



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Joseph Baker, Director

MEMORANDUM

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

FROM: Jacob Ritzenthaler, Business Advocate

DATE: February 8, 2023

RE: **CSI Review – Child Day Camps (OAC 5101:2-18-02, 5101:2-18-03, 5101:2-18-04, 5101:2-18-05, 5101:2-18-06, 5101:2-18-08, 5101:2-18-09, 5101:2-18-10, 5101:2-18-11, 5101:2-18-12, and 5101:2-18-13)**

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This rule package consists of ten amended rules, one rescinded rule, and one new rule proposed by the Ohio Department of Job and Family Services (ODJFS). This rule package was submitted to the CSI Office on January 4, 2023, and the public comment period was held open through January 11, 2023. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on January 4, 2023.

Ohio Administrative Code (OAC) Chapter 5101:2-18 establishes requirements for child day camps. OAC 5101:2-18-02 is a new rule that replaces a rescinded rule and sets forth requirements for child day camps not seeking approval to provide publicly funded child care (PFCC). The rule provides information on registration, background checks, inspections, and information that is provided to parents. An appendix is also included in the rule, which lists the standards for rehabilitation that an applicant, employee, or administrator of a camp must meet upon committing a prohibited offense.

OAC 5101:2-18-03 concerns the registration and application process to operate a child day camp,

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including the processes to complete registration with ODJFS, approval to provide PFCC, maintain registration, renew PFCC approval, and Ohio Child Licensing and Quality System information. The rule is amended to update referenced rules and forms, as well as reorganize the rule contents. The rule contains an appendix that lists the documents required for an application for an approved child day camp and is amended to add an emergency and disaster plan as a required document, update form submission processes, and align meal and snack timeframes with Ohio Department of Health and Department of Agriculture requirements. OAC 5101:2-18-04 concerns compliance inspections and complaint investigations. At least one inspection is required prior to camp approval and one inspection per summer and all inspections are unannounced. The rule is amended to state that noncompliance may result in additional inspections or the submission of additional compliance materials. OAC 5101:2-18-05 and 5101:2-18-06 list the requirements for administrators and lead counselors, junior counselors, counselors-in-training, and employees. Amendments include removing outdated requirements for pre-camp orientation.

OAC 5101:2-18-08 establishes the training and professional development requirements for camps and is amended to clarify first aid and CPR training curriculum requirements. OAC 5101:2-18-09 sets forth the staff supervision and child ratio guidelines and is amended to clarify the meaning of “supervision” and attendance record retention. OAC 5101:2-18-10 describes the information that camps must include in emergency, disaster, and health-related plans, including the procedures used to prepare for and respond to emergency or disaster situations. The rule is amended to require camps to conduct an emergency/lockdown drill once per year and make plans for continuing operations during an emergency. OAC 5101:2-18-11 concerns the administration of medicine to children and caring for children with special health needs. The rule is amended to reorganize rule content, remove unnecessary regulatory restrictions, include medical foods and topical products in the appropriate requirements, require a statement of immunization for children, and clarify language regarding written medical care plans, medical record retention, and immunization statements. OAC 5101:2-18-12 sets forth requirements for camp transportation and field trip safety and is amended to require that reasonable accommodations are made for children with special health needs new vehicle safety checks occur within one year of purchase, and to reference bus preparedness operation and safety rules. OAC 5101:2-18-13 establishes requirements for safe and sanitary equipment and environments, including ensuring that equipment does not pose a safety threat, buildings and spaces are clean and devoid of hazards, and that swimming sites are monitored. The rule is amended to require that children be protected from vehicular traffic and bodies of water and to include and clarify lead poison hazard requirements.

During early stakeholder outreach, ODJFS reviewed the proposed rules during meetings of the Child Care Advisory Council. One comment was received during that time, which prompted ODJFS to include clarifying language to the definition of a child day camp owner. No comments were received

during the CSI public comment period.

The business community impacted by the rules includes 180 registered day camps, of which 25 are approved to provide publicly funded child care. The adverse impacts created by the rules include the cost of registration fees, background checks, and employee training. The rules also require the creation of written emergency plans, filing information electronically, and compliance with safety measures. ODJFS states that the adverse impacts are necessary to ensure the safety of children while also complying with federal approval standards.

Recommendations

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

Conclusion

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