



Ohio Administrative Code

Rule 5101:2-13-24 Swimming and water safety requirements for a licensed family child care provider.

Effective: October 29, 2021

(A) Are on-site pools allowed to be used at a licensed family child care home?

(1) If the family child care provider has a swimming pool located on the premises, the provider shall make the pool inaccessible to children who are in care by a fence or other physical barrier (the locked house door is not a sufficient barrier) that prevents children from accessing the water. A pool shall meet at least one of the following barrier options:

(a) For in-ground or at ground level pool:

(i) A barrier that prevents a child from going around, under or through to access the pool water and the means of access to the pool (i.e. ladder, gate to deck) is secured, locked or removed to prevent access to pool water.

(ii) A fence that is at least four feet tall that separates the pool from the play area.

(iii) A secure cover that meets the following standards:

(a) Inhibits access to the pool water.

(b) Demonstrates an opening is sufficiently small and strong enough to prevent an infant from passing through.

(c) Is able to hold a weight of at least four hundred eighty-five pounds.

(d) Has manufacture safety label attached.

(e) Prevents water collecting on the cover surface.



(b) For an above ground or above ground level pool:

(i) A minimum of four feet walls (four feet above ground level) that are non-climbable and non-inflatable and the means of access to the pool (i.e. ladder, gate to deck) is secured, locked or removed to prevent access to pool water.

(ii) A fence that is at least four feet tall that separates the pool from the play area.

(iii) A secure cover that meets the following standards:

(a) Inhibits access to the pool water.

(b) Demonstrates an opening is sufficiently small and strong enough to prevent an infant from passing through.

(c) Is able to hold a weight of at least four hundred eighty-five pounds.

(d) Has manufacture safety label attached.

(e) Prevents water collecting on the cover surface.

(2) The provider shall not permit use of the pool by children in care.

(B) What are the requirements for swimming sites for licensed family child care?

(1) Approved off-site swimming sites shall meet all state and local guidelines for environmental health inspections. Activities in bodies of water more than eighteen inches in depth shall be supervised by people who are currently certified as lifeguards or water safety instructors by the "American Red Cross" or an equivalent water safety program, as determined by the Ohio department of job and family services (ODJFS). If the lifeguard is a child care staff member, they shall not be counted as a child care staff member in the staff/child ratio.

(2) Pursuant to rule 5101:2-13-19 of the Administrative Code, the provider shall actively supervise



children and shall be able to clearly see all parts of the swimming area, including the bottom of the pool. The provider shall not serve as the life guard.

(3) The use of saunas, hot tubs and spas by children is prohibited and these items shall be inaccessible to them.

(4) Swimming in lakes, rivers, ponds, creeks or other similar bodies of water is prohibited.

(5) The provider may use wading pools less than eighteen inches in wall height regardless of the amount of water put into it.

(a) Wading pools shall be filtered or emptied daily, and portable wading pools shall be disinfected daily or more often if needed.

(b) The provider shall supervise children at all times while a wading pool is in use and shall be able to clearly see all parts of the wading area.

(C) What are the requirements for parental permission for water and swimming activities?

(1) The provider shall have written permission from the parent when water is directly accessible to children and for the following activities:

(a) Before the child swims or plays in water eighteen inches or more in depth.

(b) Before the child participates in activities in or on water eighteen inches or more in depth.

(c) Before infants and toddlers use wading pools.

(2) Written parental permission shall be on file for one year at the home. Written permission for on-going activities such as the wading pools shall be updated annually.

(D) What shall be included in the written parental permission?



- (1) Child's name and date of birth.
- (2) Statement indicating whether the child is a non-swimmer or capable of swimming.
- (3) Location of the water activities or swimming site by water of eighteen or more inches in depth.
- (4) A statement of whether or not the provider is providing additional adults or child care staff members above the licensing ratio requirements for this activity.
- (5) A signature and date from the parent indicating permission for the activity.