



Ohio Administrative Code

Rule 5180:2-20-02 Compliance and investigation.

Effective: July 1, 2026

- (A) What is the process to establish or operate a preschool licensed by the Ohio department of children and youth (DCY)?

Boards of education intending to establish a preschool must demonstrate a need for a preschool program. No school district board of education, county board of developmental disabilities, or governing boards of educational service center, community school or eligible non-public school shall operate, establish, manage, conduct or maintain a preschool program, including head start, without a license issued under sections 3301.52 to 3301.59 of the Revised Code and this chapter.

- (B) What is the requirement for preschools to report students in the education management information system (EMIS)?

All EMIS reporting entities that have been issued a license to operate a preschool program are to report all preschool children being educated by the entity as outlined in section 3301.0714 of the Revised Code using guidelines established by the Ohio department of education and workforce (DEW).

- (C) Which programs operated by the county board of developmental disabilities are to be licensed?

Programs operated by county boards of developmental disabilities are to follow the age group requirements for DCY licensure below:

- (1) Programs operated for children under the age of three are not required to be licensed through DCY.
- (2) Programs operated for preschool children are required to be licensed through DCY.

- (D) What is the application process for licensing a preschool?

The requirements for the application to operate a preschool are as follows:

- (1) Completion of an electronic application in the Ohio statewide licensing system.
- (2) Submission of the application at least thirty days prior to the proposed open date and prior to children attending.
- (3) Submission of the following documents:
 - (a) Certificate of occupancy indicating that the school building has been inspected in accordance with section 3301.55 of the Revised Code.



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Programs serving only children ages two and one half years and older are exempt from this requirement.

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

(E) What are the preschool governing body's operational responsibilities?

The governing body responsible for the preschool program's operation shall be responsible for:

- (1) Securing and maintaining a license for the facility in which the preschool program operates.
- (2) Maintaining the program's services, months, days and operating hours in the Ohio statewide licensing system.

(F) How long is a license valid for a DCY licensed preschool program?

In accordance with section 3301.58 of the Revised Code, preschool programs are first issued a provisional license, valid for one year, and then a continuous license is issued. The continuous license remains in effect unless revoked.

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

- (1) The preschool is to submit a request and all applicable documents in the Ohio statewide licensing system.
- (2) What information can be amended on an existing license?
 - (a) License capacity.
 - (b) Change of location of the program.
- (3) What is the timeline for requesting an amendment?
 - (a) For a change in capacity, the preschool shall request and be approved for the amendment prior to serving additional children. This includes



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submitting all corrective action plans required pursuant to rule 5180:2-12-03 of the Administrative Code.

(b) For a change in location, the preschool shall 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 shall not begin until the license has been transferred to the new location.

(4) An organization that will no longer be operating a preschool program is responsible for submitting a closure request to DCY.

(H) How shall a governing body request a voluntary temporary closure for the license of a preschool?

(1) The governing body 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 shall not exceed twelve months.

(3) The preschool shall not serve any children during the temporary closure "inactive" status.

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

(I) What compliance inspections are required for preschools?

Programs will receive:

(1) At least one inspection prior to the initial issuance of a provisional license.

(2) At least two inspections during the provisional period.

(3) At least one inspection each state fiscal year after the issuance of the continuous license. Compliance inspections completed in the state fiscal year pursuant to paragraph (I)(2) of this rule meet this requirement.

(4) Any complaint investigations involving the preschool.

(5) All inspections may be and at least one inspection will be unannounced in a twelve month period.

(J) How is data collected during a license inspection used?



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Data collected during a licensing inspection may be used in other inspections conducted by DCY regarding specific program performance standards.

(K) What is submitted upon request to DCY?

Records and reports related to the program shall be submitted as requested to DCY.

(L) What are the requirements for preschools accepting public funds?

Publicly funded programs must achieve a step up to quality (SUTQ) rating as defined under section 5104.29 of the Revised Code, unless the preschool meets an exemption listed in rule 5180:2-16-09 of the Administrative Code.

(M) Does the preschool license need to be visible?

The preschool license is to be posted in a conspicuous place and visible to the public at all times.

(N) How may preschool program inspection reports and licensing records be viewed or requested?

(1) Inspections may be viewed using the child care search tool on the DCY website.

(2) An individual may submit a written request to DCY for a copy of the program's licensing record.

(3) The preschool program may request a review of a licensing non-compliance finding by submitting a request to DCY in the Ohio statewide licensing system within ten business days of receiving a compliance report.

(O) How are complaints and reports about preschool program operations reported?

All complaints and reports concerning the operation of programs regulated by this chapter of the Administrative Code and sections 3301.52 to 3301.59 of the Revised Code, shall be reported to DCY.

(P) Which licensing actions by DCY give the preschool 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 preschool program site, refusal to license or revocation of a license, shall 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:



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- (a) The proposal to deny an initial or standard license.
 - (b) The proposal to close a preschool program or revoke an existing license, be it 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 5180:2-20 of the Administrative Code will be submitted to DCY, and will be considered to have been made as of the date received.

(Q) What may cause DCY to deny an application or to revoke a preschool license?

