

As Introduced

**135th General Assembly
Regular Session
2023-2024**

H. B. No. 580

Representatives White, Ray

A BILL

To amend section 5104.30 and to enact section 1
5104.302 of the Revised Code to make foster 2
caregivers and kinship caregivers eligible for 3
publicly funded child care and to amend the 4
version of section 5104.30 of the Revised Code 5
that is scheduled to take effect on January 1, 6
2025, to continue the changes on and after that 7
date. 8

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

Section 1. That section 5104.30 be amended and section 9
5104.302 of the Revised Code be enacted to read as follows: 10

Sec. 5104.30. (A) The department of job and family 11
services is hereby designated as the state agency responsible 12
for administration and coordination of federal and state funding 13
for publicly funded child care in this state. Publicly funded 14
child care shall be provided to the following: 15

(1) Recipients of transitional child care as provided 16
under section 5104.34 of the Revised Code; 17

(2) Participants in the Ohio works first program 18
established under Chapter 5107. of the Revised Code; 19

(3) Individuals who would be participating in the Ohio works first program if not for a sanction under section 5107.16 of the Revised Code and who continue to participate in a work activity, developmental activity, or alternative work activity pursuant to an assignment under section 5107.42 of the Revised Code;

(4) ~~A family receiving publicly funded child care on October 1, 1997, until the family's income reaches one hundred fifty per cent of the federal poverty line; Subject to section 5104.302 of the Revised Code, foster caregivers, as defined in section 5103.02 of the Revised Code, and kinship caregivers, as defined in section 5101.85 of the Revised Code;~~

(5) Subject to available funds, other individuals determined eligible in accordance with rules adopted under section 5104.38 of the Revised Code.

The department shall apply to the United States department of health and human services for authority to operate a coordinated program for publicly funded child care, if the director of job and family services determines that the application is necessary. For purposes of this section, the department of job and family services may enter into agreements with other state agencies that are involved in regulation or funding of child care. The department shall consider the special needs of migrant workers when it administers and coordinates publicly funded child care and shall develop appropriate procedures for accommodating the needs of migrant workers for publicly funded child care.

(B) The department of job and family services shall distribute state and federal funds for publicly funded child care, including appropriations of state funds for publicly

funded child care and appropriations of federal funds available 50
under the child care block grant act, Title IV-A, and Title XX. 51
The department may use any state funds appropriated for publicly 52
funded child care as the state share required to match any 53
federal funds appropriated for publicly funded child care. 54

(C) In the use of federal funds available under the child 55
care block grant act, all of the following apply: 56

(1) The department may use the federal funds to hire staff 57
to prepare any rules required under this chapter and to 58
administer and coordinate federal and state funding for publicly 59
funded child care. 60

(2) Not more than five per cent of the aggregate amount of 61
the federal funds received for a fiscal year may be expended for 62
administrative costs. 63

(3) The department shall allocate and use at least four 64
per cent of the federal funds for the following: 65

(a) Activities designed to provide comprehensive consumer 66
education to parents and the public; 67

(b) Activities that increase parental choice; 68

(c) Activities, including child care resource and referral 69
services, designed to improve the quality, and increase the 70
supply, of child care; 71

(d) Establishing the step up to quality program pursuant 72
to section 5104.29 of the Revised Code. 73

(4) The department shall ensure that the federal funds 74
will be used only to supplement, and will not be used to 75
supplant, federal, state, and local funds available on the 76
effective date of the child care block grant act for publicly 77

funded child care and related programs. If authorized by rules 78
adopted by the department pursuant to section 5104.42 of the 79
Revised Code, county departments of job and family services may 80
purchase child care from funds obtained through any other means. 81

(D) The department shall encourage the development of 82
suitable child care throughout the state, especially in areas 83
with high concentrations of recipients of public assistance and 84
families with low incomes. The department shall encourage the 85
development of suitable child care designed to accommodate the 86
special needs of migrant workers. On request, the department, 87
through its employees or contracts with state or community child 88
care resource and referral service organizations, shall provide 89
consultation to groups and individuals interested in developing 90
child care. The department of job and family services may enter 91
into interagency agreements with the department of education and 92
workforce, the chancellor of higher education, the department of 93
development, and other state agencies and entities whenever the 94
cooperative efforts of the other state agencies and entities are 95
necessary for the department of job and family services to 96
fulfill its duties and responsibilities under this chapter. 97

