

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 567

Representatives Robinson, Brennan

**Cosponsors: Representatives Brewer, Brown, Piccolantonio, Grim, Liston,
McNally, Miller, J., Mohamed, Russo, Somani, Weinstein**

A BILL

To amend sections 3310.03, 3310.032, 3310.13, 1
3310.16, 3310.41, 3310.52, 3313.975, 3313.976, 2
3313.978, 3317.022, and 3365.07, to repeal 3
sections 3310.035 and 3310.08 of the Revised 4
Code, and to repeal Sections 265.275, 265.277, 5
and 265.571 of H.B. 33 of the 135th General 6
Assembly to enact the EdChoice Fair Fiscal 7
Responsibility Act to revise the operations of 8
the Educational Choice Scholarship Pilot 9
Program. 10

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3310.03, 3310.032, 3310.13, 11
3310.16, 3310.41, 3310.52, 3313.975, 3313.976, 3313.978, 12
3317.022, and 3365.07 of the Revised Code be amended to read as 13
follows: 14

Sec. 3310.03. ~~For the 2021-2022 school year and each~~ 15
~~school year thereafter~~Until the effective date of this 16
amendment, subject to division (G) of this section, a student is 17
an "eligible student" for purposes of qualifying for a first- 18

time scholarship under the educational choice scholarship pilot 19
program if the student's resident district is not a school 20
district in which the pilot project scholarship program is 21
operating under sections 3313.974 to 3313.979 of the Revised 22
Code, the student satisfies one of the conditions in division 23
(A), (B), or (C) of this section, and the student maintains 24
eligibility to receive a scholarship under division (D) of this 25
section. 26

However, any student who received a scholarship for the 27
~~2020-2021-2023-2024~~ school year under this section, as it 28
existed prior to ~~March 2, 2021~~the effective date of this 29
amendment, shall continue to receive that scholarship until the 30
student completes grade twelve, as long as the student maintains 31
eligibility to receive a scholarship under division (D) of this 32
section. 33

In addition, on and after the effective date of this 34
amendment, a student may qualify for and renew a scholarship 35
under section 3310.033 or 3310.034 of the Revised Code and 36
receive a scholarship under this section. 37

(A) (1) A student is eligible for a scholarship if the 38
student is enrolled in a school building operated by the 39
student's resident district and to which both of the following 40
apply: 41

(a) The building was ranked in the lowest twenty per cent 42
of all buildings operated by city, local, and exempted village 43
school districts according to performance index score as 44
determined by the department of education and workforce, as 45
follows: 46

(i) For a scholarship sought for the 2021-2022 or 2022- 47

2023 school year, the building was ranked in the lowest twenty 48
per cent of buildings for each of the 2017-2018 and 2018-2019 49
school years. 50

(ii) For a scholarship sought for the 2023-2024 school 51
year, the building was ranked in the lowest twenty per cent of 52
buildings for each of the 2018-2019 and 2021-2022 school years. 53

~~(iii) For a scholarship sought for the 2024-2025 school 54
year, the building was ranked in the lowest twenty per cent of 55
buildings for each of the 2021-2022 and 2022-2023 school years. 56~~

~~(iv) For a scholarship sought for the 2025-2026 school 57
year or any school year thereafter, the building was ranked in 58
the lowest twenty per cent of buildings for at least two of the 59
three most recent consecutive rankings issued prior to the first 60
day of July of the school year for which a scholarship is 61
sought. 62~~

(b) The building is operated by a school district in 63
which, for the three consecutive school years prior to the 64
school year for which a scholarship is sought, an average of 65
twenty per cent or more of the students entitled to attend 66
school in the district, under section 3313.64 or 3313.65 of the 67
Revised Code, were qualified to be included in the formula to 68
distribute funds under Title I of the "Elementary and Secondary 69
Education Act of 1965," 20 U.S.C. 6301 et seq. 70

When ranking school buildings under division (A) (1) of 71
this section, the department shall not include buildings 72
operated by a school district in which the pilot project 73
scholarship program is operating in accordance with sections 74
3313.974 to 3313.979 of the Revised Code. 75

(2) A student is eligible for a scholarship if the student 76

will be enrolling in any of grades kindergarten through twelve 77
in this state for the first time in the school year for which a 78
scholarship is sought, will be at least five years of age, as 79
defined in section 3321.01 of the Revised Code, by the first day 80
of January of the school year for which a scholarship is sought, 81
and otherwise would be assigned under section 3319.01 of the 82
Revised Code in the school year for which a scholarship is 83
sought, to a school building described in division (A) (1) of 84
this section. 85

(3) A student is eligible for a scholarship if the student 86
is enrolled in a community school established under Chapter 87
3314. of the Revised Code but otherwise would be assigned under 88
section 3319.01 of the Revised Code to a building described in 89
division (A) (1) of this section. 90

(4) A student is eligible for a scholarship if the student 91
is enrolled in a school building operated by the student's 92
resident district or in a community school established under 93
Chapter 3314. of the Revised Code and otherwise would be 94
assigned under section 3319.01 of the Revised Code to a school 95
building described in division (A) (1) of this section in the 96
school year for which the scholarship is sought. 97

(5) A student is eligible for a scholarship if the student 98
was enrolled in a public or nonpublic school or was homeschooled 99
in the prior school year and completed any of grades eight 100
through eleven in that school year and otherwise would be 101
assigned under section 3319.01 of the Revised Code to a school 102
building described in division (A) (1) of this section in the 103
school year for which the scholarship is sought. 104

(B) A student is eligible for a scholarship if the student 105
is enrolled in a nonpublic school at the time the school is 106

granted a charter by the director of education and workforce 107
under section 3301.16 of the Revised Code and the student meets 108
the standards of division (B) of section 3310.031 of the Revised 109
Code. 110

(C) A student is eligible for a scholarship if the 111
student's resident district is subject to section 3302.10 of the 112
Revised Code and the student either: 113

(1) Is enrolled in a school building operated by the 114
resident district or in a community school established under 115
Chapter 3314. of the Revised Code; 116

(2) Will be both enrolling in any of grades kindergarten 117
through twelve in this state for the first time and at least 118
five years of age by the first day of January of the school year 119
for which a scholarship is sought. 120

(D) A student who receives a scholarship under the 121
educational choice scholarship pilot program remains an eligible 122
student and may continue to receive scholarships in subsequent 123
school years until the student completes grade twelve, so long 124
as all of the following apply: 125

(1) The student's resident district remains the same, or 126
the student transfers to a new resident district and otherwise 127
would be assigned in the new resident district to a school 128
building described in division (A)(1) or (C) of this section. 129

(2) The student takes each assessment prescribed for the 130
student's grade level under section 3301.0710, 3301.0712, or 131
3313.619 of the Revised Code while enrolled in a chartered 132
nonpublic school, unless one of the following applies to the 133
student: 134

(a) The student is excused from taking that assessment 135

under federal law, the student's individualized education program, or division (C) (1) (c) (i) of section 3301.0711 of the Revised Code. 136
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(b) The student is enrolled in a chartered nonpublic school that meets the conditions specified in division (K) (2) or (L) (4) of section 3301.0711 of the Revised Code. 139
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(c) The student is enrolled in any of grades three to eight and takes an alternative standardized assessment under division (K) (1) of section 3301.0711 of the Revised Code. 142
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(d) The student is excused from taking the assessment prescribed under division (B) (1) of section 3301.0712 of the Revised Code pursuant to division (C) (1) (c) (ii) of section 3301.0711 of the Revised Code. 145
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(3) In each school year that the student is enrolled in a chartered nonpublic school, the student is absent from school for not more than twenty days that the school is open for instruction, not including excused absences. 149
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(E) (1) The department shall cease awarding first-time scholarships pursuant to divisions (A) (1) to (5) of this section with respect to a school building that, in the most recent ratings of school buildings under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (A) (1) of this section. 153
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(2) The department shall cease awarding first-time scholarships pursuant to division (C) of this section with respect to a school district subject to section 3302.10 of the Revised Code when the academic distress commission established for the district ceases to exist. 159
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(3) However, students who have received scholarships in 164

the prior school year remain eligible students pursuant to 165
division (D) of this section. 166

(F) The department shall adopt rules defining excused 167
absences for purposes of division (D)(3) of this section. 168

(G) Notwithstanding anything to the contrary in this 169
section or section 3310.031 of the Revised Code, a student shall 170
not be required to be enrolled or enrolling in a school building 171
operated by the student's resident district or a community 172
school in order to be eligible for a scholarship, as follows: 173

(1) For a scholarship sought for the 2021-2022 school 174
year, a student entering any of grades kindergarten through two; 175

(2) For a scholarship sought for the 2022-2023 school 176
year, a student entering any of grades kindergarten through 177
four; 178

(3) For a scholarship sought for the 2023-2024 school 179
year, a student entering any of grades kindergarten through six; 180

~~(4) For a scholarship sought for the 2024-2025 school 181
year, a student entering any of grades kindergarten through 182
eight; 183~~

~~(5) For a scholarship sought for the 2025-2026 school 184
year, and each school year thereafter, a student entering any of 185
grades kindergarten through twelve. 186~~

~~(H) Except as provided for in section 3310.13 of the 187
Revised Code and in division (C)(2) of section 3365.07 of the 188
Revised Code, the department shall not require the parent of a 189
student who applies for or receives a scholarship under this 190
section or section 3310.033, 3310.034, or 3310.035 of the 191
Revised Code to complete any kind of income verification 192~~

~~regarding the student's family income.~~ 193

Sec. 3310.032. (A) A student is an "eligible student" for 194
purposes of the ~~expansion of the educational choice voucher~~ 195
scholarship pilot program under this section if the student's 196
resident district is not a school district in which the pilot 197
project scholarship program is operating under sections 3313.974 198
to 3313.979 of the Revised Code ~~and the student is entering any~~ 199
~~of grades kindergarten through twelve in the school year for~~ 200
~~which a scholarship is sought.~~, the student is not receiving an 201
educational choice scholarship under section 3310.03 of the 202
Revised Code, and either of the following apply: 203

(1) The student's family income is at or below two hundred 204
fifty per cent of the federal poverty guidelines, as defined in 205
section 5101.46 of the Revised Code, when the student applies 206
for a scholarship under this section. 207

(2) Subject to divisions (E) (1) to (4) of this section, 208
the student's sibling, as defined in section 3310.033 of the 209
Revised Code, receives a scholarship under this section for at 210
least one of the following: 211

(a) For the school year immediately prior to the school 212
year for which the student is seeking a scholarship; 213

(b) For the school year for which the student is seeking a 214
scholarship. 215

A student's parent or guardian ~~may~~shall certify income 216
eligibility to the department of education and workforce by 217
submitting, in a manner determined by the department, an 218
affidavit affirming the student's family income meets the 219
requirement, proof of income eligibility under another state or 220
federal program, or other evidence determined appropriate by the 221

department. Any individual who is not required to file a tax 222
return under section 5747.02 of the Revised Code shall not be 223
required to certify income eligibility under this section. 224

(B) In each fiscal year for which the general assembly 225
appropriates funds for purposes of this section, the department 226
of education and workforce shall pay scholarships to attend 227
chartered nonpublic schools in accordance with section 3317.022 228
of the Revised Code. The number of scholarships awarded under 229
this section shall not exceed the number that can be funded for 230
that school year as authorized by the general assembly. 231

(C) Scholarships under this section shall be awarded as 232
follows: 233

(1) For the 2013-2014 school year, to eligible students 234
who are entering kindergarten in that school year for the first 235
time; 236

(2) For each subsequent school year through the 2019-2020 237
school year, scholarships shall be awarded to eligible students 238
in the next grade level above the highest grade level awarded in 239
the preceding school year, in addition to the grade levels for 240
which students received scholarships in the preceding school 241
year; 242

(3) Beginning with the 2020-2021 school year, to eligible 243
students who are entering any of grades kindergarten through 244
twelve in that school year for the first time. 245

(D) A-If the number of eligible students who apply for a 246
scholarship under this section exceeds the scholarships 247
available based on the appropriation for this section, the 248
department shall award scholarships in the following order of 249
priority: 250

<u>(1) First, to eligible students who received scholarships</u>	251
<u>under this section in the prior school year and their siblings;</u>	252
<u>(2) Second, to other eligible students in rank order of</u>	253
<u>family income according to federal poverty guidelines, with</u>	254
<u>lower income students having priority over higher income</u>	255
<u>students.</u>	256
<u>(E) Subject to divisions (E)(1) to (4) of this section, a</u>	257
student who receives a scholarship under this section remains an	258
eligible student and may continue to receive scholarships under	259
this section in subsequent school years until the student	260
completes grade twelve, so long as the student satisfies the	261
conditions specified in divisions (D)(2) and (3) of section	262
3310.03 of the Revised Code.	263
Once a scholarship is awarded under this section, the	264
student shall remain eligible for that scholarship for the	265
current school year and subsequent school years even if the	266
student's family income rises above the amount specified in	267
division (A) of this section, provided the student remains	268
enrolled in a chartered nonpublic school, <u>subject to the</u>	269
<u>following conditions:</u>	270
<u>(1) If the student's family income is above two hundred</u>	271
<u>fifty per cent but at or below three hundred per cent of the</u>	272
<u>federal poverty guidelines, the student shall receive a</u>	273
<u>scholarship in the amount of seventy-five per cent of the full</u>	274
<u>scholarship amount.</u>	275
<u>(2) If the student's family income is above three hundred</u>	276
<u>per cent but below four hundred per cent of the federal poverty</u>	277
<u>guidelines, the student shall receive a scholarship in the</u>	278
<u>amount of fifty per cent of the full scholarship amount.</u>	279

(3) If the student's family income is at or above four hundred per cent but at or below four hundred fifty per cent of the federal poverty guidelines, the student shall receive a scholarship in the amount of twenty-five per cent of the full scholarship amount. 280
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(4) If the student's family income is above four hundred fifty per cent of the federal poverty guidelines, the student is no longer eligible to receive an educational choice scholarship. 285
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Sec. 3310.13. (A) No chartered nonpublic school shall charge any student whose family income is at or below two hundred per cent of the federal poverty guidelines, as defined in section 5101.46 of the Revised Code, a tuition fee that is greater than the total amount paid for that student under section 3317.022 of the Revised Code. 288
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(B) A chartered nonpublic school may charge any other student who is paid a scholarship under that section up to the difference between the amount of the scholarship and the regular tuition charge of the school. Each chartered nonpublic school may permit such an eligible student's family to provide volunteer services in lieu of cash payment to pay all or part of the amount of the school's tuition not covered by the scholarship paid under section 3317.022 of the Revised Code. 294
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(C) Each chartered nonpublic school that charges a scholarship student an additional amount as authorized under division (B) of this section shall annually report to the department of education and workforce in the manner prescribed by the department the following: 302
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(1) The number of students charged; 307

(2) The average of the amounts charged to such students. 308

~~(D) On and after July 1, 2024, the department shall not require the parent of a student to submit a complete copy of the parent's federal income tax return, or a return filed under section 5747.08 of the Revised Code, to determine a student's family income for the purposes of the educational choice scholarship pilot program. Rather, the department may require a parent to submit a partial federal income tax return, or a return filed under section 5747.08 of the Revised Code, that only contains the minimum amount of information necessary to determine a student's family income.~~

~~(E)~~ No chartered nonpublic school participating in the educational choice scholarship pilot program shall require the parent of a student to disclose, as part of the school's admission procedure, whether the student's family income is at or below two hundred per cent of the federal poverty guidelines.

~~(F)~~ (E) A chartered nonpublic school may accept scholarships issued by a scholarship granting organization authorized under section 5747.73 of the Revised Code as payment for the difference between the amount of the scholarship paid under section 3317.022 of the Revised Code and the regular tuition charge of the school, as well as for any fees regularly charged by the school.

~~(G)~~ (F) Not later than the thirtieth day of June of each year, each chartered nonpublic school that enrolls students who receive educational choice scholarships shall submit to the department of education and workforce, in a form and manner prescribed by the department, the tuition rates charged by the school for the following school year.

Sec. 3310.16. (A) For the 2020-2021 school year and each school year thereafter, the department of education and

workforce shall accept, process, and award scholarships each 339
year for the educational choice scholarship pilot program under 340
sections 3310.03 and 3310.032 of the Revised Code, as follows: 341

(1) The application period shall open on the first day of 342
February prior to the first day of July of the school year for 343
which a scholarship is sought. Not later than forty-five days 344
after an applicant submits to the department of education and 345
workforce a completed application, the department shall 346
determine whether that applicant is eligible for a scholarship 347
and notify the applicant whether or not the applicant is 348
eligible. The department shall award a scholarship to each 349
student with an approved application. However, for any 350
application submitted ~~on or after the fifteenth day of October~~ 351
~~beginning~~ of the school year ~~for which a scholarship is sought,~~ 352
the department shall prorate the amount of the awarded 353
scholarship based on how much of the school year remains ~~after~~ 354
~~the date of the student's enrollment in the chartered nonpublic~~ 355
~~school.~~ 356

(2) In each school year, the department shall accept 357
applications for conditional approval of a scholarship sought 358
for that year or the next school year. Not later than five days 359
after receiving an application under this division, the 360
department shall grant conditional approval to an applicant who 361
is eligible for a scholarship and notify the applicant whether 362
or not conditional approval is granted. 363

(B) If the department determines an application submitted 364
under this section contains an error or deficiency, the 365
department shall notify the applicant who submitted that 366
application not later than fourteen days after the application 367
is submitted. 368

(C) The departments of education and workforce, job and family services, and taxation shall enter into a data sharing agreement so that, in administering this section, the department of education and workforce shall be able to determine, based on the address provided in a student's application, whether that student is eligible for an educational choice scholarship under section 3310.03 of the Revised Code and whether the student meets the residency requirements for an educational choice scholarship under section 3310.032 of the Revised Code.

~~(D) No city, local, or exempted village school district shall have access to an application submitted under this section.~~
The department of education and workforce shall notify the school district of residence of each student whose application for an educational choice scholarship is approved under this section.

Sec. 3310.41. (A) As used in this section:

(1) "Alternative public provider" means either of the following providers that agrees to enroll a child in the provider's special education program to implement the child's individualized education program or an education plan developed by the school district under division (G) of this section and to which the child's parent owes fees for the services provided to the child:

(a) A school district that is not the school district in which the child is entitled to attend school;

(b) A public entity other than a school district.

(2) "Entitled to attend school" means entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code.

(3) "Formula ADM" has the same meaning as in section 3317.02 of the Revised Code.	398 399
(4) "Preschool child with a disability" and "individualized education program" have the same meanings as in section 3323.01 of the Revised Code.	400 401 402
(5) "Parent" has the same meaning as in section 3313.64 of the Revised Code, except that "parent" does not mean a parent whose custodial rights have been terminated. "Parent" also includes the custodian of a qualified special education child, when a court has granted temporary, legal, or permanent custody of the child to an individual other than either of the natural or adoptive parents of the child or to a government agency.	403 404 405 406 407 408 409
(6) "Qualified special education child" is a child who was either enrolled in or eligible to enter school in the school district in which the child is entitled to attend school in any grade from preschool through twelve in the school year prior to the year in which a scholarship under this section is first sought and for whom any of the following conditions apply:	410 411 412 413 414 415
(a) The school district in which the child is entitled to attend school has identified the child as autistic. A child who has been identified as having a "pervasive developmental disorder - not otherwise specified (PPD-NOS)" shall be considered to be an autistic child for purposes of this section.	416 417 418 419 420
(b) The school district in which the child is entitled to attend school has developed an individualized education program under Chapter 3323. of the Revised Code for the child that includes services related to autism.	421 422 423 424
(c) The child has been diagnosed as autistic by a physician or psychologist.	425 426

(7) "Registered private provider" means a nonpublic school 427
or other nonpublic entity that has been approved by the 428
department of education and workforce to participate in the 429
program established under this section. 430

(8) "Special education program" means a school or facility 431
that provides special education and related services to children 432
with disabilities. 433

(B) There is hereby established the autism scholarship 434
program. Under the program, the department shall pay a 435
scholarship under section 3317.022 of the Revised Code to the 436
parent of each qualified special education child upon 437
application of that parent pursuant to procedures and deadlines 438
established by rule of the department. Each scholarship shall be 439
used only to pay tuition for the child on whose behalf the 440
scholarship is awarded to attend a special education program 441
that implements the child's individualized education program or 442
education plan and that is operated by an alternative public 443
provider or by a registered private provider, and to pay for 444
other services agreed to by the provider and the parent of a 445
qualified special education child that are not included in the 446
individualized education program or education plan but are 447
associated with educating the child. Upon agreement with the 448
parent of a qualified special education child, the alternative 449
public provider or the registered private provider may modify 450
the services provided to the child. The purpose of the 451
scholarship is to permit the parent of a qualified special 452
education child the choice to send the child to a special 453
education program, instead of the one operated by or for the 454
school district in which the child is entitled to attend school, 455
to receive the services prescribed in the child's individualized 456
education program or education plan once the individualized 457

education program or education plan is finalized and any other 458
services agreed to by the provider and the parent of a qualified 459
special education child. The services provided under the 460
scholarship shall include an educational component or services 461
designed to assist the child to benefit from the child's 462
education. 463

