Rule Summary and Fiscal Analysis
<u>Part A</u> - General Questions

Rule Number: 3301-102-08

Rule Type: Amendment

Rule Title/Tagline: Standards for measuring sponsor compliance with applicable laws and rules.

Agency Name: Department of Education and Workforce

Division:

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I.   <u>Rule Summary</u>

1. **Is this a five year rule review?** Yes

    A.   **What is the rule's five year review date?** 4/12/2024

2. **Is this rule the result of recent legislation?** No

3. **What statute is this rule being promulgated under?** 119.03

4. **What statute(s) grant rule writing authority?** 3314.016

5. **What statute(s) does the rule implement or amplify?** 3314.016

6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No

    A.   **If so, what is the citation to the federal law or rule?** Not Applicable

7. **What are the reasons for proposing the rule?**

    The rule is being amended to remove restrictive language.
    The rule is being amended to change the name of the agency from the department of education to the department of education and workforce.

8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

   This rule contains standards and procedures used by the Department of Education and Workforce to evaluate each entity that sponsors a community school. This includes measuring sponsor compliance with all laws and rules, as well as monitoring the extent to which the sponsor has monitored its schools' compliance with all laws and rules.

9. **Does the rule incorporate material by reference?** Yes

10. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

    References to sections of the Revised Code are exempt under R.C. 121.75(A)(1)(a). The incorporated material by reference is exempt because the material is easily accessible in the Ohio Revised Code.

11. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

    Not Applicable

II. Fiscal Analysis

12. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

    This will have no impact on revenues or expenditures.

    $0

    Not Applicable.

13. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

    Not Applicable.

14. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B).** No

15. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C).** No

16. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

    Not Applicable.

III. Common Sense Initiative (CSI) Questions

17. **Was this rule filed with the Common Sense Initiative Office?** Yes

18. **Does this rule have an adverse impact on business?** Yes

    A. **Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business?** No

    B. **Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms?** No

    C. **Does this rule require specific expenditures or the report of information as a condition of compliance?** Yes

        Yes. The majority of the impact to community school sponsors will be in the form of employer time for compliance. However, sponsors receive up to three (3) percent of the total amount of payments for operating expenses that each sponsored community school receives from the Department and may utilize these funds for the purposes described above. Further, sponsors regularly review and update community school contracts to account for changes in law or rule and any changes required by the amended rules could be incorporated into this process.

    D. **Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies?** No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

    A. How many new regulatory restrictions do you propose adding to this rule? 0

    B. How many existing regulatory restrictions do you propose removing from this rule? 18

        3301-102-08(A) The department shall...

        3301-102-08(B) The department's review of sponsor compliance shall ...

        3301-102-08(B) This review shall...

        3301-102-08(C) A list of all laws and rules subject to review shall...

        3301-102-08(C) ...be posted on the department's website (education.ohio.gov), which shall...

        3301-102-08(C) The list shall...

        3301-102-08(C) Except as otherwise required...

        3301-102-08(C) ...after the updated list is published shall...

        3301-102-08(D) Beginning with the 2018-2019 sponsor evaluation, the sponsor shall...

        3301-102-08(D) ...subject to change under paragraph (F) of this rule that it fulfilled each of the required...

        3301-102-08(D) ... it did not fulfill any required...

        3301-102-08(E) The department or its designee shall...

        3301-102-08(E) The department shall...

        3301-102-08(E)(1) If an onsite review is required...

        3301-102-08(E)(1)(a) Schools shall be randomly selected ...

        3301-102-08(E)(1)(b) Schools shall be notified...

3301-102-08(E)(2) …random sample of community schools and/or items as required…

3301-102-08(F) The department or its designee shall…

C.   If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.

D.   Please justify the adoption of the new regulatory restriction(s).

Not Applicable