



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Carrie Kuruc, Director

MEMORANDUM

TO: Sherry Worstell, Ohio Department of Education

FROM: Ethan Wittkorn, Regulatory Policy Advocate

DATE: February 3, 2021

RE: CSI Review – Chapter 3301-37 of the Administrative Code regarding child day-care programs (OAC 3301-37-01, 3301-37-02, 3301-37-03, 3301-37-04, 3301-37-05, 3301-37-06, 3301-37-07, 3301-37-08, 3301-37-09, 3301-37-10, 3301-37-11, and 3301-37-12)

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 Department as provided for in ORC 107.54.

Analysis

This Ohio Department of Education (Department) rule package consists of 12 amended rules submitted as part of a statutory five-year review process. The rules were submitted to the CSI office on November 18, 2020, and the public comment period was open through November 25, 2020. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI office on November 18, 2020.

The proposed rules in this package include requirements for staff and facilities of eligible chartered nonpublic and community schools operated by businesses regarding child safety and discipline, and disease prevention and management. Proposed amendments require publicly funded programs to achieve a step-up-to-quality rating, notification requirements to parents, and additional facility and staffing requirements for safety and health standards.

The Department engaged stakeholders during the time preceding the five-year review process

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through technical assistance, regular visits, and email. Information was compiled during this time to inform the Department's updates to the rules. Additionally, the department held an early stakeholder review in the summer of 2020, sending notification of a chance to comment to all licensed programs. The Department received requests for the implementation of technical assistance, which were incorporated into the rules.

During the CSI public comment period, two additional comments were submitted on the rules. Both comments came from program directors in Clark and Stark counties raising concerns about student teacher ratio changes for preschool programs and other requirements of the director. The Department responded to these concerns to clarify that ratio changes had not occurred, that requirements of the intervention specialist do not apply to preschools, and that requirements of the director are required by statute. Furthermore, the Department clarified that an onsite director can be a head teacher and does not mean the program director. No changes were made to the rules based on these comments.

Impacted communities include nonpublic and community schools. Potential impacts include costs to these communities arising from meeting staffing requirements, administrative time necessary to develop policies in line with rule requirements, and administrative costs to comply with inspections and investigations. There are also program costs such as printing and conference expenses, costs to comply with facility requirements, and costs to maintain basic supplies for the function of applicable programs. These rules are in place to guarantee health standards, and the safety of children in the regulated programs. The rules also meet statutory requirements to create rules in tandem with those of the Department of Job and Family Services.

Recommendations

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

Conclusion

The CSI Office concludes that the Department should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.