODJFS legal for guidance. It is our understanding that legally you cannot withhold a child from a legal guardian/parent unless there is a restraining order regardless of custody agreement visitation.
5101:2-12-20 "Sleeping and napping requirements for a licensed child care center"	<ul style="list-style-type: none"> • C1 We believe this should read “or” not “and”
5101:2-12-21 "Evening and overnight care for a licensed child care center"	<ul style="list-style-type: none"> • A – Further clarification on what age groups or when a nap is required as a part of the daily schedule (FT/PT centers) would be helpful in this rule. • B1(d) Please add “cribs used for sleeping” to allow for old cribs to be repurposed (ie art or writing table, weaving wall, etc) • B3 Many OACCP members utilize crib dividers. Please add language

	<p>such as “unless divided by the use of crib dividers”</p> <ul style="list-style-type: none"> • B7 We ask for additional information such as if swaddling wearable blankets are allowable or not. In addition more definition/guidance of a “one-piece sleeper or wearable blanket” would be helpful. Many providers also expressed concerns about parental choice and if parents would choose unregulated care for infants if centers were too prescriptive on approaches to care. • B10 Please define as infants under 12 months for this purpose. • B11 We ask for clarification on why can cribs not in use not be used for storage or removal of this proposed rule. • C2 – Many commercially available sleeping mats on the market are 1” in depth...We ask that these be allowed.
5101:2-12-23 "Infant care and diaper care for a licensed child care center"	<ul style="list-style-type: none"> • B2 – We ask for further clarification in this rule as we assume it is referring to “baby food” “solid” foods or “table” foods as formula or breast milk is a “food” by definition. • B10 – OACCP members expressed that it is not always physically possible to have an additional supply of the breast milk provided by the parent. We ask that instead a plan be provided by the parent should a shortage occur. • C1 – We ask that you please include “unless sleeping...” and change “at least” to “approximately” • C3b A definition of “separation material” would be helpful • C4 Please include “the center” or the parent...
NEW Forms	
JFS 01156 "Serious Incident Reporting for Child Care"	<ul style="list-style-type: none"> • More information or direction is needed on this form to make it consistent with 5101:2-12-16(H)
AMENDED FORMS	
JFS 01201 "Dental First Aid"	<ul style="list-style-type: none"> • OACCP requests that this be included on JFS 01242 and eliminated as a required posting
JFS 01208 "Weekly Attendance for Child Care"	<ul style="list-style-type: none"> • OACCP requests that this be a suggested, but not prescribed form
GENERAL COMMENTS	<ul style="list-style-type: none"> •
	<ul style="list-style-type: none"> • OACCP requests that ODJFS review the need of the amount of required posting within a center or classroom. We request that ODJFS look for opportunities to remove visual noise by providing other methods of communicating information when possible. In turn this will create greater relevance to information that is most critical in emergent situations.
	<ul style="list-style-type: none"> • Wherever possible OACCP requests that ODJFS, in the consideration of paper reduction, eliminate the need for paper forms, postings and the like and allow for electronic data collection, storage and dissemination of information to parents, employees, the public, etc.
	<ul style="list-style-type: none"> • OACCP strongly believes that ODJFS rules should not refer to an outside agency. The rule making authority for child care centers in Ohio is explicitly given to ODJFS not any other state or federal agency/organization.