

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES

DATE: 5/23/24
TIME: 10 am
LOCATION: Teleconference and Room 7A, 246 N. High St.,
Columbus, Ohio 43215

This meeting will be held by teleconference and in person. If you would like to submit oral testimony, please attend the meeting site location or call in at the date and time to 1-614-721-2972. Then enter the meeting I.D # which is 734 765 206#. Written testimony may also be submitted electronically to: rules@jfs.ohio.gov

Pursuant to section 5104.29 and Chapter 119. of the Ohio Revised Code, the Ohio Department of Job and Family Services gives notice of the department's intent to consider the adoption, amendment, or rescission of the rule or rules as identified below and of a public hearing thereon.

Rule 5101:2-17-01 "Step Up To Quality" (SUTQ): program definitions and standards outlines the definitions and standards for SUTQ. This rule was amended to make the following changes:

- Added "definitions" to the rule title
- Clarified general language throughout the rule
- Added a new paragraph (A)(1)(d) for administrator
- Replaced "ODJFS and ODE" with "the Ohio department of children and youth (DCY)" in paragraph (A)(2)(a)
- Added "lead teacher" in paragraph (A)(4)(c) pursuant to rule 3301-37-01 of Administrative Code
- Added new paragraph (A)(4)(d) pursuant to rule 3301-32-03 of Administrative Code
- Removed "ODJFS" from paragraphs (A)(5)(a) and (A)(5)(b)
- Added "time the group is in session or entire group operates" for instructional time in paragraph (A)(6)(d)
- Added "licensed" in paragraph (A)(8)
- Removed "ODJFS licensed" from paragraph (A)(8)(b)
- Removed "ODE licensed" from paragraph (A)(8)(c)
- Removed "ODE licensed" from paragraph (A)(8)(d)
- Added "awarded bronze, silver or gold" in paragraph (B)
- Added "any required" to desk review in paragraph (B)(1)
- Removed "ODJFS licensed child care centers, ODE licensed preschools and ODE licensed school child" in paragraph (B)(2)

- Added "licensed" in paragraph (B)(2)
- Added "listed in appendix A to this rule for the rating requested at registration and maintains the standards on an ongoing basis" in paragraph (B)(2)
- Removed appendices A, B, C, and D from paragraph (B)(2)
- Added "listed in appendix A to this rule" and "maintains the standards on an ongoing basis" in paragraph (B)(3)
- Removed paragraph (B)(3) as this is redundant
- Removed paragraphs (B)(4), (B)(5), (B)(6), and (B)(7) due to the elimination of the additional points system for programs to become four and five star rated

Appendix A to rule 5101:2-17-01 replaces rescinded Appendices A, B, C, and D for child care centers and Appendices E, F, G, and H for family child care homes and outlines the new program standards and requirements for SUTQ.

Rule 5101:2-17-02 "Step Up To Quality" (SUTQ): eligibility for registration outlines the eligibility requirements for SUTQ. This rule was amended to make the following changes:

- Clarified general language throughout the rule
- Combined paragraphs (A)(1) and (A)(2) into a new stand-alone paragraph for any licensed program pursuant to rule 5101:2-17-01 (A)(8) of Administrative Code
- Replaced "star rating" with "bronze, silver, or gold rating" in paragraph (B)
- Added a new paragraph (B)(1) for a license revocation
- Moved stand-alone paragraph for a suspended license to a new paragraph (B)(2)
- Moved paragraph (C)(5) to a new paragraph (B)(3) for active enforcement
- Replaced "star rating" with "bronze, silver, or gold rating" in paragraph (C)
- Updated the weblink for the Ohio child licensing and quality system (OCLQS) in paragraph (C)(1)
- Added "any required" to paragraph (C)(2)
- Added "for whom the program is receiving compensation" in paragraph (C)(3)
- Removed "star" from rating in paragraph (C)(4)
- Replaced "appendices" with "appendix A" in paragraph (C)(4)
- Updated the weblink for the Ohio professional registry (OPR) in paragraph (C)(4)(a)
- Added a new paragraph (C)(4)(b) for "Ensure the administrator on-site or family child care provider meets the educational requirements for professional development"
- Restructured paragraph (C)(5) to state "The center or family child care (FCC) provider is not to have an accumulation of twenty-four moderate and/or serious risk non-compliance points within the previous twelve months or for a preschool or school child program a six-point serious risk non-compliance."

