

As Introduced

136th General Assembly

Regular Session

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H. B. No. 777

Representatives Baker, Lawson-Rowe

**Cosponsors: Representatives Rogers, Troy, Brownlee, Brennan, Lett,
Piccolantonio, Sigrist, McNally, Miller, J.**

To amend section 5104.54 of the Revised Code to
modify Ohio's child care cost-sharing program
and to name this act the Fair Tri-Share Child
Care Program Act.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 5104.54 of the Revised Code be
amended to read as follows:

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Sec. 5104.54. (A) The tri-share child care ~~ered~~ program is
created in the department of children and youth, under which the
costs of child care are shared by participating employees, their
employers, and, ~~subject to available funds,~~ the department. ~~The~~
~~distribution of the costs shall be as follows: employees are~~
~~responsible for forty per cent; employers are responsible for~~
~~forty per cent; and, subject to available funds, the department~~
~~is responsible for twenty per cent.~~ The program has all of the
following goals: enabling employers to attract and retain
talent; assisting employees with child care costs; and
sustaining the businesses of child care providers.

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Under the program, an employee's child care costs shall be
shared equally by the employee, the employee's employer, and,

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subject to available funds, the department, with each 20
contributing a one-third share, except that the employer may 21
agree to also contribute some or all of the employee's share. 22

(B) To be eligible to participate in the program, all of 23
the following apply: 24

(1) In the case of an employee, the maximum amount of the 25
family's income shall not exceed four hundred fifty per cent of 26
the federal poverty line and the employee shall reside in this 27
state and have been selected for participation by the employee's 28
employer. 29

(2) In the case of an employer, the employer shall be 30
located in this state and have selected one or more of its 31
employees to participate in the program. 32

(3) In the case of a child care provider, the provider 33
shall either hold a license issued under this chapter or be 34
certified by a county department of job and family services 35
under section 5104.12 of the Revised Code. The department ~~shall~~ 36
~~not may~~ require participation in the step up to quality program 37
in order to be an eligible provider for this program. 38

(C) Each employee and employer seeking to participate in 39
the program shall together submit an application to the 40
department in a manner prescribed by the department. The 41
department shall review each application as soon as practicable 42
after it is received and shall determine if the employee and 43
employer are both eligible to participate. 44

(D) After an employee and employer are both determined 45
eligible and agree to participate in the program, all of the 46
following apply: 47

(1) The employee, with the assistance of the department, 48

shall select a child care provider for the employee's child and 49
shall enroll the child with the provider. An employee may opt to 50
select the employee's existing child care provider so long as 51
that provider is licensed or certified as described in this 52
section. 53

~~(2) In addition to the employer's share, the employer may 54~~
~~agree to contribute some or all of an employee's share of child 55~~
~~care costs. 56~~

~~(3) As a condition of participation, the department may 57~~
require the employee, employer, and child care provider to each 58
sign a memorandum of understanding with the department. 59

~~(4)~~ (3) The department is responsible for coordinating and 60
performing all administrative activities associated with the 61
sharing of child care costs and making payments to child care 62
providers. 63

(E) An eligibility determination made under division (C) 64
of this section remains valid as long as the employee, employer, 65
and child care provider continue to satisfy the eligibility 66
conditions described in division (B) of this section. 67

(F) If the department finds that an employee or employer 68
has committed fraud, misrepresentation, or deception in applying 69
to participate, or in participating, in the program, the 70
employee or employer is permanently ineligible to participate, 71
or continue to participate, in the program. 72

(G) (1) The department shall use twenty-five per cent of 73
the funds available to the program to pay the department's share 74
of child care costs for participating employees who are employed 75
by small businesses, as defined in section 107.63 of the Revised 76
Code. Priority shall be given to participating employees who are 77

employed by small businesses with fewer than fifty employees and 78
under contract to each work more than thirty-five hours per 79
week. 80

(2) If an insufficient number of employees and employers 81
described in division (G) (1) of this section seek to participate 82
in the program, the department shall use the funds regardless of 83
a participating employer's status as a small business. 84

(H) (1) The department may adopt rules as necessary to 85
implement this section. Any rules shall be adopted in accordance 86
with Chapter 119. of the Revised Code. 87

(2) Notwithstanding any provision of section 121.95 of the 88
Revised Code to the contrary, a regulatory restriction contained 89
in a rule adopted under division ~~(G) (1)~~ (H) (1) of this section is 90
not subject to sections 121.95 to 121.953 of the Revised Code. 91

Section 2. That existing section 5104.54 of the Revised 92
Code is hereby repealed. 93

Section 3. Sections 1 and 2 of this act take effect July 94
1, 2027. 95

Section 4. This act shall be known as the Fair Tri-Share 96
Child Care Program Act. 97