A scholarship under this section shall not be awarded to 464
the parent of a child while the child's individualized education 465
program is being developed by the school district in which the 466
child is entitled to attend school, or while any administrative 467
or judicial mediation or proceedings with respect to the content 468
of the child's individualized education program are pending. A 469
scholarship under this section shall not be used for a child to 470
attend a public special education program that operates under a 471
contract, compact, or other bilateral agreement between the 472
school district in which the child is entitled to attend school 473
and another school district or other public provider, or for a 474
child to attend a community school established under Chapter 475
3314. of the Revised Code. However, nothing in this section or 476
in any rule adopted by the department shall prohibit a parent 477
whose child attends a public special education program under a 478
contract, compact, or other bilateral agreement, or a parent 479
whose child attends a community school, from applying for and 480
accepting a scholarship under this section so that the parent 481
may withdraw the child from that program or community school and 482
use the scholarship for the child to attend a special education 483
program for which the parent is required to pay for services for 484
the child. 485

Except for development of the child's individualized 486
education program or education plan, the school district in 487
which a qualified special education child is entitled to attend 488

school and the child's school district of residence, as defined 489
in section 3323.01 of the Revised Code, if different, are not 490
obligated to provide the child with a free appropriate public 491
education under Chapter 3323. of the Revised Code for as long as 492
the child continues to attend the special education program 493
operated by either an alternative public provider or a 494
registered private provider for which a scholarship is awarded 495
under the autism scholarship program. If at any time, the 496
eligible applicant for the child decides no longer to accept 497
scholarship payments and enrolls the child in the special 498
education program of the school district in which the child is 499
entitled to attend school, that district shall provide the child 500
with a free appropriate public education under Chapter 3323. of 501
the Revised Code. 502

A child attending a special education program with a 503
scholarship under this section shall continue to be entitled to 504
transportation to and from that program in the manner prescribed 505
by law. 506

(C) As prescribed in division (A) (2) (h) of section 3317.03 507
of the Revised Code, a child who is not a preschool child with a 508
disability for whom a scholarship is awarded under this section 509
shall be counted in the formula ADM of the district in which the 510
child is entitled to attend school and not in the formula ADM of 511
any other school district. 512

(D) A scholarship shall not be paid under section 3317.022 513
of the Revised Code to a parent for payment of tuition owed to a 514
nonpublic entity unless that entity is a registered private 515
provider. The department shall approve entities that meet the 516
standards established by rule of the department for the program 517
established under this section. 518

(E) The department shall adopt rules under Chapter 119. of 519
the Revised Code prescribing procedures necessary to implement 520
this section, including, but not limited to, procedures and 521
deadlines for parents to apply for scholarships, standards for 522
registered private providers, and procedures for approval of 523
entities as registered private providers. 524

The rules also shall specify that intervention services 525
under the autism scholarship program may be provided by a 526
qualified, credentialed provider, including, but not limited to, 527
all of the following: 528

(1) A behavior analyst certified by a nationally 529
recognized organization that certifies behavior analysts; 530

(2) A psychologist licensed to practice in this state 531
under Chapter 4732. of the Revised Code; 532

(3) An independent school psychologist or school 533
psychologist licensed to practice in this state under Chapter 534
4732. of the Revised Code; 535

(4) Any person employed by a licensed psychologist, 536
licensed independent school psychologist, or licensed school 537
psychologist, while carrying out specific tasks, under the 538
licensee's supervision, as an extension of the licensee's legal 539
and ethical authority as specified under Chapter 4732. of the 540
Revised Code who is ascribed as "psychology trainee," 541
"psychology assistant," "psychology intern," or other 542
appropriate term that clearly implies their supervised or 543
training status; 544

(5) Unlicensed persons holding a doctoral degree in 545
psychology or special education from a program approved by the 546
department; 547

(6) A "registered behavior technician" as described under 548
rule 5123-9-41 of the Administrative Code working under the 549
supervision and following the intervention plan of a certified 550
Ohio behavior analyst or a behavior analyst certified by a 551
nationally recognized organization that certifies behavior 552
analysts; 553

(7) A "certified Ohio behavior analyst" under Chapter 554
4783. of the Revised Code; 555

(8) Any other qualified individual as determined by the 556
department. 557

(F) The department shall provide reasonable notice to all 558
parents of children receiving a scholarship under the autism 559
scholarship program, alternative public providers, and 560
registered private providers of any amendment to a rule 561
governing, or change in the administration of, the autism 562
scholarship program. 563

(G) If a child qualifies for the autism scholarship 564
program pursuant to a diagnosis under division (A) (6) (c) of this 565
section and does not have an individualized education program 566
that includes services related to autism, the school district in 567
which the child is entitled to attend school shall develop an 568
education plan for the child. 569

(H) Not later than the thirtieth day of June each year, 570
each alternative public provider and registered private provider 571
enrolling students receiving autism scholarships shall submit to 572
the department, in a form and manner prescribed by the 573
department, the tuition rates charged by the provider for the 574
following school year. 575

~~(I) The department shall not require the parent of a 576~~

~~student who applies for or receives a scholarship under this~~ 577
~~section to complete any kind of income verification regarding~~ 578
~~the student's family income.~~ 579

Sec. 3310.52. (A) The Jon Peterson special needs 580
scholarship program is hereby established. Under the program, 581
beginning with the 2012-2013 school year, subject to division 582
(B) of this section, the department of education and workforce 583
annually shall pay a scholarship under section 3317.022 of the 584
Revised Code to an eligible applicant for services provided by 585
an alternative public provider or a registered private provider 586
for a qualified special education child. The scholarship shall 587
be used only to pay all or part of the fees for the child to 588
attend the special education program operated by the alternative 589
public provider or registered private provider to implement the 590
child's individualized education program, in lieu of the child's 591
attending the special education program operated by the school 592
district in which the child is entitled to attend school, and 593
other services agreed to by the provider and eligible applicant 594
that are not included in the individualized education program 595
but are associated with educating the child. Beginning in the 596
2014-2015 school year, if the child is receiving special 597
education services for a disability specified in division (A) of 598
section 3317.013 of the Revised Code, the scholarship shall be 599
used only to pay for related services that are included in the 600
child's individualized education program. Upon agreement with 601
the eligible applicant, the alternative public provider or 602
registered private provider may modify the services provided to 603
the child. 604

(B) The number of scholarships awarded under the program 605
in any fiscal year shall not exceed five per cent of the total 606
number of students residing in the state identified as children 607

with disabilities during the previous fiscal year. 608

(C) The department shall pay a scholarship under section 609
3317.022 of the Revised Code to the parent of each qualified 610
special education child, unless the parent authorizes a direct 611
payment to the child's provider, upon application of that parent 612
in the manner prescribed by the department. However, the 613
department shall not adopt specific dates for application 614
deadlines for scholarships under the program. 615

~~(D) The department shall not require the parent of a 616
student who applies for or receives a scholarship under this 617
section to complete any kind of income verification regarding 618
the student's family income. 619~~

Sec. 3313.975. As used in this section and in sections 620
3313.976 to 3313.979 of the Revised Code, "the pilot project 621
school district" or "the district" means any school district 622
included in the pilot project scholarship program pursuant to 623
this section. 624

(A) The director of education and workforce shall 625
implement the pilot project scholarship program and shall 626
include in such program any school districts that are or have 627
ever been under federal court order requiring supervision and 628
operational management of the district by the state 629
superintendent or director. The program shall provide for a 630
number of students residing in any such district to receive 631
scholarships to attend alternative schools, and for an equal 632
number of students to receive tutorial assistance grants while 633
attending public school in any such district. 634

(B) The director shall establish an application process 635
and deadline for accepting applications from students residing 636

in the district to participate in the scholarship program. In 637
the initial year of the program students may only use a 638
scholarship to attend school in grades kindergarten through 639
third. 640

The director shall award as many scholarships and tutorial 641
assistance grants as can be funded given the amount appropriated 642
for the program. 643

(C) (1) The pilot project program shall continue in effect 644
each year that the general assembly has appropriated sufficient 645
money to fund scholarships and tutorial assistance grants. In 646
each year the program continues, new students may receive 647
scholarships in grades kindergarten to twelve. A student who has 648
received a scholarship may continue to receive one until the 649
student has completed grade twelve. 650

(2) If the general assembly discontinues the scholarship 651
program, all students who are attending an alternative school 652
under the pilot project shall be entitled to continued 653
admittance to that specific school through all grades that are 654
provided in such school, under the same conditions as when they 655
were participating in the pilot project. The director shall 656
continue to make scholarship payments in accordance with section 657
3317.022 of the Revised Code for students who remain enrolled in 658
an alternative school under this provision in any year that 659
funds have been appropriated for this purpose. 660

If funds are not appropriated, the tuition charged to the 661
parents of a student who remains enrolled in an alternative 662
school under this provision shall not be increased beyond the 663
amount equal to the amount of the scholarship plus any 664
additional amount charged that student's parent in the most 665
recent year of attendance as a participant in the pilot project, 666

except that tuition for all the students enrolled in such school 667
may be increased by the same percentage. 668

(D) Notwithstanding sections 124.39 and 3311.83 of the 669
Revised Code, if the pilot project school district experiences a 670
decrease in enrollment due to participation in a state-sponsored 671
scholarship program pursuant to sections 3313.974 to 3313.979 of 672
the Revised Code, the district board of education may enter into 673
an agreement with any teacher it employs to provide to that 674
teacher severance pay or early retirement incentives, or both, 675
if the teacher agrees to terminate the employment contract with 676
the district board, provided any collective bargaining agreement 677
in force pursuant to Chapter 4117. of the Revised Code does not 678
prohibit such an agreement for termination of a teacher's 679
employment contract. 680

~~(E) Except as provided for in division (C) (2) of section 681
3365.07 of the Revised Code, the director shall not require the 682
parent of a student who applies for or receives a scholarship 683
under the pilot project program to complete any kind of income 684
verification regarding the student's family income. 685~~

Sec. 3313.976. (A) No private school may receive 686
scholarship payments from parents pursuant to section 3317.022 687
of the Revised Code until the chief administrator of the private 688
school registers the school with the director of education and 689
workforce. The director shall register any school that meets the 690
following requirements: 691

