

**RESOLUTION TO RECOMMEND THE EMERGENCY ADOPTION OF OHIO ADMINISTRATIVE  
CODE 3301-32-06.1 / TRANSITIONAL PANDEMIC REQUIREMENTS FOR A LICENSED SCHOOL  
CHILD PROGRAM**

The State Board of Education (“Board”) **ADOPTS** the following Preambles and Resolutions:

Ohio Revised Code (ORC) Section 3301.53 requires the State Board of Education to establish minimum standards to be applied to school-age child care programs that are consistent with and meet or exceed the requirements of rules adopted by the Ohio Department of Job and Family Services for child day-care centers pursuant to ORC Chapter 5104.

Ohio Administrative Code (OAC) 5101:2-12-02.3 was adopted as an emergency rule by the Ohio Department of Job and Family Services (ODJFS) on August 25, 2020 to create a temporary pandemic school-age childcare license, allowing new programs to operate and serve children during remote learning hours. This rule applies only to school-age childcare programs licensed by the Department under Chapter 3301-32 of the OAC.

On June 9, 2020, the Board adopted OAC 3301-32-06.1 and OAC 3301-37-03.1, as emergency rules to align to the requirements of OAC 5101:2-12-02.2, which provided for transitional pandemic requirements for licensed child-care centers both for preschool programs and school-age programs. On August 10, 2020, the Board adopted OAC 3301-32-06.1 and OAC 3301-37-03.1, as emergency rules to align to the updated requirements of OAC 5101:2-12-02.2 made by ODJFS on August 8, 2020.

In order to meet or exceed the requirements of the new temporary licensing rule adopted by ODJFS, staff recommends the adoption of OAC 3301-32-06.1/Transitional Pandemic Requirements for a Licensed School Child Program, which incorporates the temporary pandemic school-age child care licensing requirements of OAC 5101:2-12-02.3 by reference. This rule additionally expands the definition of school-age childcare to allow programs to operate during days or hours that children are participating in remote learning. This rule further clarifies that currently licensed school-age childcare programs may continue to operate under this expanded definition upon notice to the Department. For programs which do not currently hold a school age childcare license, this rule provides a means by which new programs may obtain the same temporary pandemic school-age child care license created under ODJFS’ rules.

NOW, THEREFORE, BE IT RESOLVED, the Board approves adopting OAC 3301-32-06.1 in the form attached hereto, which shall be effective immediately upon issuance of an Executive Order by the Governor pursuant to ORC 119.03(G);

BE IT FURTHER RESOLVED, that the Superintendent of Public Instruction or his designee be, and hereby is, directed to file the rules with the proper agencies, and the same be made available upon request, without charge, to all persons affected by said rules; and

BE IT FURTHER RESOLVED, that the Superintendent of Public Instruction be, and hereby is, directed to comply with ORC 119.03(G) as it pertains to emergency rules.