



## Ohio Administrative Code

### Rule 5101:2-12-11 Indoor and outdoor space requirements for a licensed child care center.

Effective: October 29, 2021

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(A) What are the indoor space requirements for a center?

(1) 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.

(2) Usable indoor floor space shall not include bathrooms, hallways, storage rooms or other areas not available or not used for child care.

(3) Bathrooms may be included if they are used exclusively by children enrolled in the center.

(4) Areas included in the center's square footage shall be exclusively available for child care during all operating hours of the child care program.

(5) If the center is in a shared building, the center may identify a back-up space that is available for use on days the primary space is not available. When the back-up space is utilized, the space shall only be used for child care during that time and shall have building and fire approval.

(6) The public may use areas such as entry ways, hallways, bathrooms and other areas normally available for public use if such access does not constitute a risk or hazard to the health and safety of the children in care.

(7) The calculation of indoor space may include hallways, kitchens, storage areas and bathrooms not used exclusively by children and other areas not available for child care if either of the following apply:

(a) The center's license has been maintained since September 1, 1986; or

(b) A new license was issued due to the change of ownership of the center that was previously



licensed prior to September 1, 1986.

(8) Dividers may be used to divide a room into smaller spaces to serve additional groups of children, provided the center ensures that the space maintains the indoor space square footage requirement pursuant to paragraph (A)(1) of this rule.

If used, dividers are to:

(a) Meet any requirements set by the department of commerce, local building department, state fire marshal or local fire safety inspector.

(b) Be made of non-porous material or other material that can be cleaned and sanitized.

(B) What are the additional space requirements for areas where there are groups that include children who are less than two and one half years of age?

The space shall:

(1) Be separate from space being used for groups of children two and one half years old and older.

(2) Be approved by the Ohio department of job and family services (ODJFS) prior to use for the care of children younger than two and one half years of age.

(3) Provide at least thirty-five square feet of floor space for each child per room or area.

(4) Be defined by a continuous permanent or non-permanent barrier that is at least thirty-six inches in height.

(C) What are the on-site outdoor space requirements for a center?

(1) The center shall have an on-site outdoor space that:

(a) Provides at least sixty square feet of usable space per child using the area at one time.



(b) Is located away from traffic or protected from traffic or animals by a continuous fence in good condition with functioning gates or a continuous natural barrier or a combination of fence and natural barrier. The fence or natural barrier shall ensure that children are not able to leave the outdoor play area unsupervised and shall ensure that any hazards from the outside cannot enter the outdoor play area without the staff being aware of them. Examples of natural barriers include, but are not limited to space, dense hedges, walls, permanently anchored dividers or partitions. A playground on the premises that is regulated by another state agency is exempt from this requirement.

(c) Has functional latches on gates which cannot be easily opened by young children if gates are used. Gates shall not be locked when children are present at the center.

(d) Provides access to bathroom facilities and drinking water during play times.

(e) Is free of foreign objects and trash during times children are outside playing. A trash can with a lid is permitted in the play area if it is emptied daily and kept in clean condition.

(f) Provides a shaded area. The shade may be naturally occurring from trees, building, or overhangs. The center may also install lawn umbrellas that are securely anchored or other structures that provide shade in a safe manner.

(2) Bodies of water (other than water tables designed for children to play in only with their hands) shall be separated from the play area by a fence or other physical barrier (the center door only is not a sufficient barrier) that prevents children from accessing the water.

(3) The play area(s) and equipment shall be inspected quarterly by the administrator or designee during the months that the program is in operation. The inspection shall be documented on the JFS 01281 "Child Care Playground Inspection Report" and kept on file for one year.

(D) What are the exemptions for having an on-site outdoor space?

(1) A center may be exempt if both of the following apply:



(a) The center has an indoor recreation area that has a minimum of one thousand four hundred forty square feet of space that is separate from the indoor space required by this rule and is regularly available and scheduled for daily use.

(b) There is a safe park or play area regularly available, scheduled for daily use in suitable weather and approved by the ODJFS. Access to this area shall be safe and convenient, and children shall be closely supervised during play and when going to and from the area.

