

3301-37-04

**Staff.**

(A) The director and staff shall be recruited, employed, assigned, evaluated, and provided in-service education in accordance with adopted board policies and without discrimination on the basis of age, color, national origin, race, sex, or handicap.

(B) The preschool staff member assigned in each preschool class shall be of good character, possess adequate physical and emotional health, be equipped by education, training, and/or experience for the work they are to perform, and meet the requirements as prescribed in division (B) of section 3301.54 of the Revised Code.

(C) Three references for staff members, including the director, shall be kept on file.

(D) Staff members, non-teaching employees, and volunteers shall annually sign a non-guilty/non-conviction statement on a prescribed form.

~~(C)~~(E) Each director and preschool staff member shall be examined by a licensed physician not more than thirty days before employment. An employee medical statement shall be on file and be available for review by the department. Employee medical statements shall be updated on a regular basis according to program policies. The medical statement shall be provided either by a physician, physician's assistant, clinical nurse specialist, or certified nurse ~~A director or preschool staff members hired before July 1, 1988 shall be examined by a licensed physician not more than twelve months before the first day of school.~~

~~(D)~~(F) Each preschool staff member shall be at least eighteen years of age and have a high school diploma or a certification of high school equivalency issued by the state board of education or a comparable agency. A staff member may be less than eighteen years of age if:

(1) The staff member is a graduate of a two-year career-technical center ~~vocational~~ child care training program approved by the state board of education.

(2) The staff member is a student enrolled in the second year of such a program that leads to high school graduation, provided that the student performs duties in the preschool program under the continuous supervision of an experienced preschool staff member and receives periodic supervision from the career technical center ~~vocational~~ child care training program teacher/coordinator in the student's high school.

~~(E)~~(G) The director and staff shall be assigned responsibilities in accordance with written position descriptions commensurate with their certification and/or licensure pursuant to Chapter 3301-24 of the Administrative Code, and qualifications,

respectively. The director and/or head teacher acting as the director shall be onsite at the preschool program at least half of the program's operating hours.

(H) The director of each preschool program shall be responsible for the following:

(1) Ensuring that the health and safety of the children are safeguarded by an organized program of school health services designed to identify child health problems and to coordinate school community health resources for children as evidenced by, but not limited to, the following:

(a) Requiring immunizations and compliance with emergency medical authorization requirements under section 3313.712 of the Revised Code;

(b) Providing procedures for emergency situations, including fire drills, rapid dismissals, tornado drills, and school safety drills in accordance with section 3737.73 of the Revised Code, and keeping records of such drills or dismissals;

(c) Posting emergency procedures in preschool rooms and making them available to school personnel, children, and parents;

(d) Posting emergency numbers by each telephone;

(e) Supervising grounds, play areas, and other facilities when scheduled for use by children; and

(f) Providing first-aid facilities and materials.

(2) Maintaining cumulative records for each child;

(3) Supervising each child's admission, placement, and withdrawal according to established procedures;

(4) Preparing a roster of children enrolled annually;

(5) Ensuring that clerical and custodial services are provided for the program;

(6) Supervising the instructional program and daily operation of the program; and

(7) Supervising and evaluating preschool staff members according to a planned sequence of observations and evaluation conferences, and supervising nonteaching employees.

~~(F)~~(I) The director of the preschool program shall meet one of the following:

- (1) A director in a preschool program operated by a public school shall hold either:
- (a) A valid pre-kindergarten teaching certificate, pre-kindergarten endorsement or pre-kindergarten associate license issued under section 3301.50 of the Revised Code.
  - (b) A valid educator license (teacher, administrator, or pupil services) elementary principal's certificate issued under sections 3319.22 to 3319.31 ~~3319.29~~ of the Revised Code and have completed at least four courses in child development or early childhood education from an accredited college, university, or technical college.
  - (c) A valid principal license for grades pre-kindergarten through grade six pursuant to rule 3301-24-05 of the Administrative Code; or
  - ~~(d)~~ (e) An early childhood license pursuant to ~~paragraph (C)~~ of rule 3301-24-05 of the Administrative Code.
  - (e) If employed prior to July 1, 1988, a valid kindergarten-primary certificate issued under sections 3319.22 to 3319.31 of the Revised Code.
- (2) A director of a preschool special education program operated by a public school or a county board of mental retardation and developmental disabilities shall hold one of the following: at a minimum meet the requirements of paragraph (F) of rule 3301-51-09 of the Administrative Code.
- (a) A valid intervention specialist license or education of the handicapped certificate with an endorsement in pre-kindergarten special needs or early education of the handicapped;
  - (b) A valid pre-kindergarten certificate or endorsement or an early childhood license with an endorsement in pre-kindergarten special needs or early education of the handicapped;
  - (c) A valid early childhood intervention specialist license; or
  - (d) Meet the requirements of paragraph (I)(1)(b) or (I)(1)(c) of this rule.
- (3) ~~A director employed prior to July 1, 1988 by a school district or an eligible nonpublic school to direct a program shall be considered to meet the requirements of this paragraph if he holds a valid kindergarten primary certificate issued under sections 3319.22 to 3319.29 of the Revised Code.~~

