

**PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES**

DATE: August 15, 2011
TIME: 10:00 a.m.
LOCATION: Room 2925, Rhodes State Office Tower
30 East Broad St., Columbus, Ohio 43215

Pursuant to section 5104.011 and Chapter 119. of the Ohio Revised Code, the director of the Ohio Department of Job and Family Services gives notice of the department's intent to consider the amendment of the rules as identified below and of a public hearing thereon.

Rule 5101:2-12-01, entitled Definitions for Licensed Child Care Centers is being amended as a result of Am. Sub. HB 153, 129 General Assembly and the Five Year Review. The rule is to be amended to include the definition of "career pathways model" and "serious risk noncompliances" and to remove "license capacity."

Rule 5101:2-12-03, entitled License Capacity for Licensed Child Care Centers is to be amended as a result of Am. Sub. HB 153, 129 General Assembly and the Five Year Review. The rule is to be amended to detail the differences in the way license capacity is determined for a center in a provisional period versus a center that is in a regular license.

Rule 5101:2-12-04, entitled Initial Application and Issuance of a Provisional License for Child Care Centers is being amended as a result of Am. Sub. HB 153, 129 General Assembly and the Five Year Review. The rule is to be amended to reflect the concept of a "continuous license," meaning programs will no longer need to reapply every two years to have their license renewed. After the center completes the provisional period, the license will continue as a regular license without an expiration date, unless the program demonstrates that they are unable or unwilling to operate in compliance with the licensing rules. The rule has also been amended to increase the initial application fee, to extend the provisional period to twelve months and to add language regarding the application process.

Rule 5101:2-12-04.1, entitled Procedures for Child Care Centers Operating Under a Provisional License is being amended as a result of Am. Sub. HB 153, 129 General Assembly. This rule is a new rule which explains the requirements for compliance inspections during the provisional period, what happens at the end of the provisional period and under what circumstances a license may be proposed for revocation during the provisional period. An appendix has also been added to this rule to provide additional information.

Rule 5101:2-12-05, entitled License Amendments for Licensed Child Care Centers is being amended as a result of Am. Sub. HB 153, 129 General Assembly and the Five Year Review. The rule is to be amended to revise the title of the rule, to remove language regarding initial applications and move that language to 5101:2-12-04 and to detail the process for requesting an amendment to a center's license.

Rule 5101:2-12-06, entitled Procedures for Renewal of a Child Care Center License is being rescinded as a result of Am. Sub. HB 153, 129 General Assembly and the Five Year Review. This rule is to be rescinded as the department is making the change to a continuous license for child care.

Rule 5101:2-12-07, entitled Inspection and Investigation of Licensed and Unlicensed Child Care Centers is being amended as a result of Am. Sub. HB 153, 129 General Assembly and the Five Year Review. The rule is to be amended to revise the title of the rule, language regarding inspections has been moved to 5101:2-12-04.1, the rule now states that the center must respond to the inspection report by the date listed in the report and language regarding renewal of a license has been removed.

Rule 5101:2-12-09, entitled Denial or Revocation of a Child Care Center Application or License is being amended as a result of Am. Sub. HB 153, 129 General Assembly and the Five Year Review. The rule is to be amended to remove language about renewal of a license and to increase the number of years required to pass before someone who has had their license revoked can apply again for a child care license.

Rule 5101:2-12-10, entitled Building Department Inspection for Licensed Child Care Centers is being amended as a result of Am. Sub. HB 153, 129 General Assembly. The rule is to be amended to include the requirement that the center abide by any stipulations or limitations that the building inspection department indicates on the report and that a new approval must be secured if the center chooses to relocate the program.

Rule 5101:2-12-11, entitled Fire Department Approval for Licensed Child Care Centers is being amended as a result of Am. Sub. HB 153, 129 General Assembly. The rule is to be amended to specify that the center must secure a new fire inspection approval if they choose to relocate the program.

Rule 5101:2-12-20, entitled Supervision, Staff/Child Ratios and Grouping for Licensed Child Care Centers is being amended as a result of Am. Sub. HB 153, 129 General Assembly and the Five Year Review. The rule is to be amended to clarify supervision standards, to eliminate the need for child care staff members to be employed to meet the center's current license capacity, to update the revision dates of the JFS 01238 and JFS 01306. Additionally, language has been added regarding the attendance requirements.

Rule 5101:2-12-24, entitled Administrator Responsibilities and Qualifications for Child Care Centers is being amended as a result of Am. Sub. HB 153, 129 General Assembly and the Five Year Review. The rule is to be amended, at child care providers request, to increase the number of qualifications that a person must have to qualify as a child care administrator, however, an additional year is available for the administrator to meet the second part of the qualifications. This rule has also been amended to increase the ways that an administrator may meet the education requirements, to clarify that the administrator's designee does not have to meet the administrator educational qualifications, and to remove the requirement that home schooled students submit a letter verifying their curriculum met state requirements.

Rule 5101:2-12-30, entitled Written Information, Policies and Procedures to be Provided to Parents/Guardians of Children in Licensed Child Care Centers is being amended as a result of

Am. Sub. HB 153, 129 General Assembly. The rule is to be amended to include the specific requirements of the parent participation plan and to update the revision date of the JFS 01237.

Rule 5101:2-12-32, entitled Parental Participation Policies and Parent Roster Requirements in Licensed Child Care Centers is being rescinded as a result of Am. Sub. HB 153, 129 General Assembly. This rule is to be rescinded as the statutory requirement for child care centers to prepare and maintain a parent roster has been removed. Language regarding the parental participation policy has been moved to 5101:2-12-30.

A copy of the proposed rule(s) is available, without charge, to any person affected by the rule(s) at the address listed below. The rule(s) is also available on the internet at <http://www.registerofohio.state.oh.us/>. A public hearing on the proposed rule(s) will be held at the date, time, and location listed at the top of this notice. Either written or oral testimony will be taken at the public hearing. Additionally, written comments submitted or postmarked no later than the date of the public hearing will be treated as testimony.

Requests for a copy of the proposed rule(s) or comments on the rule(s) should be submitted by mail to the Ohio Department of Job and Family Services, Office of Legal Services, 30 East Broad Street, 31st Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at rules@jfs.ohio.gov.