DCY may deny or revoke a preschool license if the applicant or licensee:

- (1) Knowingly makes a false statement on the application.
- (2) Does not comply with the requirements of this chapter 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.

(R) What is the waiting period for a program or fiscal agent of the program whose license is revoked or not renewed by DCY?

If DCY revokes a license or refuses to renew a license, the program or fiscal agent shall not be issued a license within two years from the date of revocation of a license or refusal to renew a license.

(S) Which DCY licensing actions, ministerial in nature, are not subject to 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.



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- (2) The preschool program license will be closed by DCY without hearing rights afforded by Chapter 119. of the Revised Code if:
- (a) At the end of twelve months, the preschool program has not requested in the Ohio statewide licensing system to reinstate the license.
 - (b) At the end of twelve months, the preschool program is not able to be re-opened.
 - (c) A preschool program fails to enroll children for twenty-four months and refuses to voluntarily permanently close the program.

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

- (1) A licensing inspection non-compliance is a licensure rule violation. Inspections could result in moderate or serious risk findings.
- (2) 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 SUTQ actions pursuant to section 5104.29 of the Revised Code.

(U) What license violations are considered as moderate risk non-compliances (MRNC)?

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

- (1) Failure to obtain or maintain a food service license due to violations or serving food without a food service license.
- (2) Failure to complete a fire inspection or failure to request a fire inspection update at least thirty days prior to expiration.
- (3) The preschool exceeds room or building occupancy or the preschool cares for children in a space not approved for use or for the age group.
- (4) Current background checks or fingerprints are not submitted for required employees or preschool staff members. Director, employee, or preschool staff member are engaged in assigned duties or near children without preliminary approval or background check on file or in the Ohio professional registry (OPR). Expired background check is not updated.



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- (5) Unsafe indoor or outdoor space, including but not limited to, hazardous outdoor equipment, lack of protective surfacing on the playground, or outdoor play space not well-defined to protect children from traffic, animals, or other hazards.
 - (6) Unsafe environment and equipment where the preschool did not protect children from unsafe items, conditions, or situations, including but not limited to, chemicals or equipment, space heaters, missing mats under indoor climbing equipment, medication or alcohol accessible on the premises while children are present.
 - (7) Group size and ratio violations, including but not limited to, the preschool program is out of ratio or exceeds license capacity.
 - (8) Supervision violations, including but not limited to, a child is left unattended inside of facility or building, staff use of prohibited discipline techniques, staff member is asleep or under the influence of substance which impairs their ability to supervise children who are present, children are asleep on unapproved floor of the building.
 - (9) Sleeping and napping violations, including but not limited to, a child is placed in a crib with an object that poses suffocation or strangulation risk, stacked cribs are used or cribs are unsafe, something other than a crib is used for sleeping or napping, and an infant is sleeping in an unsafe position without written physician permission on file.
 - (10) Meal preparation and nutritional requirement violations, including but not limited to, a child is in attendance more than four hours without being offered a meal.
- (V) What license violations are considered as serious risk non-compliances (SRNC)?

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

- (1) Child is left unattended outside of facility/building.
- (2) Transportation policies are not followed.
- (3) Falsified information is submitted to DCY.
- (4) Preschool staff members fail to report suspected child abuse or neglect as required pursuant to section 2151.421 of the Revised Code.
- (5) Medication is dispensed to the wrong child or the wrong dosage is administered.



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- (6) Substantiated public children's services agency (PCSA) finding of abuse or neglect for any preschool staff member.
- (7) An employee or preschool staff member refuses to be fingerprinted and remains employed, or an individual remains employed when they are not eligible for employment.
- (8) Swimming activity takes place without a lifeguard on duty or a lifeguard is used to count in the staff to child ratio, swimming site is accessible to children without staff supervision, or swimming activity takes place in a lake, pond, or river.
- (9) Weapons or ammunition are on the premises without prior approval.
- (10) DCY or its representatives are denied access to conduct a compliance inspection pursuant to Chapter 5180:2-20 of the Administrative Code.
- (11) Child(ren) are not protected from harm which resulted in a serious incident or injury.
- (12) Illegal drugs on the premises.

(W) What DCY actions could occur 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 under the SUTQ program.
- (4) Loss of funding.

(X) What is a serious incident?

The following are identified as serious incidents:

- (1) Death of a child at the preschool program.
- (2) An incident, injury, or illness that requires professional medical consultation or treatment for a child.



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- (3) An unusual or unexpected incident which jeopardizes the safety of a child or employee of the program.
 - (4) An incident defined as a SRNC as indicated in paragraph (V) of this rule.
- (Y) What is the preschool required to do if there is a serious incident or SRNC?
- (1) The preschool shall report the serious incident, as defined in paragraph (X) of this rule, or SRNC, as described in paragraph (V) of this rule, by the next business day in the Ohio statewide licensing system.
 - (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 preschool may print the completed serious incident report in the Ohio statewide licensing system and give to the parent to meet the parent notification requirements of rule 5180:2-20-07 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 director, administrator or a preschool staff member is to stay with the child until the parent assumes responsibility for the child's care.