



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: Jacob Ritzenthaler, Regulatory Policy Advocate

DATE: May 8, 2020

RE: **CSI Review – Provider Responsibilities for Publicly Funded Child Care (OAC 5101:2-16-09)**

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 one amended rule proposed by the Ohio Department of Job and Family Services (ODJFS). This rule package was submitted to the CSI Office on April 13, 2020, and the public comment period was held open through April 21, 2020. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on April 13, 2020.

Ohio Administrative Code (OAC) 5101:2-16-09 establishes the responsibilities for providers of publicly funded child care. The provides requirements for provider eligibility, rating through the Step Up To Quality (SUTQ) program, provider agreement enrollment, attendance tracking, and accepting and collecting payment. The rule is being amended to change the date at which a provider that operates a licensed child care program is eligible to provide publicly funded child care.

During early stakeholder outreach, ODJFS reviewed the rule with the Child Care Advisory Council. The Council did not suggest any changes to the rule. No stakeholder comments were

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received during the CSI public comment period.

The business community impacted by the rule includes all providers of publicly funded child care operating in Ohio. The adverse impact created by the rule includes requirements for businesses to have an established provider agreement with ODJFS, as well as record attendance data. ODJFS states in the BIA that the rule is necessary to comply with ORC 5104.31, which requires rating through the SUTQ program for eligibility to provide publicly funded child care.

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.