

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

Agency Name

Division

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3301-35-04

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Student and other stakeholder focus.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **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**

5. Statute(s) the rule, as filed, amplifies or implements: **3301.07, 3313.60, 3313.603, 3313.61**

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 bring the rule into compliance with the federal No Child Left Behind Act and other recent changes in education law. Division (D) of section 3301.07 of the Revised Code grants the State Board of Education the authority to formulate and prescribe minimum standards to be applied to all elementary and secondary schools for the purpose of requiring a general education of high quality.

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 requires school districts to assess student needs and progress as they move through the K-12 educational system. Changes to the rule include the addition of references to the various components of Ohio's new accountability system and the elimination of a specific date that no longer serves a purpose in the rule.

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: **11/30/2005**

(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 increase expenditures.

\$5,000

The amendments to the operating standards will require a communication strategy to inform all K-12 school districts, schools, and teacher preparation programs of changes made to the rules, which includes the use of electronic mail, the agency website, and direct mailing.

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

GRF 200-320.

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:

In general, the cost of compliance of these rules impacts schools and school districts; however, there are no new costs as a result of the changes. Please see RSFA Part B.

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.

Operating standards for Ohio's schools are contained in rules 3301-35-01 through 3301-35-14. These rules describe the minimum standards for school districts to assure that all students are provided a general education of high quality as defined in section 3301.07 of the Revised Code. The rules provide clarity regarding how state foundation funds should be spent to provide an appropriate learning environment for all students. The proposed amendments to the rule will not have a fiscal impact on school districts. Regarding the rule generally, however, it is not possible to provide an estimate of the cost of compliance to schools and school districts as the operating standards are stated minimums beyond which some districts may choose to go and would, as such, incur additional costs. Also, how districts choose to expend funds in order to meet these standards would vary throughout the state. Fundamentally, the operating standards have a direct impact on how districts expend funds; however, a cost figure or an estimate cannot be calculated as it would vary dramatically from school to school, district to district. Non-compliance with these minimum standards could result in the loss of foundation funding to schools. Again, it is impossible to estimate what this impact might be due to the wide variety of factors that would be at work.

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.

No additional costs would be incurred as a result of this amendment. It is not possible to provide a cost estimate as the operating standards impact all or most school district functions. As such, cost of compliance would vary across the state.

(a) Personnel Costs

Not knowable

(b) New Equipment or Other Capital Costs

Not knowable

(c) Operating Costs

Not knowable

(d) Any Indirect Central Service Costs

Not knowable

(e) Other Costs

Not knowable

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.

As the amendments to this rule do not require school districts to increase services to students or the community, there would be no additional cost burdens to the district.

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

No impact as a result of changes.