

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 5101:2-12-18

**Rule Type:** Amendment

**Rule Title/Tagline:** Group size and ratios for a licensed child care center.

**Agency Name:** Department of Job and Family Services

**Division:** Division of Social Services

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#### I. Rule Summary

1. **Is this a five year rule review?** Yes
  - A. **What is the rule's five year review date?** 7/28/2021
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 5104.016
5. **What statute(s) does the rule implement or amplify?** 5104.033
6. **What are the reasons for proposing the rule?**

This rule is being amended as a result of the five year review, to maintain federal requirements, remove duplicate requirements, remove revision dates from form citations, and provide clarifications for child care centers.

7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

5101:2-12-18 "Group size and ratios for a licensed child care center" outlines the requirements for staff to child ratios and grouping in a licensed child care center.

This rule is being amended with the following changes: clarified language about the attendance record requirement; and added guidelines surrounding transition agreement documentation and when preschool children may transition to the school-age group.

8. **Does the rule incorporate material by reference? No**
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

*Not Applicable*

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

*Not Applicable*

## **II. Fiscal Analysis**

11. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

Not Applicable

12. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

There are no anticipated new costs of compliance as a result of this rule. The existing costs associated with this rule can vary based on the number of children enrolled in the program as well as the manner in which the center ensures ratio of children to staff is being met as well as the attendance recordkeeping system the center selects for use.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**
14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

15. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not Applicable

### III. Common Sense Initiative (CSI) Questions

16. Was this rule filed with the Common Sense Initiative Office? Yes

17. Does this rule have an adverse impact on business? Yes

- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes

Child care centers must be licensed by the Ohio Department of Job and Family Services (ODJFS) in order to care for seven or more children. Child care centers must be licensed by ODJFS to serve publicly funded children.

- B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? Yes

Failure to comply can result in revocation of a child care center license.

- C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes

The existing costs of a child care center to come into compliance with the requirements of the rule can vary greatly based on a number of factors and variables including, but not limited to, center size, business model, number of children and families enrolled in the center.

- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

### IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

- A. How many new regulatory restrictions do you propose adding? 0

**B. How many existing regulatory restrictions do you propose removing? 2**

5101:2-12-18 (A)(4)(b) Specific child care staff members shall be assigned and responsible for the care and supervision of the children in their group on a daily basis.

5101:2-12-18 (A)(7) The children shall be organized in groups to give continuity of care and supervision to the children on a day by day basis.