OHIO LEGISLATIVE SERVICE COMMISSION

www.lsc.ohio.gov

Office of Research and Drafting

Legislative Budget Office

S.B. 218
136th General Assembly

Bill Analysis

Click here for S.B. 218's Fiscal Note

Version: As Reported by House Children and Human Services

Primary Sponsor: Sen. Roegner

Chenwei Zhang, Attorney

SUMMARY

- Exempts family child care providers certified by the U.S. armed forces from the law governing the regulation of child care providers, including the requirement that certain family child care homes be licensed by the Department of Children and Youth.

DETAILED ANALYSIS

Military-certified family child care provider exemption

S.B. 218 exempts a family child care provider certified by any branch of the U.S. armed forces, including the U.S. Coast Guard, from the law governing the regulation of child care providers,[1] including the requirement that certain family child care homes be licensed by the Department of Children and Youth (DCY) in order to operate in Ohio.[2]

Child care definition

For purposes of Ohio law, ***child care*** is defined to mean (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 24-hour day, and (4) in a place other than a child's own home.[3]

Child care regulation

DCY's regulation of child care providers involves certain activities, including all of the following: conducting background checks on child care administrators, staff, and any adults residing in family child care homes; performing inspections of license applicants; establishing

[1] R.C. Chapter 5104.

[2] R.C. 5104.02(A) and (B)(12). See also R.C. 5104.03, not in the bill.

[3] R.C. 5104.01(K), not in the bill.

minimum qualifications for administrators and staff; setting physical space requirements for child care centers; establishing child-to-staff ratios; ensuring that inspections related to building occupancy and fire safety occur; and investigating complaints.[4]

Types of child care providers

Current law recognizes three main types of child care providers – child care centers, family child care homes, and in-home aides.[5] Each child care center and type A family child care home must be licensed by DCY in order to provide child care in Ohio.[6] A type B family child care home may provide child care without a license, unless the home seeks to provide publicly funded child care, in which case, a DCY-issued license is required.[7] An in-home aide may provide child care without being certified by a county department of job and family services, but similar to a type B home, must be certified in order to provide publicly funded child care.[8]

Definitions

A ***child care center*** is defined as any place that is not the permanent residence of the center's licensee or administrator in which child care or publicly funded child care is provided for seven or more children at one time.[9]

A ***type A family child care home*** is the permanent residence of the administrator in which child care or publicly funded child care is provided for eight to 14 children at one time or a permanent residence of the administrator in which child care is provided for four to 14 children at one time if four or more children at one time are under two years of age.[10]

A ***type B family child care home*** is defined to mean a permanent residence of the provider in which care is provided for one to seven children at one time and in which no more than three children are under two years of age at one time.[11]

An ***in-home aide*** is an individual who does not reside with the child but provides care in the child's home.[12]

---

[4] R.C. 5104.013, 5104.016, 5104.017, 5104.018, 5104.03, 5104.032, 5104.033, 5104.04, 5104.05, 5104.051, and 5104.052.

[5] Ohio law also recognizes preschool programs operated by school districts, certain private schools, and county boards of developmental disabilities, and requires these programs to be licensed by DCY in order to operate. See R.C. 3301.58.

[6] R.C. 5104.03, not in the bill.

[7] R.C. 5104.31(A)(1), not in the bill.

[8] R.C. 5104.12 and 5104.31(A)(2), neither in the bill.

[9] R.C. 5104.01(L), not in the bill.

[10] R.C. 5104.01(XX), not in the bill.

[11] R.C. 5104.01(YY), not in the bill.

[12] R.C. 5104.01(BB), not in the bill.

HISTORY

Action	Date
Introduced	06-10-25
Reported, S. Armed Services, Veterans Affairs & Public Safety	04-21-26
Passed Senate (31-0)	05-13-26
Reported, H. Children and Human Services	06-09-26

ANSB0218RH-136/ar