

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-18-02

Rule Type: Rescission

Rule Title/Tagline: Requirements for registered child day camps.

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? Yes
 - A. What is the rule's five year review date? 2/9/2023
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?

This rule is being rescinded due to the five-year review.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 registered child day camps. It is being rescinded and replaced to change to question and answer format.

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).

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 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?**

Not Applicable.

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 with ODJFS and pay a registration fee before beginning operations. Registered day camps are required to obtain a Bureau of Criminal Investigation (BCI) and a Federal Bureau of Investigation (FBI) for any applicant or employee prior to their 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

This rule imposes a sanction of three times the registration fee if a camp fails to register or knowingly provides false information.

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

Registration fee is \$25.00 per camp, not to exceed \$250.00 for all camps. Camps are required to report the camp's name and address and the owner's name and contact information.

The average cost for a BCI check is \$32.00 and the average cost of an FBI check is \$34.00. Costs will vary depending on the number of staff a child day camp employs and the camp's policy on who pays for background 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? Yes

A. How many new regulatory restrictions do you propose adding to this rule? 0

B. How many existing regulatory restrictions do you propose removing from this rule? 17

(A) A person shall not operate a child day camp without annually registering with the Ohio department of job and family services (ODJFS) unless the child day camp meets the exemption criteria in section 5104.21 of the Revised Code.

(B) The person operating a child day camp shall register the camp by completing and submitting a registration and fee online in the Ohio child licensing and quality system (OCLQS) at <https://oclqs.force.com> by March fifteenth annually.

(B)(1) The fee shall be twenty-five dollars per camp, not to exceed two hundred fifty dollars for all camps, pursuant to section 5104.21 of the Revised Code.

(B)(2) The fee is nonrefundable and nonreturnable. This registration shall be effective for the period of March fifteenth of the current year through March fourteenth of the following calendar year.

(B)(3) Registration of a new child day camp after March fifteenth shall be effective from the date of registration through March fourteenth of the following year.

(C) A child day camp administrator or a designated staff member shall provide the parents of each child who attends or participates in the registered child day camp with the telephone numbers of the county department of health or local health district and the public children services agency of the county in which the day camp is located, and a statement that the parents may use these telephone numbers to make a complaint regarding the child day camp.

(D) If a child day camp that is required to register under section 5104.21 of the Revised Code fails to register with ODJFS, or if a child day camp that files a registration form knowingly provides false or misleading information, the child day camp shall register correctly and pay a registration fee equal to three times the registration fee.

(E)An applicant, employee, including an administrator and counselor of a child day camp, shall request a bureau of criminal investigation (BCI) and a federal bureau of investigation (FBI) criminal records check pursuant to section 5104.013 of the Revised Code.

(E) The request shall be made at the time of initial application for employment and every five years thereafter.

(E)(1) Until the administrator has reviewed the results of the criminal records check and determines that the applicant or employee is eligible for employment, the camp shall not grant the applicant or employee sole responsibility for the care, custody, or control of a child.

(E)(1) If the results indicate that the applicant or employee is ineligible for employment, the camp shall immediately release the applicant or employee from employment.

(E)(2) The administrator shall determine an applicant or employee ineligible for employment if the person has been convicted of or pleaded guilty to any of the violations described in division (A)(5) of section 109.572 of the Revised Code unless the individual meets the rehabilitation criteria in appendix A of this rule.

(E)(2) When the applicant or employee is determined ineligible, the registered child day camp shall not employ the applicant or employee or contract with another entity for the services of the applicant or employee.

(E)(3) Each registered child day camp shall pay to BCI and FBI the prescribed fee for each criminal records check conducted.

(E)(3) A fee charged shall not exceed the fees the camp pays under this rule.

(E)(3) If a fee is charged, the camp shall notify the applicant at the time of the applicant's initial application for employment of the amount of the fee and that, unless the fee is paid, the camp will not consider the applicant for employment.

(E)(4) If a fee is charged, the camp shall notify the applicant at the time of the applicant's initial application for employment of the amount of the fee and that, unless the fee is paid, the camp will not consider the applicant for employment.

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable