

**MEMORANDUM**

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

FROM: Christopher Smyke, Regulatory Policy Advocate

DATE: December 22, 2017

RE: **CSI Review – Office of Family Assistance - Child Care Day Camps (OAC 5101:2-18-02 to 5101:2-18-13)**

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) 107.54, CSI has reviewed the abovementioned administrative rules and associated Business Impact Analysis (BIA). This memo represents CSI's comments to the Agency as provided for in ORC 107.54.

Analysis

On November 14, 2017 the Ohio Department of Job and Family Services (ODJFS) submitted a draft rule package consisting of two rescinded rules and twelve new rules to the CSI Office for review. The official public comment period closed on November 21, 2017 with no comments submitted.

The rules in this package are being proposed in order to comply with new federal requirements in the Child Care Development Block Grant Act (CCDBG) of 2014. This law requires publicly funded child care (PFCC) providers to abide by minimum health and safety standards and demonstrate compliance through inspections and monitoring by ODJFS. Currently, camps are required to be accredited by the American Camp Associations (ACA), but are not required to be monitored directly by ODJFS. The new rules outline requirements regarding applications, inspections, administrators, employees, child supervision, emergency plans, administering medication, transportation, and safety.

ODJFS worked with the Child Care Advisory Council and the ACA in developing the draft rules. ODJFS conducted its early clearance process from September 5, 2017 to September 19, 2017 and furnished the resulting comments and responses for the CSI Office. ODJFS responded to each

comment appropriately and incorporated suggestions that aligned with the requirements of CCDBG, while justifying suggestions that were not incorporated as not aligning with CCDBG. No comments were received during the CSI public comment period.

The impacted business community includes 158 registered and 70 approved child day camps in Ohio. Financial impacts include registration fees of \$25 per camp with a maximum of \$250 and the cost for criminal background checks (\$22 for BCI and \$24 for FBI). Day camps that utilize vehicles for field trips must receive a safety inspection prior to seasonal use, which may cost between \$50 and \$120. Administrative impacts include the time for applications, ODJFS inspections, maintaining attendance records, preparing emergency/disaster plans, and developing internal procedures to administer medications. The rules also impose training and staffing requirements on administrators and employees of day camps. Day camps are required to furnish safe and age-appropriate furniture, equipment, and safety gear, as well as provide proper care for any animals at the camp. The BIA acknowledges that the cost of maintaining compliance with administrative staff and material requirements will vary greatly based on the business model of individual day camps, and is not readily estimated.

The BIA justifies the adverse impacts with the health and safety of children who attend day camps. In addition, Ohio law requires such day camps to be registered with ODJFS and the CCDBG mandates that camps are inspected by ODJFS, meet certain training requirements, and abide by minimum health and safety standards.

Following review of the draft rules, BIA, and stakeholder outreach, it has been determined that the standards espoused by the CSI Office have been met, and the adverse impacts of the draft rules and proposed amendments are justified.

Recommendations

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

Conclusion

Based on the above comments, the CSI Office concludes that the Ohio Department of Job and Family Services should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

CC: Emily Kaylor, Lt. Governor's Office