

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? **No**

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

Bill Number: **HB1**General Assembly: **128**Sponsor: **Sykes**

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, 3313.602, 3313.603, 3313.61**

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

The rule is being filed pursuant to section 3301.07 of the Revised Code, which requires the State Board of Education to formulate and prescribe minimum standards to be applied to all elementary and secondary schools in the state for the purpose of requiring a general education of high quality. Proposed changes reflect new graduation requirements based on the Ohio Core and bring the rule into compliance with recent changes in Ohio law brought about by SB 311 and HB 1 of the 126th and 128th General Assembly, respectively.

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 and schools to assess student need and progress as they move through the K-12 educational system, monitor and analyze student data to inform instruction, and also delineates the content of the school district curriculum and requirements for graduation from high school in the state. The amendments bring the rule into compliance with changes made in sections of the Revised Code and include the new graduation requirements under the Ohio Core legislation along with a required policy regarding the Pledge of Allegiance to the flag of the United States of America.

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:

The rule incorporates by reference the Family Educational Rights and Privacy Act, which 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:

As the act is considered generally available and is voluminous, it would not be practical to file the act with the rule.

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: **2/24/2011**

(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.

minimal

The rule is part of a series of rules (3301-35-01 to 3301-35-14) that comprise the Operating Standards for Ohio's Schools. As such, amendments to these rules will require a communication strategy to inform all K-12 school districts and schools of these changes as well as teacher preparation programs across the state. This communication strategy includes the use of electronic mail, the agency website, and communication through partner agencies/organizations. Overall, however, the department's budget will not be impacted.

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

GRF200320

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.

The complete Operating Standards are contained in the set of rules 3301-35-01 through 3301-35-14 of the Administrative Code. The rules describe the minimum standards for schools districts and schools and 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. An estimate of the cost to districts to implement these standards is extremely difficult to calculate. These standards are fundamental to the operation of all school districts and schools in the state. The proposed amendments to this set of rules do not add any new requirements to these districts but, as they cut across all aspects of K-12 education, a cost is associated with compliance with these rules. As these are defined as minimum standards for school districts the cost to each district will vary; some districts may chose to go beyond the stated minimums required in these rules which will result in additional costs. Additionally, non-compliance with these minimum standards may result in the loss of foundation funding to schools.

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

None

(b) New Equipment or Other Capital Costs

None

(c) Operating Costs

The proposed amendments to this set of rules do not add any new requirements to these districts but, as they cut across all aspects of K-12 education, a cost is associated with compliance with these rules. As these are defined as minimum standards for school districts the cost to each district will vary; some districts may chose to go beyond the stated minimums required in these rules which will result in additional costs. Additionally, non-compliance with these minimum standards may result in the loss of foundation funding to schools.

(d) Any Indirect Central Service Costs

None

(e) Other Costs

None

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 set of rules do not require school districts to increase services to students or the community there are no additional cost burdens to the district or department of education.

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

None