

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 3301-35-04

**Rule Type:** Amendment

**Rule Title/Tagline:** Student and other stakeholder focus.

**Agency Name:** Department of Education

**Division:**

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#### I. Rule Summary

1. **Is this a five year rule review?** Yes
  - A. **What is the rule's five year review date?** 8/20/2021
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 3301.07
5. **What statute(s) does the rule implement or amplify?** 3301.07, 1347.99, 3301.0711, 3302.041, 3313.536, 3313.60, 3313.6013, 3313.602, 3313.603, 3313.608, 3313.609, 3313.61, 3313.611, 3313.612, 3313.613, 3313.614, 3313.615, 3313.641, 3313.67, 3313.671, 3313.712, 3313.719, 3313.815, 3313.90, 3319.01, 3319.073, 3737.73
6. **What are the reasons for proposing the rule?**

Five year rule review. To meet the requirement in R.C. 3301.07(D)(2) to provide minimum standards for school districts and chartered nonpublic schools. This rule provides minimum standards focused on meeting the needs of students and other stakeholders.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The rule provides the minimum standards for school districts and chartered nonpublic schools regarding programs and policies, courses of study, and awarding credit. Included in the revisions is the removal of a requirement to provide certain courses of study. Also, the provisions in division (G) are moved from Rule 3301-35-02 and updated.

- 8. Does the rule incorporate material by reference? Yes**
- 9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

The rule's references to sections of the Revised Code are exempt under R.C. 121.75(A)(1)(a). The rule's reference to a section of the United States Code is exempt under R.C. 121.75(A)(2)(a). The rule's reference to standards adopted by the State Board of Education are exempt under R.C. 121.75(B)(6).

- 10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

*Not Applicable*

## **II. Fiscal Analysis**

- 11. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

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The proposed changes do not create any obligations on the Department of Education or the State.

- 12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

The Department estimates that there are no additional costs of compliance as a result of the proposed revisions. The proposed revisions are clarifying in nature. Also, the provisions added in division (G) were moved from OAC 3301-35-02 and amended to cite to existing requirements in the Revised Code to assist in compliance.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**
14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**
15. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not applicable.

### **III. Common Sense Initiative (CSI) Questions**

16. **Was this rule filed with the Common Sense Initiative Office? Yes**
17. **Does this rule have an adverse impact on business? Yes**
  - A. **Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No**
  - 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? No**
  - C. **Does this rule require specific expenditures or the report of information as a condition of compliance? No**
  - D. **Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? Yes**

YES. The rule is required as part of the State Board's obligation to set minimum standards for school districts and chartered nonpublic schools. The proposed revisions to the rule are clarifying in nature, thus the Department estimates that there are no increased expenses as a result of the revisions.

CSI determined that the proposed rule change (i.e., the elimination of the restriction in paragraph (B)(1)) will have "a direct and adverse impact on businesses who depend on Ohio's education system to train workers to fill its workforce needs." CSI recommended that "the Department reconsider eliminating the courses that are proposed for removal in OAC 3301-35-04 (B) (1)."

Department staff advised the State Board of CSI's determination and recommendation regarding this rule. At its April 2021 meeting, the State Board's Emerging Issues and Operational Standards Committee discussed CSI's determination and recommendation. The Committee did not take any action to recommend revising the rule as previously approved by the State Board in July 2020.

During a later portion of the April 2021 meeting of the State Board, a board member stated that, at the Board's May 2021 meeting, he would present a resolution for consideration to adopt changes to the Board's previously approved revisions to OAC 3301-35-04. But the resolution was not introduced or put forth for consideration at the State Board's May 2021. With no further indication that any action will be taken with respect to the rule as previously adopted, the rule is being submitted to the Joint Committee on Agency Rule Review.

**IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))**

**18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes**

- A. How many new regulatory restrictions do you propose adding? 0**
- B. How many existing regulatory restrictions do you propose removing? 1**

First Regulatory Restriction being removed:

Former (B)(1): In addition to those subjects required by the Revised Code, school districts also shall provide for study of personal safety and assault prevention in grades kindergarten through six, foreign language, technology, family and consumer sciences, and business education.