

**Rule Summary and Fiscal Analysis (Part A)****Department of Education**

Agency Name

Division

**Chris Castle**

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**3301-37-01**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Definitions.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

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, 3301.53**

5. Statute(s) the rule, as filed, amplifies or implements: **3301.52 to 3301.59**

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

The rule is being amended pursuant to the requirements of five-year rule review. Section 3301.53 of the Revised Code requires the State Board of Education to formulate and prescribe by rule minimum health and safety standards to be applied to preschool programs operated by local school district boards of education, county boards of developmental disabilities, educational service centers, joint vocational schools and eligible chartered nonpublic schools. Chapter 3301-37 of the Administrative Code includes rules that regulate staff roles and responsibilities, indoor and outdoor facility dimensions and qualities, disease prevention and

management, and discipline policies and child safety requirements.

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 establishes definitions used throughout the chapter. Proposed changes to the rule update the definitions for the terms "crib" and "director" among others.

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 a federal act that would be considered to be generally available and crib standards that would not be considered to be generally available. The website through which the standards can be obtained is provided for in the rule.

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:

The material is both voluminous and subject to change beyond the purview of the rule; therefore, it would be neither feasible nor practical to include the material with this filing.

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. If applicable, indicate each specific paragraph of the rule that has been modified:

*Not Applicable.*

## 12. 119.032 Rule Review Date: 4/10/2014

(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 have no impact on revenues or expenditures.

\$0

This filing will not impact the agency's budget.

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

GRF200442

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:

For chartered nonprofit providers, the cost of implementation would vary among providers, depending on their approach to doing business. For example, a crib, which can retail between \$1,600.00 and \$6,000.00 is a one-time-purchase; however, various parts may need to be replaced over time. In addition, clarifying that a director may be used to meet child-to-staff ratio requirements may reduce personnel costs.

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**

**S.B. 2 (129th General Assembly) Questions**

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

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? **Yes**

For chartered nonprofit providers, the cost of implementation would vary among providers, depending on their approach to doing business. For example, a crib, which can retail between \$1,600.00 and \$6,000.00 is a one-time-purchase; however, various parts may need to be replaced over time. In addition, clarifying that a director may be used to meet child-to-staff ratio requirements may reduce personnel costs.

**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
<b>Yes</b>	<b>No</b>	<b>No</b>	<b>No</b>

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 cost of compliance for districts is the same as for chartered nonprofit providers. The cost of implementation would vary among providers, depending on their approach to doing business. For example, a crib, which can retail between \$1,600.00 and \$6,000.00 is a one-time-purchase; however, various parts may need to be replaced over time. In addition, clarifying that a director may be used to meet child-to-staff ratio requirements may reduce personnel costs.

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.

The cost of compliance for districts is the same as for chartered nonprofit providers. The cost of implementation would vary among providers, depending on their approach to doing business. For example, a crib, which can retail between

\$1,600.00 and \$6,000.00 is a one-time-purchase; however, various parts may need to be replaced over time. In addition, clarifying that a director may be used to meet child-to-staff ratio requirements may reduce personnel costs.

(a) Personnel Costs

There could be a cost savings as directors may now be used to meet child-to-staff ratios.

(b) New Equipment or Other Capital Costs

A crib, which can retail between \$1,600.00 and \$6,000.00 is a one-time-purchase; however, various parts may need to be replaced over time.

(c) Operating Costs

Unknown

(d) Any Indirect Central Service Costs

Unknown

(e) Other Costs

Unknown

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.

Program expenses would be covered by a district's general revenue fund.

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

None expected