



Child Care Manual Transmittal Letter No. 150
Child Care Center Manual Transmittal Letter No. 22
Family Child Care Manual Transmittal Letter No. 12

TO: All Child Care Manual Holders
All Child Care Center Manual Holders
All Family Child Care Manual Holders

FROM: Kimberly Hall, Director

SUBJECT: Temporary Procedures to Address the Coronavirus (COVID-19) Pandemic

Background:

Center Ratio and Group Size

Appendix A to rule 5101:2-12-18 outlines staff/child ratios, age grouping, and maximum group size for child care centers.

Family Child Care Ratio and Capacity

Rule 5101:2-13-18 stipulates that licensed family child care providers shall care for no more than six children at any one time. No more than three of those children may be under two years of age.

Step Up To Quality

Rule 5101:2-17-01 of the Ohio Administrative Code (OAC) contains the Step Up To Quality (SUTQ) program standards required for child care center and family child care (FCC) programs to be star rated. SUTQ rated programs are required to meet the standards at all times.

Publicly Funded Child Care – Absent Days and Professional Development Days

An absent day is defined in rule 5101:2-16-01 of the Ohio Administrative Code (OAC) as "any day that a child is authorized and scheduled to be in the care of the provider, but is not in attendance, and child care would have been provided had the child been present with the provider." An absent day can only be used if the child care program is open on that day. Currently, rule 5101:2-16-10 of the OAC allows a maximum of 10 absent days for each six-month period from January through June and again from July through December.

A professional development day is defined in rule 5101:2-16-01 of the OAC as "a day in which a provider would normally provide child care for currently enrolled and scheduled children, but has closed to the public so that the provider and/or child care staff may undergo training meant to improve their professional knowledge, competence, skill and effectiveness as child care professionals." Currently, rule 5101:2-16-10 of the OAC allows two professional development days per state fiscal year but prohibits professional development days from being used on two consecutive calendar days or in two consecutive calendar months.

New Policy:

In response to the COVID-19 pandemic, changes in policy are being implemented to allow programs to meet the needs of the families impacted by the pandemic and school closings. The Executive ban issued on March 12, 2020 to prohibit mass gatherings of 100 people or more in the state of Ohio does not apply to child care programs.

The following rules and policy changes are effective as of March 13, 2020.

Rule 5101:2-12-18 "Group size and ratios for a licensed child care center" Appendix A has been amended to update the ratio and group size requirements for preschool and school-age children:

Age of Children	Maximum Child Care Staff Member/Child Ratio	Maximum Group Size
Young Infants (birth to less than 12 months)	1:5 or 2:12 in same room	12
Older Infants (at least 12 months and less than 18 months)	1:6	12
Young Toddlers (at least 18 months and less than 2 1/2 years)	1:7	14
Older Toddlers (at least 2 1/2 years and less than 3 years)	1:8	16
Young Preschoolers (at least 3 years and less than 4 years)	1:16	32
Older Preschoolers (at least 4 years and not enrolled in or eligible to be enrolled in kindergarten)	1:18	36
All School-Agers (enrolled in or eligible to be enrolled in kindergarten or above and less than 15 years)	1:30	60

Rule 5101:2-13-18 "Group size and ratios for a licensed family child care provider" has been amended to allow each child care staff member in a family child care home to care for up to twelve children at any one time. Each child care staff member can only care for three children under two years of age. For this period, Type B providers are automatically grandfathered to have a capacity of twelve children at any one time.

Rule 5101:2-16-10 "Payment rates and procedures for providers of publicly funded childcare services" has been amended to:

- Increase the number of absent days from ten days per six months to twenty days per six months.
- Create twenty-one pandemic days per fiscal year. A pandemic day is a day the provider is closed in response to the COVID-19 pandemic. In-home aides may not claim pandemic days.

The child care automated system will be updated to reflect these changes.

