

5101:2-16-10

Payment rates and procedures for providers of publicly funded child care services.

(A) How are payment rates established in the publicly funded child care program?

- (1) Payment rates are based on a market rate survey completed by the Ohio department of job and family services (ODJFS) to providers in the state of Ohio.
- (2) Payment rates shall apply to all providers of publicly funded child care.

(B) What is the payment rate for a provider not participating in step up to quality (SUTQ)?

- (1) The payment rate for a provider not participating in SUTQ shall be the lower of these two:
 - (a) The rate shown in appendix A to this rule for non-rated programs in the provider's county of location.
 - (b) The provider's customary rate to the public.
- (2) The rate determined in paragraph (B)(1) of this rule shall be the base rate used to calculate any applicable additional payment amounts pursuant to paragraphs (D), (F) and (G) of this rule.

(C) What is the payment rate for a provider participating in SUTQ?

- (1) The base payment rate for a provider participating in SUTQ shall be the lower of these two:
 - (a) The rate shown in appendix A to this rule for rated programs in the provider's county of location.
 - (b) The provider's customary rate to the public. If the customary rate is used, an additional four per cent will be added, not to exceed the rated appendix.
- (2) Once the rate is determined in paragraph (C)(1) of this rule, an additional per cent shall be added, as follows:
 - (a) One-star rated programs shall be paid an additional five per cent.
 - (b) Two-star rated programs shall be paid an additional eighteen per cent.
 - (c) Three-star rated programs shall be paid an additional twenty-one per cent.
 - (d) Four-star rated programs shall be paid an additional twenty-nine per cent.

(e) Five-star rated programs shall be paid an additional thirty-five per cent.

(D) What is the payment rate for accredited providers?

- (1) Providers who are accredited by an ODJFS approved accrediting body as listed at <http://jfs.ohio.gov/cdc/childcare.stm> shall be paid an additional ten per cent of the applicable payment rate established in paragraph (B)(1) of this rule or paragraph (C)(1) of this rule. This rate shall apply for all children receiving publicly funded child care services.
- (2) Providers who are accredited and also participating in SUTQ shall be paid either the per cent additional payment in paragraph (C)(2) of this rule or the per cent additional payment in paragraph (D)(1) of this rule, whichever is higher.

(E) What is the difference between a school-age rate and a summer school-age rate?

- (1) School-age rates shall be in effect during the school year as defined in rule 5101:2-16-01 of the Administrative Code.
- (2) Summer school-age rates shall be in effect outside of the school year as defined in rule 5101:2-16-01 of the Administrative Code.

(F) What is the compensation for child care services provided during non-traditional hours?

- (1) Providers who care for children during non-traditional hours shall be paid an additional five per cent of the applicable payment rate established in paragraph (B)(1) or (C)(1) of this rule.
- (2) This rate shall apply to the child for all hours of care during a week when any non-traditional hours of care are provided.
- (3) The payment shall not exceed the provider's customary charge to the public.
- (4) Non-traditional hours are the hours between seven p.m. and six a.m. on weekdays, and between twelve a.m. Saturday and six a.m. Monday.
- (5) Non-traditional hours include any hours of care provided on New Year's day, Martin Luther King Jr. day, Memorial day, Independence day, Labor day, Thanksgiving day and Christmas day.

(G) How are providers compensated for the care of children with special needs?

- (1) Providers who care for a child that the caretaker and the county agency have identified as having special needs pursuant to rule 5101:2-16-02 of the

Administrative Code shall be paid an additional five per cent of the applicable payment rate established in paragraph (B)(1) or (C)(1) of this rule. The payment shall not exceed the provider's customary charge to the public.

- (2) Providers who make special accommodations for the care of a child with special needs may receive twice the amount of the applicable payment rate established in paragraph (B)(1) or (C)(1) of this rule if approved pursuant to rule 5101:2-16-09 of the Administrative Code.
- (3) Payment enhancements or additional percentages shall only apply to the hours of care for the child with special needs.

(H) What time increments are used for the payment of publicly funded child care services?

