



Ohio Administrative Code

Rule 5180:2-19-10 Licensure and monitoring.

Effective: July 1, 2026

- (A) Which school child programs require a license issued by the Ohio department of children and youth (DCY)?

All school districts, county boards of developmental disabilities, community schools, eligible nonpublic schools, child care programs operated by an authorized private before and after school care program accepting state or federal funds specifically for school child care and/or child day care pursuant to Chapter 5104. of the Revised Code will be licensed. School districts, county boards of developmental disabilities, community schools and eligible nonpublic schools not accepting state or federal funds specifically for child day care, but who wish to obtain a license for a school child program, will submit an application to DCY in accordance with sections 3301.58 and 3301.59 of the Revised Code.

- (B) What is the application process to establish or operate a licensed school child program?

(1) An electronic application for a license will be submitted by the governing body to DCY in accordance with section 3301.58 of the Revised Code at least thirty days prior to the proposed open date and if receiving funding; prior to children attending.

(2) A complete application includes the following documents submitted with the application for the physical location of the program:

(a) A detailed and labeled site plan that includes an indoor floor plan and an outdoor play space diagram of the space proposed to be used to care for children.

(b) A current fire inspection in accordance with section 3301.55 of the Revised Code.

(c) A valid food license or a valid food license exemption from the local health department having jurisdiction or from the Ohio department of health.

(d) If the program is not conducted in a school building, documentation of building approval in accordance with section 3301.55 of the Revised Code.

(3) Upon the filing of an application for an initial license, DCY will investigate and inspect the school child program to determine whether the obligations of sections 3301.52 to 3301.59 of the Revised Code and Chapter 5180:2-19 of the Administrative Code are met.



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(C) What are the inspection requirements prior to the initial issuance of a provisional school child license?

DCY will determine that the school child program site is in compliance with all applicable obligations by examination of the following:

- (1) The completed application.
- (2) The program's physical plan through on-site inspection and proposed operational format at the time of initial application.
- (3) Any other documentation as obligated by Chapter 5180:2-19 of the Administrative Code.

(D) When will licensed school child programs be inspected?

Each program will be inspected at least once during every twelve-month period of operation, which may be unannounced. Inspections may be viewed online via the child care search tool on the DCY website. An individual may submit a written request to DCY for a copy of the program's licensing record.

(E) What are additional requirements for a licensed school child program as a result of an inspection and/or complaint investigation?

- (1) When a program is out of compliance with the obligations of Chapter 5180:2-19 of the Administrative Code, DCY will electronically notify the program contacts of the alleged non-compliances. The corrective action plans for all non-compliances are to be electronically submitted by the deadline.
- (2) On-site verification may be conducted to review progress regarding the correction of non-compliances.
- (3) DCY will investigate and may inspect any licensed school child program upon receipt of any complaint that the program is out of compliance with the obligations of sections 3301.52 to 3301.59 of the Revised Code or Chapter 5180:2-19 of the Administrative Code.
 - (a) The investigation of complaints alleging serious life, health, or safety risks will be initiated within twenty-four hours of receipt of the complaint report.
 - (b) The investigation and appropriate action on all other complaints will commence within five working days of the receipt of the complaint report.



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- (4) DCY will complete an inspection report for each complaint at the conclusion of the investigation summarizing all allegations, the results of the investigation, and the expectations for correction of any confirmed non-compliances. A copy of the report, with confidential information deleted, will be provided to any person who submits a written request to DCY. The licensing record will include, but not be limited to complaint investigation documents. Neither the disposition report nor the summary letters obligated by this rule will disclose the results of investigations of abuse or neglect conducted by the local public children services agency.

(F) What is a licensing inspection non-compliance?

A licensing inspection non-compliance is a licensure rule violation. Inspections could result in moderate or serious risk findings. Non-compliance findings vary depending on the potential to lead to a risk of harm to a child and are observable and/or based on facts. Moderate and serious risk non-compliances are assigned point values and the annual accumulated points may result in DCY licensing or step up to quality (SUTQ) actions, pursuant to section 5104.29 of the Revised Code.

(G) What if a licensed school child program does not agree with the licensing finding?

- (1) The licensed school child program may request a review of a non-compliance finding in the Ohio statewide licensing system within ten business days from the receipt of the inspection report.
- (2) The licensed school child program may elect to participate in an initial review of the request with a DCY representative.
- (3) Following an initial review, the licensed school child program may elect to participate in a committee review of the request with a DCY committee.
- (4) The committee's decision is considered final.

(H) Will the license capacity be the maximum allowable for a newly issued license?

