

**MEMORANDUM**

**TO:** Trudy Rammon, Ohio Department of Job and Family Services

**FROM:** Jacob Ritzenthaler, Regulatory Policy Advocate

**DATE:** August 2, 2017

**RE:** **CSI Review – Family Child Care Rules (OAC 5101:2-13-10, 5101:2-13-12 through 5101:2-13-14, 5101:2-13-16, 5101:2-13-18, 5101:2-13-23 and 5101:2-13-25)**

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On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

**Analysis**

This rule package contains eight amended rules proposed by the Ohio Department of Job and Family Services (ODJFS). This rule package was submitted to the CSI Office on July 12, 2017 and the public comment period was held open through July 19, 2017.

The rules set forth training and professional development requirements for family child care providers and staff, group size ratios and safety requirements. The amendments are being made after consultation with stakeholder workgroups to remove certain minimum requirements and provide clarification.

At the recommendation of the CSI Office, ODJFS reached out to stakeholders after the December 31, 2016 effective date of the licensing rules. ODJFS received feedback from the Ohio Alliance of Early Learning Advocates and conducted stakeholder workgroups to develop the current draft rules. Then, during early stakeholder outreach, ODJFS received three comments. The first

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comment addressed multiple topics within the rule package, including suggestions for hazardous objects, substitute staff and hand washing requirements. ODJFS provided clarification and responded that the suggestions would be noted for future amendments following review. Another comment suggested adding a child's address to permission slip reporting. ODJFS stated that the rule does not require an address to be reported. The comment also asked for clarification on Ohio Professional Registry (OPR) training and schedule reporting. ODJFS suggested contacting OPR for further clarification and that the most common schedule may be submitted. A comment suggested changing the rule to utilize a standard term for child care staff and ODJFS included the suggestion into the rule language.

One comment was received during the CSI public comment period. The comment suggested that substitute child care staff should not need full communicable disease training. ODJFS stated that since substitute child care staff could potentially be left alone with children for extended periods, they are required to have all necessary training. The comment also suggested that OPR reporting requirements should be scaled back in order to provide more opportunities for interacting with children. ODJFS replied by stating that requirements for OPR reporting allow child care providers to comply with background check standards and move efficiently to different programs.

The business communities impacted by these rules include 235 Type A and 3,202 Type B licensed family child care providers. The impact includes costs in terms of time associated with compliance and implementation of policies and procedures. The BIA states that the amendments to these rules result in decreased costs by reducing the level of oversight and allowing flexibility in determining policies. After reviewing the proposed rules and the BIA, the CSI Office has determined that the rules satisfactorily meet the standards espoused by the CSI Office, and the purpose of the rule package is justified.

### **Recommendations**

For the reasons described above, the CSI Office has no recommendations on this rule package.

### **Conclusion**

Based on its review of the proposed rule package, the CSI Office recommends the Ohio Department of Job and Family Services should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.