- (1) Time increments are broken down into weekly categories based on the total number of hours per week that each child is authorized to receive publicly funded child care services, pursuant to rule 5101:2-16-06 of the Administrative Code. The categories of payment are as follows:
 - (a) An hourly payment is for hours of care totaling less than seven hours per week.
 - (b) A part-time payment is for hours of care totaling seven hours to less than twenty-five hours per week.
 - (c) A full-time payment is for hours of care totaling twenty-five hours to sixty hours per week.
 - (d) A full-time plus payment is for hours of care totaling more than sixty hours per week.
 - (e) A week is defined as the seven-day period from twelve a.m. Sunday to fifty-nine minutes after eleven p.m. on Saturday.
- (2) Payment shall be calculated using the total number of child care hours per week, that have been approved by the caretaker, if applicable, and submitted by the provider in the automated child care system.
 - (a) The total number of weekly hours of care received will be matched with the associated category and the provider will receive the payment rate for that category of care, up to the child's category of authorization.
 - (b) Payment shall not be made for hours that exceed the child's category of authorization.

(I) Are providers compensated for registration fees?

Providers may receive registration fees for children receiving publicly funded child care according to the following criteria:

- (1) Annually, a provider with a valid provider agreement as of January first shall receive a twenty-five dollar registration fee for each child who received publicly funded child care from the provider in the previous calendar year. For approved day camps, the camp shall have had a valid provider agreement as of August thirtieth of the previous year.
- (2) The child must have received publicly funded child care from the provider for at least one day during January through December of the previous year.

(J) Is a provider compensated when a child is absent from the program?

- (1) A child is eligible for a maximum of twenty absent days during each six-month period of January through June and July through December of each state fiscal year.
- (2) Absent days are defined in rule 5101:2-16-01 of the Administrative Code.
- (3) A provider may be paid for an absent day for which a child is eligible. An absent day shall not be paid prior to actual attendance at the authorized program. The attendance shall be documented by a recorded in time and a recorded out time, and shall have occurred on any day in the previous rolling twelve months.
- (4) The value of an absent day is based on the child's authorized hours for care, as follows:
 - (a) For a full-time or a full-time plus authorization, the value of an absent day is eight hours.
 - (b) For a part-time or an hourly authorization, the value of an absent day is five hours.

(K) Are providers compensated for staff professional development days?

- (1) Providers are eligible for two professional development days per state fiscal year. A fiscal year is defined as July first through June thirtieth.
- (2) Professional development days are defined in rule 5101:2-16-01 of the Administrative Code.

- (3) Professional development days cannot be used on two consecutive calendar days or in two consecutive calendar months.
- (4) Professional development days shall not be used on any holiday listed in paragraph (F)(5) of this rule.
- (5) The value of a professional development day is based on a child's authorized hours for care, as follows:
 - (a) For a full-time or a full-time plus authorization, the value of a professional development day is eight hours.
 - (b) For a part-time or an hourly authorization, the value of a professional development day is five hours.

(L) What is not included in the payment for publicly funded child care services?

The provider's publicly funded child care payment shall not include:

- (1) A child's copayment amount pursuant to rule 5101:2-16-05 of the Administrative Code.
- (2) Payment for services provided during the hours that a child is in care in another federal or state funded program (including, but not limited to, head start, early head start, or the early childhood education program).
- (3) Payment for services provided during the hours that a school-age child would typically be in attendance at a primary or secondary school.
 - (a) Payment will include time that a school-age child is participating in remote learning, including the remote portion of a hybrid school model, while in child care.
 - (b) Payment will not include time that the child is participating in instructional services which supplant or duplicate the academic program of any school.
 - (c) Payment will not include care during the school-day if the parent has the option to send the school-age child to in-person learning, including a hybrid school model, and instead opted for only remote learning.

(M) What are the requirements regarding fees that a provider may charge to the caretaker?

- (1) A provider shall make a caretaker aware of fees not covered by publicly funded child care payments for which the caretaker may be responsible.

