

HB 647 -- Redline

Reported to As Passed by the House -- Regards publicly funded child care, the Child Care Cred Program

Deletions ~~struck~~ · Insertions underlined

As ~~Reported~~Passed by the House ~~Children and Human Services Committee~~ 136th General Assembly Regular Session Sub.

Representatives White, A., Fowler ~~Arthur~~Arthur, Abrams, Bird, Brennan, Click, Daniels, Deeter, Fischer, Holmes, Johnson, Mathews, A., Mathews, T., Miller, K., Newman, Peterson, Roemer, Santucci, Sigrist, Williams, Willis To amend sections 5104.01, 5104.30, 5104.32, 1 5104.34, 5104.38, and 5104.53 and to enact 2 sections 5104.321 and 5104.45 of the Revised 3 Code to revise the law governing the publicly 4 funded child care program.

14 (C) "Authorized representative" means an individual 15 employed by a center, type A home, or approved child day camp 16 that is owned by a person other than an individual and who is 17 ~~authorized~~Sub. by the owner to do all of the following:

~~18 Sub.~~

647 Page 2 As ~~Reported~~Passed by the House ~~Children~~authorized and by Human ~~the Services~~owner ~~Committee to~~(1) do communicate all on of the owner's following: behalf;

18 (1) Communicate on the owner's behalf;

44 (G) "Chartered nonpublic school" means a school that meets 45 ~~standards for nonpublic schools prescribed by the director of~~ 46 Sub.

647 Page 3 As ~~Reported~~Passed by the House ~~Children~~standards and for Human ~~nonpublic Services~~schools ~~Committee prescribed by the director of~~ 46 education and workforce for nonpublic schools pursuant to 47 section 3301.07 of the Revised Code.

69 (5) By a provider required by this chapter to be licensed 70 or approved by the department of children and youth, certified 71 by a county department of job and family services, or under 72 contract with the department to provide publicly funded child 73 ~~care~~Sub. as described in section 5104.32 of the Revised Code.

~~74 Sub.~~

647 Page 4 As ~~Reported~~Passed by the House ~~Children and Human Services Committee (L)~~ "Child care center" ~~as and described "center" in mean~~ section any 5104.32 place that 75 is not the permanent residence of the licensee ~~Revised or Code. administrator 76 in which child care or publicly funded child care is provided 77 for seven or more children at one time.~~

74 (L) "Child care center" and "center" mean any place that 75 is not the permanent residence of the licensee or administrator 76 in which child care or publicly funded child care is provided 77 for seven or more children at one time.

100 (M) "Child care resource and referral service 101 ~~organization" means a community-based nonprofit organization~~ 102 Sub.

647 Page 5 As ~~Reported~~Passed by the House ~~Children~~organization" and means Human ~~Services~~community-based ~~Committee nonprofit organization 102~~ that provides child care resource and referral services but not 103 child care.

126 (9) Provision of written educational materials to 127 caretaker parents and informational resources to child care 128 ~~providers;~~ Sub.

~~129 Sub.~~

647 Page 6 As ~~Reported~~Passed by the House ~~Children~~providers; and Human ~~Services Committee (10)~~ ~~Coordination of services among child care resource 130 and referral service organizations to assist in developing and 131 maintaining a statewide system of child care resource and 132 referral services if required by the department of children and 133 youth;~~

129 (10) Coordination of services among child care resource 130 and referral service organizations to assist in developing and 131 maintaining a statewide system of child care resource and 132 referral services if required by the department of children and 133 youth;

155 (2) Is assigned specific working hours or duties in a 156 ~~child~~Sub. care center, type A family child care home, licensed type 157 B family child care home, or approved child day camp.

~~158 Sub.~~

647 Page 7 As ~~Reported~~Passed by the House ~~Children and Human Services Committee (S)~~ "Employer" ~~means a person, firm, institution, 159 organization, or agency that operates a child care center, type 160 A family child care home, licensed type 157 B family child care 161 home, or approved child day camp~~ camp. ~~subject to licensure or 162 approval under this chapter.~~

158 (S) "Employer" means a person, firm, institution, 159 organization, or agency that operates a child care center, type 160 A family child care home, licensed type B family child care 161 home, or approved child day camp subject to licensure or 162 approval under this chapter.