~~(4)~~(3) A director employed to direct a program operated by an eligible, nontax-supported, nonpublic school shall be considered to meet the requirements of this rule if he holds a valid teaching certificate issued in accordance with section 3301.071 of the Revised Code.

~~(5)~~(4) A head teacher who meets educator licensure requirements as a director may be designated the director for purposes of this chapter ~~the licensure requirements as described in paragraphs (F)(1), (F)(2), (F)(3), and (F)(4) of this rule, may be designated the director.~~

~~(G)~~(J) Each class/group in a preschool program shall have assigned a head teacher in accordance with the following:

(1) Publicly funded programs shall meet the staff criteria established in section 3301.311 of the Revised Code;

(2) Preschool programs operated by public schools shall have a head teacher for each class/group of children enrolled that meets one of the following

(a) Valid prekindergarten teaching certificate issued under section 3301.50 of the Revised Code; or

(b) Valid prekindergarten associate license issued under section 3301.51 of the Revised Code; or

(c) Valid kindergarten-primary certificate issued under sections 3319.22 to 3319.31 of the Revised Code and have completed at least four courses in child development in early childhood education from an accredited college, university, or technical college; or

(d) A bachelor's degree in child development or early childhood education earned from an accredited college or university with a minimum of thirty quarter or twenty semester hours in child development/preschool program planning and methods including a supervised practicum with preschool children; or

(e) An early childhood license pursuant to rule 3301-24-05 of the Administrative Code.

(3) Preschool special education programs operated by a public school or a county board of mental retardation and developmental disabilities shall have a head teacher that meets one of the following in accordance with rule 3301-24-05 of the Administrative Code:

(a) A valid intervention specialist license or education of the handicapped

certificate with an endorsement in pre-kindergarten special needs or early education of the handicapped;

(b) A valid pre-kindergarten certificate or endorsement or an early childhood license with an endorsement in pre-kindergarten special needs or early education of the handicapped; or

(c) A valid early childhood intervention specialist license.

(d) A valid intervention specialist license that is valid for teaching visually or hearing impaired children if the children are visually or hearing impaired.

(4) A preschool program operated by an eligible nontax-supported, nonpublic school, shall have a head teacher who is at least eighteen years of age who has a high school diploma or certification of high school equivalency issued by the state board of education or comparable agency or holds a valid teaching certificate issued in accordance with section 3301.071 of the Revised Code.

~~(1) Preschool programs operated by public schools shall have a head teacher for each class/group of children enrolled that meets one of the following:~~

~~(a) Valid prekindergarten teaching certificate issued under section 3301.50 of the Revised Code; or~~

~~(b) Valid prekindergarten associate certificate issued under section 3301.51 of the Revised Code; or~~

~~(c) Valid kindergarten primary certificate issued under sections 3319.22 to 3319.29 of the Revised Code and have completed at least four courses in child development in early childhood education from an accredited college, university, or technical college; or~~

~~(d) A bachelor's degree in child development or early childhood education earned from an accredited college or university with a minimum of thirty quarter or twenty semester hours in child development/preschool program planning and methods including a supervised practicum with preschool children; or~~

~~(e) An early childhood license pursuant to paragraph (C) of rule 3301-24-05 of the Administrative Code;~~

~~(f) Preschool special education programs operated by a public school or a county board of mental retardation and developmental disabilities shall have a head teacher that meets the requirements of paragraph (F) of rule 3301-51-09 of the Administrative Code.~~

~~(g)~~ A preschool program operated by an eligible nontax-supported, nonpublic school, shall have a head teacher who is at least eighteen years of age who has a high school diploma or certification of high school equivalency issued by the state board of education or comparable agency or holds a valid teaching certificate issued in accordance with section 3301.071 of the Revised Code.