- (a) A provider shall have a signed agreement with the caretaker for the payment of these fees.
 - (b) Such fees may include:
 - (i) Late fees.
 - (ii) Activity fees.
 - (iii) Transportation fees.
 - (iv) Charges for absent days which exceed those eligible for payment from ODJFS.
 - (v) Charges for hours of care that exceed those authorized.
 - (2) A provider shall not ask a caretaker to pay the difference between the provider's payment rate and the provider's customary charge to the public when the customary charge is higher.
 - (3) A provider shall not ask a caretaker to pay the difference between the registration fee paid for the child by ODJFS and the provider's customary registration fee charge to the public when the customary registration fee is higher.
- (N) What are the payment rates for in-home aides that provide publicly funded child care services?

An in-home aide is the only provider of publicly funded child care services who may provide child care in the child's own home. Payment rates for in-home aides are to be determined according to the following:

- (1) An in-home aide shall be paid an hourly rate that is equal to the state minimum wage for forty or fewer hours in a week. An in-home aide pilot program may be operated in participating counties detailed in a child care letter published by ODJFS.
 - (a) An in-home aide in a participating county may be paid an enhanced hourly rate of thirteen dollars for forty or fewer hours in a week when at least one child qualifies for special needs child care as determined pursuant to this chapter or at least one child needs care during non-traditional hours is served.
 - (b) A rate of one and one-half times the rate in paragraph (N)(1)(a) of this rule will be paid for hours in excess of forty in a week.

- (c) This pilot will exist for the time period specified in a child care letter published by ODJFS or until funding is no longer available, whichever is sooner.
 - (2) A rate of one and one-half times the state minimum wage shall be paid for hours in excess of forty in a week.
 - (3) The total payment shall include child care services provided to all of the authorized child(ren) in the caretaker's home.
 - (4) An in-home aide shall not claim absent days or professional development days for children receiving publicly funded child care services.
 - (5) An in-home aide is not eligible for any payment enhancements or additional percentages to the payment rate.
- (O) Are providers compensated for pandemic days?
- (1) A pandemic day means a day in which the provider would normally provide child care for currently enrolled children, but were advised to close by the Ohio department of health (ODH) or the local health department or closed in compliance with guidance from ODH and the United States centers for disease control and prevention (CDC) as a result of the COVID-19 pandemic.
 - (2) Providers are eligible for thirty-five pandemic days per fiscal year. In-home aides are not to claim pandemic days.
 - (3) The provider will provide ODJFS written documentation of the advisory to close. Failure to provide the documentation may result in the pandemic days not being paid.
 - (4) The value of a pandemic day is based on a child's authorized hours for care, as follows:
 - (a) For a full-time or a full-time plus authorization, the value of a pandemic day is eight hours.
 - (b) For a part-time or an hourly authorization, the value of a pandemic day is five hours.

Effective:

Five Year Review (FYR) Dates: 10/20/2024

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 5104.30, 5104.38, 5104.39
Rule Amplifies: 5104.30, 5104.35, 5104.38, 5104.39
Prior Effective Dates: 07/01/1989 (Emer.), 09/28/1989, 04/01/1990 (Emer.),
07/01/1990 (Emer.), 09/30/1990, 05/01/1991 (Emer.),
07/01/1991, 11/01/1991 (Emer.), 01/20/1992,
07/06/1992 (Emer.), 10/01/1992, 01/01/1994,
10/01/1997 (Emer.), 12/30/1997, 05/08/1998 (Emer.),
08/01/1998, 06/10/2000, 01/01/2001, 02/22/2002,
06/09/2003, 07/01/2005 (Emer.), 09/26/2005,
01/13/2006 (Emer.), 04/13/2006, 01/01/2007,
03/30/2007 (Emer.), 06/28/2007, 07/01/2008,
07/23/2009 (Emer.), 08/12/2009 (Emer.), 11/08/2009,
03/28/2010, 05/01/2011, 07/29/2011 (Emer.),
10/27/2011, 10/01/2013, 07/10/2015, 06/26/2016,
12/31/2016, 12/16/2018, 10/20/2019, 03/13/2020
(Emer.), 05/29/2020 (Emer.), 08/25/2020 (Emer.),
12/11/2020 (Emer.), 04/01/2021, 02/27/2022,
12/11/2022