

**As Reported by the Senate Armed Services, Veterans Affairs and Public
Safety Committee**

136th General Assembly

**Regular Session
2025-2026**

S. B. No. 218

Senator Roegner

Cosponsors: Senators Schaffer, Patton, Johnson

To amend section 5104.02 of the Revised Code to 1
exempt from licensure family child care 2
providers certified by a branch of the United 3
States armed forces. 4

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

Section 1. That section 5104.02 of the Revised Code be 5
amended to read as follows: 6

Sec. 5104.02. (A) The director of children and youth is 7
responsible for licensing child care centers, type A family 8
child care homes, and type B family child care homes. Each 9
entity operating a head start program shall meet the criteria 10
for, and be licensed as, a child care center. The director is 11
responsible for the enforcement of this chapter and of rules 12
promulgated pursuant to this chapter. 13

No person, firm, organization, institution, or agency 14
shall operate, establish, manage, conduct, or maintain a child 15
care center or type A family child care home without a license 16
issued under section 5104.03 of the Revised Code. The current 17
license shall be posted in the center or home in a conspicuous 18
place that is accessible to parents, custodians, or guardians 19

and employees of the center or home at all times when the center 20
or home is in operation. 21

(B) A person, firm, institution, organization, or agency 22
operating any of the following programs is exempt from the 23
requirements of this chapter: 24

(1) A program caring for children that operates for two 25
consecutive weeks or less and not more than six weeks total in 26
each calendar year; 27

(2) Caring for children in places of worship during 28
religious activities while at least one parent, guardian, or 29
custodian of each child is participating in such activities and 30
is readily available; 31

(3) Supervised training, instruction, or activities of 32
children in specific areas, including, but not limited to: art; 33
drama; dance; music; athletic skills or sports; computers; or an 34
educational subject conducted on an organized or periodic basis 35
that a child does not attend for more than eight total hours per 36
week; 37

(4) Programs in which the director determines that at 38
least one parent, custodian, or guardian of each child is on the 39
premises of the facility that offers care and is readily 40
accessible at all times and care is not provided for more than 41
two and one-half hours a day per child; 42

(5) Programs that provide care and are regulated by state 43
departments other than the department of children and youth or 44
the department of education and workforce. 45

(6) Any preschool program or school child program, except 46
a head start program, that is subject to licensure by the 47
department of children and youth under sections 3301.52 to 48

3301.59 of the Revised Code. 49

(7) Any program providing care that meets all of the 50
following requirements and, on October 20, 1987, was being 51
operated by a nonpublic school that holds a charter issued under 52
section 3301.16 of the Revised Code for kindergarten only: 53

(a) The nonpublic school has given the notice to the state 54
board of education and the director of children and youth 55
required by Section 4 of Substitute House Bill No. 253 of the 56
117th general assembly; 57

(b) The nonpublic school continues to be chartered by the 58
department of education and workforce for kindergarten, or 59
receives and continues to hold a charter from the department for 60
kindergarten through grade five; 61

(c) The program is conducted in a school building; 62

(d) The program is operated in accordance with rules 63
promulgated by the department of children and youth under 64
section 3301.53 of the Revised Code. 65

(8) A youth development program operated outside of school 66
hours to which all of the following apply: 67

(a) The children enrolled in the program are under 68
nineteen years of age and enrolled in or eligible to be enrolled 69
in a grade of kindergarten or above. 70

(b) The program provides informal care, which is care that 71
does not require parental signature, permission, or notice for 72
the child receiving the care to enter or leave the program. 73

(c) The program provides any of the following supervised 74
activities: educational, recreational, culturally enriching, 75
social, and personal development activities. 76

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| (d) The entity operating the program is exempt from | 77 |
| federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). | 78 |
| (9) A program caring for children that is operated by a | 79 |
| nonchartered, nontax-supported school if the program meets all | 80 |
| of the following conditions: | 81 |
| (a) The program complies with state and local health, | 82 |
| fire, and safety laws. | 83 |
| (b) The program annually certifies in a report to the | 84 |
| children's parents that the program is in compliance with | 85 |
| division (B)(9)(a) of this section and files a copy of the | 86 |
| report with the department of children and youth on or before | 87 |
| the thirtieth day of September of each year. | 88 |
| (c) The program complies with all applicable reporting | 89 |
| requirements in the same manner as required by the department of | 90 |
| education and workforce for nonchartered, nonpublic primary and | 91 |
| secondary schools. | 92 |
| (d) The program is associated with a nonchartered, nontax- | 93 |
| supported primary or secondary school. | 94 |
| (10) A program that provides activities for children who | 95 |
| are five years of age or older and is operated by a county, | 96 |
| township, municipal corporation, township park district created | 97 |
| under section 511.18 of the Revised Code, park district created | 98 |
| under section 1545.04 of the Revised Code, or joint recreation | 99 |
| district established under section 755.14 of the Revised Code. | 100 |
| (11) A home education learning pod. | 101 |
| (12) <u>A program that is certified as a family child care</u> | 102 |
| <u>provider by any branch of the United States armed forces,</u> | 103 |
| <u>including the United States coast guard.</u> | 104 |

Section 2. That existing section 5104.02 of the Revised Code is hereby repealed.

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