

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 and Workforce

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?** 11/29/2023
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, 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, 3313.90, 3319.01
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
 - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

The Director of Education and Workforce is required under R.C. 3301.07 to adopt minimum standards for the operation of primary and secondary schools. This rule is one of several rules in OAC Chapter 3301-35 that include such minimum standards.

8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The rule addresses the policies and procedures that should be adopted by school districts and chartered nonpublic schools to ensure student and stakeholder needs are addressed. A primary focus of the rule is on using data provided by the state, as well as assessment data gathered locally to inform instruction at the student level. In addition, a heavy focus is put on input by stakeholders into the decisions around instructional programming. As stated in the rule, school districts and chartered nonpublic schools must offer courses in world language, technology, family and consumer sciences, and business education. The rule also states that all courses offered should have courses of study developed with specific guidelines as to what to include. In addition, there is language around how credits are awarded with an expectation of this information being included in students' cumulative record. Revisions to the rule focused on ensuring language that is consistent with provisions in the Revised Code, including the use of the term "English learners" when necessary, as well as updating assessment information to include state performance measures and local data.

9. Does the rule incorporate material by reference? Yes

10. 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 section 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 under R.C. 3301.079 are exempt under R.C. 121.75(B)(6).

11. 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

12. 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.

\$0

Not Applicable.

- 13. 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.

- 14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**
- 15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**
- 16. 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

- 17. Was this rule filed with the Common Sense Initiative Office? Yes**
- 18. 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 Director of Education and Workforce'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.

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. 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 to this rule? 0

B. How many existing regulatory restrictions do you propose removing from this rule? 20

3301-35-04 (A) shall

3301-35-04 (B)(2) shall

3301-35-04 (B)(2)(a) shall

3301-35-04 (B)(2)(a) shall

3301-35-04 (B)(2)(b) shall

3301-35-04 (B)(2)(c) shall

3301-35-04 (C) shall

3301-35-04 (C) required

3301-35-04 (D) shall

3301-35-04 (D) shall

3301-35-04 (D)(3)(a) shall

3301-35-04 (D)(3)(d) shall

3301-35-04 (F) shall

3301-35-04 (F)(1) shall

3301-35-04 (F)(1) shall

3301-35-04 (F)(2) shall

3301-35-04 (F)(2) shall

3301-35-04 (F)(3) shall

3301-35-04 (F)(4)(a) shall

3301-35-04 (F)(5) shall

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable