Opening and Operating a Child Care Program

Child Care Licensing Procedural Guide
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I. Introduction and Definitions

5104.02 Ohio Revised Code (ORC), the law that governs child care in Ohio, states: “No person, firm, organization, institution or agency shall operate, establish, manage, conduct or maintain a child day-care center or type A family day-care home without a license issued under section 5104.03 of the Revised Code.”

5104.01 ORC defines the following:

“Child Care” means administering to the needs of infants, toddlers, preschool children and school children outside of school hours by persons other than their parents or guardians, custodians or relatives by blood, marriage or adoption for any part of the 24-hour-day in a place or residence other than a child’s own home.

A “Child Care Center” means any place in which child care is provided for 13 or more children at one time or any place that is not the permanent residence of the licensee or administrator in which child care is provided for 7 to 12 children at one time. Children under 6 years of age who are related to the licensee, administrator or employee and who are on the premises of the center shall be counted in the total number of children in care.

A “Type A Home” means a permanent residence of the administrator in which child care is provided for seven to 12 children at one time—or a permanent residence of the administrator in which child care is provided for four to 12 children at one time if four or more children at one time are under 2 years of age. Any children under 6 years of age who are related to a licensee, administrator or employee who are on the premises of the type A home shall be counted in the total number of children in care.

The licensing process must be completed prior to any child care, as defined above, being provided. Please be sure to allow adequate time to complete the process.

Notes:

- Plan a minimum of 150 days after submitting an application to become licensed.
- This time frame may be extended if there are any structural issues that need to be addressed.
II. Licensing Law and Administrative Rules

You will want to read the law thoroughly and become familiar with the requirements, as your program will be regulated according to the requirements in the law and the rules. The child care rules, which tell you how you shall meet the requirements of the law, should also be reviewed.

Reading the rules is easier once you understand what each part of the number represents.

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<th>5101: 2-12-18.2</th>
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<tr>
<td>5101</td>
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<tr>
<td>Agency-Level Designation Number</td>
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The rules are developed by the Ohio Department of Job and Family Services (ODJFS) with input from child care providers, parents and other child care professionals. The rules are reviewed at least every five years although proposals for changes in rules can be requested at any time. The licensing law and administrative rules establish minimum health, program and safety standards. They are designed to help you avoid known risks to children’s health, safety and well-being while they are in your care.

Notes:

- A copy of the ORC, the law that governs child care in Ohio, may be found at: [http://codes.ohio.gov/](http://codes.ohio.gov/). Click on ORC, and then “Title [51] LI Public Welfare,” and “5104 Child Day-Care.”

- A copy of the Ohio Administrative Code (OAC), the rules that govern child care, may be found at the same Web site. On the main page, click on “OAC.” Then scroll down to and click on “5101:2 Division of Social Services” and then either “Chapter 12” for child care centers or “Chapter 13” for type A homes.
III. Before You Apply For a License

After you have reviewed the law and rules, there are some initial issues you need to consider before you apply for a license.

A. Plan ahead

Before you are able to apply for a child care license, you must complete the first two sections of the following training sessions:

1. Session I, “How to Start,” is available through local resource and referral agencies. This session provides a discussion of the business aspects of operating a child care program, such as budgeting, selecting a location, licensing procedures, necessary permits and approvals.

2. Session II, “The Plan of Operation Orientation,” is offered monthly in one of the five field offices throughout the state. This session reviews the requirements of the Plan of Operation and discusses a sample timeline.
   a. Plan of Operation (JFS 01250)
      The plan of operation asks you to explain your plans for operating and administering your program and how you will meet the requirements of the child care rules. You may think of the plan of operation as an open-book test of the rules. You should have a copy of the rules available as you answer the various questions so you can reference rule requirements and develop your plans in compliance with the rules.

3. Session III, “Plan and Form Review,” is a hands-on review and scoring of the plan of operation and a discussion of the forms that are required to be used in child care.

It is important to begin the licensing process several months before your proposed operating date. A minimum of 150 days is usually needed to meet the licensure requirements. While some applicants can become licensed within a shorter time period, other applicants may need more time if any difficulties are encountered in meeting requirements. An initial application can remain in pending status for one year.

Anyone who has an initial or renewal license application denied or license revoked pursuant to Chapter 119 of the Revised Code cannot be licensed for two years from the date of the Chapter 119 denial or revocation order. If such a person submits a license application during the two years after issuance of the order, ODJFS may not issue a license until the two-year period is over,
and the applicant is determined to be in compliance with the licensing law and rules.