Rule 5101:2-17-03 "Step Up To Quality" (SUTQ): desk reviews, on-site verification visits and bronze, silver or gold rating awards" is a new rule that replaces rescinded rule 5101:2-17-03 "Step Up To Quality" (SUTQ): desk reviews, verification visits and star rating awards", and outlines the process for completing the desk reviews, onsite verification visits and the quality rating process. This rule was amended to make the following changes:

- Changed rule title to "Step Up To Quality" (SUTQ): desk reviews, on-site verification visits and bronze, silver, or gold rating awards."
- Removed "conducted by the Ohio department of job and family services (ODJFS), the county agency or the Ohio department of education (ODE)" in paragraph (A)
- Added "bronze, silver or gold rating" to paragraph (B)
- Removed "if the program confirms at a one-star, two-star or three-star rating" from paragraph (B)(1)
- Removed paragraph (B)(2) as it pertains to a four-star rating
- Removed "star" from rating in new paragraph (B)(2)
- Removed paragraph (C) as all quality ratings are continuous from the program's rating effective date
- Added "electronic" to new paragraph (C)(1)
- Removed "at time of the annual report" from new paragraph (C)(1) as annual reports are no longer required
- Removed "star" from rating in new paragraph (C)(2)
- Added "program's bronze, silver, or gold rating" in paragraph (D)
- Added "award of bronze, silver, or gold" to stand-alone paragraph in paragraph (D)
- Added a new paragraph (D)(3) for a focused review or a deferral due date
- Added a new paragraph (E) to explain continuous quality ratings
- Added a new paragraph (F) to address full on-site verification visits
- Added "obtain a specialized rating" in paragraph (G)
- Updated the weblink for the Ohio Child licensing and quality system (OCLQS) in paragraph (G)(1)
- Replaced "have a star rating" with "are rated a bronze, silver, or gold" in paragraph (G)(2)(a)
- Replaced "three, four or five star rating" with "are rated a silver or gold" in paragraph (G)(2)(b)
- Replaced "the lowest rating of the three" and "four or five star rated programs" with "the lowest rating of the silver and gold rated program" in paragraph (G)(3)
- Replaced "appendices" with "appendix A" in paragraph (G)(3)(a)
- Removed "star" in paragraph (G)(3)(a)

- Restructured paragraph (G)(3)(b) to clarify curriculum and formal child assessment requirements
- Removed "star" in paragraph (G)(4)
- Replaced "star" with "bronze, silver, or gold" in paragraph (G)(5)
- Replaced "initial" with "ongoing" in paragraph (G)(5)(a)
- Added "bronze, silver, or gold" to paragraph (H)(1)
- Replaced "currently rated program" with "bronze, silver, or gold rating" in paragraph (H)(1)(a)
- Replaced "rated" with "awarded" in paragraph (H)(1)(a)
- Replaced "rating" with "bronze, silver, or gold rating award" in paragraph (H)(2)
- Replaced "appendices" with "appendix A" in paragraph (H)(2)(a)
- Restructured paragraph (H)(2)(b) to clarify curriculum and formal child assessment requirements
- Removed "star" in paragraph (H)(3)
- Removed "star" in paragraph (H)(4)
- Replaced "initial" with "ongoing" in paragraph (H)(4)(a)
- Removed all references to "star" in paragraph (I)
- Removed all references to "star" in paragraph (J)
- Added "with a bronze, silver, or gold" to paragraph (J)
- Removed "star" in paragraph (K)
- Changed "ninety days" to "one hundred eighty" days in paragraph (K) for temporary closure to mirror Chapter 12 of the Administrative Code
- Added new paragraph (K) that a program is no longer required to request reinstatement of their rating when reactivating their child care license
- Replaced "ODJFS, ODE or the county agency determine" with "licensed" in paragraph (L)
- Replaced "appendices" with "appendix A" in paragraph (L)
- Replaced "ODJFS, ODE or the county agency" with "licensing entity" in paragraph (L)(2)
- Removed language for displaying marketing materials in paragraph (L)