185 ~~(V)(W)Sub. "Home education" has the same meaning as in section 186 3321.042 of the Revised Code.~~
~~187 Sub.~~

647 Page 8 As ~~Reported~~Passed by the House ~~Children(V)(W) and "Home Human education" Services~~has
~~Committee the (W)(X) same "Home meaning education as learning in pod" section means 186 a 3321.042 voluntary 188~~
~~association of parents who direct their children's education 189 through home education and includes the~~
~~following Revised 190 Code. characteristics:~~

187 (W)(X) "Home education learning pod" means a voluntary 188 association of parents who direct their
children's education 189 through home education and includes the following 190 characteristics:

~~213 (Z)(AA) "Indicator checklist" means an inspection tool, 214 used in conjunction with an instrument-~~
~~based program monitoring 215 Sub.~~

647 Page 9 As ~~Reported~~Passed by the House ~~Children(Z)(AA) and "Indicator Human checklist" Services~~means
~~Committee an inspection tool, 214 used in conjunction with an instrument-based program monitoring 215~~
information system, that contains selected licensing 216 requirements that are statistically reliable
indicators or 217 predictors of a child care center's, type A family child care 218 home's, or licensed
type B family child care home's compliance 219 with licensing requirements.

236 (DD)(EE) "License capacity" means the maximum number in 237 each age category of children who may be
cared for in a child 238 care center, type A family child care home, or licensed type B 239 family child
care home at one time as determined by the director 240 of children and youth considering building
occupancy limits 241 established by the department of commerce, amount of available 242 indoor floor
space and outdoor play space, and amount of 243 ~~available Sub. play equipment, materials, and supplies.~~

~~244 Sub.~~

647 Page 10 As ~~Reported~~Passed by the House ~~Children available and play Human equipment. Services~~materials,
~~Committee and (EE)(FF) supplies. "Licensed child care program" means any of the 245 following:~~

244 (EE)(FF) "Licensed child care program" means any of the 245 following:

268 (II)(JJ) "Misuse of public funds" means intentional or 269 repeated improper billing, expenditure,
receipt, or retention of 270 publicly funded child care payments in violation of this chapter 271 ~~or Sub.~~
~~rules adopted under it.~~

~~272 Sub.~~

647 Page 11 As ~~Reported~~Passed by the House ~~Children and Human Services Committee (KK) "Operate a child~~
~~day camp" means to operate, 273 establish, manage, conduct, or maintain rules a adopted child under day it.~~
~~camp.~~

272 (KK) "Operate a child day camp" means to operate, 273 establish, manage, conduct, or maintain a
child day camp.

299 (NN)(PP) "Preschool-age child" means a child who is three 300 ~~years Sub. old or older but is not a~~
~~school-age child.~~

~~301 Sub.~~

647 Page 12 As ~~Reported~~Passed by the House ~~Children years and old Human or Services older Committee but~~
~~(OO)(QQ) is "Protective not child care" means publicly funded 302 child care for the direct care and~~
~~protection of a child school-age to child. whom 303 all of the following apply:~~

301 (OO)(QQ) "Protective child care" means publicly funded 302 child care for the direct care and
protection of a child to whom 303 all of the following apply:

325 (RR)(TT) "School-age child" means a child who is enrolled 326 in or is eligible to be enrolled in a
grade of kindergarten or 327 above but is less than fifteen years old or, in the case of a 328 child who
is receiving special needs child care, is less than 329 ~~eighteen Sub. years old.~~

~~330 Sub.~~

647 Page 13 As ~~Reported~~Passed by the House ~~Children eighteen and years Human old. Services Committee~~
~~(SS)(UU) "Serious risk noncompliance" means a licensure or 331 certification rule violation that leads~~
~~to a great risk of harm 332 to, or death of, a child, and is observable, not inferable.~~

330 (SS)(UU) "Serious risk noncompliance" means a licensure or 331 certification rule violation that
leads to a great risk of harm 332 to, or death of, a child, and is observable, not inferable.

In counting 358 ~~children for the purposes of this division, any children under 350 Sub.~~

647 Page 14 As ~~Reported~~Passed by the House ~~Children children and for Human the Services purposes Committee of~~
~~this division, any children under 359 six years of age who are related to a licensee, administrator, 360~~
or employee and who are on the premises of the type A home shall 361 be counted.