(1) The school does any of the following: 692

(a) Offers any of grades kindergarten through twelve and 693
is located within the boundaries of the pilot project school 694
district; 695

(b) Offers any of grades kindergarten through twelve and is located within the boundaries of a city, local, or exempted village school district that is both: 696
697
698

(i) Located in a municipal corporation with a population of fifteen thousand or more; 699
700

(ii) Located within five miles of the border of the pilot project school district. 701
702

(c) Offers all of grades pre-kindergarten through eight, but not any of grades nine through twelve, and is located within the boundaries of a city, local, or exempted village school district that is: 703
704
705
706

(i) Located in a municipal corporation with a population of greater than ten thousand but less than thirteen thousand; 707
708

(ii) Located within five miles of the border of the pilot project school district; 709
710

(iii) Located in the same county as the pilot project school district. 711
712

(2) The school indicates in writing its commitment to follow all requirements for a state-sponsored scholarship program specified under sections 3313.974 to 3313.979 of the Revised Code, including, but not limited to, the requirements for admitting students pursuant to section 3313.977 of the Revised Code; 713
714
715
716
717
718

~~(2)~~(3) The school meets all state minimum standards for chartered nonpublic schools in effect on July 1, 1992, except that the director at the director's discretion may register nonchartered nonpublic schools meeting the other requirements of this division; 719
720
721
722
723

(3) <u>(4)</u> The school does not discriminate on the basis of race, religion, or ethnic background;	724 725
(4) <u>(5)</u> The school enrolls a minimum of ten students per class or a sum of at least twenty-five students in all the classes offered;	726 727 728
(5) <u>(6)</u> The school does not advocate or foster unlawful behavior or teach hatred of any person or group on the basis of race, ethnicity, national origin, or religion;	729 730 731
(6) <u>(7)</u> The school does not provide false or misleading information about the school to parents, students, or the general public;	732 733 734
(7) <u>(8)</u> For students in grades kindergarten through eight with family incomes at or below two hundred per cent of the federal poverty guidelines, as defined in section 5101.46 of the Revised Code, the school agrees not to charge any tuition in excess of the scholarship amount established pursuant to division (A) (11) (a) of section 3317.022 of the Revised Code, excluding any increase described in that division.	735 736 737 738 739 740 741
(8) <u>(9)</u> For students in grades kindergarten through eight with family incomes above two hundred per cent of the federal poverty guidelines, whose scholarship amounts are less than the actual tuition charge of the school, the school agrees not to charge any tuition in excess of the difference between the actual tuition charge of the school and the scholarship amount established pursuant to division (A) (11) (a) of section 3317.022 of the Revised Code, excluding any increase described in that division. The school shall permit such tuition, at the discretion of the parent, to be satisfied by the family's provision of in-kind contributions or services.	742 743 744 745 746 747 748 749 750 751 752

~~(9)~~(10) The school agrees not to charge any tuition to 753
families of students in grades nine through twelve receiving a 754
scholarship in excess of the actual tuition charge of the school 755
less the scholarship amount established pursuant to division (A) 756
(11) (a) of section 3317.022 of the Revised Code, excluding any 757
increase described in that division. 758

~~(10)~~(11) It annually administers the applicable 759
assessments prescribed by section 3301.0710, 3301.0712, or 760
3313.619 of the Revised Code to each scholarship student 761
enrolled in the school in accordance with section 3301.0711 or 762
3301.0712 of the Revised Code and reports to the department of 763
education the results of each such assessment administered to 764
each scholarship student, unless one of the following applies to 765
the student: 766

(a) The student is excused from taking that assessment 767
under federal law, the student's individualized education 768
program, or division (C) (1) (c) (i) of section 3301.0711 of the 769
Revised Code. 770

(b) The student is enrolled in a chartered nonpublic 771
school that meets the conditions specified in division (K) (2) or 772
(L) (4) of section 3301.0711 of the Revised Code. 773

(c) The student is enrolled in any of grades three to 774
eight and takes an alternative standardized assessment under 775
division (K) (1) of section 3301.0711 of the Revised Code. 776

(d) The student is excused from taking the assessment 777
prescribed under division (B) (1) of section 3301.0712 of the 778
Revised Code pursuant to division (C) (1) (c) (ii) of section 779
3301.0711 of the Revised Code. 780

(B) The director shall revoke the registration of any 781

school if, after a hearing, the director determines that the 782
school is in violation of any of the provisions of division (A) 783
of this section. 784

(C) Any public school located in a school district 785
adjacent to the pilot project school district may receive 786
scholarship payments on behalf of parents pursuant to section 787
3317.022 of the Revised Code if the superintendent of the 788
district in which such public school is located notifies the 789
director prior to the first day of March that the district 790
intends to admit students from the pilot project school district 791
for the ensuing school year pursuant to section 3327.06 of the 792
Revised Code. 793

(D) Any parent wishing to purchase tutorial assistance 794
from any person or governmental entity pursuant to the pilot 795
project program under sections 3313.974 to 3313.979 of the 796
Revised Code shall apply to the director. The director shall 797
approve providers who appear to possess the capability of 798
furnishing the instructional services they are offering to 799
provide. 800

~~(E) On and after July 1, 2024, the director shall not 801
require the parent of a student to submit a complete copy of the 802
parent's federal income tax return, or a return filed under 803
section 5747.08 of the Revised Code, to determine a student's 804
family income for the purposes of the pilot project scholarship 805
program. Rather, the director may require a parent to submit a 806
partial federal income tax return, or a return filed under 807
section 5747.08 of the Revised Code, that only contains the 808
minimum amount of information necessary to determine a student's 809
family income. 810~~

~~(F) Not later than the thirtieth day of June of each year, 811~~

each private school registered under this section shall submit 812
to the director of education and workforce, in a form and manner 813
prescribed by the director, the tuition rates charged by the 814
school for the following school year. 815

Sec. 3313.978. (A) Annually by the first day of November, 816
the director of education and workforce shall notify the pilot 817
project school district of the number of initial scholarships 818
that the director will be awarding in each of grades 819
kindergarten through twelve. 820

The director shall provide information about the 821
scholarship program to all students residing in the district and 822
shall accept applications from any such students during the 823
application period established under division (H) of this 824
section. 825

(1) A student receiving a pilot project scholarship may 826
utilize it at an alternative public school by notifying the 827
district superintendent, of the name of the public school in an 828
adjacent school district to which the student has been accepted 829
pursuant to section 3327.06 of the Revised Code. 830

(2) A student may decide to utilize a pilot project 831
scholarship at a registered private school in the district if 832
all of the following conditions are met: 833

(a) The parent makes an application on behalf of the 834
student to a registered private school. 835

(b) The registered private school notifies the parent and 836
the director as follows that the student has been admitted: 837

(i) By the school pursuant to division (A) of section 838
3313.977 of the Revised Code; 839

(ii) By the school pursuant to division (C) of section 840
3313.977 of the Revised Code. 841

(c) The student actually enrolls in the registered private 842
school to which the student was first admitted or in another 843
registered private school in the district or in a public school 844
in an adjacent school district. 845

(B) The director of education and workforce shall also 846
award in any school year tutorial assistance grants to a number 847
of students equal to the number of students who receive 848
scholarships under division (A) of this section. Tutorial 849
assistance grants shall be awarded solely to students who are 850
enrolled in the public schools of the district in a grade level 851
covered by the pilot project. Tutorial assistance grants may be 852
used solely to obtain tutorial assistance from a provider 853
approved pursuant to division (D) of section 3313.976 of the 854
Revised Code. 855

All students wishing to obtain tutorial assistance grants 856
shall make application to the director by the first day of the 857
school year in which the assistance will be used. The director 858
shall award assistance grants in accordance with criteria the 859
director shall establish. 860

(C) In the case of tutorial assistance grants, the grant 861
amount shall not exceed the lesser of the provider's actual 862
charges for such assistance or: 863

(1) Before fiscal year 2007, a percentage established by 864
the director, not to exceed twenty per cent, of the amount of 865
the pilot project school district's average basic scholarship 866
amount; 867

(2) In fiscal year 2007 and thereafter, four hundred 868

dollars. 869

(D) (1) Annually by the first day of November, the director 870
shall estimate the maximum per-pupil scholarship amounts for the 871
ensuing school year. The director shall make this estimate 872
available to the general public at the offices of the district 873
board of education together with the forms required by division 874
(D) (2) of this section. 875

(2) Annually by the fifteenth day of January, the chief 876
administrator of each registered private school, located in the 877
pilot project district and the principal of each public school 878
in ~~the pilot project~~ such district, shall complete a parental 879
information form and forward it to the president of the board of 880
education. The parental information form shall be prescribed by 881
the department of education and workforce and shall provide 882
information about the grade levels offered, the numbers of 883
students, tuition amounts, achievement test results, and any 884
sectarian or other organizational affiliations. 885

(E) (1) Only for the purpose of administering the pilot 886
project scholarship program, the department may request from any 887
of the following entities the data verification code assigned 888
under division (D) (2) of section 3301.0714 of the Revised Code 889
to any student who is seeking a scholarship under the program: 890

(a) The school district in which the student is entitled 891
to attend school under section 3313.64 or 3313.65 of the Revised 892
Code; 893

(b) If applicable, the community school in which the 894
student is enrolled; 895

(c) The independent contractor engaged to create and 896
maintain data verification codes. 897

(2) Upon a request by the department under division (E) (1) 898
of this section for the data verification code of a student 899
seeking a scholarship or a request by the student's parent for 900
that code, the school district or community school shall submit 901
that code to the department or parent in the manner specified by 902
the department. If the student has not been assigned a code, 903
because the student will be entering kindergarten during the 904
school year for which the scholarship is sought, the district 905
shall assign a code to that student and submit the code to the 906
department or parent by a date specified by the department. If 907
the district does not assign a code to the student by the 908
specified date, the department shall assign a code to the 909
student. 910

The department annually shall submit to each school 911
district the name and data verification code of each student 912
residing in the district who is entering kindergarten, who has 913
been awarded a scholarship under the program, and for whom the 914
department has assigned a code under this division. 915

(3) The department shall not release any data verification 916
code that it receives under division (E) of this section to any 917
person except as provided by law. 918

(F) Any document relative to the pilot project scholarship 919
program that the department holds in its files that contains 920
both a student's name or other personally identifiable 921
information and the student's data verification code shall not 922
be a public record under section 149.43 of the Revised Code. 923