The department shall develop and maintain a registry of 98
persons providing child care. The director shall adopt rules in 99
accordance with Chapter 119. of the Revised Code establishing 100
procedures and requirements for the registry's administration. 101

(E) (1) The director shall adopt rules in accordance with 102
Chapter 119. of the Revised Code establishing both of the 103
following: 104

(a) Reimbursement rates for providers of publicly funded 105
child care not later than the first day of July in each odd- 106
numbered year; 107

(b) A procedure for reimbursing and paying providers of publicly funded child care.	108 109
(2) In establishing reimbursement rates under division (E) (1) (a) of this section, the director shall do all of the following:	110 111 112
(a) Use the information obtained in accordance with 45 C.F.R. 98.45;	113 114
(b) Establish an enhanced reimbursement rate for providers who provide child care for caretaker parents who work nontraditional hours;	115 116 117
(c) With regard to the step up to quality program established pursuant to section 5104.29 of the Revised Code, establish enhanced reimbursement rates for child care providers that participate in the program.	118 119 120 121
(3) In establishing reimbursement rates under division (E) (1) (a) of this section, the director may establish different reimbursement rates based on any of the following:	122 123 124
(a) Geographic location of the provider;	125
(b) Type of care provided;	126
(c) Age of the child served;	127
(d) Special needs of the child served;	128
(e) Whether the expanded hours of service are provided;	129
(f) Whether weekend service is provided;	130
(g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care;	131 132
(h) Any other factors the director considers appropriate.	133

Sec. 5104.302. (A) A foster caregiver or kinship caregiver shall be employed or participating in a program of education or training for an amount of time reasonably related to the time that the child is receiving publicly funded child care in order to be provided publicly funded child care under section 5104.30 of the Revised Code. 134
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(B) Publicly funded child care shall be provided only for a child that is placed with a foster caregiver or kinship caregiver. 140
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(C) Publicly funded child care for a foster caregiver or kinship caregiver may be provided only by the following: 143
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(1) Any of the following licensed by the department of children and youth pursuant to section 5104.03 of the Revised Code: 145
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(a) A child care center, including a parent cooperative child care center; 148
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(b) A type A family child care home, including a parent cooperative type A family child care home; 150
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(c) A licensed type B family child care home. 152

(2) A licensed preschool program; 153

(3) A licensed school child program; 154

(4) A border state child care provider, except that a border state child care provider may provide publicly funded child care only to an individual who resides in an Ohio county that borders the state in which the provider is located. 155
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Section 2. That existing section 5104.30 of the Revised Code is hereby repealed. 159
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Section 3. That the version of section 5104.30 of the Revised Code that is scheduled to take effect January 1, 2025, be amended to read as follows:

Sec. 5104.30. (A) The department of children and youth is hereby designated as the state agency responsible for administration and coordination of federal and state funding for publicly funded child care in this state. Publicly funded child care shall be provided to the following:

(1) Recipients of transitional child care as provided under section 5104.34 of the Revised Code;

(2) Participants in the Ohio works first program established under Chapter 5107. of the Revised Code;

(3) Individuals who would be participating in the Ohio works first program if not for a sanction under section 5107.16 of the Revised Code and who continue to participate in a work activity, developmental activity, or alternative work activity pursuant to an assignment under section 5107.42 of the Revised Code;

(4) ~~A family receiving publicly funded child care on October 1, 1997, until the family's income reaches one hundred fifty per cent of the federal poverty line; Subject to section 5104.302 of the Revised Code, foster caregivers, as defined in section 5103.02 of the Revised Code, and kinship caregivers, as defined in section 5101.85 of the Revised Code;~~

(5) Subject to available funds, other individuals determined eligible in accordance with rules adopted under section 5104.38 of the Revised Code.

