(136th General Assembly)
(Senate Bill Number 218)

AN ACT

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

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

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

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

No person, firm, organization, institution, or agency shall operate, establish, manage, conduct, or maintain a child care center or type A family child care home without a license issued under section 5104.03 of the Revised Code. The current license shall be posted in the center or home in a conspicuous place that is accessible to parents, custodians, or guardians and employees of the center or home at all times when the center or home is in operation.

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

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

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

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

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

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

(6) Any preschool program or school child program, except a head start program, that is subject to licensure by the department of children and youth under sections 3301.52 to 3301.59 of the Revised Code.

(7) Any program providing care that meets all of the following requirements and, on October

20, 1987, was being operated by a nonpublic school that holds a charter issued under section 3301.16 of the Revised Code for kindergarten only:

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

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

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

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

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

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

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

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

(d) The entity operating the program is exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3).

(9) A program caring for children that is operated by a nonchartered, nontax-supported school if the program meets all of the following conditions:

(a) The program complies with state and local health, fire, and safety laws.

(b) The program annually certifies in a report to the children's parents that the program is in compliance with division (B)(9)(a) of this section and files a copy of the report with the department of children and youth on or before the thirtieth day of September of each year.

(c) The program complies with all applicable reporting requirements in the same manner as required by the department of education and workforce for nonchartered, nonpublic primary and secondary schools.

(d) The program is associated with a nonchartered, nontax-supported primary or secondary school.

(10) A program that provides activities for children who are five years of age or older and is operated by a county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code.

(11) A home education learning pod.

(12) A program that is certified as a family child care provider by any branch of the United

States armed forces, including the United States coast guard.

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

_____

Speaker _____ of the House of Representatives.

_____

President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

_____

Governor.

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 _____