(G) (1) The department annually shall compile the scores 924
attained by scholarship students enrolled in registered private 925
schools on the assessments administered to the students pursuant 926
to division ~~(A) (10)~~ (A) (11) of section 3313.976 of the Revised 927

Code. The scores shall be aggregated as follows:	928
(a) By school district, which shall include all	929
scholarship students residing in the pilot project school	930
district who are enrolled in a registered private school and	931
were required to take an assessment pursuant to division (A)(10)	932
<u>(A)(11)</u> of section 3313.976 of the Revised Code;	933
(b) By registered private school, which shall include all	934
scholarship students enrolled in that school who were required	935
to take an assessment pursuant to division (A)(10) <u>(A)(11)</u> of	936
section 3313.976 of the Revised Code.	937
(2) The department shall disaggregate the student	938
performance data described in division (G)(1) of this section	939
according to the following categories:	940
(a) Grade level;	941
(b) Race and ethnicity;	942
(c) Gender;	943
(d) Students who have participated in the scholarship	944
program for three or more years;	945
(e) Students who have participated in the scholarship	946
program for more than one year and less than three years;	947
(f) Students who have participated in the scholarship	948
program for one year or less;	949
(g) Economically disadvantaged students.	950
(3) The department shall post the student performance data	951
required under divisions (G)(1) and (2) of this section on its	952
web site and shall include that data in the information about	953
the scholarship program provided to students under division (A)	954

of this section. In reporting student performance data under 955
this division, the department shall not include any data that is 956
statistically unreliable or that could result in the 957
identification of individual students. For this purpose, the 958
department shall not report performance data for any group that 959
contains less than ten students. 960

(4) The department shall provide the parent of each 961
scholarship student enrolled in a registered private school with 962
information comparing the student's performance on the 963
assessments administered pursuant to division ~~(A) (10)~~ (A) (11) of 964
section 3313.976 of the Revised Code with the average 965
performance of similar students enrolled in the building 966
operated by the pilot project school district that the 967
scholarship student would otherwise attend. In calculating the 968
performance of similar students, the department shall consider 969
age, grade, race and ethnicity, gender, and socioeconomic 970
status. 971

(H) The department shall open the application period on 972
the first day of February prior to the first day of July of the 973
school year for which a scholarship is sought. Not later than 974
forty-five days after an applicant submits to the department of 975
education and workforce a completed application, the department 976
shall determine whether that applicant is eligible for a 977
scholarship and notify the applicant whether or not the 978
applicant is eligible. The department shall award a scholarship 979
to each student with an approved application. However, for any 980
application submitted ~~on or after the fifteenth day of October~~ 981
~~beginning~~ of the school year ~~for which the scholarship is~~ 982
~~sought~~, the department shall prorate the amount of the awarded 983
scholarship based on how much of the school year remains ~~after~~ 984
~~the date of the student's enrollment in the private school.~~ 985

Sec. 3317.022. The department of education and workforce 986
shall compute and distribute state core foundation funding to 987
each eligible funding unit that is a city, local, or exempted 988
village school district, the community and STEM school unit, the 989
educational choice scholarship unit, the pilot project 990
scholarship unit, the autism scholarship unit, and the Jon 991
Peterson special needs scholarship unit for the fiscal year, 992
using the information obtained under section 3317.021 of the 993
Revised Code in the calendar year in which the fiscal year 994
begins in accordance with the following: 995

For fiscal years 2024 and 2025, for a funding unit that is 996
a city, local, or exempted village school district: 997

The district's funding base + [(the district's state core 998
foundation funding components for that fiscal year calculated 999
under divisions (A) (1), (2), (3), (5), (6), (7), and (8) of this 1000
section - the district's general funding base calculated in 1001
accordance with division (N) (1) of section 3317.02 of the 1002
Revised Code) X the district's general phase-in percentage for 1003
that fiscal year] + [(the district's disadvantaged pupil impact 1004
aid for that fiscal year calculated under division (A) (4) of 1005
this section - the district's disadvantaged pupil impact aid 1006
funding base calculated in accordance with division (N) (2) of 1007
section 3317.02 of the Revised Code) X the district's phase-in 1008
percentage for disadvantaged pupil impact aid for that fiscal 1009
year] + the district's supplemental targeted assistance funds 1010
calculated under section 3317.0218 of the Revised Code 1011

For fiscal year 2026 and each fiscal year thereafter, for 1012
a funding unit that is a city, local, or exempted village school 1013
district, the sum of the district's state core foundation 1014
funding components for that fiscal year calculated under 1015

divisions (A) (1), (2), (3), (4), (5), (6), (7), and (8) of this 1016
section and the district's supplemental targeted assistance 1017
funds calculated under section 3317.0218 of the Revised Code, if 1018
the general assembly authorizes such payments to these funding 1019
units. 1020

For fiscal years 2024 and 2025, for the community and STEM 1021
school unit, an amount calculated in accordance with section 1022
3317.026 of the Revised Code. 1023

For fiscal ~~years~~year 2026 and each fiscal year 1024
thereafter, for the community and STEM school unit, an amount 1025
calculated in accordance with divisions (A) (1), (3), (4), (5), 1026
(7), (8), and (9) of this section, if the general assembly 1027
authorizes such payments to these funding units. 1028

For the educational choice scholarship unit, the amount 1029
calculated under division (A) (10) of this section. 1030

For the pilot project scholarship unit, the amount 1031
calculated under division (A) (11) of this section. 1032

For the autism scholarship unit, the amount calculated 1033
under division (A) (12) of this section. 1034

For the Jon Peterson special needs scholarship unit, the 1035
amount calculated under division (A) (13) of this section. 1036

(A) A funding unit's state core foundation funding 1037
components shall be the following: 1038

(1) (a) If the funding unit is a city, local, or exempted 1039
village school district, the district's state share, which is 1040
equal to the following: 1041

(i) For fiscal years 2024 and 2025, the amount calculated 1042
under division (B) of section 3317.017 of the Revised Code; 1043

(ii) For fiscal year 2026 and each fiscal year thereafter, 1044
an amount calculated in a manner determined by the general 1045
assembly. 1046

(b) If the funding unit is the community and STEM school 1047
unit, the aggregate base cost for all schools in that unit, 1048
which is equal to the following: 1049

(i) For fiscal years 2024 and 2025, the amount calculated 1050
under section 3317.0110 of the Revised Code; 1051

(ii) For fiscal year 2026 and each fiscal year thereafter, 1052
an amount calculated in a manner determined by the general 1053
assembly. 1054

(2) If the funding unit is a city, local, or exempted 1055
village school district, targeted assistance funds equal to the 1056
following: 1057

(a) For fiscal years 2024 and 2025, an amount calculated 1058
under section 3317.0217 of the Revised Code; 1059

(b) For fiscal year 2026 and each fiscal year thereafter, 1060
an amount calculated in a manner determined by the general 1061
assembly. 1062

(3) If the funding unit is a city, local, or exempted 1063
village school district or the community and STEM school unit, 1064
additional state aid for special education and related services 1065
provided under Chapter 3323. of the Revised Code calculated as 1066
follows: 1067

(a) For fiscal years 2024 and 2025, the sum of the 1068
following: 1069

(i) The funding unit's category one special education ADM 1070
X the multiple specified in division (A) of section 3317.013 of 1071

the Revised Code X the statewide average base cost per pupil for 1072
that fiscal year X if the funding unit is a city, local, or 1073
exempted village school district, the district's state share 1074
percentage; 1075

(ii) The funding unit's category two special education ADM 1076
X the multiple specified in division (B) of section 3317.013 of 1077
the Revised Code X the statewide average base cost per pupil for 1078
that fiscal year X if the funding unit is a city, local, or 1079
exempted village school district, the district's state share 1080
percentage; 1081

(iii) The funding unit's category three special education 1082
ADM X the multiple specified in division (C) of section 3317.013 1083
of the Revised Code X the statewide average base cost per pupil 1084
for that fiscal year X if the funding unit is a city, local, or 1085
exempted village school district, the district's state share 1086
percentage; 1087

(iv) The funding unit's category four special education 1088
ADM X the multiple specified in division (D) of section 3317.013 1089
of the Revised Code X the statewide average base cost per pupil 1090
for that fiscal year X if the funding unit is a city, local, or 1091
exempted village school district, the district's state share 1092
percentage; 1093

(v) The funding unit's category five special education ADM 1094
X the multiple specified in division (E) of section 3317.013 of 1095
the Revised Code X the statewide average base cost per pupil for 1096
that fiscal year X if the funding unit is a city, local, or 1097
exempted village school district, the district's state share 1098
percentage; 1099

(vi) The funding unit's category six special education ADM 1100

X the multiple specified in division (F) of section 3317.013 of 1101
the Revised Code X the statewide average base cost per pupil for 1102
that fiscal year X if the funding unit is a city, local, or 1103
exempted village school district, the district's state share 1104
percentage. 1105

(b) For fiscal year 2026 and each fiscal year thereafter, 1106
the sum of the following: 1107

(i) An amount calculated in a manner determined by the 1108
general assembly times the funding unit's category one special 1109
education ADM; 1110

(ii) An amount calculated in a manner determined by the 1111
general assembly times the funding unit's category two special 1112
education ADM; 1113

(iii) An amount calculated in a manner determined by the 1114
general assembly times the funding unit's category three special 1115
education ADM; 1116

(iv) An amount calculated in a manner determined by the 1117
general assembly times the funding unit's category four special 1118
education ADM; 1119

(v) An amount calculated in a manner determined by the 1120
general assembly times the funding unit's category five special 1121
education ADM; 1122

(vi) An amount calculated in a manner determined by the 1123
general assembly times the funding unit's category six special 1124
education ADM. 1125

(4) If the funding unit is a city, local, or exempted 1126
village school district or the community and STEM school unit, 1127
disadvantaged pupil impact aid calculated according to the 1128

following formula:	1129
(a) If the funding unit is a city, local, or exempted village school district, an amount equal to the following:	1130 1131
(i) For fiscal years 2024 and 2025, the following product:	1132
\$422 X (the district's economically disadvantaged index) X the number of students who are economically disadvantaged as certified under division (B) (21) of section 3317.03 of the Revised Code	1133 1134 1135 1136
(ii) For fiscal year 2026 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.	1137 1138 1139
(b) If the funding unit is the community and STEM school unit, an amount equal to the following:	1140 1141
(i) For fiscal years 2024 and 2025, an amount calculated as follows:	1142 1143
(I) For each student in the funding unit's enrolled ADM who is economically disadvantaged and is not enrolled in an internet- or computer-based community school, multiply \$422 by the economically disadvantaged index of the school in which the student is enrolled;	1144 1145 1146 1147 1148
(II) Compute the funding unit's disadvantaged pupil impact aid by calculating the sum of the amounts determined under division (A) (4) (b) (i) (I) of this section.	1149 1150 1151
(ii) For fiscal year 2026 and each fiscal year thereafter, an amount calculated as follows:	1152 1153
(I) For each student in the funding unit's enrolled ADM who is economically disadvantaged and is not enrolled in an	1154 1155

internet- or computer-based community school, calculate an 1156
amount in the manner determined by the general assembly; 1157

