



November 6, 2023

Child Care Manual Transmittal Letter No. 162

TO: All Child Care Manual Holders

FROM: Matt Damschroder, Director

SUBJECT: Five Year Rule Review of Ohio Administrative Code Rule 5101:2-15-03 "Child Care Advisory Council"

Background:

Ohio Revised Code (ORC) requires the Ohio Department of Job and Family Services (ODJFS) to promulgate rules for the Child Care Advisory Council, Chapter 5101:2-15 of the Ohio Administrative Code and to review the rules every five years.

The Child Care Advisory Council assists and advises ODJFS in the administration and development of child care according to division (A) of section 5104.08 of the ORC.

New Policy:

5101:2-15-03 "Child Care Advisory Council" describes the composition of the council and outlines their responsibilities. This rule has been amended with the following revisions:

- Removed the "seven non-voting members" language in paragraph (B)(1).
- Moved paragraph (B)(1)(a) to a new paragraph (B)(2) specifically for non-voting members.
- Clarified that vacancies for unexpired terms are to be filled with new members serving the remainder of the three-year term.

Implementation: This rule will be effective on 11/12/2023.

Questions:

Please contact the Child Care Policy Help Desk at childcarepolicy@jfs.ohio.gov or 1-877-302-2347, option 4, if you have any questions.

5101:2-15-03

Child care advisory council.

(A) What is the purpose and responsibilities of the child care advisory council?

- (1) The purpose of the child care advisory council (the council) is to assist and advise the Ohio department of job and family services (ODJFS) in the administration and development of child care according to division (A) of section 5104.08 of the Revised Code.
- (2) The council shall advise the director of ODJFS on the administration of Chapter 5104. of the Revised Code and in the development of child care.
- (3) The council may establish guidelines and procedures necessary for the effective operation of council business.
- (4) The council shall make an annual report to the director of ODJFS that addresses the availability, affordability, accessibility, and quality of action that the council has proposed to the director during the preceding fiscal year.

(B) What is the composition of the council?

- (1) The council shallis to be comprised of ~~seven non-voting members and~~ twenty-two voting members appointed by the director of ODJFS with the approval of the governor and shallis to include:
 - ~~(a) The director of ODJFS, the director of developmental disabilities, the director of mental health and addiction services, the superintendent of public instruction, the director of health, the director of commerce, and state fire marshal who shall serve as nonvoting members. Each nonvoting member may appoint a designee.~~
 - ~~(b)~~(a) Six voting members representing child care centers subject to licensing, including nonprofit and proprietary. These centers shall represent different geographical areas of the state.
 - ~~(c)~~(b) Three voting members who are representatives of in-home aides, family child care providers, or head start programs.
 - ~~(d)~~(c) A minimum of three voting members who are parents, guardians, or custodians of children receiving child care or publicly funded child care in the child's own home, a center, a type A home, a head start program or a licensed type B home at the time of appointment.
 - ~~(e)~~(d) A minimum of six members who represent county departments of job and family services.

~~(f)~~(e) The remaining four voting members who are representatives of the teaching, child development, and health professions and other individuals interested in the welfare of children.

~~(g)~~(f) At least six members of the council shall not be employees or licensees of child care centers, head start programs, family home providers or in-home aides.

(2) The director of ODJFS, the director of developmental disabilities, the director of mental health and addiction services, the superintendent of public instruction, the director of health, the director of commerce, and state fire marshal are to serve as non-voting members.

~~(2)~~(3) The council shall have two co-chairpersons. One co-chairperson shall be the director of ODJFS or the director's designee, and one co-chairperson shall be elected by the voting members of the council.

(C) How long is the term for appointed council members?

(1) Appointed members shall serve a three-year term.

(2) Vacancies ~~shall~~ are to be filled for the unexpired terms with new members serving the remainder of the three-year term.

(D) Can a council member be removed from the council?

A member of the council is subject to removal by the director of ODJFS for a willful and flagrant exercise of authority or power that is not authorized by law. This includes refusal or willful neglect to perform any official duty as a member of the council or for being guilty of misfeasance, malfeasance, nonfeasance, or gross neglect of duty as a member of the council.

(E) Do members of the council get compensated?

(1) Members of the council shall serve without compensation.

(2) Members of the council shall receive reimbursement for necessary expenses, including travel expenses.

(F) How often does the council meet?

(1) The council shall meet at least once in each quarter of each calendar year.

(2) The council shall meet at the call of the co-chairpersons.

- (3) The co-chairpersons or their designee shall send to each member a written notice of the date, time, and place of each meeting.

Effective: 11/12/2023
Five Year Review (FYR) Dates: 8/24/2023 and 11/12/2028

CERTIFIED ELECTRONICALLY

Certification

11/02/2023

Date

Promulgated Under: 119.03
Statutory Authority: 5104.08
Rule Amplifies: 5104.08
Prior Effective Dates: 07/01/2006, 08/04/2013, 09/02/2018