The department shall apply to the United States department of health and human services for authority to operate a

coordinated program for publicly funded child care, if the 190
director of children and youth determines that the application 191
is necessary. For purposes of this section, the department of 192
children and youth may enter into agreements with other state 193
agencies that are involved in regulation or funding of child 194
care. The department shall consider the special needs of migrant 195
workers when it administers and coordinates publicly funded 196
child care and shall develop appropriate procedures for 197
accommodating the needs of migrant workers for publicly funded 198
child care. 199

(B) The department of children and youth shall distribute 200
state and federal funds for publicly funded child care, 201
including appropriations of state funds for publicly funded 202
child care and appropriations of federal funds available under 203
the child care block grant act, Title IV-A, and Title XX. The 204
department may use any state funds appropriated for publicly 205
funded child care as the state share required to match any 206
federal funds appropriated for publicly funded child care. 207

(C) In the use of federal funds available under the child 208
care block grant act, all of the following apply: 209

(1) The department may use the federal funds to hire staff 210
to prepare any rules required under this chapter and to 211
administer and coordinate federal and state funding for publicly 212
funded child care. 213

(2) Not more than five per cent of the aggregate amount of 214
the federal funds received for a fiscal year may be expended for 215
administrative costs. 216

(3) The department shall allocate and use at least four 217
per cent of the federal funds for the following: 218

(a) Activities designed to provide comprehensive consumer education to parents and the public;	219 220
(b) Activities that increase parental choice;	221
(c) Activities, including child care resource and referral services, designed to improve the quality, and increase the supply, of child care;	222 223 224
(d) Establishing the step up to quality program pursuant to section 5104.29 of the Revised Code.	225 226
(4) The department shall ensure that the federal funds will be used only to supplement, and will not be used to supplant, federal, state, and local funds available on the effective date of the child care block grant act for publicly funded child care and related programs. If authorized by rules adopted by the department pursuant to section 5104.42 of the Revised Code, county departments of job and family services may purchase child care from funds obtained through any other means.	227 228 229 230 231 232 233 234
(D) The department shall encourage the development of suitable child care throughout the state, especially in areas with high concentrations of recipients of public assistance and families with low incomes. The department shall encourage the development of suitable child care designed to accommodate the special needs of migrant workers. On request, the department, through its employees or contracts with state or community child care resource and referral service organizations, shall provide consultation to groups and individuals interested in developing child care. The department of children and youth may enter into interagency agreements with the department of education and workforce, the chancellor of higher education, the department of development, and other state agencies and entities whenever the	235 236 237 238 239 240 241 242 243 244 245 246 247

cooperative efforts of the other state agencies and entities are 248
necessary for the department of children and youth to fulfill 249
its duties and responsibilities under this chapter. 250

The department shall develop and maintain a registry of 251
persons providing child care. The director shall adopt rules in 252
accordance with Chapter 119. of the Revised Code establishing 253
procedures and requirements for the registry's administration. 254

(E) (1) The director shall adopt rules in accordance with 255
Chapter 119. of the Revised Code establishing both of the 256
following: 257

(a) Reimbursement rates for providers of publicly funded 258
child care not later than the first day of July in each odd- 259
numbered year; 260

(b) A procedure for reimbursing and paying providers of 261
publicly funded child care. 262

(2) In establishing reimbursement rates under division (E) 263
(1) (a) of this section, the director shall do all of the 264
following: 265

(a) Use the information obtained in accordance with 45 266
C.F.R. 98.45; 267

(b) Establish an enhanced reimbursement rate for providers 268
who provide child care for caretaker parents who work 269
nontraditional hours; 270

(c) With regard to the step up to quality program 271
established pursuant to section 5104.29 of the Revised Code, 272
establish enhanced reimbursement rates for child care providers 273
that participate in the program. 274

(3) In establishing reimbursement rates under division (E) 275

(1) (a) of this section, the director may establish different reimbursement rates based on any of the following:	276 277
(a) Geographic location of the provider;	278
(b) Type of care provided;	279
(c) Age of the child served;	280
(d) Special needs of the child served;	281
(e) Whether the expanded hours of service are provided;	282
(f) Whether weekend service is provided;	283
(g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care;	284 285
(h) Any other factors the director considers appropriate.	286
Section 4. That the existing version of section 5104.30 of the Revised Code that is scheduled to take effect January 1, 2025, is hereby repealed.	287 288 289
Section 5. Section 5104.302 of the Revised Code as enacted in Section 1 of this act and Sections 3 and 4 of this act take effect January 1, 2025, or on the effective date of this section, whichever is later.	290 291 292 293