



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Joseph Baker, Director

MEMORANDUM

TO: Brittney Kneisel, Ohio Department of Education

FROM: Jacob Ritzenthaler, Business Advocate

DATE: February 6, 2023

RE: **CSI Review – Autism Scholarship Program (OAC 3301-103-01 through 3301-103-07)**

On behalf of Lt. Governor Jon Husted, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Department as provided for in ORC 107.54.

Analysis

This rule package consists of six amended rules and one no change rule proposed by the Ohio Department of Education (ODE). This rule package was submitted to the CSI Office on December 19, 2022, and the public comment period was held open through December 27, 2022. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on December 19, 2022.

Ohio Administrative Code (OAC) Chapter 3301-103 establishes requirements for the Autism Scholarship Program, which provides scholarships for special education programs. OAC 3301-103-01 lists the definitions used throughout the Chapter and is amended to update the definitions for "modify services," "qualified special education child," and "comprehensive special education program." OAC 3301-103-02 establishes the Autism Scholarship Program, including the purpose of the program and the provided scholarships, and is proposed without changes. OAC 3301-103-03 sets forth the procedures and deadlines to apply for a scholarship and is amended to extend the deadline for applicants to May 31 of each year. OAC 3301-103-04 concerns the responsibilities of a school district of residence, including child evaluation and the complaint process. The rule is amended to

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remove duplicative rule language.

OAC 3301-103-05 lists requirements for program participation, including maintaining contact information and notifying ODE when changing providers, adding a new provider, transferring to a new school district of residence, withdrawing from the program, or when no longer eligible. The rule is amended to include email addresses as a form of contact. OAC 3301-103-06 establishes requirements for provider application and participation and is amended to remove duplicative and outdated language. OAC 3301-103-07 concerns payment of scholarships, including requirements that dictate the use, amount, and distribution of the payments. The rule is amended to remove duplicative language.

During early stakeholder outreach, ODE reviewed the proposed rules with stakeholders during meetings of the Nonpublic Advisory Council and Emerging Issues Committee. During that time, ODE received several comments which objected to removing provisions from the rules. ODE explained that the requirements already exist in statute, making the rule language duplicative. Other stakeholders suggested reducing the amount of detail required on service invoices. ODE revised rules that apply to chartered nonpublic schools to reduce duplicative reporting. ODE also made amendments to timelines throughout the rules to reduce the burden on families. No comments were received during the CSI public comment period.

The business community impacted by the rules includes schools that provide scholarships through program participation. The adverse impact created by the rules includes the time necessary to apply annually to participate as a service provider. ODE states that the rules are necessary to ensure that services are provided to eligible students.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that ODE should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.