



Common Sense Initiative

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Business Impact Analysis

Agency, Board, or Commission Name: Ohio Department of Higher Education

Rule Contact Name and Contact Information:

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Regulation/Package Title (a general description of the rules' substantive content):

Standards and processes for consideration of ed prep programs of study (Rule 5); and
Standards and processes for issuance of certificate of authorization under Section 1713.03, ORC
(Rule 8)

Rule Number(s): 3333-1-05; 3333-1-08

Date of Submission for CSI Review: June 6, 2025

Public Comment Period End Date: June 23, 2025

Rule Type/Number of Rules:

New/ rules

No Change/ rules (FYR?)

Amended/ 2 rules (FYR? n/a)

Rescinded/ rules (FYR?)

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of regulations that have an adverse impact on business with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing regulations that are fair and easy to follow. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

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Reason for Submission

1. **R.C. 106.03 and 106.031 require agencies, when reviewing a rule, to determine whether the rule has an adverse impact on businesses as defined by R.C. 107.52. If the agency determines that it does, it must complete a business impact analysis and submit the rule for CSI review.**

Which adverse impact(s) to businesses has the agency determined the rule(s) create?

The rule(s):

- a. ☒ **Requires a license, permit, or any other prior authorization to engage in or operate a line of business.**
- b. ☒ **Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.**
- c. ☒ **Requires specific expenditures or the report of information as a condition of compliance.**
- d. ☐ **Is likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.**

Regulatory Intent

2. **Please briefly describe the draft regulation in plain language.**

Please include the key provisions of the regulation as well as any proposed amendments.

Rule 5 establishes metrics and sets forth guidelines to follow when applying to the chancellor for approval of educator preparation programs of study, including requirements set forth by ORC Sections 3333.0414, 3319.237, and 3333.049. This rule is being amended As a response to HB33 changes within this rule update language to align with the creation of the Department of Education and Workforce and the State Board of Education. Changes also reflect an updated version of the ODHE manual titled "Guidelines and Procedures for Academic Program Review".

Rule 8 sets forth the standards and processes that institutions of higher education must follow in order to receive a certificate of authorization from the Chancellor. This rule is being amended to update the date for the "Guidelines and Procedures for Academic Program Review" manual.

The manual is being revised to reflect changes in the accreditation criteria of the Higher Learning Commission, the accreditor for Ohio public colleges and universities as well as the majority of private colleges and universities. Revisions also include language to align with ODHE's electronic submission process, clarified and updated standards, removal of web references to allow for changes to website.

3. Please list the Ohio statute(s) that authorize the agency, board or commission to adopt the rule(s) and the statute(s) that amplify that authority.

Rule 5 - 3333.048, 3333.0414, 3333.049

Rule 8 – 1713.03

4. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?

If yes, please briefly explain the source and substance of the federal requirement.

N/A

5. If the regulation implements a federal requirement, but includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.

6. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?

The regulation set forth by these rules is required by Ohio Revised Code.

Rule 5 provides institutions seeking to offer educator preparation programs of study with the information necessary to successfully obtain authorization from the Chancellor to offer such programs. Additionally, it ensures that higher education students receive education appropriate for their career goals and that educators are qualified to teach Ohio's P-12 students. This rule also ensures that educator preparation programs include instruction in opioid and other substance abuse prevention.

Rule 8 gives institutions seeking to obtain or change a certificate of authorization the information necessary to receive such authorization from the Chancellor. Also, this regulation protects students by ensuring that they are enrolled in institutions and programs that meet basic standards of quality and rigor. Additionally, the Higher Learning Commission, other national accreditors, and the US Department of Higher Education require state approval of post-secondary institutions operating in the state.

7. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?

The agency will measure Rule 5's regulations success through evaluation of the effectiveness of educators prepared by institutions of higher education, as required by Ohio Revised Code 3333.048, which provides for the inspection of institutions of higher education desiring to prepare educators and other school personnel. Effectiveness is determined by candidate pass rate on state licensure exams, impact of program graduates on P-12 student learning, and persistence in the profession.

ODHE will measure the success of Rule 8's regulation by ensuring that programs offered at institutions across the state meet the Chancellor's standards in areas such as program content (general education and discipline specific), rigor and length; qualifications of faculty; adequacy of facilities; and services for students. ODHE will use accreditor documentation and/or licensure documentation to ensure that programs remain in compliance with requirements.

8. Are any of the proposed rules contained in this rule package being submitted pursuant to R.C. 101.352, 101.353, 106.032, 121.93, or 121.931?

If yes, please specify the rule number(s), the specific R.C. section requiring this submission, and a detailed explanation.

N/A

Development of the Regulation

9. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.

If applicable, please include the date and medium by which the stakeholders were initially contacted.

