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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

**H.B. 561**  
**136<sup>th</sup> General Assembly**

## **Fiscal Note & Local Impact Statement**

[Click here for H.B. 561's Bill Analysis](#)

**Version:** As Introduced

**Primary Sponsors:** Reps. M. Miller and Robb Blasdel

**Local Impact Statement Procedure Required:** No

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Revised

### **Highlights**

- The bill may increase Department of Education and Workforce (DEW), Department of Children and Youth (DCY), and county departments of job and family services (CDJFSs) expenditures to review and investigate noncompliance complaints, as well as to enforce compliance with immunization exemptions. Costs for DEW may be in the hundreds of thousands of dollars annually if additional staff are needed to perform this service, which will be new for the Department. Costs for DCY and CDJFSs will depend on the number and scope of investigations. However, DCY currently has an avenue for individuals to file complaints against child care programs.
- School districts, other public schools, preschool programs, and publicly operated child care providers may see a minimal increase in administrative costs to notify parents and update websites regarding immunization exemptions.

### **Detailed Analysis**

#### **Immunization requirement exemptions notification**

The bill requires school districts and other public schools, preschool programs, and child care providers, whenever notifying parents or guardians of immunization requirements, to also notify them of immunization exemptions in the same manner as the immunization requirement notification. The bill also requires boards of education, school governing bodies, preschool programs, and child care providers to clearly display immunization exemptions wherever immunization requirements are listed on school websites. The bill authorizes an individual to file a complaint with the Department of Education and Workforce (DEW), the Department of Children and Youth (DCY), or county departments of job and family services (CDJFSs), as applicable, regarding noncompliance with the bill's provisions. The bill establishes a 14-day

timeline by which DEW, DCY, or CDJFSs must review and investigate the complaint, determine whether a failure has occurred, and provide notification of its determination. If a failure has occurred, a school, program, or provider must become compliant within 30 days. If the school, program, or provider fails to comply within this time, DEW, DCY, or the CDJFS must revoke the school's charter, or suspend the program's license or certificate, until it determines that the school, program, or provider is compliant.

As a result of the bill's immunization exemption notification requirements, schools, preschool programs, and child care providers may incur a minimal increase in administrative costs. DEW, DCY, and CDJFSs may experience an increase in workload and administrative costs if any complaints are filed. DCY currently has an avenue for individuals to file complaints against child care programs. It is possible that publicly funded child care (PFCC) funding may be impacted if a child care provider's license or certificate is suspended under the bill's process for noncompliance; however, the number of instances is likely to be few.

Complaint investigation regarding immunization requirements, exemptions, and notifications will be a new service for DEW. According to DEW, it rarely receives complaints around vaccines and currently refers those it does receive to the Ohio Department of Health (ODH) immunization program. According to DEW, the complaint process under the bill will be similar to the one it uses for violation reports regarding automatic external defibrillators (AEDs). In general, this process includes complaint intake and investigation, notifying the accused school or district of the complaint and offering technical assistance, and reviewing written responses from a district or school detailing the steps it will take to come into compliance and, if necessary, corrective action plans. DEW's Office of Whole Child Supports traditionally investigates AED complaints and will oversee the immunization complaints process as well.

Though currently rare, DEW expects the number of complaints it receives to increase due to awareness of the state complaint process created by the bill. The size of this increase, and the complexity of the complaints, will determine whether DEW will need additional staffing to investigate the complaints. If DEW needs to hire additional staff, the costs may be in the hundreds of thousands of dollars annually, depending on the number of additional staff necessary. As a point of reference, the base pay rate for an education program specialist starts at \$34.28 per hour. The total annual payroll costs for each such position will range from about \$93,000 to \$112,000, depending on the single or family health insurance coverage the employee may enroll in. If necessary, a program manager position may start at a base pay rate of around \$40 per hour, which would mean total annual payroll costs ranging from \$107,000 to \$126,000, while an administrative professional's base pay rate starts at about \$22 per hour, equating to annual payroll costs ranging from \$64,000 to \$83,000.

## **Denying admission and sending notifications during an epidemic**

Current law specifies procedures for elementary and secondary schools during a chicken pox epidemic. These include denying admission to students exempt from the requirement to be immunized against the disease and preserving the academic standing of an individual who is denied admission. The bill expands these procedures to apply to measles, mumps, and rubella, requires schools to cease denial of admission when a pupil is no longer contagious, prohibits schools from denying admission to an uninfected pupil, including a pupil who is exempted from immunization requirements, and allows schools to notify parents and guardians if the Ohio Department of Health notifies the school's principal or chief administrative officer that an

epidemic of chicken pox, measles, mumps, or rubella exists in the school. This notification must include a citation to the Revised Code and the school's policy for preserving the academic standing of a pupil who is denied admission during an epidemic. If a school opts to send a notification to parents and guardians of the existence of an epidemic within the school, the school may see a minimal increase in administrative workload and printing costs depending on the method of communication.

## **Immunization requirements and exemptions**

The bill prohibits schools, when a parent declines immunization for the parent's child, from requiring additional information beyond a student's written statement from their parent or guardian and an official exemption form. In the case of a child care provider, the bill prohibits it from requiring any other information beyond the child's medical statement. The bill requires preschool programs to honor certain immunization requirement exemptions. The bill also eliminates the requirement for a child to be immunized for hepatitis B in order to enroll in a child care center, type A child care home, licensed type B child care home, or receive care from a certified in-home aide. These provisions are likely to have negligible, if any, fiscal effects. Publicly operated child care centers, DCY, or CDJFSs could realize an increase in administrative workload if any questions or complaints arise regarding the eliminated hepatitis B immunization requirement.