

OHIO BOARD OF REGENTS

Agenda Item 3.3 Consideration of an administrative rule to impose fees for the certificate of authorization process

RESOLUTION

WHEREAS, the language in Amended Substitute House Bill 66 of the 126th General Assembly, attached hereto as Attachment I, requires the Ohio Board of Regents to adopt a rule establishing fees to pay the cost of reviewing an application from an institution or school defined in Revised Code §1713.01 for a certificate of authorization; and

WHEREAS, the language in Amended Substitute House Bill 66 of the 126th General Assembly requires the Ohio Board of Regents to include in the adopted rule fees for further reviews the Board determines necessary after examination of an annual report submitted by an institution or school; and

WHEREAS, the Ohio Board of Regents' PERT Committee developed a fair and reasonable fee structure for the certificate of authorization review process and placed that fee structure in a draft proposed administrative rule and fiscal analysis, attached hereto as Attachment II; and

WHEREAS, a majority of other states have fee structures in place for recovery of administrative costs incurred in utilizing state resources in the review process, including the states of Alaska, Arizona, Arkansas, California, Colorado, Florida, Georgia, Hawaii, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nevada, New Jersey, New Mexico, North Carolina, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Vermont, Virginia, Washington and Wisconsin whose fee structures were reviewed by the Committee; and

NOW, THEREFORE,

BE IT RESOLVED THAT: the Ohio Board of Regents approves the proposed rule as drafted titled "Fees for certificate of authorization and subsequent reviews" and authorizes staff to file the rule and seek its adoption pursuant to the process described in Chapter 119 of the Ohio Revised Code.

FEE STRUCTURE INFORMATION ITEM

Amended House Bill 66 of the 126th General Assembly included a proposed fee structure to reimburse the Ohio Board of Regents for reasonable costs and expenses related to requests for authorization by private/independent institutions, and all out-of-state institutions. With the enactment of Amended House Bill 66, the proposed fee structure became permanent law. The next step in implementing a fee structure is to adopt a new administrative rule that describes and provides notice of the amount of the new fees.

The draft materials attached to this information item support the promulgation of the rule that will be filed with JCARR in January 2006. The Ohio Board of Regents have been briefed on the contents of the rule in their November 2005 meeting and will formally approve the rule filing at their January 2006 meeting.

Ohio Administrative Code
3333-1-_____

Fees for certificate of authorization and subsequent reviews

Each proposal submitted by an institution, as defined in Revised Code §1713.01 requesting a certificate of authorization in Ohio or a revision to a certificate of authorization shall be assessed fees due upon submission of the request for authorization and review of requests, as follows:

New proposal	\$1250
Follow-up proposals requiring review	\$1250
Site review for in-state institution	\$1250
Site review for out-of-state institution	\$2250

Proposed Rule Summary and Fiscal Analysis

Ohio Board of Regents
Kris Frost, Vice Chancellor Operations
30 East Broad Street, 36th floor
Columbus, Ohio 43215

Rule Number: 3333-1-____

Type of rule filing: [New](#)

1. Is the rule being filed consistent with the requirements of the ORC 119.032 review?
[Yes](#)
2. Are you proposing this rule as a result of recent legislation?
[Yes](#)
3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule. [Ohio Revised Code §119.032](#)
4. Statute(s) authorizing agency to adopt the rule. [Ohio Revised Code §1713.03](#)
5. Statute(s) the rule, as filed, amplifies or implements. [Ohio Revised Code §§ 1713.02 and 1713.03.](#)
6. State the reason(s) or proposing (i.e., why are you filing,) this rule. [This rule is being proposed under authority granted in ORC Sec.1713.02, 1713.03 and the establishment of a fee structure in Amended Substitute House Bill 66 of the 126th General Assembly. This new rule will be located at Ohio Administrative Code § 3333-1- _____ \(preferably 13, 15 or 16\) **ACTION:** Revised date: 2010: \(insert time\)](#)
7. If the rule is an AMENDMENT, then summarize the changes in the content of the proposed rule: If the rule type is RESCISSION, NEW, or NO CHANGE, then summarize the content of the rule. [The New rule \(Ohio Administrative Code §3333-1-___ establishes a fee structure for reviews of educational corporations conducted pursuant to Ohio Revised Code §§ 1713.02 and 1713.03.](#)
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.
[Not Applicable](#)
9. If the rule incorporates a text or other materials 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.

Not Applicable

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 **refilling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Not Applicable

12. [Ohio Administrative Code §3333-1-__](#) Rule Review Date: **2010** (If you answered NO to question no. 1, provide the scheduled review date. If you answered YES to question no. 1, the review date for this rule is the filing date.)

NOTE: 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 increase revenues by approximately \\$30,000 for the time period from March, 2006 to June 30, 2006 \(assumes effective date of March, 2006\) and approximately \\$100,000 for the time period from July 1, 2006 to June 30, 2007. The dollar amount represents fees that are intended to reimburse the Ohio Board of Regents for the costs and expenses incurred by Regents staff related to institutional requests for authorization.](#)

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule. [Fund 220](#)

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:

New proposal	\$1250
Follow-up proposals requiring review	\$1250
Site review for in-state institution	\$1250
Site review for out-of-state institution	\$2250
Source: internal/agency	

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? [No](#)

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R.C. 121.39? [No](#)