



JOHN R. KASICH
GOVERNOR
STATE OF OHIO

Executive Order 2011-18K

The Emergency Amendment of Rule 5101:2-16-41 of the Ohio Administrative Code
by the Ohio Department of Job and Family Services

WHEREAS, Am. Sub. H.B. No. 153 of the 129th General Assembly (H.B. 153) implements certain cost savings measures associated with publicly funded child care that are projected to save the State of Ohio approximately \$40 million.

WHEREAS, to maximize the number of children who continue to have access to publicly funded child care, a reduction in the maximum payment rates, and the removal of the payment of certain fees, to providers of publicly funded child care is necessary.

WHEREAS, any delay in implementing these cost savings measures could cost the State of Ohio up to approximately \$10.5 million.

WHEREAS, to promote greater quality in child care facilities in the State of Ohio, H.B. 153 separately implements an increase in the percentage of payments allowed to child care facilities that obtain either a third party accreditation or a Step Up To Quality (SUTQ) rating from the State of Ohio.

WHEREAS, Rule 5101:2-16-41 of the Ohio Administrative Code sets forth the payment rates for providers of publicly funded child care, including those who have certain third party accreditations or a SUTQ rating from the State of Ohio.

WHEREAS, Sections 5104.30, 5104.35, 5104.38, 5104.39 and 5104.42 of the Ohio Revised Code authorize the Ohio Department of Job and Family Services (ODJFS) to promulgate rules for the administration of the publicly funded child care program.

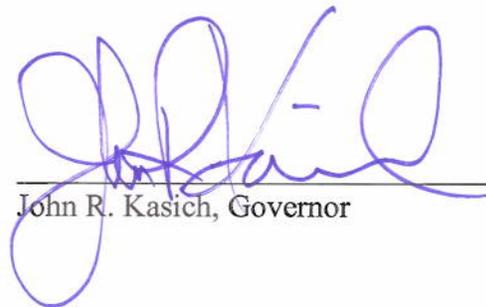
WHEREAS, Section 119.03(F) of the Ohio Revised Code authorizes the Governor, upon the request of a state agency, to determine that an emergency exists necessitating the immediate adoption, amendment, or rescission of an agency rule.

WHEREAS, ODJFS has requested a determination whether an emergency exists that requires the immediate amendment of Rule 5101:2-16-41 of the Ohio Administrative Code in order for ODJFS, pursuant to Sections 5104.30, 5104.35, 5104.38, 5104.39 and 5104.42 of the Ohio Revised Code, to implement the changes made by H.B. 153.

NOW THEREFORE, I, John R. Kasich, Governor of the State of Ohio, have determined, upon the request of ODJFS, that an emergency exists requiring the immediate amendment of Rule 5101:2-16-41 of the Ohio Administrative Code by ODJFS. Further, I hereby order that the procedures prescribed by Section 119.03 of the Ohio Revised Code with respect to the amendment of such specified rule be suspended and ODJFS be permitted to immediately amend this rule by electronically filing it with the Secretary of State, the Director of the Legislative Service Commission, and the Joint Committee on Agency Rule Review.

Further, I hereby order that this Executive Order be filed in electronic form with ODJFS, the Secretary of State, the Director of the Legislative Service Commission, and the Joint Committee on Agency Rule Review.

I signed this Executive Order on July 27, 2011 in Columbus, Ohio, and it will expire at the end of the ninetieth day it is in effect.



John R. Kasich, Governor

ATTEST:

Jon Husted, Secretary of State