

AN ACT

To amend Section 1 of Sub. H.B. 62 of the 121st General Assembly, as subsequently amended, to extend the pilot project that permits persons in certain counties to provide day-care as type C family day-care homes and to declare an emergency.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That Section 1 of Sub. H.B. 62 of the 121st General Assembly, as amended by Am. Sub. S.B. 160 of the 121st General Assembly, be amended to read as follows:

SECTION 1 OF SUB. H.B. 62/121st GA AS AMENDED BY AM. SUB.
S.B. 160/121st GA

" Sec. 1. (A) As used in this section:

(1) "Administrator" means the person responsible for the daily operation of a family day-care home seeking certification as a type C family day-care home. The administrator may be the same person as the owner of the family day-care home.

(2) "Family day-care home" means the permanent residence of an administrator in which the administrator provides or seeks to provide privately funded child day-care. "Family day-care home" does not mean a child day camp as defined in section 5104.01 of the Revised Code.

(3) "Child day-care," "owner," "publicly funded child day-care," "type A family day-care home," and "type B family day-care home" have the same meanings as in section 5104.01 of the Revised Code.

(4) "School day" means the period of time during the day when the children under the care of a family day-care home are required to attend classes in the school in which they are enrolled.

(B)(1) The Department of Human Services shall establish in Defiance, Fulton, Henry, Paulding, Putnam, Van Wert, and Williams counties a pilot project under which a person may provide day-care for one to nine children at one time and, if certified under this section as a type C family day-care home, be exempt from the requirements a type A family day-care home must meet under Chapter 5104. of the Revised Code. The Department shall

implement the pilot project ~~sixty days after the effective day of this amendment~~ March 28, 1997, and shall terminate the project ~~three~~ six years after it is implemented.

(2) A family day-care home may be certified as a type C home if the home meets all of the requirements a type B family day-care home must meet to be certified under Chapter 5104. of the Revised Code to provide publicly funded child day-care, except for any requirements limiting to six the number of children who at one time may receive child day-care in a type B home. All of the following apply to a family day-care home certified as a type C home under division (B)(3) of this section:

(a) The home shall not provide publicly funded child day-care.

(b) The home may provide child day-care at one time to six children under age six, including not more than three children under age two, who are not enrolled in school and for three additional children who are enrolled in a grade of kindergarten or above. In counting the number of children who may be present at a type C home at one time, any children under age six who are related to the administrator and are on the premises of the home shall be counted. Child day-care may be provided to the three additional school children during any of the following periods of time:

(i) On days the children's school is open and conducting classes, the home may provide child day-care to the children prior to the start of the school day and after the end of the school day for an aggregate amount of time of not more than three hours per day.

(ii) On days the children's school is not open and conducting classes because of a weather emergency or school holiday, the home may provide child day-care to the children for all or any part of the day.

(iii) During the period of time between the end of classes of one school year and the start of classes for the next school year, the home may provide child day-care for the school children for not more than three hours per day.

(c) The administrator of the type C home shall notify the police and fire departments that serve the area in which the home is located and the agency responsible for dispatching elements of those departments that the home is a type C home.

(3) On or after ~~the sixtieth day after the effective date of this amendment~~ March 28, 1997, the administrator of a family day-care home in a county included in the pilot project established under division (B)(1) of this section may apply to the county director of human services for certification of the home as a type C home. The same application procedures and certification process used to certify type B homes under section 5104.11 of the Revised Code shall be used to certify type C homes under this section.

(C) Notwithstanding the definition of "type A family day-care home" and "type A home" set forth in section 5104.01 of the Revised Code, a certified type C family day-care home is not subject to the requirements a type A family day-care home must meet under Chapter 5104. of the Revised Code or rules adopted under it. Notwithstanding the definition of a "food service operation" set forth in section 3732.01 of the Revised Code, a certified type C family day-care home shall not be considered a food service operation.

(D) The Day-care Advisory Council established under section 5104.08 of the Revised Code shall review the effectiveness of the pilot project established under division (B)(1) of this section and shall review, investigate, and discuss the possible establishment of new standards for child day-care for school children. For purposes of conducting the reviews, investigation, and discussion pursuant to this division, the Council shall include as additional members two persons who are parents, guardians, or custodians of children receiving private child day-care in a certified type C home participating in the pilot project established under division (B)(1) of this section; two persons who are representatives of certified type C homes participating in the pilot project; and two persons representing the county departments of human services of the counties included in the pilot project. The Council shall prepare a report of its findings and recommendations and, not later than three months prior to the termination date of the pilot project, shall submit its report to the Governor, President of the Senate, and Speaker of the House of Representatives. The six persons added to the membership of the Council for purposes of conducting the reviews, investigation, and discussion pursuant to this division shall cease to be members of the Council at the time the Council makes its report."

SECTION 2. That existing Section 1 of Sub. H.B. 62 of the 121st General Assembly, as amended by Am. Sub. S.B. 160 of the 121st General Assembly, is hereby repealed.

SECTION 3. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for the necessity is that the Department of Human Services is required to terminate the existing type C day-care home pilot project on March 28, 2000, and the intent of this act is to extend the pilot project; to do so the act must go into effect before that date. Therefore, this act shall go into immediate effect.

Speaker _____ of the House of Representatives.

President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

Governor.

Sub. H. B. No. 407

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The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the
____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____