



# 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:** October 8, 2023

**RE:** CSI Review – OFA Revisions to OAC 5101:2-12-08 and 5101:2-13-08 (OAC 5101:2-12-08 and 5101:2-13-08)

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 rule package consists of two amended rules proposed by the Ohio Department of Job and Family Services (ODJFS). This rule package was submitted to the CSI Office on October 3, 2023, and the public comment period was held open through October 10, 2023. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on October 3, 2023.

Ohio Administrative Code (OAC) 5101:2-12-08 establishes requirements for employees and child care staff members at licensed child centers. The rule is amended to lower the minimum age for child care staff workers from eighteen years old to sixteen, as well as to update the education standards for a high school-aged worker by requiring the worker to at least be a junior in high school and enrolled in either an early childhood education or child development career technical program, a child development associate training program, or college credit program with early childhood education or child development focus. The rule also updates verification and record keeping requirements. OAC 5101:2-13-08 establishes requirements for employees and child care staff members at licensed family child care providers. The rule is amended to allow high school graduates under the age of eighteen to work in a family child care home, as well as list prohibited activities for workers under the age of

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eighteen, which include transporting children or administering medication.

During early stakeholder outreach, ODJFS reviewed the proposed rules during meetings of the Child Care Advisory Council and made them available through a public clearance period. Comments were received during that time which suggested allowing high school students under the age of eighteen to work in licensed family child care homes, in addition to high school graduates under the age of eighteen already included in the rule. ODJFS did not make the suggested change but informed the stakeholders that it would be reviewed for future amendments to the rule. No comments were received during the CSI public comment period.

The business community impacted by the rules includes approximately 3,892 licensed child care centers and 270 Type A and 2,034 Type B family child care providers. The adverse impacts created by the rules include the costs to train and educate new staff members, complete requirements to file documentation with ODJFS (including education verification, medical statements, immunization records), and create and manage Ohio Professional Registry accounts. ODJFS states that these adverse impacts are necessary to ensure the health and safety of children.

### **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.