



## Ohio Revised Code Section 5104.01 Child care definitions.

Effective: October 3, 2023

Legislation: House Bill 33

---

As used in this chapter:

- (A) "Administrator" means the person responsible for the daily operation of a center, type A home, or approved child day camp. The administrator and the owner may be the same person.
- (B) "Approved child day camp" means a child day camp approved pursuant to section 5104.22 of the Revised Code.
- (C) "Authorized representative" means an individual employed by a center, type A home, or approved child day camp that is owned by a person other than an individual and who is authorized by the owner to do all of the following:
- (1) Communicate on the owner's behalf;
  - (2) Submit on the owner's behalf applications for licensure or approval;
  - (3) Enter into on the owner's behalf provider agreements for publicly funded child care.
- (D) "Border state child care provider" means a child care provider that is located in a state bordering Ohio and that is licensed, certified, or otherwise approved by that state to provide child care funded by the child care block grant act.
- (E) "Career pathways model" means an alternative pathway to meeting the requirements to be a child care staff member or administrator that does both of the following:
- (1) Uses a framework approved by the director of job and family services to document formal education, training, experience, and specialized credentials and certifications;



(2) Allows the child care staff member or administrator to achieve a designation as an early childhood professional level one, two, three, four, five, or six.

(F) "Caretaker parent" means the father or mother of a child whose presence in the home is needed as the caretaker of the child, a person who has legal custody of a child and whose presence in the home is needed as the caretaker of the child, a guardian of a child whose presence in the home is needed as the caretaker of the child, and any other person who stands in loco parentis with respect to the child and whose presence in the home is needed as the caretaker of the child.

(G) "Chartered nonpublic school" means a school that meets standards for nonpublic schools prescribed by the director of education and workforce for nonpublic schools pursuant to section 3301.07 of the Revised Code.

(H) "Child" includes an infant, toddler, preschool-age child, or school-age child.

(I) "Child care block grant act" means the "Child Care and Development Block Grant Act of 2014," 128 Stat. 1971 (2014), 42 U.S.C. 9858, as amended.

(J) "Child day camp" means a program in which only school-age children attend or participate, that operates for no more than twelve hours per day and no more than fifteen weeks during the summer. For purposes of this division, the maximum twelve hours of operation time does not include transportation time from a child's home to a child day camp and from a child day camp to a child's home.

(K) "Child care" 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;



(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 this chapter to be licensed or approved by the department of job and family services, 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.

(L) "Child care center" and "center" mean any place that is not the permanent residence of the licensee or administrator in which child care or publicly funded child care is provided for seven or more children at one time. "Child care center" and "center" do not include any of the following:

(1) A place located in and operated by a hospital, as defined in section 3727.01 of the Revised Code, in which the needs of children are administered to, if all the children whose needs are being administered to are monitored under the on-site supervision of a physician licensed under Chapter 4731. of the Revised Code or a registered nurse licensed under Chapter 4723. of the Revised Code, and the services are provided only for children who, in the opinion of the child's parent, guardian, or custodian, are exhibiting symptoms of a communicable disease or other illness or are injured;

(2) A child day camp;

(3) A place that provides care, if all of the following apply:

(a) An organized religious body provides the care;

(b) A parent, custodian, or guardian of at least one child receiving care is on the premises and readily accessible at all times;

(c) The care is not provided for more than thirty days a year;

(d) The care is provided only for preschool-age and school-age children.

(M) "Child care resource and referral service organization" means a community-based nonprofit



organization that provides child care resource and referral services but not child care.

(N) "Child care resource and referral services" means all of the following services:

(1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data;

(2) Provision of individualized consumer education to families seeking child care;

(3) Provision of timely referrals of available child care providers to families seeking child care;

(4) Recruitment of child care providers;

(5) Assistance in developing, conducting, and disseminating training for child care professionals and provision of technical assistance to current and potential child care providers, employers, and the community;

(6) Collection and analysis of data on the supply of and demand for child care in the community;

(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;

(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;

(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;

(10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of job and family services;

(11) Cooperation with the county department of job and family services in encouraging the



establishment of parent cooperative child care centers and parent cooperative type A family child care homes.

(O) "Child care staff member" means an employee of a child care center, type A family child care home, licensed type B family child care home, or approved child day camp who is primarily responsible for the care and supervision of children. The administrator, authorized representative, or owner may be a child care staff member when not involved in other duties.

(P) "Drop-in child care center," "drop-in center," "drop-in type A family child care home," and "drop-in type A home" mean a center or type A home that provides child care or publicly funded child care for children on a temporary, irregular basis.

(Q) "Employee" means a person who either:

(1) Receives compensation for duties performed in a child care center, type A family child care home, licensed type B family child care home, or approved child day camp;

(2) Is assigned specific working hours or duties in a child care center, type A family child care home, licensed type B family child care home, or approved child day camp.

(R) "Employer" means a person, firm, institution, organization, or agency that operates a child care center, type A family child care home, licensed type B family child care home, or approved child day camp subject to licensure or approval under this chapter.

(S) "Federal poverty line" means the official poverty guideline as revised annually in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

(T) "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 amended;

(3) Is licensed as a child care program.

