



October 16, 2009

Terrie Hare
Bureau Chief of Child Care and Development
Ohio Department of Job and Family Services
50 West Town Street
Columbus, OH 43215

Sandy Miller
Office of Early Childhood Director
Ohio Department of Education
25 South Front Street,
Columbus, OH 43215

Dear Terrie and Sandy,

The Ohio Afterschool Network (OAN) Policy and Funding Committee convened a group of members in the spring to discuss recommended changes to Ohio's licensing of afterschool and school-age programs. Committee members and many afterschool providers felt that the current rules were created for much younger children and don't take into account the age and developmental differences for programs serving school-age children. Additionally, they felt that it was challenging to operate under ODJFS licensing rules in school buildings, which function under different regulations.

Workgroup members met over several months in person and by conference call. OAN members were surveyed on rules that they'd like to have revised, or to stay the same. We researched licensing rules in other states (which are referenced in the attached). Draft recommendations were presented to OAN members in August, revisions were made that incorporated feedback and the final recommendations were approved by OAN's Strategic Leadership Team Executive Committee in September.

Throughout the process Carol Ankrom, of the Ohio Department of Job and Family Services Child Care Licensing Office and Marlene Fields, of Ohio Department of Education Central Licensing Office, were extremely helpful. They presented information to the workgroup, answered questions and reacted to the proposed recommendations. They are to be commended for being accessible and helpful.

We understand that the ODE and ODJFS licensing rules will be reviewed and potentially combined with the move of the Child Care and Development Bureau to the new ODE Center for Early Childhood Development. We need to caution that this transition not result in regulations that were designed for young children being used to regulate programs serving school-age youth. We would like to offer to disseminate proposed rule changes to our 800 members for comment and feedback.

Thank you for considering OAN's proposed revisions. We would be happy to provide additional information or answer questions.

Sincerely,

A handwritten signature in black ink that reads "Liz Nusken".

Liz Nusken, Director
Ohio Afterschool Network



Ohio Afterschool Network Licensing Workgroup Rule Recommendations and Rationale

While child care regulations are typically more aligned with traditional child care centers or family care providers, many states require afterschool programs, including schools or municipal recreation centers, to be licensed. Licensing regulation, including content and target audiences, often vary by state, but generally focus on physical environment, child-staff ratio, staff qualifications and background, health and hygiene, and program activities.

Thirteen states currently have separate licensing regulations for school-age care. Based on feedback from the Ohio Department of Education (ODE), Ohio Department of Job and Family Services (ODJFS), and our members, the Ohio Afterschool Network (OAN) is making recommendations for changes to Ohio's licensing regulations that have implications for school-age programs, particularly as it relates to the following rules:

- **In-Service Training**
- **Outdoor Play Policy**
- **Building Approval**
- **Requirements for Programming and Equipment**
- **Statement of Non-conviction and Criminal Records Check**
- **Admin Responsibilities and Qualification**

We appreciate the comments and guidance provided by ODE and ODJFS during the development of these recommendations and are pleased to hear that both systems recognize the need for school-age rules. As part of our recommendations, OAN encourages ODE and ODJFS to move forward with efforts to review and revise rules that don't take into consideration the unique conditions and needs of school-age care. In addition, OAN respectfully requests the opportunity to view the previous school-age rules used by ODJFS.

In-Service Training

ODJFS: 5101:2-12-28

ODE: 3301:32-02

OAN Recommendations:

1. Flexibility with time for completing training for all staff, particularly for seasonal and summer staff, as long as completed within 12 months of hire date.
2. Establish different standards for seasonal and summer-only staff, as long as staff with completed training is onsite.
3. In-service training completed by school staff (required for their school position) and related courses completed by college students that work in the afterschool program should apply toward in-service training required by licensure.
4. As mentioned by ODJFS, trainings should be age appropriate, revising codes to include more focus on school-age.

Rationale:

Afterschool programs recognize the importance of having qualified, well-trained staff in order to have a positive impact on the quality of care for children of all ages. Programs strive to establish guidelines and procedures for providing the needed and required training. However, programs face challenges with meeting required training hours for seasonal and part-time staff due to limited availability. It would be beneficial for

programs to have more flexibility as it relates to meeting the training requirements for part-time staff. Training requirements should be aligned with the hours and time of service instead of following the same standards for all staff.