Step Up To Quality

While Ohio is in a state of emergency to address the COVID-19 pandemic, SUTQ rated child care centers and family child care home providers should focus on meeting licensing requirements for health and safety. Additionally, the Ohio Department of Job and Family Services will not be assessing SUTQ standards and submission requirements with the exception of already submitted 1-star initial registrations, 1-star rating renewals and already submitted annual reports for 3-, 4- and 5-star ratings.

Questions:

Please contact the Child Care Policy Helpdesk at 1-877-302-2347, option 4, if you have any questions about the new policy.

5101:2-12-18

Group size and ratios for a licensed child care center.

(A) What are the requirements for staff/child ratios and maximum group size for a licensed child care center?

- (1) The center shall ensure that required child care staff members/child ratios and maximum group size limitations are maintained at all times in accordance with appendix A to this rule. The center shall post appendix A to this rule in a noticeable area in the center.
- (2) Child care staff members shall not be counted in the staff/child ratio when engaged in duties or activities that interfere with supervision of children.
- (3) There shall be at least one other employee or child care staff member at the center if there are seven or more children in the building.
- (4) Children shall be organized and assigned to a permanent group in consultation with parents and in accordance with the maximum group size detailed in appendix A to this rule.
 - (a) A child with special needs shall be included in the group that best meets the child's development needs.
 - (b) Specific child care staff members shall be assigned and responsible for the care and supervision of the children in their group on a daily basis.
- (5) The center shall not exceed the license capacity at any time.
 - (a) Children on routine trips to and from home, do not count in the center's capacity.
 - (b) Children on routine trips, other than to and from home, and on field trips do count in the center's capacity.
- (6) Group size limitations shall not be interpreted to apply during nap time, evening sleep time, meal time, snack time, outdoor play, field trips, routine trips or special occasions.
- (7) The children shall be organized in groups to give continuity of care and supervision to the children on a day by day basis.

(B) What are the requirements when multiple age groups are combined?

- (1) If two or more age groups are combined, the staff/child ratio shall be maintained for the age of the youngest child in the group. This includes when children are visiting the next older age group for transitioning purposes.
- (2) If no more than one child two and one-half years of age or older is permanently assigned to a group in which all the other children are in the next older group, the staff/child ratio and maximum group size shall be determined by the older children.
- (3) All age groups may be combined when there are twelve or fewer children in the center.

(C) What are the requirements when multiple groups are combined in a shared undivided space?

Two or more groups of children may be combined in the shared space if all of the following are met:

- (1) All of the children are two and a half or older.
- (2) The total number does not exceed the occupancy limit for the space or thirty-five square feet per child (whichever is less).
- (3) Ratio is maintained pursuant to this rule at all times.

(D) What are the requirements for transitioning children into the next age group?

The center shall have available in the classrooms, a copy of the transition agreement between the parent and the center.

(E) Can school-age only programs be double ratio to allow access to the program?

- (1) If the program serves only school-age children, a group of school-age children may be left with only one child care staff member while the other child care staff member leaves the room to allow access to the program.
- (2) Both child care staff members shall have a working communication device to contact each other while one child care staff member is out of the room.
- (3) The child care staff member shall return to the group after allowing access to the program.

(F) What are the requirements for child care centers to keep an attendance record?

- (1) The program shall have written documentation of the following for each child:

- (a) The name and birth date of the child.
 - (b) The assigned group for the child.
 - (c) The child's weekly schedule.
 - (d) The time (hours and minutes) of the child's arrival and departure to the program, including transportation by the program. The Ohio electronic child care (Ohio ECC) provider website (Pweb) cannot be used to meet this written documentation requirement.
 - (e) The written documentation shall be kept for a period of one year. Attendance documentation shall remain at the center at all times.
- (2) Each group shall have a method for tracking the children in the group. This tracking method shall include the child's name and date of birth and shall remain with the group at all times throughout the day including outdoor play, emergency evacuations and when groups are combined. The tracking shall be updated throughout the day as children enter or leave the group.

Replaces: 5101:2-12-20

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Appendix A to Rule 5101:2-12-18

Staff/Child Ratios, Age Grouping and Maximum Group Size

Age of Children	Maximum Child Care Staff Member/Child Ratio	Maximum Group Size
Young Infants (birth to less than 12 months)	1:5 or 2:12 in same room	12
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All School-Agers (enrolled in or eligible to be enrolled in kindergarten or above and less than 15 years)	1:30	60

5101:2-13-18

Group size and ratios for a licensed family child care provider.

(A) What are the requirements for staff/child ratios and maximum group size for a licensed family child care provider?

- (1) Each child care staff member shall care for no more than ~~six~~twelve children at any one time. No more than three of those children may be under two years of age.
- (2) The family child care provider shall not ~~exceed the license capacity~~ care for more than twelve children at any time when caring for children during the provider's hours of operation.
- (3) The family child care provider shall ensure that the required staff/child ratios are maintained at all times including during routine trips and field trips.

(B) What children in the home are counted in ratio and group size?

- (1) Any child present at the home who meets any of the following shall be counted in the group size:
 - (a) All children under six years old, including those related to the provider, the provider's own children and residents of the family child care home.
 - (b) Children six years old through fourteen years old who are not related to the provider.
 - (c) Children six years old up to fifteen years old who are related to the provider and for whom care is privately or publicly funded.
 - (d) Children fifteen years old through seventeen years old who are authorized to the provider for publicly funded child care pursuant to Chapter 5101:2-16 of the Administrative Code.
 - (e) Foster children shall be counted as a child not related to the provider.
- (2) If the parent of a child is also present and caring for the child, the child does not count in group size, unless the parent is the licensed family child care provider, a resident of the family child care home, an employee, a child care staff member or a substitute.

(C) What are the requirements for providers to keep an attendance record?

- (1) The provider shall have written documentation of the following for each child:
 - (a) The name and birth date of the child.

- (b) The assigned group for the child.
 - (c) The child's weekly schedule.
 - (d) The time (hours and minutes) of the child's arrival and departure to the program, including transportation by the program. The Ohio electronic child care (Ohio ECC) provider website (Pweb) cannot be used to meet this written documentation requirement.
 - (e) The written documentation shall be kept for a period of one year. Attendance documentation shall remain at the home at all times.
- (2) Each group shall have a method for tracking the children in the group. This tracking method shall include the child's name and date of birth and shall remain with the group at all times throughout the day including outdoor play, emergency evacuations and when groups are combined. The tracking shall be updated throughout the day as children enter or leave the group.

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5101:2-16-10

Payment rates and procedures for providers of publicly funded child care services.

- (A) How are payment rates established in the publicly funded child care program?
- (1) Payment rates are based on a market rate survey completed by the Ohio department of job and family services (ODJFS) to providers in the state of Ohio.
 - (2) Payment rates shall apply to all providers of publicly funded child care.
- (B) What is the payment rate for a provider not participating in step up to quality (SUTQ)?
- (1) The payment rate for a provider not participating in SUTQ shall be the lower of these two:
 - (a) The rate shown in appendix A to this rule for non-rated programs in the provider's county of location.
 - (b) The provider's customary rate to the public.
 - (2) The rate determined in paragraph (B)(1) of this rule shall be the base rate used to calculate any applicable additional payment amounts pursuant to paragraphs (D), (F) and (G) of this rule.
- (C) What is the payment rate for a provider participating in SUTQ?
- (1) The base payment rate for a provider participating in SUTQ shall be the lower of these two:
 - (a) The rate shown in appendix A to this rule for rated programs in the provider's county of location.
 - (b) The provider's customary rate to the public. If the customary rate is used, an additional four per cent will be added, not to exceed the rated appendix.
 - (2) Once the rate is determined in paragraph (C)(1) of this rule, an additional per cent shall be added, as follows:
 - (a) One-star rated programs shall be paid an additional five per cent.
 - (b) Two-star rated programs shall be paid an additional eighteen per cent.
 - (c) Three-star rated programs shall be paid an additional twenty-one per cent.
 - (d) Four-star rated programs shall be paid an additional twenty-nine per cent.