(U) "Homeless child care" means child care provided to a child who satisfies any of the following:

(1) Is homeless as defined in 42 U.S.C. 11302;

(2) Is a homeless child or youth as defined in 42 U.S.C. 11434a;

(3) Resides temporarily with a caretaker in a facility providing emergency shelter for homeless families or is determined by a county department of job and family services to be homeless.

(V) "Income" means gross income, as defined in section 5107.10 of the Revised Code, less any amounts required by federal statutes or regulations to be disregarded.

(W) "Indicator checklist" means an inspection tool, used in conjunction with an instrument-based program monitoring information system, that contains selected licensing requirements that are statistically reliable indicators or predictors of a child care center's, type A family child care home's, or licensed type B family child care home's compliance with licensing requirements.

(X) "Infant" means a child who is less than eighteen months of age.

(Y) "In-home aide" means a person who does not reside with the child but provides care in the child's home and is certified by a county director of job and family services pursuant to section 5104.12 of the Revised Code to provide publicly funded child care to a child in a child's own home pursuant to this chapter and any rules adopted under it.

(Z) "Instrument-based program monitoring information system" means a method to assess compliance with licensing requirements for child care centers, type A family child care homes, and licensed type B family child care homes in which each licensing requirement is assigned a weight indicative of the relative importance of the requirement to the health, growth, and safety of the



children that is used to develop an indicator checklist.

(AA) "License capacity" means the maximum number in each age category of children who may be cared for in a child care center, type A family child care home, or licensed type B family child care home at one time as determined by the director of job and family services considering building occupancy limits established by the department of commerce, amount of available indoor floor space and outdoor play space, and amount of available play equipment, materials, and supplies.

(BB) "Licensed child care program" means any of the following:

- (1) A child care center licensed by the department of job and family services pursuant to this chapter;
- (2) A type A family child care home or type B family child care home licensed by the department of job and family services pursuant to this chapter;
- (3) A licensed preschool program or licensed school child program.

(CC) "Licensed preschool program" or "licensed school child program" means a preschool program or school child program, as defined in section 3301.52 of the Revised Code, that is licensed by the department of education and workforce pursuant to sections 3301.52 to 3301.59 of the Revised Code.

(DD) "Licensed type B family child care home" and "licensed type B home" mean a type B family child care home for which there is a valid license issued by the director of job and family services pursuant to section 5104.03 of the Revised Code.

(EE) "Licensee" means the owner of a child care center, type A family child care home, or type B family child care home that is licensed pursuant to this chapter and who is responsible for ensuring compliance with this chapter and rules adopted pursuant to this chapter.

(FF) "Operate a child day camp" means to operate, establish, manage, conduct, or maintain a child day camp.



(GG) "Owner" includes a person, as defined in section 1.59 of the Revised Code, or government entity.

(HH) "Parent cooperative child care center," "parent cooperative center," "parent cooperative type A family child care home," and "parent cooperative type A home" mean a corporation or association organized for providing educational services to the children of members of the corporation or association, without gain to the corporation or association as an entity, in which the services of the corporation or association are provided only to children of the members of the corporation or association, ownership and control of the corporation or association rests solely with the members of the corporation or association, and at least one parent-member of the corporation or association is on the premises of the center or type A home during its hours of operation.

(II) "Part-time child care center," "part-time center," "part-time type A family child care home," and "part-time type A home" mean a center or type A home that provides child care or publicly funded child care for not more than four hours a day for any child or not more than fifteen consecutive weeks per year, regardless of the number of hours per day.

(JJ) "Place of worship" means a building where activities of an organized religious group are conducted and includes the grounds and any other buildings on the grounds used for such activities.

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

(LL) "Protective child care" means publicly funded child care for the direct care and protection of a child to whom all of the following apply:

- (1) A case plan has been prepared and maintained for the child pursuant to section 2151.412 of the Revised Code.
- (2) The case plan indicates a need for protective care.
- (3) The child resides with a parent, stepparent, guardian, or another person who stands in loco





parentis as defined in rules adopted under section 5104.38 of the Revised Code.

(MM) "Publicly funded child care" means administering to the needs of infants, toddlers, preschool-age children, and school-age children under age thirteen during any part of the twenty-four-hour day by persons other than their caretaker parents for remuneration 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 the department of job and family services.

(NN) "Religious activities" means any of the following: worship or other religious services; religious instruction; Sunday school classes or other religious classes conducted during or prior to worship or other religious services; youth or adult fellowship activities; choir or other musical group practices or programs; meals; festivals; or meetings conducted by an organized religious group.

(OO) "School-age child" means a child who is enrolled in or is eligible to be enrolled in 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.

(PP) "Serious risk noncompliance" means a licensure or certification rule violation that leads to a great risk of harm to, or death of, a child, and is observable, not inferable.

(QQ) "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.

(RR) "Title IV-A" means Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended.

(SS) "Title XX" means Title XX of the "Social Security Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended.



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

(UU) "Type A family child care home" and "type A home" mean the permanent residence of the administrator in which child care or publicly funded child care is provided for seven to twelve children at one time or a permanent residence of the administrator in which child care is provided for four to twelve children at one time if four or more children at one time are under two years of age. In counting children for the purposes of this division, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the type A home shall be counted. "Type A family child care home" and "type A home" do not include any child day camp.

(VV) "Type B family child care home" and "type B home" mean a permanent residence of the provider in which care is provided for one to six children at one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of this division, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted. "Type B family child care home" and "type B home" do not include any child day camp.