Additionally, a license cannot be issued to anyone who had previously been certified as a type B family home, and whose certification the county department had revoked because of the applicant’s refusal or inability to comply with the criteria for certification and that refusal or inability resulted in a risk to the health or safety of children.

B. **Application Fee**

An application fee is not refundable or transferable. If you file an application and then decide not to open a center or type A home, your fee cannot be refunded. If you file an application for one owner or address, the application cannot be used for any other owner or address.

C. **Inspections of Physical Facilities**

Inspections and approvals of the physical facilities by other departments will be required prior to the issuance of a child care license to ensure that health and safety standards not covered by child care laws and rules are met. It is the owner’s responsibility to request these inspections from the appropriate agencies. Centers must be inspected and approved by building, fire and food service inspection agencies. Type A homes must be inspected and approved by building and fire inspectors. Type A homes are not required to be inspected and approved by food service inspectors; instead, they must have the kitchen and food areas inspected and approved by child care licensing specialists for compliance with meal preparation and service requirements. Additionally, type A homes that use water that is not publicly supplied must have the water sampled by the local health department and analyzed and approved as safe by an approved laboratory, prior to the initial license being issued.

ODJFS can act only as a referral agency in securing building, fire and food service approvals from other departments, as ODJFS does not have jurisdiction in these other inspection areas. It is a good idea to do some preliminary checking with these departments before applying for a license to secure information about code requirements and inspection procedures.
Notes:

- Contact your **local building inspection department** to find out how to secure a Certificate of Use and Occupancy for all parts of your facility that you want to use for child care*.
- Contact your local **fire department** to find out how to secure a fire approval for child care.
- Contact your **local health department** to find out the process for securing a food service license.

* Be sure to mention what age range of children you intend to care for at your program.

D. **Zoning**

Many communities have zoning requirements, which need to be cleared with local (city or county) zoning boards. Be sure that you are aware of land use controls and have proper zoning approval before submitting an application for licensure. Contact your local governmental body for this information.

E. **Administrator**

The administrator named for each program is responsible for the daily operation of the program and for maintaining compliance with all child care laws and rules. Each center must have an administrator who meets the qualifications outlined in Section 5104.011 (B)(4) of the ORC and rule 5101:2-12-24 of the OAC. Each type A home must have an administrator who meets the requirements of rule 5101:2-13-24 of the OAC. Administrators must be on site 50 percent of the child care hours of operation or 40 hours per week, whichever is less. Center administrators must also complete the child care rules review course within six months of the date of the appointment.
F. **Staffing**
Staff for the program will need to be designated before the facility can be licensed. Centers need to secure the following for each child care staff member: educational verification, a medical examination verifying fitness to care for children, three references, an employee policy review statement, a statement of nonconviction, and criminal records checks from the Bureau of Criminal Identification and Investigation (BCII) and the Federal Bureau of Investigation (FBI).

G. **Equipment**
The program will have to be set up and ready to operate with equipment, materials and furniture before the license will be issued. Plan ahead so that you will have the financial backing needed to meet the requirements for these materials and equipment.

H. **Outdoor Play Space**
The program, if operating four or more hours per day, will be required to provide a safe outdoor play space.

As you can see, the above issues are critical points to consider in planning a child care program. It is a good idea to make plans to address these issues before applying so that you make the best use of your time and funds.

**IV. Role of the Child Care Licensing Specialist**

Notes:
- Contact the Office of Families and Children Help Desk at 1-866-886-3537, option 4 (8:00 am to 5:00 pm)
- ODJFS forms needed for child care (both prescribed and sample) can be accessed online at [http://www.odjfs.state.oh.us/forms/inter.asp](http://www.odjfs.state.oh.us/forms/inter.asp)

The responsibilities of the child care licensing specialist are as follows:
A. To review your plan of operation.

B. To assess if your program is meeting the requirements of the licensing rules by doing an on-site inspection before a license is issued.

C. To recommend to the director of ODJFS that the appropriate licensing action be taken, based on the results of the building, fire and health inspections and the program’s compliance with the licensing law and rules, as confirmed by the specialist’s findings and the information you have provided.

D. After a license is issued, to monitor the program’s continued compliance with the licensing law and rules through a series of announced and unannounced inspections, and to provide written notification of the findings of these inspections.

E. To assist you in developing ways to comply with licensing requirements. There may be several ways to comply; the licensing specialist can discuss the options.

F. To provide consultation in the areas of program, nutrition, health, administration and other aspects of child care.

The licensing specialist will welcome any comments, input and recommendations you may have about licensing rules or procedures. If you find that you disagree with a decision or action of the specialist, you can make arrangements to discuss your concerns with the licensing supervisor in the field office. Often problems can be resolved quickly and easily through this informal administrative review process.