(2) A center approved to use an off-site area may use the play space regardless of change of ownership unless it is determined, upon inspection, that the area or its accessibility is unsafe.

(E) What are the requirements for on-site and off-site outdoor equipment?

(1) Outdoor equipment, whether stationary or portable, shall be safe and designed to meet the developmental needs of all of the age groups of children using the space.

(2) Equipment, such as, but not limited to, climbing gyms, swings, and slides shall:

(a) Be placed out of the path of the area's main traffic pattern.

(b) Be anchored or stable and have all parts in good working order and securely fastened.

(c) Have all climbing ropes anchored at both ends and not capable of looping back on themselves creating a loop with an interior perimeter of five inches or greater.

(d) Have "S" hooks that are closed in order to prevent the chain from slipping off of the hook and prevents strangulation if they are used.

(e) Be free of rust, cracks, holes, splinters, sharp points or edges, chipped or peeling paint, lead hazards, toxic substances, protruding bolts, or tripping hazards.

(f) Have no openings that are greater than three and one half inches, but less than nine inches to avoid entrapment of the head or other body parts.



(g) Have protected barriers on platforms that are thirty inches high or higher. A protective barrier means an enclosing device around an elevated platform that is intended to prevent both inadvertent and deliberate attempts to pass through the device.

(h) Be assembled, installed and utilized according to manufacturer's guidelines.

(3) Functionally linked play equipment may be used if each piece of the adjacent equipment is not more than twelve inches apart for preschool-age children or eighteen inches apart for school-age children. Functionally linked play equipment means two or more play structures designed and installed adjacently to create one integral unit that provides more than one play activity for children.

(4) Sandboxes shall be covered with a lid or other covering when the program is closed. For programs operating twenty-four hours per day, this means sandboxes are covered during non-daylight hours.

(F) What are the requirements for a fall zone?

(1) Outdoor play equipment designated for climbing, swinging, balancing and sliding shall have a fall zone of protective resilient material on the ground under and around the equipment.

(a) The material may be one of the following, but not limited to, washed pea gravel, mulch, sand, wood chips or synthetic material such as rubber mats or tiles manufactured for this purpose.

(b) Equipment shall not be placed directly over concrete, asphalt, blacktop, dirt, rocks, grass or any other hard surface.

(c) Synthetic surfaces shall follow manufacturer's guidelines for depth.

(d) Protective resilient material depth for equipment shall be appropriate for the height and type of equipment as specified in appendix A to this rule.

(e) All loose fill materials, such as mulch, sand, wood chips, washed pea gravel shall be raked, as



needed to retain their proper distribution and depth. Foreign materials are to be removed prior to use by children.

(2) All space around equipment designed for or observed being used for climbing, swinging, balancing or sliding shall extend a minimum of six feet in all directions from the perimeter of the equipment or a minimum of three feet in all directions if the equipment is exclusively used by children six months to twenty-three months of age.

(a) The fall zone for moving or swinging equipment is measured from the point of furthest extension.

(b) The fall zone between two stationary pieces of equipment shall be a minimum of nine feet. For equipment exclusively used by children six months to twenty-three months of age, the fall zone requirement is four and one-half feet.

(c) Fall zones shall be kept clear of all obstacles that children could run into or fall on top of including retaining devices such as, but not limited to, fencing, walls, landscape timbers and mulch retaining walls.

(d) Equipment used for climbing shall not be placed over carpet or mats that are not intended for use as surfacing for climbing equipment.

(3) Centers licensed as of January 1, 2007 that have fall zones meeting the requirements listed in paragraph (F)(1) of this rule are exempt from the requirements of (F)(2) of this rule, unless stationary equipment designed for or are observed being used for climbing, swinging, bouncing or sliding is added, replaced or relocated. When this type of equipment is added, replaced or relocated the center is to comply with the requirements of paragraphs (F)(1) and (F)(2) of this rule for all pieces of equipment designed or observed used for climbing, swinging, bouncing or sliding on that playground.