

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3301-39-04

Rule Type: New

Rule Title/Tagline: Oversight/revocation of charter.

Agency Name: Department of Education

Division:

Address: 25 South Front Street MS 607 Columbus OH 43215-4183

Contact: Brittney Kneisel **Phone:** 614-203-5481

Email: brittney.kneisel@education.ohio.gov

I. Rule Summary

1. **Is this a five year rule review?** No
 - A. **What is the rule's five year review date?**
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(D)(2) and (M)
5. **What statute(s) does the rule implement or amplify?** 3301.07(D)(2), 3317.024, 3317.06, 3327.01
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 proposed rule adda language that allow the Department to follow up with a school that is no longer accredited to ensure compliance with the Operating Standards. It gives the Department the ability to a utilize corrective action that gives a school the opportunity to address any deficiencies.

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

The proposed rule provides for monitoring, site visits, auditing, investigation of complaints by the Department to determine if the nonpublic school is operating in accordance with Operating Standards. It gives the Department a mechanism by which it can notify a nonpublic school of compliance issues and the intent to revoke the schools charter. Also provides for a Chapter 119 hearing prior to revocation.

- 9. Does the rule incorporate material by reference? No**
- 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.**

Not Applicable

- 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?**

Not Applicable.

- 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? No

- 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? No

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? 2

3301-39-04 (B) required

3301-39-04 (D) shall

- B. How many existing regulatory restrictions do you propose removing from this rule? 1

3301-39-04 (A) 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).

Per statute, chartered nonpublic schools must comply with the Operating Standards (RC 3301.07 (D)). Nonpublic schools have the option of demonstrating compliance through accreditation by an organization whose accrediting requirements align and comply with the Operating Standards. If a nonpublic school is no longer accredited, the school will need to demonstrate compliance with applicable requirements.