ODHE worked with leadership from the AICUO, IUC and OACC while revising the "Guidelines and Procedures for Academic Program Review" manual. AICUO, IUC, and OACC reached out to their constituents for comment on the manual and recommendations on what should be changed. Each organization provided feedback with recommendations for consideration/incorporation into the manual.

10. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

The rule is intended to address changes in the “*Guidelines and Procedures for Academic Program Review*.” ODHE staff incorporated comments from the stakeholders into the manual by updating submission language to align with electronic submission process, clarified and updated standards, removed web references to allow for changes to website.

11. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?

Rule 5 - Research on the characteristics of effective educator preparations as it relates to the effectiveness of program graduates in teaching P-12 students informed the development of the regulations. The body of research on program design supports the proposed regulation.

12. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn’t the Agency consider regulatory alternatives? *Alternative regulations may include performance-based regulations, which define the required outcome, but do not dictate the process the regulated stakeholders must use to comply.*

ODHE considers regulations from accreditors and the US Department of Education to ensure that, where possible, guidelines align with those other regulations. ODHE has reviewed regulations at related entities and guidelines are commonly expected for program approval.

13. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?

Rule 5- There is no risk of duplication because Ohio Revised Code 3333.048 establishes the Chancellor as the sole authority to approve programs leading to Ohio educator licensure and endorsement.

Rule 8- Ohio Revised Code states that only the Chancellor approves academic programs at private non-profit academic institutions and public academic institutions. The Chancellor’s authority for for-profit institutions is limited to those that are offering associate degrees that would be eligible for Ohio College Opportunity Grants and to those wishing to offer bachelor’s and graduate degrees. ODHE’s academic standards do not duplicate standards for other agencies in these areas.

14. Please describe the Agency’s plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

Rule 5 - The agency manages a peer review process incorporating faculty panels specific to the licensure area to review programs and make recommendations to the Chancellor for determinations on each program. The agency ensures no faculty from the submitting institution reviews their program and includes a public posting in the process providing comment responses in the recommendation to the Chancellor.

The institutions are also required to gain national accreditation prior to offering these programs, so there is consistency and predictability in that we follow the national accreditor’s process.

Rule 8 - Much of the update to the Guidelines and Procedures for Academic Program Approval manual is clarification and updating of current processes. ODHE will disseminate the amended rule and revised manual to all colleges and universities authorized by the Chancellor.

ODHE staff will incorporate any changes in process to daily activities. ODHE staff also have frequent team meetings to discussion submissions to ODHE.

Adverse Impact to Business

15. Provide a summary of the estimated cost of compliance with the rule(s). Specifically, please do the following:

a. Identify the scope of the impacted business community, and

These rules impacts institutions of higher education that seek to offer education preparation programs (this includes non-profit and for-profit private institutions) and those institutions of higher education that require a certificate of authorization pursuant to ORC 1713.03.

b. Quantify and identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance, etc.).

The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a representative business. Please include the source for your information/estimated impact.

Varies by institution with increased time for each program submitted for approval and submitting data.

Because there is already a guidelines document in place, ODHE does not anticipate much additional impact from the revised guidelines. Institution staff will have to review the revised manual and become familiar with the layout and updates.

- 16. Are there any proposed changes to the rules that will reduce a regulatory burden imposed on the business community? Please identify. (*Reductions in regulatory burden may include streamlining reporting processes, simplifying rules to improve readability, eliminating requirements, reducing compliance time or fees, or other related factors*).**

ODHE's clarification of processes and standards is hoped to reduce time for compliance as institutions have a more clear understanding of the guidelines.

- 17. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?**

Rule 5 - The regulatory intent justifies the adverse impact because of the importance of aligning with national accreditation requirements, compliance with ORC and OAC, and assuring that new educators are adequately prepared to meet the needs of Ohio's P-12 students.

Rule 8 - The Chancellor's approval is required by Ohio law. State approval is also required by the regional accreditor (the Higher Learning Commission) and the U.S. Department of Education for Title IV eligibility. Additionally, it is important to Ohio student's that they are attending institutions with appropriate content and rigor, so the regulation is necessary to protect the students.

Regulatory Flexibility

- 18. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.**

N/A as all regulations for education standards at the national and accreditor level need to be in place for colleges and universities. Thus all institutions must have the same standards. However, small colleges do have fewer materials to provide (because of fewer programs) and the breadth of the proposal reflect their smaller size.

- 19. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?**

These rules do not impose administrative fines or civil penalties.

- 20. What resources are available to assist small businesses with compliance of the regulation?**

There are not specific resources available to small businesses, but the ODHE is available to answer questions and assist in a reasonable manner.

Staff members in the ODHE program development and approval area are available for consultation (email, phone, in person) to assist in explaining our standards and processes.