

**MEMORANDUM**

**TO:** Trudy Rammon, Ohio Department of Job and Family Services

**FROM:** Jacob Ritzenthaler, Regulatory Policy Advocate

**DATE:** August 2, 2017

**RE:** **CSI Review – Child Care Center Rules (OAC 5101:2-12-07, 5101:2-12-08, 5101:2-12-10, 5101:2-12-12 through 5101:2-12-14, 5101:2-12-16, 5101:2-12-18, 5101:2-12-23 and 5101:2-12-25)**

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On behalf of Lt. Governor Mary Taylor, 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 contains 10 amended rules and their appendices proposed by the Ohio Department of Job and Family Services (ODJFS). This rule package was submitted to the CSI Office on July 12, 2017 and the public comment period was held open through July 19, 2017.

The rule package establishes licensing rules for child care centers. The rules set forth the training and education requirements for child care center administrators and staff, as well as health, safety and sanitary requirements for facility operations. The rules are being amended to include changes suggested through stakeholder engagement and to clarify requirements and instructions included in appendices.

At the recommendation of the CSI Office, ODJFS reached out to stakeholders after the December 31, 2016 effective date of the licensing rules. During early stakeholder outreach, ODJFS received eight comments. ODJFS held two stakeholder meetings and used that feedback to draft the current

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proposed rules. Two of the comments opposed the amendment that removed certain hand washing standards. ODJFS replied that the amendment sets minimum standards and that programs have the ability to set stricter standards. Two comments advised that requiring two employees to be present even when there are few children would result in adverse costs to both child care programs and families. ODJFS responded by clarifying that the amendment allows for only one staff member to be present when there are fewer than seven children in attendance. One comment suggested that removing the requirement for two employees to be present at all times does not properly provide for child safety. ODJFS replied that the change was requested by industry stakeholders and aligns with family child care requirements. One comment raised issue with multiple parts of the rule package, including breast-feeding policies, weapons and child documentation. ODJFS responded by clarifying that the proposed amendments remove requirements for breast-feeding policies and certain attendance records and allow for programs to create their own policies for weapons. Another comment supported the rule package and asked for clarification regarding medical foods and a possible mistake in the rule language. ODJFS responded by delivering the definition of medical foods and clarifying that the form was correct. No comments were received during the CSI public comment period.

ODJFS estimates that 4,168 licensed child care facilities will be impacted by the rules contained in the package. The adverse impacts created by the rules include costs in terms of time associated with compliance and implementation of policies and procedures. The BIA states that the rules create no additional adverse costs to child care centers and may actually result in decreased costs by reducing the level of oversight and allowing flexibility in determining policies. The amendments were developed through meetings with stakeholders that were a requirement of a previously issued CSI recommendation. After reviewing the proposed rules and the BIA, the CSI Office has determined that the rules satisfactorily meet the standards espoused by the CSI Office, and the purpose of the rule package is justified.

### **Recommendations**

For the reasons described above, the CSI Office has no recommendations on this rule package.

### **Conclusion**

Based on its review of the proposed rule package, the CSI Office recommends the Ohio Department of Job and Family Services should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.