(II) Compute the funding unit's disadvantaged pupil impact 1158
aid by calculating the sum of the amounts determined under 1159
division (A) (4) (b) (ii) (I) of this section. 1160

(5) If the funding unit is a city, local, or exempted 1161
village school district or the community and STEM school unit, 1162
English learner funds calculated as follows: 1163

(a) For fiscal years 2024 and 2025, the sum of the 1164
following: 1165

(i) The funding unit's category one English learner ADM X 1166
the multiple specified in division (A) of section 3317.016 of 1167
the Revised Code X the statewide average base cost per pupil for 1168
that fiscal year X if the funding unit is a city, local, or 1169
exempted village school district, the district's state share 1170
percentage; 1171

(ii) The funding unit's category two English learner ADM X 1172
the multiple specified in division (B) of section 3317.016 of 1173
the Revised Code X the statewide average base cost per pupil for 1174
that fiscal year X if the funding unit is a city, local, or 1175
exempted village school district, the district's state share 1176
percentage; 1177

(iii) The funding unit's category three English learner 1178
ADM X the multiple specified in division (C) of section 3317.016 1179
of the Revised Code X the statewide average base cost per pupil 1180
for that fiscal year X if the funding unit is a city, local, or 1181
exempted village school district, the district's state share 1182
percentage. 1183

(b) For fiscal year 2026 and each fiscal year thereafter, 1184

the sum of the following: 1185

(i) An amount calculated in a manner determined by the 1186
general assembly times the funding unit's category one English 1187
learner ADM; 1188

(ii) An amount calculated in a manner determined by the 1189
general assembly times the funding unit's category two English 1190
learner ADM; 1191

(iii) An amount calculated in a manner determined by the 1192
general assembly times the funding unit's category three English 1193
learner ADM. 1194

(6) (a) For fiscal years 2024 and 2025, if the funding unit 1195
is a city, local, or exempted village school district, all of 1196
the following: 1197

(i) Gifted identification funds calculated according to 1198
the following formula: 1199

\$24 X the district's enrolled ADM for grades kindergarten 1200
through six X the district's state share percentage 1201

(ii) Gifted referral funds calculated according to the 1202
following formula: 1203

\$2.50 X the district's enrolled ADM X the district's state share 1204
percentage 1205

(iii) Gifted professional development funds calculated 1206
according to the following formula: 1207

(The greater of the number of gifted students enrolled in the 1208
district as certified under division (B) (22) of section 3317.03 1209
of the Revised Code and ten per cent of the district's enrolled 1210
ADM) X the district's state share percentage X \$21, for fiscal 1211

year 2024, or \$28, for fiscal year 2025	1212
(iv) Gifted unit funding calculated under section 3317.051 of the Revised Code.	1213 1214
(b) For fiscal year 2026 and each fiscal year thereafter, all of the following:	1215 1216
(i) Gifted identification funds calculated in a manner determined by the general assembly;	1217 1218
(ii) Gifted referral funds calculated in a manner determined by the general assembly, if the general assembly authorizes such a payment;	1219 1220 1221
(iii) Gifted professional development funds calculated in a manner determined by the general assembly, if the general assembly authorizes such a payment;	1222 1223 1224
(iv) Gifted unit funding calculated in an amount determined by the general assembly.	1225 1226
(7) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, career-technical education funds calculated under division (C) of section 3317.014 of the Revised Code.	1227 1228 1229 1230
(8) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, career-technical education associated services funds calculated under division (D) of section 3317.014 of the Revised Code.	1231 1232 1233 1234
(9) If the funding unit is the community and STEM school unit, an amount calculated as follows:	1235 1236
(a) For fiscal years 2024 and 2025, an amount equal to the following:	1237 1238

[The number of students in the funding unit's enrolled ADM who 1239
are reported under division (B) (5) of section 3314.08 of the 1240
Revised Code X (the aggregate base cost calculated for all 1241
schools in the funding unit for that fiscal year under section 1242
3317.0110 of the Revised Code / the funding unit's enrolled ADM) 1243
X.20] 1244

(b) For fiscal year 2026 and each fiscal year thereafter, 1245
an amount calculated in a manner determined by the general 1246
assembly. 1247

(10) If the funding unit is the educational choice 1248
scholarship unit, an amount calculated as follows: 1249

(a) For each student in the funding unit's enrolled ADM, 1250
determine the lesser of the following: 1251

(i) The base tuition of the chartered nonpublic school in 1252
which the student is enrolled minus the total amount of any 1253
applicable tuition discounts for which the student qualifies; 1254

~~(ii) (I) If the student receives a scholarship under 1255
section 3310.03 of the Revised Code, or received a scholarship 1256
for the first time under section 3310.032 of the Revised Code 1257
prior to the effective date of this amendment and the student's 1258
parent does not elect to receive a scholarship amount under 1259
division (A) (10) (a) (ii) (II) of this section, (ii) \$5,500, if the 1260
student is in grades kindergarten through eight, or \$7,500, if 1261
the student is in grades nine through twelve. 1262~~

~~(II) If the student receives a scholarship for the first 1263
time under section 3310.032 of the Revised Code on and after the 1264
effective date of this amendment, or if a student who received a 1265
scholarship for the first time under that section prior to that 1266
date and the student's parent elects to receive a scholarship 1267~~

~~amount under division (A) (10) (a) (ii) (II) of this section, an~~ 1268
~~amount calculated in accordance with section 3310.08 of the~~ 1269
~~Revised Code. The department shall provide an opportunity each~~ 1270
~~fiscal year for a parent to elect to receive a scholarship~~ 1271
~~amount under division (A) (10) (a) (ii) (II) of this section.~~ 1272

The amounts specified in division ~~(A) (10) (a) (ii) (I)~~ (A) 1273
(10) (a) (ii) of this section shall increase in future fiscal 1274
years by the same percentage that the statewide average base 1275
cost per pupil increases in future fiscal years. 1276

(b) Compute the sum of the amounts calculated under 1277
division (A) (10) (a) of this section. 1278

(11) If the funding unit is the pilot project scholarship 1279
unit, an amount calculated as follows: 1280

(a) For each student in the funding unit's enrolled ADM, 1281
determine the lesser of the following: 1282

(i) The net tuition charges of the student's alternative 1283
school; 1284

(ii) \$5,500, if the student is in grades kindergarten 1285
through eight, or \$7,500, if the student is in grades nine 1286
through twelve. 1287

The amounts specified in division (A) (11) (a) (ii) of this 1288
section shall increase in future fiscal years by the same 1289
percentage that the statewide average base cost per pupil 1290
increases in future fiscal years. 1291

For purposes of division (A) (11) (a) of this section, the 1292
net tuition and fees charged to a student shall be the tuition 1293
amount specified by the alternative school minus all other 1294
financial aid, discounts, and adjustments received for the 1295

student. In cases where discounts are offered for multiple 1296
students from the same family, and not all students in the same 1297
family are scholarship recipients, the net tuition amount 1298
attributable to the scholarship recipient shall be the lowest 1299
net tuition to which the family is entitled. 1300

The department shall provide for an increase in the amount 1301
determined for any student who is an LRE student with a 1302
disability and shall further increase such amount in the case of 1303
any separately educated student with a disability, as that term 1304
is defined in section 3313.974 of the Revised Code. Such 1305
increases shall take into account the instruction, related 1306
services, and transportation costs of educating such students. 1307

(b) Compute the sum of the amounts calculated under 1308
division (A) (17) (a) of this section. 1309

(12) If the funding unit is the autism scholarship unit, 1310
an amount calculated as follows: 1311

(a) For each student in the funding unit's enrolled ADM, 1312
determine the lesser of the following: 1313

(i) The tuition charged for the student's special 1314
education program, as that term is defined in section 3310.41 of 1315
the Revised Code; 1316

(ii) \$32,445. 1317

(b) Compute the sum of the amounts calculated under 1318
division (A) (12) (a) of this section. 1319

(13) If the funding unit is the Jon Peterson special needs 1320
scholarship unit, an amount calculated as follows: 1321

(a) For each student in the funding unit's enrolled ADM, 1322
determine the least of the following: 1323

(i) The amount of fees charged for that school year by the student's alternative public provider or registered private provider, as those terms are defined in section 3310.51 of the Revised Code; 1324
1325
1326
1327

(ii) \$7,190 plus an amount determined as follows: 1328

(I) If the student is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code, \$1,751~~7~~ for fiscal year 2024, and \$2,395 for fiscal year 2025; 1329
1330
1331
1332

(II) If the student is receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code, \$4,442~~7~~ for fiscal year 2024, and \$5,280 for fiscal year 2025; 1333
1334
1335
1336

(III) If the student is receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code, \$10,673~~7~~ for fiscal year 2024, and \$11,960 for fiscal year 2025; 1337
1338
1339
1340

(IV) If the student is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code, \$14,243~~7~~ for fiscal year 2024, and \$15,787 for fiscal year 2025; 1341
1342
1343
1344

(V) If the student is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code, \$19,290~~7~~ for fiscal year 2024, and \$21,197 for fiscal year 2025; 1345
1346
1347
1348

(VI) If the student is receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code, \$28,438~~7~~ for fiscal year 2024, and \$30,469 for fiscal year 2025. 1349
1350
1351
1352

(iii) \$30,000~~7~~ for fiscal year 2024, and \$32,445 for 1353
fiscal year 2025. 1354

The amount specified in division (A) (13) (a) (ii) of this 1355
section shall increase in future fiscal years by the same 1356
percentage that the statewide average base cost per pupil 1357
increases in future fiscal years. 1358

The amounts specified in divisions (A) (13) (a) (ii) (I) to 1359
(VI) of this section shall increase in future fiscal years by 1360
the same percentage that the amounts calculated by the general 1361
assembly for those categories of special education services 1362
under division (A) (3) of this section increase in future fiscal 1363
years. 1364