~~(H)~~(K) Extended day child care provided to preschool children before or after the preschool program shall have staff members assigned that at a minimum, are at least eighteen years of age and have at least a high school diploma or certification of high school equivalency issued by the state board of education or comparable agency. The extended child care staff member must also meet requirements related to a medical examination, in-service and background investigation as cited in this rule 3301-37-04 of the Administrative Code. Child care staff/child ratios in accordance with rule 3301-37-04 of the Administrative Code must be maintained at all times.

~~(I)~~(L) Infant and toddler care provided by a public school, chartered nonpublic school, an eligible chartered, nontax-supported school, or a county board of mental retardation and developmental disabilities shall have staff members assigned that at a minimum, are at least eighteen years of age and have at least a high school diploma or certification of high school equivalency issued by the state board of education or comparable agency. The extended child care staff member must also meet requirements related to a medical examination, in-service and background investigation as cited in this rule 3301-37-04 of the Administrative Code. Child care staff/child ratios in accordance with this rule 3301-37-04 of the Administrative Code ~~shall~~ must be maintained at all times.

~~(J)~~(M) Substitutes for preschool staff members shall meet the following requirements in programs operated by entities other than public schools, education service centers, or MRDD shall meet the minimum requirements of:

(1) Substitute teachers shall meet the following minimum requirements for programs operated by entities other than public schools, education service centers, or county MRDD's:

(a) Being at least eighteen years of age

(b) Have at least a high school diploma or certification of high school equivalency issued by the state board of education or comparable agency.

(c) Meet the requirements related to a medical examination, in-service and criminal background investigation as cited in section 3301.541 of the

Revised Code after fifteen school days.

(2) Substitute teachers shall meet the following minimum requirements for programs operated by public schools, education service centers, or county MRDD's:

(a) Requirements related to a medical examination, in-service and criminal background investigation pursuant to section 3301.541 of the Revised Code after fifteen school days; and

(b) Minimum requirements for the position for which they are substituting after sixty consecutive school days.

~~(1) Being at least eighteen years of age.~~

~~(2) Have at least a high school diploma or certification of high school equivalency issued by the state board of education or comparable agency.~~

~~(3) Meet the requirements related to a medical examination, in-service and criminal background investigation as cited in section 3301.541 of the Revised Code after fifteen school days.~~

~~(4) Shall meet the minimum requirements for the position for which they are substituting after sixty consecutive school days.~~

~~(K)~~(N) Unless the preschool staff member or director holds an associate or higher degree in child development or early childhood education from an accredited college, university, or technical college, a pre-kindergarten associate certificate or license issued by the state board of education, or a pre-kindergarten teaching certificate or endorsement, the preschool staff member and director shall annually complete in-service training of fifteen hours until a total of forty-five hours has been completed. Preschool staff members who have met the forty-five hour inservice requirement shall thereafter complete ten annual clock hours of inservice.

(1) In-service training will be in one or more of the following areas:

(a) Child development or early childhood education;

(b) Child abuse recognition and prevention;

(c) First aid; and/or

(d) Prevention, recognition, and management of communicable diseases.

(2) Annual completion refers to the school year, from July first to June thirtieth, or every twelve months from the date of hire for staff employed after the school year begins.

(O) Preschool staff employed part-time shall complete the inservice requirement based upon the percentage of time or full-time equivalency of their preschool assignment.

~~(L)~~(P) Preschool staff members licensed by the department ~~who have met the requirements as stated in paragraph (K) of this rule~~ shall complete ten ~~fifteen~~ annual clock hours, ~~which~~ which may be part of the professional development plan in accordance with Chapter 3301-24 of the Administrative Code. Annual completion refers to the school year, from July first ~~1~~ to June thirtieth ~~30~~.

~~(M)~~(Q) The training specified in paragraph ~~(N)~~ ~~(K)~~ of this rule shall be provided by an approved trainer who shall have at least two years of experience specific to the subject area and possess one of the following:

(1) An associate or higher degree in child development or early childhood education, education, home economics, nursing, nutrition, psychology, dental hygiene, or social work. evidence of an associate or higher degree shall be a copy of a diploma, a transcript, or other written evidence accepted by the director as evidence of completion of at least ninety quarter credit hours or sixty semester credit hours from an accredited college, university, or technical college. The coursework shall include at least thirty-six quarter credit hours or twenty-four semester credit hours in courses in any of the subject areas listed in paragraph (K) of this rule; or

(2) A prekindergarten certificate or endorsement or early childhood license issued by the state board of education; or

(3) A license as a physician or registered nurse.