(e) Five-star rated programs shall be paid an additional thirty-five per cent.

(D) What is the payment rate for accredited providers?

(1) Providers who are accredited by an ODJFS approved accrediting body as listed at <http://jfs.ohio.gov/cdc/childcare.stm> shall be paid an additional ten per cent of the applicable payment rate established in paragraph (B)(1) of this rule or paragraph (C)(1) of this rule. This rate shall apply for all children receiving publicly funded child care services.

(2) Providers who are accredited and also participating in SUTQ shall be paid either the per cent additional payment in paragraph (C)(2) of this rule or the per cent additional payment in paragraph (D)(1) of this rule, whichever is higher.

(E) What is the difference between a school-age rate and a summer school-age rate?

(1) School-age rates shall be in effect during the school year as defined in rule 5101:2-16-01 of the Administrative Code.

(2) Summer school-age rates shall be in effect outside of the school year as defined in rule 5101:2-16-01 of the Administrative Code.

(F) What is the compensation for child care services provided during non-traditional hours?

(1) Providers who care for children during non-traditional hours shall be paid an additional five per cent of the applicable payment rate established in paragraph (B)(1) or (C)(1) of this rule.

(2) This rate shall apply to the child for all hours of care during a week when any non-traditional hours of care are provided.

(3) The payment shall not exceed the provider's customary charge to the public.

(4) Non-traditional hours are the hours between seven p.m. and six a.m. on weekdays, and between twelve a.m. Saturday and six a.m. Monday.

(5) Non-traditional hours include any hours of care provided on New Year's day, Martin Luther King Jr. day, Memorial day, Independence day, Labor day, Thanksgiving day and Christmas day.

(G) How are providers compensated for the care of children with special needs?

(1) Providers who care for a child that the caretaker and the county agency have identified as having special needs pursuant to rule 5101:2-16-02 of the

Administrative Code shall be paid an additional five per cent of the applicable payment rate established in paragraph (B)(1) or (C)(1) of this rule. The payment shall not exceed the provider's customary charge to the public.

- (2) Providers who make special accommodations for the care of a child with special needs may receive twice the amount of the applicable payment rate established in paragraph (B)(1) or (C)(1) of this rule if approved pursuant to rule 5101:2-16-09 of the Administrative Code.
- (3) Payment enhancements or additional percentages shall only apply to the hours of care for the child with special needs.

(H) What time increments are used for the payment of publicly funded child care services?

- (1) Time increments are broken down into weekly categories based on the total number of hours per week that each child is authorized to receive publicly funded child care services, pursuant to rule 5101:2-16-06 of the Administrative Code. The categories of payment are as follows:
 - (a) An hourly payment is for hours of care totaling less than seven hours per week.
 - (b) A part-time payment is for hours of care totaling seven hours to less than twenty-five hours per week.
 - (c) A full-time payment is for hours of care totaling twenty-five hours to sixty hours per week.
 - (d) A full-time plus payment is for hours of care totaling more than sixty hours per week.
 - (e) A week is defined as the seven-day period from twelve a.m. Sunday to fifty-nine minutes after eleven p.m. on Saturday.
- (2) Payment shall be calculated using the total number of child care hours per week, that have been approved by the caretaker, if applicable, and submitted by the provider in the automated child care system.
 - (a) The total number of weekly hours of care received will be matched with the associated category and the provider will receive the payment rate for that category of care, up to the child's category of authorization.
 - (b) Payment shall not be made for hours that exceed the child's category of authorization.

(I) Are providers compensated for registration fees?

Providers may receive registration fees for children receiving publicly funded child care according to the following criteria:

- (1) Annually, a provider with a valid provider agreement as of January first shall receive a twenty-five dollar registration fee for each child who received publicly funded child care from the provider in the previous calendar year. For approved day camps, the camp shall have had a valid provider agreement as of August thirtieth of the previous year.
- (2) The child must have received publicly funded child care from the provider for at least one day during January through December of the previous year.