~~387 (4) A family receiving publicly funded child care on 388 Sub.~~

647 Page 15 As ~~Reported~~Passed by the House ~~Children (4) and A Human family Services receiving~~
~~Committee publicly funded child care on 388~~ October 1, 1997, until the family's income reaches one
hundred 389 fifty per cent of the federal poverty line;

415 (1) The department may use the federal funds to hire staff 416 ~~to prepare any rules required under~~
~~this chapter and to 417 Sub.~~

647 Page 16 As ~~Reported~~Passed by the House ~~Children to and prepare Humanany Servicesrules Committee~~required under this chapter and to 417 administer and coordinate federal and state funding for publicly 418 funded child care.

The department shall encourage the 444 ~~development of suitable child care designed to accommodate the 445~~ Sub.

647 Page 17 As ~~Reported~~Passed by the House ~~Children development and of Human suitable Services child Committee~~care designed to accommodate the 445 special needs of migrant workers.

473 ~~(b) Establish an enhanced payment rate for providers who 474~~ Sub.

647 Page 18 As ~~Reported~~Passed by the House ~~Children (b) and Establish Humanan Services enhanced Committee~~payment rate for providers who 474 enroll children whose provide child care for caretaker parents 475 who work nontraditional hours;

All contracts for publicly 499 funded child care shall be contingent upon the availability of 500 ~~state Sub. and federal funds.~~

~~The department shall prescribe a 501 Sub.~~

647 Page 19 As ~~Reported~~Passed by the House ~~Children state and Human federal Services funds. Committee~~standard form to be used for all contracts for the purchase of 502 publicly funded child care, ~~regardless of the source of public 503 funds used to purchase the child care.~~

The department shall prescribe a 501 standard form to be used for all contracts for the purchase of 502 publicly funded child care, regardless of the source of public 503 funds used to purchase the child care.

528 (3) That the provider, other than a border state child 529 care provider, shall continue to be licensed, approved, or 530 ~~certified pursuant to this chapter and shall comply with all 531~~ Sub.

647 Page 20 As ~~Reported~~Passed by the House ~~Children certified pursuant to this chapter and Human shall Services comply Committee~~with all 531 standards and other requirements in this chapter and in rules 532 adopted pursuant to this chapter for maintaining the provider's 533 license, approval, or certification;

557 (a) Use or have possession of a personal identification 558 number or password issued to a caretaker parent under the 559 ~~automated Sub. child care system;~~

~~560 Sub.~~

647 Page 21 As ~~Reported~~Passed by the House ~~Children automated and Human Services Committee (b) Falsify child attendance care or system; enrollment records;~~

560 (b) Falsify child attendance or enrollment records;

588 ~~(ii) The thirty-day period described in division (L) of 589~~ Sub.

647 Page 22 As ~~Reported~~Passed by the House ~~Children (ii) and The Human thirty-day Services period Committee~~described in division (L) of 589 section 5104.38 of the Revised Code.

616 (F) If the department has evidence that a provider has 617 ~~employed an individual who is ineligible for employment under 618~~ Sub.

647 Page 23 As ~~Reported~~Passed by the House ~~Children employed and an Human individual Services who Committee is ineligible for employment under 618~~ section 5104.013 of the Revised Code and the provider has not 619 released the individual from employment upon notice that the 620 individual is ineligible, the department may terminate 621 immediately the contract entered into under this section to 622 provide publicly funded child care entered into under this 623 section.

645 (C) The department shall not recognize a full-time plus 646 ~~authorization. Sub.~~

~~647 Sub.~~

647 Page 24 As ~~Reported~~Passed by the House ~~Children authorization. and Human Services Committee (D) Unless evidence demonstrates and the department has 648 reason to suspect waste, fraud, or abuse on the part of a 649 provider or caretaker parent, the department may allow a 650 provider to use an eligible absent day when care cannot be 651 provided due to an emergency or other circumstance beyond the 652 provider's control, which prevented the provider from operating 653 on a day that the child was authorized and scheduled to receive 654 care.~~

647 (D) Unless evidence demonstrates and the department has 648 reason to suspect waste, fraud, or abuse on the part of a 649 provider or caretaker parent, the department may allow a 650 provider to use an eligible absent day when care cannot be 651 provided due to an emergency or other circumstance beyond the 652 provider's control, which prevented the provider from operating 653 on a day that the child was authorized and scheduled to receive 654 care.

668 To the extent permitted by federal law, the county 669 department may make all determinations of eligibility for 670 publicly funded child care, may contract with child care 671 providers or child care resource and referral service 672 organizations for the providers or resource and referral service 673 organizations to make all or any part of the determinations, and 674 may contract with child care providers or child care resource 675 and referral service organizations for the providers or resource 676 ~~and referral service organizations to collect specified 677 information for use by the county department in making 678~~ Sub.

647 Page 25 As ~~Reported~~Passed by the House ~~Children and Humanreferral Services~~service
~~Committee~~organizations to collect specified 677 information for use by the county department in making
678 determinations.

In accordance with those 707 ~~rules, the state department shall monitor eligibility 708 determinations~~
~~made by county departments of job and family 709 Sub.~~

647 Page 26 As ~~Reported~~Passed by the House ~~Childrenrules, andthe Humanstate Services~~department
~~Committee~~shall monitor eligibility 708 determinations made by county departments of job and family 709
services and shall direct any entity that is not in compliance 710 with this division or any rule
adopted under this division to 711 implement corrective action specified by the department.

730 (b) If a caretaker parent who has been determined eligible 731 to receive publicly funded child care
no longer meets the 732 requirements of division (A)(2)(a)(ii) of this section, the 733 caretaker parent
may continue to receive publicly funded child 734 care for a period of at least three but not more than
four 735 months not to extend beyond the caretaker parent's eligibility 736 ~~period.~~Sub.

~~737 (c) If a child turns thirteen, or if a child receiving 738 Sub.~~

647 Page 27 As ~~Reported~~Passed by the House ~~Children and Human Services Committee~~special needs child
~~care turns eighteen, during the eligibility 739 period, the caretaker parent may continue to receive~~
~~publicly 740 funded child care until the end of that eligibility period.~~

737 (c) If a child turns thirteen, or if a child receiving 738 special needs child care turns eighteen,
during the eligibility 739 period, the caretaker parent may continue to receive publicly 740 funded
child care until the end of that eligibility period.

764 (b) The assistance group's income is not more than one 765 ~~hundred~~Sub. fifty per cent of the federal
~~poverty line.~~

~~766 An assistance group ineligible to participate in the Ohio 767 Sub.~~

647 Page 28 As ~~Reported~~Passed by the House ~~Childrenhundred andfifty Humanper Servicescent~~Committee works
~~first program pursuant to section 5101.83 or section 768 5107.16 of the Revisedfederal Codepoverty~~
~~is line. not eligible for transitional 769 child care.~~

766 An assistance group ineligible to participate in the Ohio 767 works first program pursuant to
section 5101.83 or section 768 5107.16 of the Revised Code is not eligible for transitional 769 child
care.

794 ~~(1)Sub. The child needs additional care during non-traditional 795 hours;~~

~~796 Sub.~~

647 Page 29 As ~~Reported~~Passed by the House ~~Children(1) and Human Services Committee (2)~~The child needs
~~toadditional change providers in the middle of 797 the week, for a period not more than one week, and~~
~~the hours of 798 care providedduring bynon-traditional the795 providershours; do not overlap;~~

796 (2) The child needs to change providers in the middle of 797 the week, for a period not more than
one week, and the hours of 798 care provided by the providers do not overlap;

820 To be eligible for one or more such extensions from the 821 thirty-day limit, the caretaker parent
shall demonstrate to the 822 department that the family's education, training, or employment 823
~~schedule~~Sub. continues to be impacted, as described in division (E) 824 (3) of this section.

~~825 Sub.~~

647 Page 30 As ~~Reported~~Passed by the House ~~Childrenschedule andcontinues Human~~to Servicesbe
~~Committeeimpacted, (F)as Asdescribed used in this section, "maximum income eligibility 826 limit" means~~
~~the amount of income specified in rules adopted 827 under division (A)(E) of824 section(3) 5104.38 of~~
~~thethis Revisedsection. Code.~~

825 (F) As used in this section, "maximum income eligibility 826 limit" means the amount of income
specified in rules adopted 827 under division (A) of section 5104.38 of the Revised Code.

853 ~~(C) A formula for determining the amount of state and 854 federal funds appropriated for publicly~~
~~funded child care that 855 Sub.~~

647 Page 31 As ~~Reported~~Passed by the House ~~Children(C) A formula for determining the amount of state and~~
~~Human854 Servicesfederal Committee~~funds appropriated for publicly funded child care that 855 may be
allocated to a county department to use for 856 administrative purposes;

880 (K) If the director establishes a different payment rate 881 ~~under division (E)(3)(d) of section~~
~~5104.30 of the Revised Code, 882 standards and procedures for determining the amount of the 883 Sub.~~

647 Page 32 As ~~Reported~~Passed by the House ~~Childrenunder division (E)(3)(d) of section 5104.30 of the~~
~~Revised Code, 882 standards and Humanprocedures Servicesfor Committee~~determining the amount of the 883
higher payment that is to be issued to a child care provider 884 based on the special needs of the child
being served;

907 (B) As soon as practicable after the attorney general 908 completes an investigation into the matter
as described in 909 division (A) of this section and that investigation yields 910 credible findings of
criminal or improper activity, which may 911 ~~relate to waste, fraud, and abuse, the attorney general~~
~~shall 912 share the investigation's findings with the prosecuting attorney 913 Sub.~~

647 Page 33 As ~~Reported~~Passed by the House ~~Children~~relate to waste, fraud, and ~~Human~~abuse, ~~Services~~the ~~Committee~~attorney general shall 912 share the investigation's findings with the prosecuting attorney 913 having jurisdiction of the matter.

940 (E) The attorney general may initiate and prosecute any 941 ~~necessary~~Sub. ~~criminal or civil action~~ after either of the 942 following:

~~943 Sub.~~

647 Page 34 As ~~Reported~~Passed by the House ~~Children~~necessary and ~~criminal~~ Humanor ~~Services~~civil ~~Committee~~action (1)after Theeither prosecutingof attorney shares the findings942 andfollowing: 944 information as described in division (D) of this section;

943 (1) The prosecuting attorney shares the findings and 944 information as described in division (D) of this section;

Subject to available 967 funds, the program shall support and invest in early learning 968 and development programs operating in this state by awarding 969 ~~grants~~Sub. ~~to programs that meet the~~ conditions of this section in 970 an amount that corresponds to the number of eligible children 971 served by the programs.

~~972 Sub.~~

647 Page 35 As ~~Reported~~Passed by the House ~~Children~~grants andto Humanprograms ~~Services~~that ~~Committee~~meet (C)the Toconditions beof eligiblethis forsection a in grant970 underan thisamount section, that ancorresponds 973to earlythe learningnumber andof developmenteligible programchildren shall971 meetsserved eachby of the 974programs. following conditions:

972 (C) To be eligible for a grant under this section, an 973 early learning and development program shall meet each of the 974 following conditions:

996 (c) The child is homeless as described in division (V) of 997 ~~section~~Sub. ~~5104.01 of the Revised Code.~~

~~998 (2) The child is a citizen of the United States or a 999 qualified alien.~~

~~1000 Sub.~~

647 Page 36 As ~~Reported~~Passed by the House ~~Children~~section and5104.01 Humanof ~~Services~~ Committee (3)The child meets any other eligibility condition 1001 specified by the departmentRevised inCode. rules adopted under this section.

998 (2) The child is a citizen of the United States or a 999 qualified alien.

1000 (3) The child meets any other eligibility condition 1001 specified by the department in rules adopted under this section.

1025 (4)Sub. ~~In the event funds are distributed in error under the 1026 program, methods by which the department may recover those 1027 funds.~~

~~1028 Sub.~~

647 Page 37 As ~~Reported~~Passed by the House ~~Children~~(4) andIn Humanthe ~~Services~~event ~~Committee~~funds (G)are Thedistributed awardin oferror an early childhood education grant under 1029the this1026 sectionprogram, shallmethods notby bewhich consideredthe publiclydepartment fundedmay childrecover carethose 10301027 orfunds. a family services program.

1028 (G) The award of an early childhood education grant under 1029 this section shall not be considered publicly funded child care 1030 or a family services program.