Rule 5101:2-17-04 "Step Up To Quality" (SUTQ): changes, removals or requests to withdraw a bronze, silver or gold rating outlines the process for updating or changing current ratings. This rule was amended to make the following changes:

- Changed rule title to "Step Up To Quality: changes, removals, or requests to withdraw a bronze, silver, or gold rating."
- Added "bronze, silver, or gold" to paragraph (A)
- Updated the weblink for the Ohio child licensing and quality system (OCLQS) in paragraph (A)(1)
- Removed paragraphs (B), (C), and (D) as an annual report is no longer required

- Removed paragraph (E) as ratings are continuous
- Removed "star" from rating in paragraph (B)
- Changed "Programs licensed by ODJFS" to "For centers and FCC providers" in paragraph (B)(1)
- Removed "star" and "from ODJFS" in paragraph (B)(1)(a)
- Removed "star" and "ODJFS or the county agency" in paragraph (B)(1)(b)
- Replaced "ODE" with "preschool and school age programs" in paragraph (B)(2)
- Removed "star" from rating in paragraph (B)(2)
- Replaced "ODJFS" and "ODE" with "the Ohio department of children and youth (DCY)" in paragraph (B)(3)
- Removed "star" from rating in paragraph (B)(3)
- Replaced "appendices" with "appendix A" in paragraph (B)(3)
- Removed "star" from rating in paragraph (C)(1)
- Removed paragraph (C)(2) as ratings are continuous
- Removed "star" from rating in paragraph (C)(2)
- Removed "and when does it become effective" in paragraph (F)
- Replaced the paper process for submitting the JFS 01556 "Request to Withdraw from Step Up To Quality" with requesting the withdrawal in OCLQS in paragraph (F)(1)

Rule 5101:2-17-05 "Step Up To Quality" (SUTQ): request for review" outlines the process for requesting a review. This rule was amended to make the following changes:

- Removed all references to "star" in paragraph (A)
- Removed form "JFS 01155 "Request for Review for Licensing and Step Up To Quality" from paragraph (B) as the process is outlined by the licensing agency
- Replaced "JFS 01155" with "request for review"
- Removed all references to "star" in paragraph (C)
- Added "award" to paragraph (C)(3)
- Removed paragraph (D) because this is redundant

Rule 5101:2-17-06 "Step Up To Quality" (SUTQ): county agency responsibilities" outlines the responsibilities for county agencies. This rule was amended to make the following changes:

- Clarified general rule language throughout the rule
- Removed "Ohio department of job and family services (ODJFS)" from paragraph (A)(3)
- Removed "to ODJFS" from paragraph (A)(4)

A copy of the proposed rules is available, without charge, to any person affected by the rules at the address listed below. The rules are also available on the internet at

<http://www.registerofohio.state.oh.us/>. A public hearing on the proposed rules will be held at the date, time, and location listed at the top of this notice. Either written or oral testimony will be taken at the public hearing. Additionally, written comments submitted or postmarked no later than the date of the public hearing will be treated as testimony.

Requests for a copy of the proposed rules or comments on the rules should be submitted by mail to the Ohio Department of Job and Family Services, Office of Legal and Acquisition Services, 30 East Broad Street, 31st Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at rules@jfs.ohio.gov.