

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3301-51-11

Rule Type: Amendment

Rule Title/Tagline: Preschool children eligible for special education.

Agency Name: Department of Education

Division:

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I. Rule Summary

1. Is this a five year rule review? No
 - A. What is the rule's five year review date? 7/1/2026
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, 3323.02, 3323.07, 3323.08
5. What statute(s) does the rule implement or amplify? 3301.07(J), 3323.01, 3323.02, 3323.022, 3323.07, 3323.08, 3327.01, 3327.02
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 rule is being amended as a result of stakeholder input
8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The rule provides for the requirements in identifying and serving preschool children with disabilities in public and community schools, educational services centers, and county boards of developmental disabilities.

- 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 federal regulations that are exempt under Revised Code (R.C.) 121.75(A)(2), other R.C. sections that are exempt under R.C. 121.75(A)(1)(a), and sections of the Administrative Code that are exempt under R.C. 121.75(A)(1)(d).

- 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 decrease expenditures.

Varies -see below

The rule revisions allow for more children with disabilities to be served in general education classrooms in preschool, thereby reducing expenditures to employ licensed teachers in more classrooms. This dollar amount varies significantly across the state, but a licensed preschool teacher's average salary is \$45,488 per year (<https://www.indeed.com/career/preschool-teacher/salaries/OH>)

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

The estimated cost of compliance under this rule is specific for each program and the amount of teachers and classrooms, but the program expenditures is offset by state funding set forth in Ohio Revised Code Section 3317.0213. The amendments made to the rule should reduce the estimated cost without reducing the funding under O.R.C. 3317.0213.

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? No
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

The Department is provided broad authority under the authorizing statutes to ensure compliance with IDEA and Chapter 3323 of the Revised Code. As such, failure to comply may result in the Department requiring a Corrective Action Plan, on-site monitoring visit, and/or a hold on public funds.
 - C. Does this rule require specific expenditures or the report of information as a condition of compliance? No

The rule does require that school districts report data to the Department on child progress, which is a requirement that Ohio must report to the US Department of Education to be in compliance with the federal Individuals with Disabilities Education Act
 - 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? No

A. How many new regulatory restrictions do you propose adding to this rule?

Not Applicable

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

Not Applicable

C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.

Not Applicable

D. Please justify the adoption of the new regulatory restriction(s).

Not Applicable