



## Ohio Administrative Code Rule 3301-32-11 Licensure and monitoring.

Effective: July 1, 2021

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(A) All school districts, county boards of developmental disabilities, community schools and eligible nonpublic schools accepting state or federal funds specifically for school child care and/or child day care pursuant to Chapter 5104. of the Revised Code shall be licensed. School districts, county boards of developmental disabilities, community schools and eligible nonpublic schools not accepting state or federal funds specifically for child day care, but who wish to obtain a license for a school child program, shall file an application with the department in accordance with sections 3301.58 and 3301.59 of the Revised Code.

(B) An electronic application for a license shall be submitted by the governing body to the department in accordance with section 3301.58 of the Revised Code at least thirty days prior to the proposed open date and if receiving funding; prior to children attending. A complete application includes the following documents submitted with the application for the physical location of the program:

(1) A current fire inspection in accordance with section 3301.55 of the Revised Code;

(2) A valid food license or a valid food license exemption from the local health department having jurisdiction or from the Ohio department of health; and

(3) If the program is not conducted in a school building, documentation of building approval in accordance with section 3301.55 of the Revised Code.

(C) A license or provisional license is valid only for the licensee, the address, and capacity for each school child program site designated on the license.

(1) Prior to any change in the address of the program site or license capacity designated on the license, the licensee shall electronically submit an amendment request for the proposed change.



(2) Upon approval of the proposed change, an amended license shall be issued by the department.

(D) Upon the filing of an application for an initial license, the department shall investigate and inspect the school child program to determine whether the requirements of sections 3301.52 to 3301.59 of the Revised Code and Chapter 3301-32 of the Administrative Code are met.

(E) The department shall determine that the school child program site is in compliance with all applicable requirements by examination of the following:

(1) The completed application;

(2) The program's physical plan through on-site inspection and proposed operational format at the time of initial application or renewal application; and

(3) Any other documentation as required by Chapter 3301-32 of the Administrative Code.

(F) When, following the investigation and inspection, the department has determined that all requirements have been satisfied, the department shall issue a provisional license for a period of not more than twelve months from the date of approval of the license. Within the twelve-month provisional period, the program shall be inspected at least once by the department to determine whether the requirements of sections 3301.52 to 3301.59 of the Revised Code and Chapter 3301-32 of the Administrative Code are being met. If the program's operation is judged to be in compliance and has met all requirements prior to the end of the twelve-month period, the provisional license shall be amended to regular licensure at the end of the provisional period.

(G) The governing body responsible for the program's operation is responsible for securing and maintaining a license for the facility in which it operates.

(1) If all the children in the program are relocated to a new facility, the governing body is responsible for notifying the department by completing a Change of Location request at least thirty days prior to the relocation and prior to the children attending.

(a) If the new facility is not currently licensed by the department, a Change of Location request is to



be filed at least thirty calendar days prior to the relocation and prior to children attending.

(b) If the new facility is currently licensed for the governing body by the department for preschool, a Change of Capacity request is to be completed before the existing license will be amended.

(2) If an organization will no longer be responsible for operating a preschool program, they are to submit a closure request.

(3) The services, months, days, and operating hours of the program are to be maintained in the Ohio Child Licensing and Quality System.

(H) Each program shall be inspected at least once during every twelve-month period of operation, which may be unannounced. Inspections may be viewed online via the childcare search website. An individual may submit a written request to the department for a copy of the program's licensing record.

(I) When a program is out of compliance with the requirements of Chapter 3301-32 of the Administrative Code, the department shall electronically notify the program contacts of the alleged violations. The corrective action plan for the violations shall be electronically submitted by the deadline. A request for review of a licensing non-compliance may be filed with the department within seven business days of receiving a compliance report.

(J) On-site verification may be conducted to review progress regarding the correction of deficiencies.

