

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-16-01

Rule Type: Amendment

Rule Title/Tagline: Definitions for eligibility for publicly funded child care benefits.

Agency Name: Department of Job and Family Services

Division: Division of Social Services

Address: OFC- 4200 E. 5th Ave., 2nd fl. L2-01 P.O. Box 183204 Columbus OH
43218-3204

Contact: Michael Lynch

Email: Michael.Lynch@jfs.ohio.gov

Phone: 614-466-4605

I. Rule Summary

1. Is this a five year rule review? Yes

A. What is the rule's five year review date? 7/24/2019

2. Is this rule the result of recent legislation? Yes

**A. If so, what is the bill number, General Assembly and Sponsor? HB 166 - 133
- Oleslager**

3. What statute is this rule being promulgated under? 119.03

4. What statute(s) grant rule writing authority? 5104.30, 5104.34, 5104.38

**5. What statute(s) does the rule implement or amplify? 5104.01, 5104.38, 5104.34,
5104.30**

6. What are the reasons for proposing the rule?

This rule is being proposed for amendment to reference a new rule, to add a definition as required by the Child Care Development Block Grant Act of 2014, and to amend a definition for clarification.

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

This rule sets forth the definitions for the publicly funded child care program. The following changes have been made:

- 1) Amended the definition of "Eligible provider" to reference new rule 5101:2-16-09 of the Administrative Code.
- 2) Added the McKinney-Vento definition for "Homeless Children" as required by the Child Care Development Block Grant Act of 2014.
- 3) Amended the definition of "School not in session" to add "including a delayed start time or early dismissal time."

8. Does the rule incorporate material by reference? Yes

9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.

This rule incorporates one or more dated references to the U.S. Code. This question is not applicable to any dated incorporation by reference to the U.S. Code because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.75(A).

This rule incorporates one or more dated references to a federal act or acts. This question is not applicable to any dated incorporation by reference to a federal act because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.75(C).

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 121.76(A)(1).

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 121.76(A)(3).

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

This rule is being revised to update the definitions of "child care," "school-age," "school hours" and "special needs" to align with system functionality and budget language from Am. Sub. H.B. 166 of the 133rd General Assembly, and to add that this rule is amended as a result of the passage of this legislation.

II. Fiscal Analysis

- 11. As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

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This rule has no expected fiscal impact on current or future budgets.

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

No new costs.

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

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

III. Common Sense Initiative (CSI) Questions

- 15. Was this rule filed with the Common Sense Initiative Office? No**

- 16. Does this rule have an adverse impact on business? No**

- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No**
- 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? No**

- C. Does this rule require specific expenditures or the report of information as a condition of compliance? No**