

Attachment 2, Serious Risk Rule Violations

- ▶ Leading to Greatest Risk of Harm
- ▶ Observable, Not Inferable
- ▶ Defendable

**Lack of Supervision**

**Children Shall Never Be Left Alone**

5101:2-12-18: Transportation and field trip safety

- Second adult provisions must be met, based on the age of the child, during all routine and walking field trips, and when children are transported by vehicle.
- Children shall not be left unattended in a vehicle.

5101:2-12-20: Supervision/Staff/Child Ratios and Grouping

- No child shall ever be left alone or unsupervised.
- The center shall determine the whereabouts of a child who is scheduled to arrive at the center from a place, other than with their parents, but is not present.
- Whenever seven or more children are present, there shall be a second adult present who is available in the building, and is able to be summoned without leaving the children unsupervised.

5101:2-12-23: Evening and Overnight Care

- Staff shall remain awake at all times.
- Children shall only sleep on floors approved by the fire department.

**Ratios Shall Be Maintained at All Times**

5101:2-12-17: Swimming and water safety

- A certified lifeguard must be present when children participate in water activities over two feet in depth.
- If the lifeguard is a child care staff member, they shall not be counted in ratio.

5101:2-12-18: Transportation and field trip safety

- Ratios shall be maintained on all field and routine trips.

5101:2-12-20: Supervision/Staff/Child Ratios and Grouping

- Ratios shall be maintained at all times.
- The youngest child in the group determines the staff/child ratio, unless there is only one child, two and a half years of age or older, who is assigned to the next oldest age group.
- Ratios may be doubled once in 24 hours, for one and a half hours at nap time, as long as there is a staff member present in the room.

**Children Shall Be Actively Supervised**

5101:2-12-14: Outdoor play

- When children are outside, the staff member must be able to summon another adult without leaving the group unsupervised.

5101:2-12-17: Swimming and water safety

- There shall be a lifeguard for every 35 children involved in water activities in water over two feet deep.
- Staff and accompanying adults shall actively supervise children and must be able to see all parts of the swimming pool including the bottom.

## Administrative Negligence

### Children Shall Be Cared for by Qualified Personnel

#### 5101:2-12-09: Actions Of The Director: Licensing, Refusal To License, Renewal of License, Or Revocation Of License.

- The owner or administrator may not have a prohibitive conviction.
- The center shall not falsify statements or reports.

#### 5101:2-12-18: Transportation and Field Trip Safety

- The driver must be 18 years old and have a valid driver's license for the vehicle they are driving.
- The driver cannot be under the influence of any substance which would impair their driving ability.

#### 5101:2-12-22: Child Guidance and Management.

- Staff may not use any of the following:
  - Abuse, endanger, or neglect
  - Cruel, harsh, unusual, or extreme techniques
  - Corporal punishment
  - Physical restraints
  - Restraining a child, other than for a short period of time so that the child may regain control
  - Place a child in a locked room or confine them in an enclosed area
  - Withhold food, rest, or toilet use
  - Use verbal abuse
  - Isolate or restrict children for an extended period of time

#### 5101:2-12-26: Statement of Non-conviction and Criminal Records Checks

- A signed non-conviction statement, including verification that a fingerprint check has been requested, must be on file for all staff before they begin employment.
- All employees shall complete a criminal records check and either submit the card to BCII or have the web check completed. If the employee cannot provide proof of Ohio residency for the previous five years, an FBI check shall also be completed.
- If potential employees will not provide their fingerprints, they shall not be employed.
- The center must update a records check if the employee leaves the center's employment and is then rehired.
- Records checks results must be on file for all employees hired on or after October 29, 1993.
- If an employee has a prohibitive conviction they must be released until the center verifies they meet rehabilitation standards.

#### 5101:2-12-20:Supervision/Staff/Child Ratios and Grouping

- No employee shall be under the influence of any substance that impairs their ability to supervise children.

### Children Shall be Protected from Abuse and Neglect

#### 5101:2-12-21: Care and Nurturing of Children

- All employees shall immediately report suspicions of abuse and neglect to their local children's protective services agency.
- All employees must remove and protect children from people or situations which are unsafe.

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### Children Shall Have Health and Medication Needs Met Safely

#### 5101:2-12-31: Administration of medication

- In order to administer prescription medication, there must be either written instructions from both the parent/guardian and a physician, dentist, or certified nurse practitioner on the required form or a prescription label on the bottle.
- Only nonprescription fever reducing medications which do not contain codeine or aspirin may be administered at the center. These can only be given in the following circumstances:
  - Written instructions, which do not exceed manufacturers recommended dosages, from the parents/guardians are obtained on the prescribed form.
  - Medication must be in original container with label attached, which specifies dosages.
  - The child's name must be on the container.
- The center must document when they administer medication on the prescribed form.
- Administered dosages may not exceed prescribed or manufacturers recommended dosages.
- Medication shall be stored out of the reach of children.

#### 5101:2-12-38: Care Of Children With Health Conditions.

- A written plan shall be on file for children who have medical/health conditions, including school age children who carry an inhaler or emergency medication. The plan must be completed by the parent/guardian, and signed by the parent/guardian, staff who are responsible for the child, the administrator, and the professional trainer (if applicable).
- The plan must include the child's name, the instructions for the medical procedures, the names of the staff trained to perform the procedures, and parent/guardian permission.
- Only trained staff shall perform medical procedures. There must be a trained staff member onsite whenever the child who needs the medical procedure is present.
- All necessary medical supplies shall be taken on all routine and field trips.

#### 5101:2-12-42: Cribs

- Infants who are not placed on their backs to sleep must have the prescribed waiver on file, which has been signed by the physician.

### Environmental Hazards

#### Children Shall be Cared for in Facilities Appropriately Maintained and Inspected

#### 5101:2-12-07: Inspection and investigation rights

- The center must provide access to authorized personnel for either announced or unannounced inspections.
- The center must provide access to pertinent records.
- The center must provide access to other information or documentation which is necessary to determine compliance.
- The center must cooperate with any state or local official who is performing duties related to the licensing of the facility.

#### 5101:2-12-10: Building approval

- The center must obtain a building approval from the appropriate building department, which is verified by a certificate of occupancy. It must be obtained in the following instances:
  - Upon initial licensure
  - Any time major modification or alteration is done to the structure
  - Prior to the use of any part of the building that hasn't previously been inspected and approved

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### 5101:2-12-11: Fire department approval

- Centers must obtain a fire inspection from the appropriate fire inspector, which is documented on approved form. It must be obtained in the following instances:
  - Upon initial licensure
  - Annually
  - Prior to the use of any part of the building that hasn't previously been inspected and approved
  - Any time major modification or alteration is done to the structure
  - Prior to caring for children under 2 ½ on any floor other than the first floor of the building.

### 5101:2-12-12: Food service licensure

- The center shall have a food service license or exemption on file from the local health department.

## **Children Shall Be Provided with Safely Maintained Space**

### 5101:2-12-14: Outdoor play

- Outdoor space shall be protected from traffic and free of foreign objects.
- Outdoor play equipment meant for climbing and swinging shall not be placed over grass, concrete, asphalt, blacktop, dirt, rocks, or other hard surface.

### 5101:2-12-15: Safe and sanitary equipment and environment

- Indoor climbing equipment shall not be placed over concrete, tile, or hard surface.
- If climbing equipment is over three feet high, mats of at least 1 ½ inch thickness must be used.
- Space heaters shall not be used without written approval from the fire department.

### 5101:2-12-17: Swimming and water safety

- Only school age children are permitted in lakes, rivers, ponds, creeks, with parent/guardian permission.

### 5101:2-12-18: Transportation and field trip safety

- No more than one child is permitted to be in a seat belt.
- Children may not stand or sit on the floor of a vehicle.
- All children must be seated, and use a car seat, according to Ohio law.
- Children under 12 may not be seated in the front seat of the vehicle.

### 5101:2-12-42: Cribs.

- Nothing shall be put in the crib or hung over the side which would restrict staff member's visibility.
- Infants shall not be put in cribs with items that would pose a strangulation or suffocation risk.
- Bumper pads shall not be used.

## **Children Shall Not be Exposed or Have Access To Unsafe Equipment/Materials**

### 5101:2-12-14: Outdoor play requirements

- Climbing equipment, swings, and slides shall meet the following:
  - Shall be anchored, stable, and securely fastened
  - Shall have climbing ropes anchored and maintained so that they are incapable of making a loop with an interior perimeter of five inches or greater
  - Shall be free of sharp points and toxic substances
  - Have openings which do not create an entrapment risk
  - Have protective barriers on platforms over thirty inches tall
  - Shall be free of hazards which present a risk of a child sustaining severe injury.

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### 5101:2-12-15: Safe and sanitary equipment and environment

- No fire arms or ammunition on the premises.
- Children shall be protected from the following: stoves, bodies of water, lead hazards, wells, traffic, and other hazards. Lawnmowers, power tools, and other equipment shall not be used around children.
- Cleaning agents and chemicals shall be inaccessible.

### 5101:2-12-18: Transportation and field trip safety

- Center vehicles and those driven by staff shall have an annual safety check by an approved entity. Any violations shall be corrected.

### 5101:2-12-42: Cribs.

- Cribs shall meet “porta” and “full” size requirements for length, width, and vertical distances from the mattress to the upper surface.
- Cribs shall be sturdy with appropriately spaced bars and corner posts as required.
- Stacked cribs are prohibited.
- Mesh cribs, playpens and bassinets are not to be used for napping.
- Mattresses and sheets must meet size requirements.