MIKE DEWINE
GOVERNOR
STATE OF OHIO

Executive Order 2020-22D

The Emergency Adoption of Rules 3301-32-06.1 and 3301-37-03.1 of the Ohio Administrative Code by the State Board of Education and Ohio Department of Education

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death, is caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person. The virus is spread between individuals who are in close contact with each other (within about six feet) through respiratory droplets produced when an infected person coughs or sneezes. It may be possible that individuals can get COVID-19 by touching a surface or object that has the virus on it and then touching their own mouth, nose or eyes; and

WHEREAS, on January 31, 2020, Health and Human Services Secretary, Alex M. Azar II, declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19; and

WHEREAS, on March 9, 2020, testing by the Department of Health confirmed that three (3) patients were positive for COVID-19 in the State of Ohio. This confirmed the presence of a potentially dangerous condition which may affect the health, safety and welfare of citizens of Ohio; and

WHEREAS, on March 9, 2020, I declared a State of Emergency in Executive Order 2020-01D; and

WHEREAS, on March 24, 2020, the Ohio Department of Health Director signed a Public Health Order closing all facilities providing child care services unless they had a Temporary Pandemic Child Care License issued by the Ohio Department of Job and Family Services; and

WHEREAS, on May 29, 2020, the Ohio Department of Health Director signed a Public Health Order authorizing all facilities providing Ohio Department of Education licensed preschool and school age child care programs to reopen within the State once the Ohio Department of Education has in effect rules that meet or exceed the newly adopted Ohio Department of Job and Family Services rules governing child care facilities and so long as safety standards are met; and

WHEREAS, Section 3301.07 of the Ohio Revised Code authorizes the State Board of Education to adopt rules necessary for carrying out any function imposed on it by law; and

WHEREAS, Section 3301.53 of the Ohio Revised Code requires the state board of education, in consultation with the director of job and family services, to formulate and prescribe by rule adopted under Chapter 119 of the Revised Code minimum standards to be applied to preschool programs operated by school district boards of education, county boards of developmental disabilities, community schools, or eligible nonpublic schools; and

WHEREAS, the State Board of Education has approved the adoption of rules 3301-32-06.1 and 3301-37-03.1 of the Ohio Administrative Code; and

WHEREAS, Section 119.03 (G) 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 specific rules when an emergency exists necessitating the immediate adoption, amendment or rescission of such rules. When such a determination is made, the agency may immediately adopt, amend or rescind such rules, but the rules are only valid for one hundred and twenty (120) days; and

WHEREAS, the State Board of Education and Ohio Department of Education have requested a determination whether an emergency exists that requires the adoption of rules 3301-32-06.1 and 3301-37-03.1 on an emergency basis and that would therefore permit the State Board of Education and Ohio Department of Education, pursuant to Sections 3301.07 and 3301.53 of the Ohio Revised Code, to make an immediate and necessary adoption of the rules.

NOW THEREFORE, I, Mike DeWine, Governor of the State of Ohio, have determined, upon the request of the State Board of Education and Ohio Department of Education, that an emergency exists requiring the immediate adoption of rules 3301-32-06.1 and 3301-37-03.1 of the Ohio Administrative Code.

I hereby order that the procedures prescribed by Section 119.03 of the Ohio Revised Code with respect to the adoption of the specified rules be suspended and that the State Board of Education and Ohio Department of Education be permitted to adopt the rules immediately by filing them electronically with the Secretary of State, the Director of the Legislative Service Commission and the Joint Committee on Agency Rule Review ("JCARR").

Furthermore, I hereby order that this Executive Order be filed in electronic form with the State Board of Education, Ohio Department of Education, the Secretary of State, the Director of the Legislative Service Commission and JCARR.

I signed this Executive Order on June 9, 2020, in Columbus, Ohio, and it will expire one hundred twenty (120) days from the effective date of the emergency rule, or upon the adoption of the rule through the normal JCARR process, whichever is sooner.

Mike DeWine, Governor

ATTEST:

Frank LaRose, Secretary of State

Filed on June 17th 2020
Per
In the Office of the Secretary
of State at Columbus, OH
FRANK LaROSE
Secretary of State