Many states have similar requirements for staff development, but some offer more flexibility with required time and delivery method. Both New Mexico and New York require that staff and volunteers working twenty hours or fewer in a week complete a portion of the required training hours. *NM: 8.16.2.22:A(4) / NY: 414.14(a)*. The staff requirement for ongoing training in Oklahoma allows directors to assist staff in identifying and selecting training that is varied, appropriate, and builds upon previous training, with up to six hours of self-directed readings, use of videos, or informal on-site training. *OK: Section 226(3)(i)(ii)* In Delaware, annual training is based on the staff role as well as the number of working hours. Staff providing direct child care and working less than 25 hours participate in nine clock hours of training, where as those working 25 hours or more participate in eighteen clock hours. *DE: PartIII 433 (Part1 177)*

Outdoor Play Policy

ODJFS: 5101:2-12-14

ODE: 3301:32-03 / 3301:32-04

NOTE: Jared's Law will be repealed effective October 16, 2009.

OAN Recommendations:

1. Align the ODE/ODJFS rules so they are the same
2. As mentioned by ODJFS, state systems need to find common ground as it relates to the playground recommendations from the U.S. Consumer Product Safety Commission (<http://www.cpsc.gov/cpscpub/pubs/325.pdf>) and the usage of school based playgrounds.

Rationale:

Afterschool programs strive to provide well-balanced curriculum, which includes opportunities for physical fitness. Allowing children access to various options to participate in physical fitness activities after school hours is essential. Denying access to available (school district approved but in violation of ODJFS licensing regulations) equipment prevents afterschool programs from the flexibility to provide much needed fitness opportunities. Similar to the school-age regulation in Kansas, existing outside playground or activity areas and equipment deemed acceptable for use by students of the same age during the academic day should also be acceptable for use by children and youth in an afterschool programs if the equipment is in sound condition. *KS: 28-4-585(2)(A)*. Delaware's recently revised school-age licensing includes allowing school-age centers at public or private schools use of that school's playground as the outdoor play area upon approval by the Office of Child Care Licensing. (*DE: PartIII, 454*)

Building Approval

ODJFS: 5101:2-12-10

ODE: 3301:32-04

OAN Recommendations:

1. ODE and ODJFS afterschool programs operating in school or community buildings with up-to-date inspections, including building and fire, should not be required to have a separate inspection.
2. Afterschool inspections should be completed along with school or community building required inspections, without restrictions on the certification/form used documenting the inspection.
3. As mentioned by ODJFS, states systems will include this rule for revision during the merge discussion.

Rationale:

Inspections completed for a facility should be valid for all programs housed within that facility, including afterschool programs. Having to provide separate inspections for programs and activities occurring in the same building is redundant, costly and inefficient. Having one inspection should suffice and would ease the process with quickly resolving any problems/violations, keeping all individuals utilizing the facility aware of issues affecting the building and its occupants.

Other states have developed strategies to address inconsistency in building code requirements in order to align and build on related fire and safety rules governing public facilities. For example in Washington, a

uniform code was adopted to add age-appropriate requirements to all publicly supported facilities. In Michigan and New Hampshire state law exempts child care centers established and operated by local school districts or state-approved nonpublic schools from licensing rules with respect to fire prevention and fire safety, provided the program is school-based. California school-age licensing regulations state that school fire inspection shall be accepted as sufficient fire clearance for licensing purposes. *CA: 101471(b)* In New York, school-age programs located in public school buildings used for elementary, middle or secondary education programs and inspected by the State Education Department are exempt from the required annual inspection. *NY: 414.4(d)*

Requirements for Programming and Equipment

ODJFS: 5101:2-12-16

ODE: 3301:32-04 / 3301:32-05

OAN Recommendations:

1. Reference ODE Rule: materials required should serve the purpose of the program and the ages of the children being served, providing sufficient materials are available to keep each child involved and engaged.
2. Justification (in writing) for the materials provided for the program should suffice.
3. As mentioned by ODJFS, these recommendations for school-age program and equipment requirements are included with rule revision.

Rationale:

Afterschool programs often work under tight budgets directing dollars to activities and materials that best suit the purpose *and hours* of the program. Having to purchase licensed-required toys that do not necessarily serve the children or program goals drain resources that can support program goals. As long as programs supply sufficient materials to serve the program, keeping children *engaged* and safe, as well as provide justification for materials purchased, the program should not be required to buy unneeded materials.

