

As Introduced

**135th General Assembly
Regular Session
2023-2024**

S. B. No. 273

Senator Reynolds

A BILL

To enact section 5180.41 of the Revised Code to 1
establish the Child Care Cred Program and to 2
make an appropriation. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 5180.41 of the Revised Code be 4
enacted to read as follows: 5

Sec. 5180.41. (A) As used in this section, "child care" 6
and "publicly funded child care" have the same meanings as in 7
section 5104.01 of the Revised Code. 8

(B) The child care cred program is created in the 9
department of children and youth, under which the costs of child 10
care may be shared by eligible employees, participating 11
employers, and, subject to available funds, the department. The 12
program has all of the following goals: enabling employers to 13
attract and retain talent; assisting eligible employees with 14
child care costs; and sustaining the businesses of child care 15
providers. 16

Under the program, an employee's child care costs shall be 17
shared equally by the employee, the employee's employer, and the 18
department, with each contributing a one-third share, except 19

that the employer may agree to also contribute some or all of 20
the employee's share. 21

Participation in the program is voluntary. Neither an 22
employee nor the employee's employer shall be required to 23
participate. Each employer seeking to participate in the program 24
shall be responsible for selecting for which of its employees 25
the employer agrees to contribute at least one-third of the 26
employee's child care costs. 27

(C) To be eligible for participation, all of the following 28
apply: 29

(1) In the case of an employee, the employee shall reside 30
in this state, be ineligible to participate in publicly funded 31
child care, and have been selected for participation by the 32
employee's employer. 33

(2) In the case of an employer, the employer shall employ 34
individuals who are working in this state and have selected one 35
or more of those employees to participate in the program. 36

(3) In the case of a child care provider, the provider 37
shall either hold a license issued under Chapter 5104. of the 38
Revised Code or be certified by a county department of job and 39
family services under section 5104.12 of the Revised Code. 40

(D) An employee seeking to participate in the program, 41
together with the employee's employer, shall submit an 42
application to the department in a manner prescribed by the 43
department. The department shall review each application as soon 44
as practicable after it is received and shall determine if the 45
employee and employer are both eligible to participate. 46

(E) After the employee and the employer are both 47
determined eligible and agree to participate in the program, all 48

of the following apply: 49

(1) The employee, with the assistance of the department, 50
shall select a child care provider for the employee's child and 51
shall enroll the child with the provider. An employee may opt to 52
select the employee's existing child care provider so long as 53
that provider is licensed or certified as described in this 54
section. 55

(2) As a condition of participation, the department may 56
require the employee, employer, and child care provider to each 57
sign a memorandum of understanding with the department. 58

(3) The department is responsible for coordinating and 59
performing all administrative activities associated with the 60
sharing of child care costs and making payments to child care 61
providers, except that the department may delegate the 62
performance of some or all of the activities to one or more 63
third-party entities. The department shall specify the 64
conditions that an entity must satisfy before the department 65
delegates performance of the activities to the entity. 66

(F) An eligibility determination made under division (D) 67
of this section remains valid as long as the employee, employer, 68
and child care provider continue to satisfy the eligibility 69
conditions described in division (C) of this section. 70

(G) If the department finds that an employee or employer 71
has committed fraud, misrepresentation, or deception in applying 72
to participate, or in participating, in the program, the 73
employee or employer is permanently ineligible to participate, 74
or to continue to participate, in the program. 75

(H) (1) The department may adopt rules as necessary to 76
implement this section. Any rules shall be adopted in accordance 77

with Chapter 119. of the Revised Code. 78

(2) Notwithstanding any provision of section 121.95 of the 79
Revised Code to the contrary, a regulatory restriction contained 80
in a rule adopted under division (H)(1) of this section is not 81
subject to sections 121.95 to 121.953 of the Revised Code. 82

Section 2. All items in this act are hereby appropriated 83
as designated out of any moneys in the state treasury to the 84
credit of the designated fund. For all operating appropriations 85
made in this act, those in the first column are for fiscal year 86
2024 and those in the second column are for fiscal year 2025. 87
The operating appropriations made in this act are in addition to 88
any other operating appropriations made for these fiscal years. 89

Section 3. 90

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| | 1 | 2 | 3 | 4 | 5 |
|---|--------------------------------------|--------|-------------------------|-----|--------------|
| A | KID DEPARTMENT OF CHILDREN AND YOUTH | | | | |
| B | General Revenue Fund | | | | |
| C | GRF | 830414 | Child Care Cred Program | \$0 | \$10,000,000 |
| D | TOTAL GRF General Revenue Fund | | | \$0 | \$10,000,000 |
| E | TOTAL ALL BUDGET FUND GROUPS | | | \$0 | \$10,000,000 |

TRI-SHARE CHILD CARE 92

The foregoing appropriation item 830414, Child Care Cred 93
Program, shall be used for the Child Care Cred Program 94
established in section 5180.41 of the Revised Code. 95

If the Director of Children and Youth determines that 96
there are insufficient funds in fiscal year 2025 in 97
appropriation item 830414, Child Care Cred Program, the Director 98
may certify to the Director of Budget and Management the 99
additional amount necessary to fund the Child Care Cred Program. 100
The amount certified is hereby appropriated to appropriation 101
item 830414, Child Care Cred Program. 102

Section 4. Within the limits set forth in this act, the 103
Director of Budget and Management shall establish accounts 104
indicating the source and amount of funds for each appropriation 105
made in this act, and shall determine the manner in which 106
appropriation accounts shall be maintained. Expenditures from 107
operating appropriations contained in this act shall be 108
accounted for as though made in, and are subject to all 109
applicable provisions of, H.B. 33 of the 135th General Assembly. 110