

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

Agency Name

Division

Matt DeTemple

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3301-103-06

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Application and participation of providers.**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 application and participation requirements for providers including those for private and alternative public providers.

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:

Various federal acts, regulations, and state law and rule, which are referenced in the proposed rule, would be considered generally available.

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:

The referenced material is voluminous; therefore, it would not be practical to include the material in this filing (or necessary since the material is generally available).

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 will be additional costs to private providers within the program. The proposed rules will require private and public providers to submit quarterly update reports to parents of children in the program and to the child's district of residence. The cost of preparing such reports is undeterminable. The providers will also be required to provide criminal records checks every five years from the date of the last background check for each owner, employee, contractor, or volunteer of a private provider. An owner, employee, contractor, or volunteer of a private provider who is subject to any other requirements for criminal records checks must also meet those other requirements. The criminal records check shall not indicate that any owner, employee, contractor, or volunteer of the private provider has been convicted of or pleaded guilty to a violation of any of the sections of law described in division (B)(1) of Revised Code Section 3319.39 of the Revised Code and paragraph (A)(5) of this rule. The cost of a background check ranges between \$22.00 and \$65.00 per request.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

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