Many other states have adopted this same philosophy. Providers in states, such as Indiana, Kansas, North Dakota, New Mexico, Delaware and Hawaii, are required per their school-age regulations to supply the appropriate amount, variety, arrangement, and use of materials based on the developmental age of the children in care so that at any one time each child can be individual involved, preventing competition and extended waits for use of the materials. *IN: 470 IAC 3-4.6-6 Sec. 6(g) / KS: 28-4-588(d)(1) / ND: 75-03-11.1-20(8) / NM: 8.16.2.23D(2) / DE: PartIII 457 / HI: 17-896-1* Centers serving school-age children in Colorado are required to have some age-appropriate materials and equipment from the following categories: arts/crafts, games, sports, science, and library. *CO: 7.702.72*

Statement of Non-conviction and Criminal Records Check

ODJFS: 5101:2-12-26

ODE: 3301-32-02

Reference: JFS Form 1219 and linkage to law

OAN Recommendations:

1. Program shall be given the following options for volunteers:
 - a. Episodic volunteers supervised at all times by a staff member or in the staff line of sight and hearing should not be required to complete a BCI, FBI check, medical statement, and non-conviction statement.
 - b. Individuals volunteering four or more hours a month and/or are included in the child-staff ratio shall meet the following requirements of staff: completing a BCI, FBI check, medical statement and non-conviction statement. These individuals would not require supervision and can be left alone with children.
2. Volunteers should have orientation training and a working knowledge of program's mission.
3. Tests (i.e. TB) no longer required by schools should not be required for afterschool program.
4. For groups of volunteers (i.e. Scouts, Big Brothers / Big Sisters), the organization's written statement that they provided background checks and orientation should be sufficient.
5. Volunteers shouldn't have to read parent and staff handbooks and ODJFS licensing manual.
6. Background check sent electronically to ODJFS and program would satisfy the requirement.

7. Background checks for current employees of school districts or college students can be copied and accepted.
8. As indicated by ODE and ODJFS, this rule shall be addressed with the merge of systems as separate laws are in the place under each system.

Rationale:

Afterschool programs often work within tight budgets limiting the number of paid staff. Volunteers are an important resource and help programs provide the much-needed services for children and working parents while supporting program financial stability. Careful consideration and proper training/orientation should always be provided by programs when recruiting volunteers to ensure the volunteer knows what is expected of him/her and, most importantly, does not put the children in a harmful, unsafe situation. In most state school-age regulations, volunteers participate in orientation, typically meet the requirements of regular staff, and are under the direct supervision of the director or designated staff.

Programs should, however, be given the option of seeking background check, medical statement, etc. if felt necessary, based on volunteer activities and levels of supervision. The added expense of requiring checks on volunteers strains program budgets. Although most states require background checks for volunteers included in the child-staff ratio, some have established revised regulations for school-age programs. For example, in Colorado, employees and volunteers who are transferring from one child care facility to another may have their fingerprints transferred by following the appropriate set guidelines. *CO:7.701.33* New York school-age regulations allow a parent of a child enrolled in the program to volunteer without performing a background review if the parent is not counted in the staff-child ratio and is not left unsupervised with children on a regular basis. *NY:414.13(b)* Oklahoma provides an exception for criminal history investigation for parent volunteers who transport children on an irregular basis. *OK:Section 226 (2)(D)*

Admin Responsibilities and Qualification

ODJFS: 5101:2-12-24

ODE: 3301:32-02

OAN Recommendations:

1. The educational requirements for administrators must be met by satisfactory completion of one of the following:
 - o Bachelor or Associate Degree in Education, Psychology/Sociology, Recreation, Social Work, Early Childhood Development, or Families Studies **AND** Administration training

OR

 - o Bachelor or Associate Degree in any field **AND** training (45 clock hours) or four courses of child development **AND** Administration training (in addition to the 45 clock hours of training)

OR

 - o High School / GED **AND** two years of onsite school-age experience **AND** training (45 clock hours) or four courses of child development **AND** Administration training (in addition to the 45 clock hours of training)
2. Individuals currently qualified to serve as the program Administrator with a required degree and training (45 clock hours) or four courses in child development may be exempt from completing the Administration training provided that individual remains at that original center effective the date of the rule change.
3. Develop administration training which includes financial, staff/supervision, and program management, based on the Ohio Professional Development Network’s Administrator Core Knowledge and Competencies.
4. Training (45 clock hours) may be accumulated through post secondary coursework, seminars, workshops, conferences, structured observation of other programs, topic specific staff meetings, required orientation training, trainings in child development, health and safety, child abuse recognition/prevention, first aid and management of communicable disease (*ODE:3301-32-02(K) / ODJFS: 5101:2-12-28*), as well as acceptance of school district trainings provided to aides assisting teachers.