Unless otherwise requested by the licensee, local certified building department, the Ohio department of commerce, state fire marshal or local fire safety inspector, the license capacity will be the maximum allowable based on the site plan.

(I) When will a provisional license be issued to a school child program?

- (1) A provisional license will be issued following the investigation and inspection of the school child program and DCY has determined that all obligations have been satisfied. This includes whether the obligations of sections 3301.52 to



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3301.59 of the Revised Code and Chapter 5180:2-19 of the Administrative Code have been met.

(2) A provisional license is valid for a period of not more than twelve months from the date of approval of the license.

(J) What are the requirements for the provisional license to be amended to a continuous license at the end of the provisional period?

Within the twelve month provisional period, the program will be inspected at least once by DCY to determine whether the obligations of sections 3301.52 to 3301.59 of the Revised Code and Chapter 5180:2-19 of the Administrative Code are being met. If the program is in compliance and has met all obligations prior to the end of the twelve-month period, the provisional license will be amended to continuous licensure at the end of the provisional period.

(K) Who can be issued a school child license?

A license or provisional license is valid only for the licensee, the address, and capacity for each school child program site designated on the license.

(L) Does the school child program license need to be visible?

Each licensed school child program will have its license granted under section 3301.58 of the Revised Code posted in a conspicuous place that is visible to parents, school child program staff members and employees at all times.

(M) What is the process to change or amend a license?

(1) The governing body is responsible for the program's operation is responsible for securing and maintaining a license for the facility in which it operates.

(2) What information can be amended on an existing license?

(a) License capacity.

(b) Change of location of the program.

(3) The amendment request and all applicable documents are to be submitted in the Ohio statewide licensing system.

(4) What is the timeline for requesting an amendment?

(a) For a change in capacity, the program will request and be approved for the amendment prior to serving additional children. This includes submitting



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all required corrective action plans as required by paragraph (E)(1) of this rule.

(b) For a change in location, the program will request the amendment at least thirty days prior to the last day at the current location. Failure to request within thirty days may result in a gap of care. Care may not begin until the license has been transferred to the new location.

(5) Upon approval of the proposed change, DCY will issue an amended license.

(6) If the governing body will no longer be responsible for operating a school child program, they are to submit a closure request in the Ohio statewide licensing system.

(N) How will a governing body request a voluntary temporary closure/inactive status for the license of a preschool?

(1) The program is to request the temporary closure status in the Ohio statewide licensing system. The program license will then be considered "inactive" in the system.

(2) The temporary closure/inactive status may not exceed twelve months.

(3) The program may not serve any children during the temporary closure/inactive status.

(4) The program may be required to comply with an inspection prior to the end of the temporary closure/inactive status and prior to serving children again.

(O) What information will the school child program keep current in the Ohio statewide licensing system?

The name and contact information of the program administrator, services, months, days, and operating hours of the program are to be maintained in the Ohio statewide licensing system.

(P) What are the moderate risk non-compliances for a licensed school child program?

The following are identified as moderate risk non-compliances of a license due to an increased risk of harm to children and are worth three points each:

(1) Program does not obtain or maintain food service license due to violations or serves food without a food service license.



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- (2) Program does not obtain a complete a fire inspection with no violations or fire inspection update not requested prior to expiration.
- (3) Program exceeds room/building occupancy or program cares for children in a space not approved for care.
- (4) Background check or fingerprints not submitted or background check is expired and not updated.
- (5) Children not protected from unsafe items, conditions or situations.
- (6) Program is out of ratio or exceeds license capacity.
- (7) Child in attendance more than four hours without being offered a meal.
- (8) Use of banned disciplinary techniques in accordance with rule 5180:2-19-08 and rule 3301-35-15 of the Administrative Code.

(Q) What are the serious risk non-compliances for a licensed school child program?

The following are identified as serious risk non-compliances of a license due to the greatest risk of harm to children and are worth six points each:

- (1) Children left unsupervised pursuant to the obligations of this chapter, or left unattended outside of a facility building.
- (2) Children left unattended on a field trip or in a vehicle, or transportation policies not followed.
- (3) Falsified information is submitted that puts children at risk.
- (4) Program fails to report suspected abuse/neglect/endangering.
- (5) Administration of medication procedures do not meet the obligations of this chapter, or medication is dispensed to the wrong child or the wrong dosage is administered.
- (6) Substantiated public children's services agency finding of abuse or neglect for any school child program staff member.
- (7) Employee refuses to be fingerprinted and remains employed, or a person remains employed when they are not eligible for employment.