V. The Licensing Process

While you are completing the required trainings (Session I-III), you will need to contact the appropriate government agencies to get written fire, building and health code approval. The time necessary to secure a license may be lengthened if you encounter problems in securing these written approvals and must make modifications to the building in order to receive approvals.

Centers: Upon receipt of written fire approval, a certificate of use and occupancy from the building department, and a food service license from the health department, your licensing specialist will set up an on-site inspection to complete your center’s compliance
investigation.

Type A Homes: Upon receipt of written fire approval and a completed home inspection checklist from the local building inspection department, your licensing specialist will set up an on-site inspection to complete your home’s compliance investigation.

A. During this visit the specialist will tour the physical facility and review all aspects of the law to ensure that your plan for compliance is complete and will meet requirements once the facility is operating.

B. After the initial inspection, you will need to submit written documentation that any areas that were not in full compliance have been corrected. The specialist cannot make a positive recommendation until all required information has been submitted.

C. Once all compliance information has been submitted and reviewed and approved by the specialist, a letter will be written recommending that a license be issued. (The specialist does not actually issue the license to the owner, but will recommend to the director that a license be issued to the owner.)

D. After review of all paperwork and information, the specialist’s supervisor, as the director’s representative, will determine whether the recommendation should be processed or if additional information is needed.

E. If the recommendation is processed, the owner or administrator will be sent a provisional license letter stating that the program may begin operation and the numbers of children in each age group for which the program may provide care. You must have this written notification before opening your child care center or type A home.

F. The licensing letter containing the recommendation for an initial license must be posted at the program until the actual license is received from the central office.
Careful planning is essential:
You need to start the licensing procedure well ahead of your proposed opening date to allow ample time for review and modification of plans, for securing inspections and approval reports from other agencies, and for completion of the compliance inspection.

VI. Provisional License

A. A provisional license is the type of license granted to new applicants when requirements have been met. The provisional license will be effective for six months (180 days).

B. The provisional license period gives the owner time to begin operation of the center or type A home and to implement the plan for compliance with the licensing law and rules.

C. Within the six months, the owner must show that the program can meet all requirements on a continuing basis in order to qualify for a regular two-year license. The specialist will conduct an inspection at least once during the provisional license period to ascertain the facility’s ongoing compliance with all areas of the licensing law and rules. After each inspection, the specialist will provide written notification of compliance findings and any needed corrective action.

VII. Transition from Provisional to Two-Year License

A. If the provisional license inspection finds the center or type A home to be in compliance with all areas of the law and rules, the licensing specialist will recommend that a regular license be issued for the balance of the two-year license period (18 months).

B. Another license application is not needed at this time. The regular license is issued from the central office and is valid for the balance of the two years unless revoked for good cause by ODJFS.
VIII. Notification of Inspection Findings

The licensing law requires that ODJFS provide written notification of noncompliance findings after every inspection.

A. During the inspection the specialist will complete an inspection report on a hand-held computer. In most instances the specialist will print and review the report with the administrator prior to leaving.

B. Noncompliance findings may pertain to the law, a rule or the conditions of the license. The licensing specialist will discuss the findings with the administrator and explain how to make the necessary corrections.

C. The report, which also will be posted on the ODJFS Child Care website, will list the following:
   1. Area(s) of the law or rule inspected
   2. Specific noncompliance findings that were observed
   3. Corrective action(s) needed
   4. Date by which the corrective action plan must be completed and documentation submitted to ODJFS

IX. Complaint Investigations

A. The licensing law requires that ODJFS investigate when a rule-related complaint is received about a licensed facility. If someone files a complaint about your program that involves the implementation of child care licensing rules, the specialist will inform you and investigate. The identity of the person who made the complaint is confidential under Ohio public records laws. The specialist cannot give you any information about this person.

B. After the investigation is complete, the specialist will give you a written report that contains a summary of the compliance findings and any necessary corrective action that needs to be taken.

X. Summary

ODJFS is responsible for regulating the care of children in centers and type A homes in order to protect their health, safety and well-being. Along with this responsibility is a responsibility to protect your rights as a provider. This includes your right to due notice, the opportunity for you to comply with rules and law, your right
to administrative review and appeal and your right to due process regarding any legal action attempted by ODJFS. Through the involvement of providers, parents, the advisory council and other interested parties, the department has developed a licensing system to meet these responsibilities. ODJFS continues to evaluate and monitor the effectiveness of the licensing system and requirements and welcomes your comments and suggestions.

