



Ohio Administrative Code

Rule 5101:2-16-01 Definitions for eligibility for publicly funded child care benefits.

Effective: February 27, 2022

(A) "Absent day" means any day that a child is authorized and scheduled to be in the care of the provider, but is not in attendance, and child care would have been provided had the child been present with the provider.

(B) "Adult" means an individual who is age eighteen or older.

(C) "Authorization" means the hours that a county agency determines that a child may receive publicly funded child care from an eligible provider chosen by the caretaker. The authorization shall be reasonably related to the number of hours of the caretaker's qualifying activities.

(D) "Authorized representative" in the Ohio benefits statewide automated eligibility system means an individual other than the caretaker applying for and/or receiving publicly funded child care benefits, who is at least eighteen years of age and is identified in writing by the caretaker to act on their behalf. The authorized representative may do all of the following:

(1) Complete and submit initial and/or recertification applications and verifications for publicly funded child care on behalf of the caretaker.

(2) Report changes which may affect the caretaker's eligibility for publicly funded child care on behalf of the caretaker.

(3) Receive copies of all correspondence sent to the caretaker.

(4) Communicate on behalf of the caretaker.

(E) "Automated child care system" means the automated electronic child care system that tracks attendance and calculates payments for publicly funded child care.



(F) "Border state child care provider" means a child care provider who is licensed, certified, or otherwise approved by the border state to provide child care services. A border state child care provider may provide publicly funded child care only to a recipient who resides in an Ohio county.

(G) "Caretaker" means the father or mother of a child, an adult who has legal custody of a child, an adult who is the guardian of a child, or an adult who stands in loco parentis, as defined in this rule, with respect to a child and whose presence in the home is needed as the caretaker of the child. Caretaker has the same meaning as "caretaker parent" as defined in section 5104.01 of the Revised Code.

(H) "Child" means an infant, toddler, preschool child, or school-age child up to age eighteen.

(I) "Child care" per section 5104.01 of the Revised Code means all of the following:

(1) Administering to the needs of infants, toddlers, preschool-age children and school-age children outside of school hours;

(2) By persons other than their parents, guardians, or custodians;

(3) For part of the twenty-four-hour day; and

(4) In a place other than a child's own home, except that an in-home aide provides child care in the child's own home;

(5) By a provider required by Chapter 5104. of the Revised Code to be licensed or approved by the Ohio department of job and family services (ODJFS), certified by a county department of job and family services, or under contract with the department to provide publicly funded child care as described in section 5104.32 of the Revised Code.

(J) "Designee/Sponsor" means the individual designated by the caretaker to record attendance for a child receiving publicly funded child care at an authorized provider.

(1) The caretaker shall not designate a child who is an infant, toddler or preschool child.



(2) The caretaker shall not designate the authorized provider or anyone acting in any capacity for the provider.

(3) A school-age child that is a designee/sponsor may only track attendance for themselves and other school-age children authorized on the same case and to the same provider.

(K) "Eligibility period" means a period of at least twelve months that a family is determined eligible for publicly funded child care benefits, or the period until the family no longer meets eligibility requirements or requests termination. The family's eligibility period shall end on the last day of the twelfth month of eligibility.

(L) "Eligible provider" means a child care provider who is eligible to receive public funds in accordance with Chapter 5104. of the Revised Code and rule 5101:2-16-09 of the Administrative Code.

(M) "Head Start program" means a school-readiness program that satisfies all of the following:

(1) Is for children from birth to age five who are from low-income families;

(2) Receives funds distributed under the "Improving Head Start for School-Readiness Act of 2007," 42 U.S.C. 9831, as in effect on 10/01/2021, and;

(3) Is licensed as a child care program.

(N) "Homeless children" as defined in 42 U.S.C. 11434a(2)(2015) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of 42 U.S.C. 11302(a)(1)(2014), and includes all of the following:

(1) Children who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals.



(2) Children who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of 42 U.S.C. 11302(a)(2)(C)).

(3) Children who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.

(4) Migratory children (as such term is defined in section 1309 of the Elementary and Secondary Education Act of 1965) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in paragraphs (M)(1) to (M)(3) of this rule.

(O) "Income" means gross income, as defined in rule 5101:2-16-03 of the Administrative Code.

(P) "Infant" means a child under eighteen months of age.

(Q) "In loco parentis" means an adult who is the caretaker of a child, including a relative, foster parent or stepparent, who is charged with the rights, duties and responsibilities of a parent and whose presence in the home is needed to perform these rights, duties and responsibilities.

(R) "Minor parent" means a caretaker who is under age eighteen.

(S) "Preschool child" means a child who is three years old or older but is not a school child.

(T) "Professional development day" means a day in which a provider would normally provide child care for currently enrolled and scheduled children, but has closed to the public so that the provider and/or child care staff may undergo training meant to improve their professional knowledge, competence, skill and effectiveness as child care professionals.

(U) "Publicly funded child care" is the care of infants, toddlers, preschool children, and school-age children under age thirteen by an eligible provider. Publicly funded child care is paid, wholly or in part, with federal or state funds, including funds available under the child care block grant act Title IV-A, and Title XX, distributed by ODJFS.



(V) "School-age child" means a child who is enrolled in and attending a grade of kindergarten or above but is less than fifteen years old or, in the case of a child who is receiving special needs child care, is less than eighteen years old.

(W) "School hours" means the standardized hours of school as defined by the child's school. If the child is homeschooled, school hours are defined by the public school the child would attend if not being homeschooled.

(X) "School not in session" means a day during the ODJFS defined school year when a school-age child is not able to attend school due to an official school closure, including a delayed start time or an early dismissal time.

(Y) "School year" is defined by ODJFS as the first Sunday in September through the last Saturday in May.

(Z) "Special needs child care" means child care provided to a child who is less than eighteen years of age and either has one or more chronic health conditions or does not meet age appropriate expectations in one or more areas of development, including social, emotional, cognitive, communicative, perceptual, motor, physical, and behavioral development and that may include on a regular basis such services, adaptations, modifications, or adjustments needed to assist in the child's function or development.

(AA) "Statewide automated eligibility system" means the centralized automated system that supports counties utilizing Ohio benefits.

(BB) "Step up to quality (SUTQ)" means the tiered quality rating system for licensed child care programs in Ohio.

(CC) "Temporary absence" is when a caretaker is out of the home for up to forty-five consecutive days with a definite plan to return to the household.

(DD) "Toddler" means a child who is at least eighteen months of age but is less than three years of



age.

(EE) "Week" is the seven-day period from twelve a.m. Sunday to eleven fifty-nine p.m. Saturday.