(J) Is a provider compensated when a child is absent from the program?

- (1) A child is eligible for a maximum of ~~ten~~twenty absent days during each six-month period of January through June and July through December of each state fiscal year.
- (2) Absent days are defined in rule 5101:2-16-01 of the Administrative Code.
- (3) A provider may be paid for an absent day for which a child is eligible. An absent day shall not be paid prior to actual attendance at the authorized program. The attendance shall be documented by a recorded in time and a recorded out time, and shall have occurred on any day in the previous rolling twelve months.
- (4) The value of an absent day is based on the child's authorized hours for care, as follows:
 - (a) For a full-time or a full-time plus authorization, the value of an absent day is eight hours.
 - (b) For a part-time or an hourly authorization, the value of an absent day is five hours.

(K) Are providers compensated for staff professional development days?

- (1) Providers are eligible for two professional development days per state fiscal year. A fiscal year is defined as July first through June thirtieth.
- (2) Professional development days are defined in rule 5101:2-16-01 of the Administrative Code.

- (3) Professional development days cannot be used on two consecutive calendar days or in two consecutive calendar months.
- (4) Professional development days shall not be used on any holiday listed in paragraph (F)(5) of this rule.
- (5) The value of a professional development day is based on a child's authorized hours for care, as follows:
 - (a) For a full-time or a full-time plus authorization, the value of a professional development day is eight hours.
 - (b) For a part-time or an hourly authorization, the value of a professional development day is five hours.

(L) What is not included in the payment for publicly funded child care services?

The provider's publicly funded child care payment shall not include:

- (1) A child's copayment amount pursuant to rule 5101:2-16-05 of the Administrative Code.
- (2) Payment for services provided during the hours that a child is in care in another federal or state funded program (including, but not limited to, head start, early head start, or the early childhood education program).
- (3) Payment for services provided during the hours that a school-age child would typically be in attendance at a primary or secondary school.

(M) What are the requirements regarding fees that a provider may charge to the caretaker?

- (1) A provider shall make a caretaker aware of fees not covered by publicly funded child care payments for which the caretaker may be responsible.
 - (a) A provider shall have a signed agreement with the caretaker for the payment of these fees.
 - (b) Such fees may include:
 - (i) Late fees.
 - (ii) Activity fees.
 - (iii) Transportation fees.

(iv) Charges for absent days which exceed those eligible for payment from ODJFS.

(v) Charges for hours of care that exceed those authorized.

(2) A provider shall not ask a caretaker to pay the difference between the provider's payment rate and the provider's customary charge to the public when the customary charge is higher.

(3) A provider shall not ask a caretaker to pay the difference between the registration fee paid for the child by ODJFS and the provider's customary registration fee charge to the public when the customary registration fee is higher.

(N) What are the payment rates for in-home aides that provide publicly funded child care services?

An in-home aide is the only provider of publicly funded child care services who may provide child care in the child's own home. Payment rates for in-home aides shall be determined according to the following:

(1) An in-home aide shall be paid an hourly rate that is equal to the state minimum wage for forty or fewer hours in a week.

(2) A rate of one and one-half times the state minimum wage shall be paid for hours in excess of forty in a week.

(3) The total payment shall include child care services provided to all of the authorized child(ren) in the caretaker's home.

(4) An in-home aide shall not claim absent days, pandemic days or professional development days for children receiving publicly funded child care services.

(O) Are providers compensated for pandemic days?

(1) A pandemic day means a day in which the provider would normally provide child care for currently enrolled children, but has closed to the public in response to the COVID-19 pandemic.

(2) Providers are eligible for twenty-one pandemic days per fiscal year.

(3) The value of a pandemic day is based on a child's authorized hours for care, as follows:

- (a) For a full-time or a full-time plus authorization, the value of a pandemic day is eight hours.
- (b) For a part-time or an hourly authorization, the value of a pandemic day is five hours.

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