

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-18-02

Rule Type: Amendment

Rule Title/Tagline: Requirements for child day camp registrations.

Agency Name: Department of Job and Family Services

Division: Division of Social Services

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I. Rule Summary

1. Is this a five year rule review? No
 - A. What is the rule's five year review date? 4/16/2023
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 - Oelslager
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 5104.21
5. What statute(s) does the rule implement or amplify? 5104.013
6. What are the reasons for proposing the rule?

To implement provisions of Chapter 5104. amended by Am. Sub. H.B. 166, 133rd General Assembly, relating to the administration of registered child day camps.
7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This rule describes requirements for registered child day camps. This rule is being amended to align with budget language from Am. Sub. H.B. 166, 133rd General Assembly regarding criminal record checks.

- 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 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).

- 10. 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

- 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.

\$0.00

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?**

Registered day camps are required to submit fingerprints for staff to undergo a BCI and FBI check. The average cost for a BCI is \$32.00 and the average cost for a FBI check is \$34.00. Costs will vary depending on the number of staff a program employs.

- 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? Yes

16. 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

Registered day camps are required to obtain a bureau of criminal investigation (BCI) and a federal bureau of investigation (FBI) criminal check for any applicant or employee prior to the first day of employment.

- 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

An applicant or employee convicted of or pleaded guilty to any violations described in division (A)(5) of section 109.572 of the Revised Code who doesn't meet rehabilitation criteria cannot be employed by the registered child day camp.

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

The average cost for a BCI check is \$32.00 and the average cost for a FBI check is \$34.00. Costs will vary depending on the number of staff a program employs.

Standards for Rehabilitation

An applicant, employee, owner or administrator of a registered child day camp who has a prohibited offense shall meet the following standards for rehabilitation:

1. If the offense was a misdemeanor:
 - a. At least three years have elapsed from the date the individual was fully discharged for imprisonment, probation or parole, unless the records were sealed.
 - b. All fines imposed by the court as part of the sentence have been paid in full.
2. If the offense was a felony:
 - a. At least 10 years have elapsed since the individual was fully discharged from imprisonment, probation or parole, unless the records were sealed.
 - b. All fines imposed by the court as part of the sentence have been paid in full.
 - c. The felony was not one of the following:

R.C. 2903.01 – Aggravated Murder

R.C. 2903.02 – Murder

R.C. 2903.11 – Felonious Assault

R.C. 2903.12 – Aggravated Assault

R.C. 2903.13 – Assault

R.C. 2905.01 – Kidnapping

R.C. 2907.02 – Rape

R.C. 2907.03 – Sexual Battery

R.C. 2907.12 – Felonious Sexual Penetration (as this former section of law existed)

R.C. 2907.321 – Pandering Obscenity Involving a Minor

R.C. 2907.322 – Pandering Sexually Oriented Matter Involving a Minor

R.C. 2907.323 – Illegal Use of a Minor in Nudity-Oriented Material of Performance

R.C. 2909.02 – Aggravated Arson

R.C. 2909.03 – Arson

R.C. 2919.22 – Endangering Children

R.C. 2919.25 – Domestic Violence

Or an existing or former offense of any municipal corporation, this state, or any other state, or the United States that is substantially equivalent to any of these offenses.

3. The victim of the offense (misdemeanor or felony) was not one of the following:
 - a. Under 18 years of age.
 - b. Functionally impaired as defined in section 2903.10 of the Revised Code.
 - c. Intellectually disabled or developmentally disabled as defined in section 5123.01 of the Revised Code.
 - d. Mentally ill as defined in section 5122.01 of the Revised Code.
 - e. 60 years of age or older.
4. The following additional factors shall also be considered:
 - a. The age of the person at the time of the offense.
 - b. The nature and seriousness of the offense.
 - c. The time elapsed since discharge from imprisonment, probation or parole.
 - d. Whether the person is a repeat offender.