



# Common Sense Initiative

Mike DeWine, *Governor*  
Jon Husted, *Lt. Governor*

Joseph Baker, *Director*

## MEMORANDUM

**TO:** Brittney Kneisel, Ohio Department of Education and Workforce

**FROM:** Caleb White, Business Advocate

**DATE:** October 16, 2024

**RE:** **CSI Review – Chapter 3301-32 of the Administrative Code Regarding School Child Programs (OAC 3301-32-01, 3301-32-03, 3301-32-04, 3301-32-05, 3301-32-06, 3301-32-07, 3301-32-08, 3301-32-09, 3301-32-10, and 3301-32-11)**

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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 ten amended rules proposed by the Ohio Department of Education and Workforce (Department). This rule package was submitted to the CSI Office on September 27, 2024, and the public comment period was held open through October 4, 2024. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on September 27, 2024.

Ohio Administrative Code (OAC) Chapter 3301-32 establishes the definitions, standards, and requirements related to childcare programs operated by local school district boards of education, county boards of Developmental Disabilities, Educational Service Centers, Joint Vocational Schools, eligible chartered non-public and community schools. These rules contain requirements addressing topics including staff/child ratios, staffing, building inspections, building and outdoor play spaces, curriculums, child records, meals and snacks, child illnesses, child discipline, policy and recordkeeping, licensure, and program inspection. These rules are amended to update rule titles

as well as to update and streamline language.

During early stakeholder outreach, the Department posted the current rules for public comment from July 17, 2024, through August 4, 2024. After the initial outreach, the Department posted the amended rules on its website for a public comment period beginning August 23, 2024, and ending September 22, 2024. No comments were received during this period or during the CSI public comment period.

The business community impacted by the rules includes eligible chartered non-public schools. The adverse impacts created by the rules include the time necessary to develop policies and procedures, the costs associated with training staff, building inspections for programs not located in schools, facility requirements, the costs associated with purchasing or developing curriculum, classroom equipment and outdoor equipment costs, the costs of health and safety supplies, the costs associated with meeting nutrition requirements, and licensure requirements. The Department states that staff time to develop policies and procedures consists of twenty-four hours of initial time and four hours a year for updates, building inspections can cost up to \$300, the costs to develop curriculum range from \$60 to \$200, cleaning supplies cost an estimated \$50 annually per classroom, first aid supplies cost \$75 annually, licensure requirements consist of an hour of time to complete the application, and food licenses may cost \$300 to \$600. The Department states that the adverse impacts to business are justified to fulfill a statutory requirement to adopt rules and to ensure the basic 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 the Department should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.