



TED STRICKLAND
GOVERNOR
STATE OF OHIO

Executive Order 2009 – 10S

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 several programs which provide public funds for early child care and educational services (“publicly funded child care”). One such program has been the Early Learning Initiative (ELI) aimed at providing children of low-income families with educational experiences which would better prepare them to enter kindergarten ready for success.
2. **Ohio is Facing Significant Economic Challenges.** The national economic recession has imposed many hardships on the people of Ohio. Declining tax revenues realized by the State have made it more and more challenging for the State to provide the educational, health, and other services its people deserve. Difficult decisions have been made by the General Assembly to reduce or eliminate funding for a range of various beneficial and desirable programs which rely in whole or in part on state tax revenues. Among the programs for which funding has been reduced is publicly funded child care.
3. **Making Amendments to the Rules Effective on July 23, 2009.** Ohio’s new two-year budget law became effective last Friday, 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. In particular, in order to maximize the number of low-income children eligible for publicly funded child care, the ELI program is being discontinued and funds previously available for that program are being reassigned to other, less expensive publicly funded child care activity. To implement the overall reduced spending levels of the new law, changes in current publicly funded child care rules are needed which will reduce the income eligibility standard for publicly

funded child care, adjust maximum reimbursement rates for providers of publicly funded child care, and remove certain administrative requirements which are burdensome to low-income working families and costly to manage. In addition, to assist in the transition of children from the ELI program to other publicly funded child care, temporary rules are needed to allow children currently enrolled in ELI to continue in that program for a limited period of time. In order to implement the reduced spending levels and other program modifications associated with the new budget law, new rules need to be effective 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 rules regarding the administration of publicly funded child care will require the state, over the next two fiscal years, to spend funds on these programs at a rate which would exceed the amount appropriated for them by the General Assembly. Spending at that rate would result in available funds for publicly funded child care running out before the end of the two-year state budget period, causing an abrupt, unacceptable elimination of services to Ohioans before the end of that two-year period. Therefore, an emergency exists necessitating the immediate amendment of administrative rules in this regard.
6. **Authorization for Immediate Rule Implementation.** Accordingly, the normal rule-making procedures are suspended with respect to the amendment of rules 5101:2-16-30, 5101:2-16-39, 5101:2-16-41, 5101:2-23-01, 5101:2-23-03, 5101:2-23-05, 5101:2-23-07, 5101:2-23-09, and 5101:2-23-11 of the Ohio Administrative Code. These rules 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 these rules immediately.

7. I signed this Executive Order on July 23, 2009, in Cleveland, Ohio, and it will expire at the end of the ninetieth day it is in effect, October 21, 2009.




Ted Strickland, Governor

ATTEST:

Jennifer Brunner, Secretary of State