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- (8) Swimming activity takes place without a life guard, or a life guard is used to count in the ratio, or a swimming site is accessible to children without staff supervision, or swimming activity takes place in lakes ponds and rivers.
- (9) Weapons or ammunition are on the premises without proper approval in accordance with section 2923.11 of the Revised Code and/or accessible to children.
- (10) DCY or representatives of DCY are denied access to conduct a rule compliance review or inspection pursuant to this chapter.
- (11) A child or children are not protected from harm which results in a serious incident or injury.

(R) What actions may DCY take when a serious risk non-compliance occurs?

Any serious risk non-compliance described in, but not necessarily limited to this rule, as reviewed by DCY at its discretion may result in any of the following:

- (1) Denial of a license application or approval for a non-expiring or continuous license.
- (2) Revocation of a license.
- (3) Reduction or removal of a quality rating.
- (4) Loss of funding.

(S) What is a serious incident?

The following are identified as serious incidents:

- (1) Death of a child at the program.
- (2) An incident, injury, or illness that requires professional medical consultation or treatment for a child.
- (3) An unusual or unexpected incident which jeopardizes the safety of a child, school child program staff member or employee of the program.
- (4) An incident defined as a serious risk non-compliance as indicated in paragraph (Q) of this rule.

(T) What does the licensed school child program do if there is a serious incident?



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- (1) The program will report the serious incident, as defined in paragraph (S) of this rule, to DCY in the Ohio statewide licensing system by the next business day.
- (2) This notification does not replace mandatory reports of suspected child abuse or neglect required by section 2151.421 of the Revised Code.
- (3) The program may print the completed serious incident report in the Ohio statewide licensing system and give to the parent to meet the parent notification requirements for incidents outlined in rule 5180:2-19-05 of the Administrative Code.
- (4) If a child is transported by anyone other than a parent for emergency treatment, the child's health and medical records are to accompany the child. The administrator or a school child program staff member is to stay with the child until the parent assumes responsibility for the child's care.

(U) What happens if an application is in the process of being denied or a provisional or continuous license is in the process of being revoked?

If DCY revokes the license held by the governing body of a school child program as defined in section 3301.52 of the Revised Code, it will not issue a license to the facility within five years from the date of revocation of a license.

(V) Which licensing actions by DCY give the school child program rights to an adjudicatory hearing, in accordance with the requirements of Chapter 119. of the Revised Code?

- (1) All actions of DCY with respect to licensing a school child program's facility or revoking a license, will be in conformity with sections 3301.57 and 3301.58 and Chapter 119. of the Revised Code.
- (2) Those licensing actions, which will be afforded the right to an administrative hearing, include the following:
 - (a) The proposal to deny an initial or continuous license.
 - (b) The proposal to revoke an existing license, be it a provisional or a continuous license.
 - (c) The proposal to deny a continuous license at the expiration of a provisional license.

(3) A request for an administrative hearing pursuant to Chapter 119. of the Revised Code and Chapter 5180:2-19 of the Administrative Code will be submitted to DCY, and will be considered to have been made as of the date received.



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(W) Which DCY licensing actions, ministerial in nature, are not subject to an administrative hearing?

- (1) Those licensing actions that are of an administrative nature will not be afforded the right to an administrative hearing. These actions include rejection of any application for licensure for procedural reasons such as, but not limited to, incomplete submission, use of an invalid form, failure to make information available to DCY, or failure to make information available during an inspection.
- (2) The school child program license will be closed by DCY without hearing rights afforded by Chapter 119. of the Revised Code if:
 - (a) At the end of the twelve months, the program has not requested in the Ohio statewide licensing system to reinstate the license that has been in a temporary closure/inactive status.
 - (b) At the end of twelve months the program is not able to be re-opened.
 - (c) A program fails to enroll children for twenty four months and refuses to voluntarily permanently close the program.

(X) What are the reasons an applicant may have an application denied or a licensed school child program may have a provisional or continuous license revoked?

DCY may deny or revoke a license in accordance with section 119.07 of the Revised Code if it is determined that the governing body, applicant or licensee:

- (1) Knowingly makes a false statement on the application.
- (2) Does not comply with all of the obligations of Chapter 5180:2-19 of the Administrative Code and sections 3301.52 and 3301.59 of the Revised Code.
- (3) Has pleaded guilty or been convicted of an offense described in section 3301.541 of the Revised Code.
- (4) Has a maximum annual accumulation of points for licensure violations, as determined by DCY.

(Y) What if a school child program voluntarily surrenders the license or voluntarily withdraws the application during the revocation or denial process?

The surrender of a license to DCY or the withdrawal of an application for licensure by a school district, county board of developmental disabilities, community schools, eligible nonpublic school, or child care program operated by an authorized private



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before and after school care program will not ban DCY from instituting any of the actions set forth in this rule.