



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 – 2019 Day Camps (OAC 5101:2-18-02, Appendix A, and 5101:2-18-05, Appendix A)**

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 and two appendices proposed by the Ohio Department of Job and Family Services (ODJFS). 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 proposed rules concern child day camps registration requirements and child day camp administrator requirements for approved child day care camps. Approved child day camps can receive federal funding and therefore have additional compliance requirements. According to the ODJFS website, "child day camps" are defined as a program in which only school children attend or participate. A "school child" is someone that is enrolled or eligible to be enrolled in kindergarten or above and who is less than fifteen years old.

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Both rules are being amended to add existing requirements in administrative code as required in ORC 121.93, and to align with House Bill 166 (133rd General Assembly). OAC 5101:2-18-02 is being amended to require a background check from the bureau of criminal investigation (BCI) and the federal bureau of investigation (FBI) for any applicant or employee of a registered child day camp at the time of application and every five years thereafter. In addition, an applicant or employee is determined ineligible for employment due to specified violations unless the individual meets the rehabilitation criteria in Appendix A - *Standards for Rehabilitation*. OAC 5101:2-18-05 is being amended to prohibit the discrimination in the enrollment of children upon the basis of race, color, religion, sex, disability, or national origin in approved child day camp.

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.

Adverse impacts to business included in the amended rule language are the initial costs, and costs every five years thereafter, of a BCI and FBI background checks. According to the BIA, the average costs are \$32 and \$34 for each BCI and FBI criminal background checks, respectively. ORC 5104.013 requires the criminal background checks for registered day camp employees.

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.