

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-18-02

Rule Type: New

Rule Title/Tagline: Requirements for registered child day camps not seeking approval to provide publicly funded child care.

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

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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?
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? 5104.21
5. What statute(s) does the rule implement or amplify? 5104.013
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?

5101:2-18-02 "Requirements for registered child day camps not seeking approval to provide publicly funded child care" is a new rule being proposed to replace rule

5101:2-18 -02 "Requirements for child day camp registrations." It is being proposed as a new rule to change to question and answer format and for the five-year review.

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

This rule outlines the requirements for child day camps that must register with ODJFS but are not seeking approval to provide publicly funded child care (PFCC). Differences between this rule and the rule it is replacing include the following:

Changed rule to question and answer format

Clarified background check requirements, including listing specific staff members of registered child day camps who are required to get background checks, and re-wording some paragraphs to simplify language and for clarity

Clarified that registered child day camps must comply with inspections by ODJFS to determine compliance with section 5104.013 of the Revised Code in new paragraph (E)(2)

Moved paragraph (C) of rescinded rule 5101:2-18-02 to new paragraph (F) of this rule.

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 RC121.75(A)(1)(a).

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.

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

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

Child day camps pay a registration fee of \$25.00 per camp, not to exceed \$250.00. The costs will vary depending on the number of camps that must be registered. There will be costs associated with the time it takes to complete the registration. Failing to register or knowingly providing false information will result in paying a registration fee that is three times the regular registration fee.

Registered day camps are required to submit fingerprints for staff to undergo a bureau of criminal investigation (BCI) and federal bureau of investigation (FBI) criminal check for any owner, administrator, applicant or employee prior to their first day of employment. The average cost for a BCI background check is \$32.00 and the average cost for an FBI check is \$34.00. Costs will vary depending on the number of staff that must get a background check, and whether or not the program requires staff to pay for their own checks.

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

Child day camps must register and pay a registration fee of \$25.00 per camp, not to exceed \$250.00 for all camps before beginning operations.

Registered child day camps must get a Bureau of Criminal Investigation (BCI) and a Federal Bureau of Investigation (FBI) background check for every owner, administrator, employee and child day camp staff member 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

If a child day camp that is required to register under section 5104.21 of the Revised Code fails to register with ODJFS, or knowingly provides false or misleading information, the child day camp must pay a registration fee equal to three times the regular registration fee.

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 cost of registration is \$25.00 per camp, not to exceed \$250.00. Costs will vary depending on the number of camps that need registered. There will be costs associated with the time it takes to register and to get required background checks. The average cost for a BCI check is \$32.00 and the average cost for an FBI check is \$34.00. Costs will vary depending on the number of staff a program employees, and whether or not the camp requires employees to pay for their own checks.

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? No

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