



**TED STRICKLAND**  
GOVERNOR  
STATE OF OHIO

## **Executive Order 2009 – 16S**

### **Immediate Amendment of Rules Regarding the Publicly Funded Child Care Program**

- 1. The Administration of Publicly Funded Child Care.** The Ohio Department of Job and Family Services (“ODJFS”), in collaboration with county departments of Job and Family Services, administers a statewide program of early care and educational services (“publicly funded child care”). ODJFS is responsible for establishing rules for reimbursement to providers of publicly funded child care services.
- 2. Ohio is Facing Significant Economic Challenges Requiring Prudent Prioritization of Funding.** The national economic recession has imposed many hardships on the people of Ohio. Declining tax revenues realized by the State have made it increasingly challenging for the State to provide the educational, health, and other services its people deserve. Among the services for which funding has been reduced is publicly funded child care. As a result, changes in policy have been made to adjust reimbursement rates for all providers of publicly funded child care. In light of economic challenges, ODJFS has determined that it is in the best interests of the publicly funded child care program that child care programs with Step Up to Quality (“SUTQ”) star-ratings receive additional reimbursement based on their star rating achievement. Focusing funding on programs that achieve SUTQ ratings ensures access to better early learning opportunities for Ohio's children from low-income working families.
- 3. Making Amendments to the Rule Effective on August 12, 2009.** Ohio's new two-year budget law became effective on July 17, 2009. That law reduced funding available for publicly funded child care and authorized changes in the administration of these programs to maximize the use of available funding. To implement the overall reduced spending levels of the new law, changes in

publicly funded child care rules are needed including adjustment to maximum reimbursement rates for high quality providers. It is in the best interest of Ohio residents that high quality child care be available to all families. Therefore, the amendment of rule 5101:2-16-41 in the Ohio Administrative Code, which focuses limited resources on high performing child care providers who are serving children from low-income families, must occur immediately.

4. **Procedure for Immediate Enactment of Rule Changes.** Section 119.03(F) of the Ohio Revised Code authorizes the Governor, on the request of a state agency, to suspend the normal rule-making procedures with respect to a specific rule when an emergency exists necessitating the immediate adoption, amendment, or rescission of the rule. When such a determination is made, the agency may immediately adopt, amend, or rescind a rule, but the rule is valid for only ninety (90) days.
5. **Determination of an Emergency.** I believe that an emergency exists justifying the suspension of the normal rule-making process when the failure to act immediately would negatively impact the citizens of Ohio. ODJFS has asked me to determine, and I have determined, that the failure to immediately amend the rule addressing the reimbursement to providers with SUTQ star ratings will negatively impact the quality and availability of high quality publicly funded child care programs which serve children of low-income working families. Changes to the reimbursement rates are necessary to allow ODJFS to properly administer allocated funds. Therefore, an emergency exists necessitating the immediate amendment of this administrative rule.
6. **Authorization for Immediate Rule Implementation.** Accordingly, the normal rule-making procedures are suspended with respect to the amendment of rule 5101:2-16-41 in the Ohio Administrative Code to ensure compliance with an increase in reimbursement to child care providers who have achieved SUTQ ratings and to amend the provider reimbursement tables. This rule will be electronically filed by ODJFS with the Ohio Secretary of State, the Director of the Legislative Service Commission and the Joint Committee on Agency Rule Review. ODJFS may, therefore, amend this rule immediately.

7. I signed this Executive Order on August 12, 2009, in Columbus, Ohio, and it will expire at the end of the ninetieth day it is in effect, November 11, 2009.



  
Ted Strickland, Governor

ATTEST:

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Jennifer Brunner, Secretary of State