**Resolution 2021-03: Regarding Discriminatory Language Prohibiting the Blind From Obtaining Employment in Child Care Centers**

WHEREAS, Chapter 5101:2-12 of the Ohio Administrative Code requires that “child care center staff must be able to see and hear children without the use of mechanical devices such as baby monitors, video cameras, or walkie talkies”; and

WHEREAS, 5101:2-12-20 Supervision, Staff/child

Ratios and Grouping for Licensed Child Care Centers (A), specifically says: “Supervision of children is the function of actively observing and guiding a child or group of children. This includes awareness of and responsibility for the activity of each child and being physically present and near enough to intervene if needed. Supervision means child care staff members have knowledge of children's needs, accountability for their care, and knowledge of which children they are responsible for at all times. With the exception of school age children in programs that have a written supervision policy permitting school age children to be supervised as specified in paragraph (E) of this rule, no child shall ever be left alone or unsupervised. Supervised means that children shall be within sight and hearing of child care staff members at all times. Staff must be able to see and hear children without the use of mechanical devices such as baby monitors, video cameras, or walkie talkies. The use of mirrors to view children in another room does not meet the supervision requirements of this rule”; and

WHEREAS, blind child care workers and teachers have successfully supervised children of all ages and abilities without sight; and

WHEREAS, the blind have developed and rely on alternative techniques for supervising children without sight; and

WHEREAS, time after time the blind have demonstrated that sight is not required to observe actively and guide a child or group of children, including having awareness of and taking responsibility for the activity of each child and being physically present and near enough to intervene if needed; blind child care staff members, teachers, and parents have knowledge of children's needs, accountability for their care, and knowledge of which children they are responsible for; and

WHEREAS, this discriminatory rule has undoubtedly led to the denial of employment for numerous blind child care applicants and clearly resulted in the denial of one such applicant in the Columbus area; and

WHEREAS, HB352 and SB 202, which seek to prohibit discrimination against the blind and otherwise disabled in parenting and caring for minor children, are now before their respective committees in the Ohio House and Senate; and

WHEREAS, it is quite possible that discrimination against blind people applying for employment as child care workers is an unintended consequence of an Ohio administrative rule that might be easily misinterpreted by employers: Now, therefore,

BE IT RESOLVED by the National Federation of the Blind of Ohio in Convention assembled this sixth day of November, 2021, that this organization call upon the director of the Ohio Department of Jobs and Family Services to take any and all steps necessary to make it clear that the aforementioned rule shall in no way be interpreted to deny an otherwise qualified blind applicant employment at any child care center located in the state of Ohio; and

BE IT FURTHER RESOLVED that we call upon Opportunities for Ohioans with Disabilities, the state agency that has an understanding of the capacities of the blind to care for children and to perform a myriad of jobs without sight and that has the responsibility to take action to help end discrimination in the employment of the blind in Ohio, to join our active efforts to get government officials to take action immediately to clarify that this rule in no way prevents a child care center from hiring an otherwise qualified blind job applicant.