(b) Compute the sum of the amounts calculated under 1365
division (A) (13) (a) of this section. 1366

(B) In any fiscal year, a funding unit that is a city, 1367
local, or exempted village school district shall spend for 1368
purposes that the department designates as approved for special 1369
education and related services expenses at least the amount 1370
calculated as follows: 1371

(The base cost per pupil calculated for the district for that 1372
fiscal year X the total special education ADM) + (the district's 1373
category one special education ADM X the multiple specified in 1374
division (A) of section 3317.013 of the Revised Code X the 1375
statewide average base cost per pupil) + (the district's 1376
category two special education ADM X the multiple specified in 1377
division (B) of section 3317.013 of the Revised Code X the 1378
statewide average base cost per pupil) + (the district's 1379
category three special education ADM X the multiple specified in 1380
division (C) of section 3317.013 of the Revised Code X the 1381

statewide average base cost per pupil) + (the district's 1382
category four special education ADM X the multiple specified in 1383
division (D) of section 3317.013 of the Revised Code X the 1384
statewide average base cost per pupil) + (the district's 1385
category five special education ADM X the multiple specified in 1386
division (E) of section 3317.013 of the Revised Code X the 1387
statewide average base cost per pupil) + (the district's 1388
category six special education ADM X the multiple specified in 1389
division (F) of section 3317.013 of the Revised Code X the 1390
statewide average base cost per pupil) 1391

The purposes approved by the department for special 1392
education expenses shall include, but shall not be limited to, 1393
identification of children with disabilities, compliance with 1394
state rules governing the education of children with 1395
disabilities and prescribing the continuum of program options 1396
for children with disabilities, provision of speech language 1397
pathology services, and the portion of the school district's 1398
overall administrative and overhead costs that are attributable 1399
to the district's special education student population. 1400

(C) A funding unit that is a city, local, or exempted 1401
village school district shall spend the funds it receives under 1402
division (A)(4) of this section in accordance with section 1403
3317.25 of the Revised Code. 1404

(D)(1) Except as provided in division (B) of section 1405
3317.026 of the Revised Code, the department shall distribute to 1406
each community school established under Chapter 3314. of the 1407
Revised Code and to each STEM school established under Chapter 1408
3326. of the Revised Code, from the funds paid to the community 1409
and STEM school unit under this section, an amount for each 1410
student enrolled in the school equal to the sum of the 1411

following:	1412
(a) The school's base cost per pupil for that fiscal year,	1413
calculated as follows:	1414
(i) For fiscal years 2024 and 2025:	1415
The aggregate base cost calculated for the school for that	1416
fiscal year under section 3317.0110 of the Revised Code / the	1417
number of students enrolled in the school for that fiscal year	1418
(ii) For fiscal year 2026 and each fiscal year thereafter,	1419
an amount determined by the general assembly under division (A)	1420
(1) (b) (ii) of this section divided by the number of students	1421
enrolled in the school for that fiscal year.	1422
(b) If the student is a special education student:	1423
(i) For fiscal years 2024 and 2025, the multiple specified	1424
for the student's special education category under section	1425
3317.013 of the Revised Code times the statewide average base	1426
cost per pupil;	1427
(ii) For fiscal year 2026 and each fiscal year thereafter,	1428
the amount calculated for the student's special education	1429
category in a manner determined by the general assembly under	1430
division (A) (3) (b) of this section.	1431
(c) If the school is not an internet- or computer-based	1432
community school and the student is economically disadvantaged:	1433
(i) For fiscal years 2024 and 2025, the amount calculated	1434
for the student under division (A) (4) (b) (i) (I) of this section;	1435
(ii) For fiscal year 2026 and each fiscal year thereafter,	1436
an amount calculated for the student in the manner determined by	1437
the general assembly under division (A) (4) (b) (ii) (I) of this	1438

section.	1439
(d) If the student is an English learner:	1440
(i) For fiscal years 2024 and 2025, the multiple specified	1441
for the student's English learner category under section	1442
3317.016 of the Revised Code times the statewide average base	1443
cost per pupil;	1444
(ii) For fiscal year 2026 and each fiscal year thereafter,	1445
the amount calculated for the student's special education	1446
category in a manner determined by the general assembly under	1447
division (A) (5) (b) of this section.	1448
(e) If the student is a career-technical education	1449
student:	1450
(i) For fiscal years 2024 and 2025, the multiple specified	1451
for the student's career-technical education category under	1452
section 3317.014 of the Revised Code times the statewide average	1453
career-technical base cost per pupil;	1454
(ii) For fiscal year 2026 and each fiscal year thereafter,	1455
the amount calculated for the student's career-technical	1456
education category in a manner determined by the general	1457
assembly under section 3317.014 of the Revised Code.	1458
(f) If the student is a career-technical education	1459
student:	1460
(i) For fiscal years 2024 and 2025, the multiple for	1461
career-technical associated services specified under section	1462
3317.014 of the Revised Code times the statewide average career-	1463
technical base cost per pupil;	1464
(ii) For fiscal year 2026 and each fiscal year thereafter,	1465
the amount calculated for career-technical associated services	1466

in a manner determined by the general assembly under section 1467
3317.014 of the Revised Code. 1468

(2) The department shall distribute to each community 1469
school established under Chapter 3314. of the Revised Code and 1470
to each STEM school established under Chapter 3326. of the 1471
Revised Code, from the funds paid to the community and STEM 1472
school unit under this section, an amount equal to the amount 1473
calculated for the school under division (A)(9) of this section. 1474

(E) The department shall distribute to the parent of each 1475
student for whom an educational choice scholarship is awarded 1476
under section 3310.03 or 3310.032 of the Revised Code, or to the 1477
student if at least eighteen years of age, from the funds paid 1478
to the educational choice scholarship unit under this section, a 1479
scholarship equal to the amount calculated for the student under 1480
division (A)(10)(a) of this section. The scholarship shall be 1481
distributed in monthly partial payments, and the department 1482
shall proportionately reduce or terminate the payments for any 1483
student who withdraws from a chartered nonpublic school prior to 1484
the end of the school year. 1485

For purposes of divisions (E) and (F) of this section, in 1486
the case of a student who is not living with the student's 1487
parent, the department shall distribute the scholarship payments 1488
to the student's guardian, legal custodian, kinship caregiver, 1489
foster caregiver, or caretaker. For the purposes of this 1490
division, "caretaker" has the same meaning as in section 1491
3310.033 of the Revised Code, "kinship caregiver" has the same 1492
meaning as in section 5101.85 of the Revised Code, and "foster 1493
caregiver" has the same meaning as in section 5103.02 of the 1494
Revised Code. 1495

(F) If a student is awarded a pilot project scholarship 1496

under sections 3313.974 to 3313.979 of the Revised Code, the 1497
department shall distribute to the parent of the student, if the 1498
student is attending a registered private school as defined in 1499
section 3313.974 of the Revised Code, or the student's school 1500
district of attendance, if the scholarship is to be used for 1501
payments to a public school in a school district adjacent to the 1502
pilot project school district pursuant to section 3327.06 of the 1503
Revised Code, a scholarship from the funds paid to the pilot 1504
project scholarship unit under this section that is equal to the 1505
amount calculated for the student under division (A) (11) (a) of 1506
this section. 1507

In the case of a scholarship distributed to a student's 1508
parent, the scholarship shall be distributed in monthly partial 1509
payments. The scholarship amount shall be proportionately 1510
reduced in the case of any such student who is not enrolled in a 1511
registered private school, as that term is defined in section 1512
3313.974 of the Revised Code, for the entire school year. 1513

In the case of a scholarship distributed to a student's 1514
school district of attendance, the department shall, on behalf 1515
of the student's parents, use the scholarship to make the 1516
tuition payments required by section 3327.06 of the Revised Code 1517
to the student's school district of attendance, except that, 1518
notwithstanding sections 3323.13, 3323.14, and 3327.06 of the 1519
Revised Code, the total payments in any school year shall not 1520
exceed the scholarship amount calculated for the student under 1521
division (A) (11) (a) of this section. 1522

(G) The department shall distribute to the parent of each 1523
student for whom an autism scholarship is awarded under section 1524
3310.41 of the Revised Code, from the funds paid to the autism 1525
scholarship unit under this section, a scholarship equal to the 1526

amount calculated for the student under division (A) (12) (a) of 1527
this section. The scholarship shall be distributed from time to 1528
time in partial payments. The scholarship amount shall be 1529
proportionately reduced in the case of any student who is not 1530
enrolled in the special education program for which a 1531
scholarship was awarded under section 3310.41 of the Revised 1532
Code for the entire school year. The department shall make no 1533
payments to the parent of a student while any administrative or 1534
judicial mediation or proceedings with respect to the content of 1535
the student's individualized education program are pending. 1536

(H) The department shall distribute to the parent of each 1537
student for whom a Jon Peterson special needs scholarship is 1538
awarded under sections 3310.51 to 3310.64 of the Revised Code, 1539
from the funds paid to the Jon Peterson special needs 1540
scholarship unit under this section, a scholarship equal to the 1541
amount calculated for the student under division (A) (13) (a) of 1542
this section. The scholarship shall be distributed in periodic 1543
payments, and the department shall proportionately reduce or 1544
terminate the payments for any student who is not enrolled in 1545
the special education program of an alternative public provider 1546
or a registered private provider, as those terms are defined in 1547
section 3310.51 of the Revised Code, for the entire school year. 1548

(I) For fiscal years 2024 and 2025, a school district 1549
shall spend the funds it receives under division (A) (5) of this 1550
section only for services for English learners. 1551

(J) For fiscal year 2024 and each fiscal year thereafter, 1552
a school district shall spend the funds it receives under 1553
division (A) (6) of this section only for the identification of 1554
gifted students, gifted coordinator services, gifted 1555
intervention specialist services, and gifted professional 1556

development. For fiscal year 2024 and each fiscal year 1557
thereafter, if the department determines that a district is not 1558
in compliance with this division, it shall reduce the district's 1559
payments for that fiscal year under this chapter by an amount 1560
equal to the amount paid to the district for that fiscal year 1561
under division (A) (6) of this section that was not spent in 1562
accordance with this division. The department shall reduce the 1563
payment within ninety days of data finalization. 1564