5. Align ODE/ODJFS school-age program staff job titles specific to the rule.
6. As mentioned by ODJFS, education requirements need to be more appropriate to school-age care.

Rationale:

Acceptance of alternative routes for satisfying the administrator educational requirements allows afterschool programs the necessary flexibility to recruit and hire staff better suited to serve the goals and needs of the children in the program. Providers serving school-age children and youth often feel that the current CDA requirement is not applicable to the age group they serve and, depending on the focus of the program, another degree can be more relevant. Expanding the staff education requirements to include the broader skills that afterschool program staff possess assists with recruiting and hiring staff, including promoting from within. Allowing for multiple routes helps college educated individuals and those working to acquire skills while employed gain access to center roles.

Many states with existing school-age licensing rules define multiple alternative routes for qualifying for particular center roles. For example, requirements in California, Rhode Island and Colorado include a combination of various educational degrees and training hours to fulfill the requirement. (*CA:101515 / RI Sect23-28.15-21 IITwo / CO:7.702.52*). Hawaii allows for a bachelor degree and twelve months of experience working with children, along with six months of experience with children of the appropriate age for the before/after school program being directed (*HI: 17-896-16*) New York offers four alternate qualification options with a combination of college degree, experience, and training to satisfy the requirement (*NY 414.13*). North Dakota offers nine, again with a combination of college education, experience, and teaching certification (*ND 75-03-11.1-08.3*). Oklahoma offers four options, three of which required a high school diploma or GED minimum along with experience in a related school-age educational or child care setting (*OK: Section 226(h)(1)*). Delaware allows individuals already qualified to be the Administrator at a center the ability to apply college degree and/or credits in child development to fulfill the new qualification requirements as Administrator provided that person remains at the original center or transfers to a center affiliated with the original center prior to the effective rule change. (*DE Part III 439*)

Resources:

"Promoting Quality in Afterschool Programs through State Child Care Regulations", Afterschool Investments, The Finance Project (www.financeproject.org), U.S. Dept of Health and Human Services, Administration for Children and Families Child Care Bureau, June 2006, www.nccic.org/afterschool

The 2007 Child Care Licensing Study by NCCIC and the National Association for Regulatory Administration: http://www.naralicensing.org/associations/4734/files/2007%20Licensing%20Study_full_report.pdf

National Resource Center for Health and Safety in Child Care and Early Education: <http://nrc.uchsc.edu/STATES/states.htm>

National Child Care Information and Technical Assistance Center (NCCIC) Information Project, February 2009: <http://nccic.acf.hhs.gov/licensing/licensingschoolage.pdf>

Ohio Department of Job and Families Services Child Care Licensing rules: http://emanuals.odjfs.state.oh.us/emanuals/DataImages.srv/emanuals/pdf/pdf_books/ChildCareCenterManual.pdf

Ohio Department of Education School Age Child Care Licensing rules: <http://www.ode.state.oh.us/GD/Templates/Pages/ODE/ODEDetail.aspx?page=3&TopicRelationID=1180&ContentID=1937&Content=62520>

State School-Age Licensing Regulations

California http://nrckids.org/STATES/CA/ca_schoolage.pdf

Colorado: [http://stateboard.cdhs.state.co.us:8008/CDHS/rule_display\\$.DisplayVolume?p_vol_num=7700](http://stateboard.cdhs.state.co.us:8008/CDHS/rule_display$.DisplayVolume?p_vol_num=7700)

Delaware: http://nrckids.org/STATES/DE/de_rulesTOC.htm

Hawaii: http://hawaii.gov/dhs/main/har/har_current/AdminRules/document_view

Indiana: http://nrckids.org/STATES/IN/in_rule4.6TOC.htm

Kansas: http://nrckids.org/STATES/KS/ka_4TOC.htm

North Dakota: http://nrckids.org/STATES/ND/nd_7.htm#pgfId-175640

New Mexico: http://nrckids.org/STATES/NM/nm_16.htm#0_pgfId-998290

New York: http://nrckids.org/STATES/NY/ny_414.htm#pgfId-434693

Oklahoma: http://nrckids.org/STATES/OK/ok_school.pdf

Washington: http://nrckids.org/STATES/WA/wa_170_151.pdf

Rhode Island: <http://nrckids.org/STATES/RI/rhodeisland.htm>