(K) The following are identified as "serious risk" violations of a license due to the great risk of harm to children:

(1) Children left unsupervised pursuant to the requirements of this chapter, or left unattended outside of a facility building;

(2) Children left unattended on a field trip or in a vehicle, or transportation policies not followed;

(3) Falsified information is submitted that puts children at risk;



- (4) Program fails to report suspected abuse/neglect/endangering;
  - (5) Administration of medication procedures do not meet the requirements of this chapter, or medication is dispensed to the wrong child or the wrong dosage is administered;
  - (6) Substantiated public children's services agency finding of abuse or neglect for any staff member;
  - (7) Use of prohibited disciplinary techniques in accordance with rule 3301-32-09 and rule 3301-35-15 of the Administrative Code;
  - (8) Employee refuses to be fingerprinted and remains employed, or a person remains employed when they are not eligible for employment;
  - (9) Swimming activity takes place without a life guard, or a life guard is used to count in the ratio, or a swimming site is accessible to children without staff supervision, or swimming activity takes place in lakes ponds and rivers;
  - (10) Weapons or ammunition are on the premises without proper approval in accordance with chapter 2923 of the Revised Code and/or accessible to children;
  - (11) The department or representatives of the department are denied access to conduct a rule compliance review pursuant to this chapter;
  - (12) A child or children are not protected from harm which results in a serious incident or injury.
- (L) The following are identified as "serious injuries":
- (1) Death of a child at the program;
  - (2) A child receives a bump or blow to the head that requires first aid or medical attention;
  - (3) An incident, injury, or illness that requires the school to close, 911 to be called or a child to be



removed by the parent for medical treatment, professional consultation; or

(4) An unusual or unexpected incident which jeopardizes the safety of a child or employee of the program.

(M) Any program with serious risk violations or incidents or serious injuries shall report the violation or incident or serious injury to the department within twenty-four hours and provide documentation of corrective action as required by the department.

(N) If the department revokes a license or refuses to renew a license of a school district, county board of developmental disabilities, community school, or eligible nonpublic school, it shall not issue a license to the facility within five years from the date of revocation of a license or refusal to renew a license.

(O) All actions of the department with respect to licensing a school child program's facility, renewing a license, refusal to license or renew a license, and revocation of a license, shall be in conformity with sections 3301.57 and 3301.58 and Chapter 119. of the Revised Code.

(1) Those licensing actions, which shall be afforded the right to an administrative hearing, include the following:

(a) The proposal to deny an initial or standard license;

(b) The proposal to revoke an existing license, be it provisional or a standard license; or

(c) The proposal to deny a standard license at the expiration of a provisional license.

(2) Those licensing actions that are of an administrative nature shall not be afforded the right to an administrative hearing. These actions include rejection of any application for licensure for procedural reasons such as, but not limited to, incomplete submission, use of an invalid form, failure to make information available to the department, or failure to make information available during an inspection.



(P) A request for an administrative hearing pursuant to Chapter 119. of the Revised Code and Chapter 3301-32 of the Administrative Code shall be submitted to the department of education's office of early learning and school readiness, and shall be considered to have been made as of the date received.

(Q) The department may deny or revoke a license, or refuse to renew a license, if it is determined that the applicant knowingly made a false statement on the application, does not comply with the requirements of Chapter 3301-32 of the Administrative Code.

(R) The department shall investigate and may inspect any licensed school child program upon receipt of any complaint that the program is out of compliance with the requirements of sections 3301.52 to 3301.59 of the Revised Code or chapter 3301-32 of the Administrative Code.

(1) The investigation of complaints alleging serious life, health, or safety risks shall be initiated within twenty-four hours of receipt of the report.

(2) The investigation and appropriate action on all other complaints shall commence within five working days of the receipt of the report.

(S) The department shall complete a report for each complaint at the conclusion of the investigation summarizing all allegations, the results of the investigation, and the expectations for correction of any confirmed violations. A copy of the record, with confidential information deleted, shall be provided to any person who submits a written request to the department. The licensing record shall include, but not be limited to, complaint investigation documents. Neither the disposition report nor the summary letters required by this rule shall disclose the results of investigations of abuse or neglect conducted by the local public children services agency.

(T) The surrender of a license to the department or the withdrawal of an application for licensure by a school district, county board of developmental disabilities, community schools, or eligible nonpublic school shall not prohibit the department from instituting any of the actions set forth in this rule.