XI. Statewide Child Care Programs

The first program listed below, Step Up To Quality, is a voluntary program in which child care facilities can choose to participate. It is not part of the required licensing process. You may want to further research this program to find out if you want to participate in it once you have been issued a license. The second program, Regulation for the 21st Century, is the system ODJFS is using to improve the regulatory processes for child care facilities. Serious Risk Rules have been incorporated into licensing regulation and inspection reports.

A. **Step Up To Quality** is Ohio’s voluntary quality rating system for ODJFS licensed child care programs. Step Up To Quality recognizes early care and education programs that exceed quality benchmarks over and above Ohio’s licensing standards. Supports and awards are available to assist programs in achieving and maintaining a Star Rating.

B. **Regulation for the 21st Century**: In recent years, Ohio has developed and implemented strong systems to address the needs of children who are participating in out of home care. The Bureau of Child Care and Development currently has a strong program in place (Step-UpTo Quality) that supports both quality and school readiness. Now we need to assure that our regulatory system is a strong foundation on which to continue to build these two programs.

C. **Serious Risk Rules** have been identified as part of Regulation for the 21st Century, as rules which when violated present the greatest risk of harm to children. The serious risk rules were identified by a workgroup with statewide representation from diverse stakeholder groups. If a program has a non-compliance with any of these rules, it will prevent them from being eligible for a star rating until they have had a regular licensing visit without any serious risk non-compliances.
For more information on any of these programs, visit our website at: http://jfs.ohio.gov/cdc/childcare.stm.

XII. For Further Information

On the following page you will find a list of the field offices and the counties that each office currently covers. Please be aware that sometimes, due to changes in staffing levels, the counties each field office covers may change.

All field offices may be contacted through the Office of Families and Children Help Desk at 1-866-886-3537, Option 4.
<table>
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<tr>
<th>Field Office</th>
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<tr>
<td><strong>Canton Field Office</strong></td>
<td>Belmont, Carroll, Columbiana, Harrison, Jefferson, Mahoning, Stark, Summit, Tuscarawas, Wayne</td>
</tr>
<tr>
<td>402 Second Street, SE, Suite 100 Canton, OH 44702-1108</td>
<td></td>
</tr>
<tr>
<td><strong>Cincinnati Field Office</strong></td>
<td>Adams, Brown, Butler, Clermont, Clinton, Greene, Hamilton, Highland, Montgomery, Preble, Shelby, Warren</td>
</tr>
<tr>
<td>Pictoria Tower 1 225 Pictoria Drive, Suite 500 Springdale, OH 45246</td>
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<tr>
<td><strong>Cleveland Field Office</strong></td>
<td>Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, Trumbull</td>
</tr>
<tr>
<td>F.J. Lausche Bldg. 10th Floor 615 West Superior Ave. Cleveland, OH 44113</td>
<td></td>
</tr>
<tr>
<td><strong>Columbus Field Office</strong></td>
<td>Ashland, Athens, Champaign, Clark, Coshocton, Crawford, Darke, Delaware, Fairfield, Fayette, Franklin, Gallia, Guernsey, Hocking, Holmes, Jackson, Knox, Lawrence, Licking, Logan, Madison, Marion, Meigs, Mercer, Miami, Monroe, Morgan, Morrow, Muskingum, Noble, Perry, Pickaway, Pike, Richland, Ross, Scioto, Union, Vinton, Washington</td>
</tr>
<tr>
<td>50 W. Town Street, 6th Floor, Suite 400 P.O. Box 182709 Columbus, OH 43218-2709</td>
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<tr>
<td><strong>Toledo Field Office</strong></td>
<td>Allen, Auglaize, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucas, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, Wood, Wyandot</td>
</tr>
<tr>
<td>1684 Woodlands Dr., Suite 200 Maumee, OH 43537</td>
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All field offices may be contacted through the Office of Families and Children Help Desk at 1-866-886-3537, Option 4.

XIII. Resource and Referral Agencies

The Ohio Child Care Resource & Referral Association (OCCRRA) promotes the positive development of all children, especially those in out-of-home learning environments. OCCRRA's membership consists of resource and referral agencies providing services to families, early childhood professionals, and communities throughout...
Ohio. Each member agency maintains a regional database of child care providers, provides families with information on how to select care, increases the quality effectiveness of providers by offering professional development opportunities, and provides information to policy and decision makers.

CCR&Rs provide an entry point to the child care field, helping providers meet licensing requirements. CCR&Rs also support providers by offering low-cost or free training in diverse topics like health and safety, child development and sound business practices. CCR&Rs work with local and state governments and the private sector to leverage resources for building and maintaining the supply of quality child care.

More information on how to contact your local CCR&R can be found at: http://occrra.org/members.php?pid=14

Notes: