

5101:2-16-01

Definitions for eligibility for publicly funded child care benefits.

- (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) "Automated child care system" means the automated electronic child care system that tracks attendance and calculates payments for publicly funded child care.
- (E) "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.
- (F) "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.
- (G) "Child" means an infant, toddler, preschool child, or school-age child up to age eighteen.
- (H) "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 any 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.
- (I) "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.
- (J) "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 first Saturday after the last day of the twelfth month of eligibility unless the last day of the month is a Saturday.
- (K) "Eligible provider" means a child care provider who is eligible to receive public funds in accordance with Chapter 5104. of the Revised Code, ~~has completed the provider agreement with the Ohio department of job and family services (ODJFS) and has entered all required information in the provider portal. An eligible provider includes all of the following:~~ and rule 5101:2-16-09 of the Administrative Code.
- ~~(1) A licensed child care center.~~
 - ~~(2) A licensed type A child care home.~~
 - ~~(3) A licensed type B child care home.~~
 - ~~(4) A certified in-home aide.~~
 - ~~(5) A licensed school child care center.~~
 - ~~(6) A licensed preschool program.~~
 - ~~(7) A licensed school child program.~~
 - ~~(8) An approved child day camp as defined in rule 5101:2-18-01 of the Administrative Code.~~
 - ~~(9) A border state child care provider.~~
- (L) "Head Start program" means a comprehensive child development program that receives federal funds distributed under the "Head Start Act" 95 Stat. 499 (1981) which includes early head start.

(M) "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.

~~(M)~~(N) "Income" means gross income, as defined in rule ~~5101:2-16-34~~5101:2-16-03 of the Administrative Code.

~~(N)~~(O) "Infant" means a child under eighteen months of age.

~~(O)~~(P) "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.

~~(P)~~(Q) "Minor parent" means a caretaker who is under age eighteen.

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

~~(R)~~(S) "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.

~~(S)~~(T) "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.

~~(F)~~(U) "School-age child" means a child who is enrolled in and attending a grade of kindergarten or above or who is of compulsory school age as defined in section 3321.01 of the Revised Code, but is less than eighteen years old.

~~(U)~~(V) "School hours" means the standardized hours of school as determined by ODJFS.

~~(V)~~(W) "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.

~~(W)~~(X) "Special needs" means providing child care services to a child who is under eighteen years old who does not function according to age appropriate expectations in one or more of the following areas of development: social/emotional, cognitive, communication, perceptual-motor, physical, or behavioral development, or the child has chronic health issues. The child's delays/conditions affect development to the extent that the child requires special adaptations, modified facilities, program adjustments or related services on a regular basis in order to function in an adaptive manner.

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

~~(Y)~~(Z) "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.

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

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

Effective:

Five Year Review (FYR) Dates: 7/24/2019

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 5104.30, 5104.34, 5104.38
Rule Amplifies: 5104.01, 5104.38, 5104.34, 5104.30
Prior Effective Dates: 02/11/1982, 09/01/1986, 05/01/1989 (Emer.),
09/28/1989, 04/01/1990 (Emer.), 06/22/1990,
07/01/1990 (Emer.), 09/30/1990, 05/01/1991 (Emer.),
07/29/1991, 11/01/1991 (Emer.), 01/20/1992,
03/02/1992 (Emer.), 07/30/1992, 01/01/1994,
10/01/1997 (Emer.), 12/30/1997, 02/22/2002,
06/09/2003, 07/01/2005 (Emer.), 10/01/2005,
02/01/2007, 10/21/2009, 03/28/2010, 08/28/2011,
05/04/2014, 07/10/2015, 09/28/2015, 12/16/2018