

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

Agency Name

Division

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**3301-103-06**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Application and participation of providers.****RULE SUMMARY**

1. Is the rule being filed for five year review (FYR)? **Yes**
2. Are you proposing this rule as a result of recent legislation? **No**
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:

This is a five-year rule review for the implementation of the Autism Scholarship Program. The program serves students who have left the school district and to receive education and special education services through a participating program provider. Scholarship providers have shown they have credentialed staff and meet safety requirements and are approved by the Department of Education. Parents chose provider(s) to serve their children as outlined in the IEP written by the school district of residence.

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:

This rule eliminates portions already stated in state law, adds a licensed intervention specialist as an approved provider for intervention services to students participating in the Autism Scholarship program, and clarifies the requirements for the bond or letter of credit that that is filed with the Department.

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. If applicable, indicate each specific paragraph of the rule that has been modified:

NO changes made to the rule. Revision made to RSFA only.

12. Five Year Review (FYR) Date: **4/7/2017**

(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.

0

NA

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

NA

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:

Providers of the program, which include private schools and private businesses, will incur cost to meet participation requirements of the Autism Scholarship program. While there are several options for a provider to show fiscal soundness, a cost would be associated with purchase of a bond. The cost of the bond cannot be estimated as the amount purchased is directly associated with scholarship funds received in prior fiscal year and varies for each of the program providers.

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**

**S.B. 2 (129th General Assembly) Questions**

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **Yes**

The rule requires the report of information including an application reporting the required credential information to the Department.

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? **Yes**

The rule requires the report of information including an application reporting the required credential information to the Department.

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

The rule requires the report of information including an application reporting the required credential information to the Department.