



## Common Sense Initiative

**Mike DeWine**, Governor  
**Jon Husted**, Lt. Governor

**Carrie Kuruc**, Director

### MEMORANDUM

**TO:** Michael Lynch, Ohio Department of Job and Family Services

**FROM:** Paula Steele, Common Sense Initiative Office

**DATE:** September 12, 2019

**RE:** **CSI Review – Child Care Center Licensing (OAC 5101:2-12-05 and 5101:2-12-07)**

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On behalf of Lt. Governor Jon Husted, 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 consists of two amended rules proposed by the Ohio Department of Job and Family Services (ODJFS). One draft rule, 5101:2-12-07, includes two appendices. The proposed rules were submitted to the CSI Office on August 19, 2019 and the public comment period was held open through August 26, 2019. No public comments were received during this time. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI office on August 19, 2019.

The draft rules concern child care center licensing, specifically address criteria and the process for denying, suspending or revoking a license, and prescribe the qualification requirements to become an administrator of a child care center. The proposed rules are being amended to comply with statutory changes as a result of House Bill 166 of the 133<sup>rd</sup> General Assembly.

OAC 5101:2-12-05 is being amended to add in-home aide certification and revocation of the certification as criteria for denial to an applicant of a child care center license for at least five years. ORC 5104.01 defines an "in-home aide" as "a person who does not reside with the child but provides

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

[CSIPublicComments@governor.ohio.gov](mailto:CSIPublicComments@governor.ohio.gov)

care in the child's home and is certified by a county director of job and family services pursuant to section 5104.12 of the Revised Code to provide publicly funded child care to a child in a child's own home pursuant to this chapter and any rules adopted under it.” The draft rule also adds a provision that ODJFS can immediately suspend a child care center license if does not meet the criminal records check of the owner or administrator as mandated in ORC 5104 and clarifies the process regarding licensure suspension.

OAC 5101:2-12-07 is being amended to add to the duties of a licensed child care administrator the responsibility to ensure no person at the center discriminates in the enrollment of a child based upon race, color, religion, sex, disability or national origin.

During the rules’ development, the Child Care Advisory Council reviewed the proposed rules. No suggested changes to the draft rules were provided by the Council.

According to ODJFS, approximately 4,160 licensed child care centers could be impacted by the draft rules. The impact could be loss of licensure for noncompliance of the rules and therefore loss of income for at least five years. Changes in Ohio statute as a result of House Bill 166 (133<sup>rd</sup> General Assembly) are the impetus for amendments in the proposed rules.

### **Recommendations**

Based on the information above, the CSI Office has no recommendations on this rule package.

### **Conclusion**

The CSI Office concludes that the Ohio Department of Job and Family Services should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.