Sec. 3365.07. The department of education and workforce 1565
shall calculate and pay state funds to colleges for participants 1566
in the college credit plus program under division (B) of section 1567
3365.06 of the Revised Code pursuant to this section. For a 1568
nonpublic secondary school participant, a nonchartered nonpublic 1569
secondary school participant, or a home-educated participant, 1570
the department shall pay state funds pursuant to this section 1571
only if that participant is awarded funding according to rules 1572
adopted by the chancellor of higher education, in consultation 1573
with the department of education and workforce, pursuant to 1574
section 3365.071 of the Revised Code. The program shall be the 1575
sole mechanism by which state funds are paid to colleges for 1576
students to earn transcribed credit for college courses while 1577
enrolled in both a secondary school and a college, with the 1578
exception of state funds paid to colleges according to an 1579
agreement described in division (A) (1) of section 3365.02 of the 1580
Revised Code. 1581

(A) For each public or nonpublic secondary school 1582
participant enrolled in a public college: 1583

(1) If no agreement has been entered into under division 1584
(A) (2) of this section, both of the following shall apply: 1585

(a) The department shall pay to the college the applicable 1586

amount as follows: 1587

(i) For a participant enrolled in a college course 1588
delivered on the college campus, at another location operated by 1589
the college, or online, the lesser of the default ceiling amount 1590
or the college's standard rate; 1591

(ii) For a participant enrolled in a college course 1592
delivered at the participant's secondary school but taught by 1593
college faculty, the lesser of fifty per cent of the default 1594
ceiling amount or the college's standard rate; 1595

(iii) For a participant enrolled in a college course 1596
delivered at the participant's secondary school and taught by a 1597
high school teacher who has met the credential requirements 1598
established for purposes of the program in rules adopted by the 1599
chancellor, the default floor amount. 1600

(b) The participant's secondary school shall pay for 1601
textbooks, and the college shall waive payment of all other fees 1602
related to participation in the program. 1603

(2) The governing entity of a participant's secondary 1604
school and the college may enter into an agreement to establish 1605
an alternative payment structure for tuition, textbooks, and 1606
fees. Under such an agreement, payments for each participant 1607
made by the department shall be not less than the default floor 1608
amount, unless approved by the chancellor, and not more than 1609
either the default ceiling amount or the college's standard 1610
rate, whichever is less. The chancellor may approve an agreement 1611
that includes a payment below the default floor amount, as long 1612
as the provisions of the agreement comply with all other 1613
requirements of this chapter to ensure program quality. If no 1614
agreement is entered into under division (A) (2) of this section, 1615

both of the following shall apply: 1616

(a) The department shall pay to the college the applicable 1617
default amounts prescribed by division (A)(1)(a) of this 1618
section, depending upon the method of delivery and instruction. 1619

(b) In accordance with division (A)(1)(b) of this section, 1620
the participant's secondary school shall pay for textbooks, and 1621
the college shall waive payment of all other fees related to 1622
participation in the program. 1623

(3) No participant that is enrolled in a public college 1624
shall be charged for any tuition, textbooks, or other fees 1625
related to participation in the program. 1626

(B) For each public secondary school participant enrolled 1627
in a private college: 1628

(1) If no agreement has been entered into under division 1629
(B)(2) of this section, the department shall pay to the college 1630
the applicable amount calculated in the same manner as in 1631
division (A)(1)(a) of this section. 1632

(2) The governing entity of a participant's secondary 1633
school and the college may enter into an agreement to establish 1634
an alternative payment structure for tuition, textbooks, and 1635
fees. Under such an agreement, payments shall be not less than 1636
the default floor amount, unless approved by the chancellor, and 1637
not more than either the default ceiling amount or the college's 1638
standard rate, whichever is less. 1639

If an agreement is entered into under division (B)(2) of 1640
this section, both of the following shall apply: 1641

(a) The department shall make a payment to the college for 1642
each participant that is equal to the default floor amount, 1643

unless approved by the chancellor to pay an amount below the 1644
default floor amount. The chancellor may approve an agreement 1645
that includes a payment below the default floor amount, as long 1646
as the provisions of the agreement comply with all other 1647
requirements of this chapter to ensure program quality. 1648

(b) Payment for costs for the participant that exceed the 1649
amount paid by the department pursuant to division (B)(2)(a) of 1650
this section shall be negotiated by the school and the college. 1651
The agreement may include a stipulation permitting the charging 1652
of a participant. 1653

However, under no circumstances shall: 1654

(i) Payments for a participant made by the department 1655
under division (B)(2) of this section exceed the lesser of the 1656
default ceiling amount or the college's standard rate; 1657

(ii) The amount charged to a participant under division 1658
(B)(2) of this section exceed the difference between the maximum 1659
per participant charge amount and the default floor amount; 1660

(iii) The sum of the payments made by the department for a 1661
participant and the amount charged to that participant under 1662
division (B)(2) of this section exceed the following amounts, as 1663
applicable: 1664

(I) For a participant enrolled in a college course 1665
delivered on the college campus, at another location operated by 1666
the college, or online, the maximum per participant charge 1667
amount; 1668

(II) For a participant enrolled in a college course 1669
delivered at the participant's secondary school but taught by 1670
college faculty, one hundred twenty-five dollars; 1671

(III) For a participant enrolled in a college course 1672
delivered at the participant's secondary school and taught by a 1673
high school teacher who has met the credential requirements 1674
established for purposes of the program in rules adopted by the 1675
chancellor, one hundred dollars. 1676

(iv) A participant that is identified as economically 1677
disadvantaged according to rules adopted by the department be 1678
charged under division (B) (2) of this section for any tuition, 1679
textbooks, or other fees related to participation in the 1680
program. 1681

(C) For each nonpublic secondary school participant 1682
enrolled in a private or eligible out-of-state college, the 1683
department shall pay to the college the applicable amount 1684
calculated in the same manner as in division (A) (1) (a) of this 1685
section. Payment for costs for the participant that exceed the 1686
amount paid by the department shall be negotiated by the 1687
governing body of the nonpublic secondary school and the 1688
college. 1689

However, under no circumstances shall: 1690

(1) The payments for a participant made by the department 1691
under this division exceed the lesser of the default ceiling 1692
amount or the college's standard rate. 1693

(2) Any nonpublic secondary school participant, who is 1694
enrolled in that secondary school with a scholarship awarded 1695
under either the educational choice scholarship pilot program, 1696
as prescribed by sections 3310.01 to 3310.17, or the pilot 1697
project scholarship program, as prescribed by sections 3313.974 1698
to 3313.979 of the Revised Code, and who qualifies as a low- 1699
income student under either of those programs, ~~as determined by~~ 1700

~~a method established by the department~~ be charged for any 1701
tuition, textbooks, or other fees related to participation in 1702
the college credit plus program. 1703

(D) For each nonchartered nonpublic secondary school 1704
participant and each home-educated participant enrolled in a 1705
public, private, or eligible out-of-state college, the 1706
department shall pay to the college the lesser of the default 1707
ceiling amount or the college's standard rate, if that 1708
participant is enrolled in a college course delivered on the 1709
college campus, at another location operated by the college, or 1710
online. 1711

(E) Not later than thirty days after the end of each term, 1712
each college expecting to receive payment for the costs of a 1713
participant under this section shall notify the department of 1714
the number of enrolled credit hours for each participant. 1715

(F) The department shall make the applicable payments 1716
under this section to each college, which provided proper 1717
notification to the department under division (E) of this 1718
section, for the number of enrolled credit hours for 1719
participants enrolled in the college under division (B) of 1720
section 3365.06 of the Revised Code. Except in cases involving 1721
incomplete participant information or a dispute of participant 1722
information, payments shall be made by the last day of January 1723
for participants who were enrolled during the fall term and by 1724
the last day of July for participants who were enrolled during 1725
the spring term. The department shall not make any payments to a 1726
college under this section if a participant withdrew from a 1727
course prior to the date on which a withdrawal from the course 1728
would have negatively affected the participant's transcribed 1729
grade, as prescribed by the college's established withdrawal 1730

policy.	1731
(1) Payments made for public secondary school participants under this section shall be deducted as follows:	1732 1733
(a) For a participant enrolled in a school district, from the school foundation payments made to the participant's school district. If the participant is enrolled in a joint vocational school district, a portion of the amount shall be deducted from the payments to the joint vocational school district and a portion shall be deducted from the payments to the participant's city, local, or exempted village school district in accordance with the full-time equivalency of the student's enrollment in each district.	1734 1735 1736 1737 1738 1739 1740 1741 1742
(b) For a participant enrolled in a community school established under Chapter 3314. of the Revised Code, from the payments made to that school under section 3317.022 of the Revised Code;	1743 1744 1745 1746
(c) For a participant enrolled in a STEM school, from the payments made to that school under section 3317.022 of the Revised Code;	1747 1748 1749
(d) For a participant enrolled in a college-preparatory boarding school, from the payments made to that school under section 3328.34 of the Revised Code;	1750 1751 1752
(e) For a participant enrolled in the state school for the deaf or the state school for the blind, from the amount paid to that school with funds appropriated by the general assembly for support of Ohio deaf and blind education services;	1753 1754 1755 1756
(f) For a participant enrolled in an institution operated by the department of youth services, from the amount paid to that institution with funds appropriated by the general assembly	1757 1758 1759

for support of that institution. 1760

Amounts deducted under divisions (F) (1) (a) to (f) of this 1761
section shall be calculated in accordance with rules adopted by 1762
the chancellor, in consultation with the department of education 1763
and workforce, pursuant to division (B) of section 3365.071 of 1764
the Revised Code 1765

(2) Payments made for nonpublic secondary school 1766
participants, nonchartered nonpublic secondary school 1767
participants, and home-educated participants under this section 1768
shall be deducted from moneys appropriated by the general 1769
assembly for such purpose. Payments shall be allocated and 1770
distributed in accordance with rules adopted by the chancellor, 1771
in consultation with the department of education and workforce, 1772
pursuant to division (A) of section 3365.071 of the Revised 1773
Code. 1774

(G) Any public college that enrolls a student under 1775
division (B) of section 3365.06 of the Revised Code may include 1776
that student in the calculation used to determine its state 1777
share of instruction funds appropriated to the department of 1778
higher education by the general assembly. 1779

Section 2. That existing sections 3310.03, 3310.032, 1780
3310.13, 3310.16, 3310.41, 3310.52, 3313.975, 3313.976, 1781
3313.978, 3317.022, and 3365.07 of the Revised Code are hereby 1782
repealed. 1783

Section 3. That sections 3310.035 and 3310.08 of the 1784
Revised Code are hereby repealed. 1785

Section 4. That Sections 265.275, 265.277, and 265.571 of 1786
H.B. 33 of the 135th General Assembly are hereby repealed. 1787

Section 5. This act shall be known as the EdChoice Fair 1788

Fiscal Responsibility Act.

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