

**Rule Summary and Fiscal Analysis (Part A)****Department of Education**

Agency Name

Division

**Matt DeTemple**

Contact

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**3301-103-03**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**Application and eligibility to receive a scholarship.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **Yes**

Bill Number: **HB119**General Assembly: **127**Sponsor: **Dolan**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **3301.07, 3310.41**

5. Statute(s) the rule, as filed, amplifies or implements: **3310.41**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

The rule is being amended pursuant to the requirements of five-year review, and to implement provisions of HB 699 of the 126th General Assembly and HB 119 of the 127th General Assembly, both of which impacted the Autism scholarship program. The proposed new rule would replace the current version.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

The rule establishes the application process and eligibility criteria for the Autism scholarship program.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

*Not Applicable.*

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

*Not Applicable.*

12. 119.032 Rule Review Date:

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

**FISCAL ANALYSIS**

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

negligible

Any impact on the department's budget would be minimal.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

200-550 Foundation Funding; 200-680 Individuals with Disabilities Education Act

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

There is no cost of compliance with regard to this filing.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **Yes**

You must complete Part B of the Rule Summary and Fiscal Analysis in order to comply with Am. Sub. S.B. 33 of the 120th General Assembly.

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

**Rule Summary and Fiscal Analysis (Part B)**

1. Does the Proposed rule have a fiscal effect on any of the following?

(a) School Districts	(b) Counties	(c) Townships	(d) Municipal Corporations
Yes	No	No	No

2. Please provide an estimate in dollars of the cost of compliance with the proposed rule for school districts, counties, townships, or municipal corporations. If you are unable to provide an estimate in dollars, please provide a written explanation of why it is not possible to provide such an estimate.

Language that established a separate evaluation process to determine if a preschool child is autistic has been eliminated in the proposed new version of the rule. (The specific evaluation process was needed when preschool evaluations did not use disability categories, which is no longer the case. As such, this separate process is no longer needed.) A district, therefore, could benefit from a cost savings of \$500.00 and \$1,500.00 per evaluation that is no longer required.

The proposed rule allows for children with a disability (and having a diagnosis of PDD-NOS) to be eligible for a scholarship. Any increase in the number of children eligible under this provision would result in a deduction from a district's foundation payment of up to \$20,000.00 per pupil. Please note, however, that the Department has followed this provision, as reflected in law, since March 30, 2006.

3. If the proposed rule is the result of a federal requirement, does the proposed rule exceed the scope and intent of the federal requirement? **No**

4. If the proposed rule exceeds the minimum necessary federal requirement, please provide an estimate of, and justification for, the excess costs that exceed the cost of the federal requirement. In particular, please provide an estimate of the excess costs that exceed the cost of the federal requirement for (a) school districts, (b) counties, (c) townships, and (d) municipal corporations.

*Not Applicable.*

5. Please provide a comprehensive cost estimate for the proposed rule that includes the procedure and method used for calculating the cost of compliance. This comprehensive cost estimate should identify all of the major cost categories including, but not limited to, (a) personnel costs, (b)

new equipment or other capital costs, (c) operating costs, and (d) any indirect central service costs.

(a) Personnel Costs

It is conceivable that additional personnel would be necessary to conduct evaluations and process paperwork due to any increase in the number of children eligible under the PDD-NOS provision.

(b) New Equipment or Other Capital Costs

No associated cost

(c) Operating Costs

See response to question (a)

(d) Any Indirect Central Service Costs

No associated cost

(e) Other Costs

No associated cost

6. Please provide a written explanation of the agency's and the local government's ability to pay for the new requirements imposed by the proposed rule.

Any deduction from a district's foundation payment is offset by the amount awarded under a scholarship.

7. Please provide a statement on the proposed rule's impact on economic development.

None expected