~~(N)~~(R) A director and preschool staff member shall provide evidence of a BCII investigation and FBI criminal background check as required by section 3319.391 ~~3301.541~~ of the Revised Code. Documentation that reports and five-year updates are sent to the district or the department's office of educator licensure as required by section 3319.391 of the Revised Code shall be kept on file.

(S) Each staff member and volunteer shall annually complete a non-guilty/non-conviction statement.

~~(O)~~(T) The preschool staff member/child ratio must be maintained at all times.

- (1) Sufficient preschool staff members must be physically present with the children at all times to meet staff member/child ratio requirements.
- (2) Each class/group shall have at least one head teacher as defined in paragraph (J) ~~(G)~~ of this rule.
- (3) No child shall ever be left alone or unsupervised.
- (4) In each program the maximum number of children per preschool staff member and the maximum group size by age category of children shall be as follows:

Age Group	Staff Member/Child Ratio	Maximum Group Size
Birth to less than 12 months	1:5 or 2:12 if two preschool staff members are in the room	12
12 months to less than 18 months	1:6	12
18 months to less than 30 months	<u>1:7</u> <del>1:8</del>	14
30 months to less than 3 years	1:8	14
3 years	1:12	24
4 year olds and 5 year olds not in kindergarten or school	1:14	28

- (5) Preschool special education program shall meet the child/staff ratio requirements of one teacher for six children and a second adult when seven or more children are enrolled; maximum group size shall not exceed sixteen children. Waivers are required when a group of more than eight preschool children with disabilities are served in accordance with rule as prescribed in rules 3301-51-09 and 3301-51-11 of the Administrative Code.

(U) Volunteers may be counted in the staff/child ratio if a BCII investigation is kept on file; however, a program shall ensure that such practice does not become routine.

- ~~(P)~~(V) At least two responsible adults shall be readily available at all times when seven or more children are present in the program. One adult shall be a preschool staff

member. The second adult shall:

- (1) Be available within the building used for the preschool program or in an adjacent outdoor area;
- (2) Be able to be summoned by the preschool staff member without leaving the group alone or unsupervised; and
- (3) Be able to react in response to such summons so as to reduce risk to children during an emergency circumstance.

~~(O)~~(W) When age groups are combined for programming purposes the following requirements must be met:

- (1) When age groups are combined, the maximum number of children per preschool staff member shall be determined by the age of the youngest child in the group, except that when no more than one child, thirty months of age or older, receives care in a group in which all the other children are in the next older age group, the maximum number of children per preschool staff member and maximum group size requirements of the older age group established in paragraph (T) ~~(O)~~ of this rule shall apply.

(2) Any accredited program that uses the Montessori method endorsed by the American Montessori society ([www.amshq.org](http://www.amshq.org)) or the association Montessori internationale ([www.montessori-ami.org](http://www.montessori-ami.org)) as its primary method of instruction may combine preschool children of ages three to five years of age with children enrolled in kindergarten. Notwithstanding anything to the contrary in division (B)(2) of section 3301.56 of the Revised Code, when such age groups are combined, the maximum number of children per preschool staff member shall be twelve and the maximum group size shall be twenty-four children.

~~(R)~~(X) In a room where children are napping or resting, if all children are at least eighteen months of age, the maximum number of children per preschool staff member shall, for a period not to exceed one and one-half hours in any twenty-four-hour day, be twice the maximum number of children per preschool staff member established in paragraph (O) of this rule if all the following criteria are met:

- (1) At least one preschool staff member shall be physically present in the room at all times during nap/rest time;
- (2) The preschool staff member(s) assigned to a room where children are napping

shall be responsible for the care and supervision of the children in the room and shall be able to summon other child-care staff members without leaving the room;

- (3) There shall be enough preschool staff members readily accessible within the building in which the program is located to ensure that the maximum number of children per preschool staff member as required by paragraph (O) of this rule is met at all times; and
- (4) Nap/rest-time preparation shall have been completed and all napping children shall be resting or sleeping on cots or mats.
- (5) Staff are not required to be present in a nap room for the purpose of supervising children if fifty per cent of the wall space is open, staff can see all children at all times, and staff are routinely checking children every five-minutes.

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CERTIFIED ELECTRONICALLY

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Certification

06/15/2009

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Date

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