

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 5101:2-13-08

**Rule Type:** Amendment

**Rule Title/Tagline:** Employees and child care staff members responsibilities and qualifications for a licensed family child care provider.

**Agency Name:** Department of Job and Family Services

**Division:** Division of Social Services

**Address:** 30 E Broad Street Columbus OH 43215

**Contact:** Michael Lynch **Phone:** 614-466-4605

**Email:** Michael.Lynch@jfs.ohio.gov

#### **I. Rule Summary**

1. **Is this a five year rule review?** No
  - A. **What is the rule's five year review date?** 10/29/2026
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 5104.018, 5104.017
5. **What statute(s) does the rule implement or amplify?** 5104.017, 5104.018
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
  - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

This rule is being amended to address the immediate need in the child care workforce and provide opportunities for young early childhood professionals to begin their careers. ODJFS will be implementing a new policy to expand age requirements for child

care workers. High school graduates under the age of 18 will now be permitted to work as a CCSM in a limited capacity in licensed family child care homes.

- 8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

5101:2-13-08 "Employees and child care staff members responsibilities and qualifications for a licensed family child care provider" outlines the qualifications and responsibilities for all staff members and employees in a family child care home. This rule is being amended with the following changes: lower the minimum age requirement of child care staff members from 18 years old to 16 years old, allow high school graduates under the age of 18 to work in child care, and establish limitations on child supervision and safety for child care staff members under age 18.

- 9. Does the rule incorporate material by reference? Yes**
- 10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

This rule incorporates one or more references to the Ohio Revised Code. This question is not applicable to any incorporation by reference to the Ohio Revised Code because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.75(A)(1)(a).

This rule incorporates one or more references to another rule or rules of the Ohio Administrative Code. This question is not applicable to any incorporation by reference to another OAC rule because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.75(A)(1)(d).

This rule incorporates one or more references to a form or a digital application into which data is entered. This question is not applicable to any incorporation by reference to forms or digital data applications because such reference is exempt from compliance with RC 121.75 to 121.74 pursuant to RC 121.75(B)(4).

- 11. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

*Not Applicable*

## **II. Fiscal Analysis**

- 12. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0

Not Applicable

- 13. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

There are no anticipated new costs of compliance as a result of this rule. The actual amount cannot be estimated because costs will vary from family child care program to program depending on their business model. There will be costs associated with onboarding new child care staff members.

- 14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

- 15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

- 16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not Applicable

### **III. Common Sense Initiative (CSI) Questions**

- 17. Was this rule filed with the Common Sense Initiative Office? Yes**

- 18. Does this rule have an adverse impact on business? Yes**

- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes**

Type A family child care homes must be licensed by the Ohio Department of Job and Family Services because they serve seven or more children. Type B family child care homes must be licensed by the Ohio Department of Job and Family Services if they want to serve children who are publicly funded or they can voluntarily be regulated.

- B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? Yes**

Failure to comply can result in revocation of a family child care Type A or Type B license.

- C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes**

The existing costs of a licensed family child care home to come into compliance with the requirements of the rule can vary greatly based on a number of factors and variables including, but not limited to, program size, business model, and number of children and families enrolled in the program.

- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? Yes**

There may be costs to the program to comply with the child care licensing requirements or to correct an identified non-compliance.

**IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).**

- 19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No**

- A. How many new regulatory restrictions do you propose adding to this rule?**

Not Applicable

- B. How many existing regulatory restrictions do you propose removing from this rule?**

Not Applicable

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**

Not Applicable

- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable