

As Introduced

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S. B. No. 65

Senator Cates

Cosponsors: Senators Lehner, Jones, Seitz, Obhof

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A B I L L

To amend sections 3310.02 to 3310.09, 3310.11, 1
3310.12, 3310.15, and 3310.17 of the Revised Code 2
to eliminate the limit on the number of 3
Educational Choice scholarships and to declare an 4
emergency. 5

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

Section 1. That sections 3310.02, 3310.03, 3310.04, 3310.05, 6
3310.06, 3310.07, 3310.08, 3310.09, 3310.11, 3310.12, 3310.15, and 7
3310.17 of the Revised Code be amended to read as follows: 8

Sec. 3310.02. The educational choice scholarship ~~pilot~~ 9
program is hereby established. Under the program, the department 10
of education annually shall pay scholarships to attend chartered 11
nonpublic schools in accordance with section 3310.08 of the 12
Revised Code for ~~up to fourteen thousand~~ all eligible students. ~~If~~ 13
~~the number of students who apply for a scholarship exceeds~~ 14
~~fourteen thousand, the department shall award scholarships in the~~ 15
~~following order of priority:~~ 16

~~(A) First, to eligible students who received scholarships in~~ 17
~~the prior school year;~~ 18

~~(B) Second, to eligible students with family incomes at or~~ 19

~~below two hundred per cent of the federal poverty guidelines, as 20
defined in section 5101.46 of the Revised Code, who qualify under 21
division (A) of section 3310.03 of the Revised Code. If the number 22
of students described in this division who apply for a scholarship 23
exceeds the number of available scholarships after awards are made 24
under division (A) of this section, the department shall select 25
students described in this division by lot to receive any 26
remaining scholarships. 27~~

~~(C) Third, to other eligible students who qualify under 28
division (A) of section 3310.03 of the Revised Code. If the number 29
of students described in this division who apply for a scholarship 30
exceeds the number of available scholarships after awards are made 31
under divisions (A) and (B) of this section, the department shall 32
select students described in this division by lot to receive any 33
remaining scholarships them. 34~~

Sec. 3310.03. (A) A student is an "eligible student" for 35
purposes of the educational choice scholarship ~~pilot~~ program if 36
the student's resident district is not a school district in which 37
the pilot project scholarship program is operating under sections 38
3313.974 to 3313.979 of the Revised Code and the student satisfies 39
one of the following conditions: 40

(1) The student is enrolled in a school building that is 41
operated by the student's resident district and to which both of 42
the following apply: 43

(a) The building was declared, in at least two of the three 44
most recent ratings of school buildings published prior to the 45
first day of July of the school year for which a scholarship is 46
sought, to be in a state of academic emergency or academic watch 47
under section 3302.03 of the Revised Code; 48

(b) The building was not declared to be excellent or 49
effective under that section in the most recent rating published 50

prior to the first day of July of the school year for which a scholarship is sought. 51
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(2) The student is eligible to enroll in kindergarten in the school year for which a scholarship is sought and otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (A)(1) of this section. 53
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(3) The student is enrolled in a community school established under Chapter 3314. of the Revised Code but otherwise would be assigned under section 3319.01 of the Revised Code to a building described in division (A)(1) of this section. 57
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(4) The student is enrolled in a school building that is operated by the student's resident district or in a community school established under Chapter 3314. of the Revised Code and otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (A)(1) of this section in the school year for which the scholarship is sought. 61
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(5) The student is eligible to enroll in kindergarten in the school year for which a scholarship is sought, or is enrolled in a community school established under Chapter 3314. of the Revised Code, and all of the following apply to the student's resident district: 67
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(a) The district has in force an intradistrict open enrollment policy under which no student in kindergarten or the community school student's grade level, respectively, is automatically assigned to a particular school building; 72
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(b) In at least two of the three most recent ratings of school districts published prior to the first day of July of the school year for which a scholarship is sought, the district was declared to be in a state of academic emergency under section 3302.03 of the Revised Code; 76
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(c) The district was not declared to be excellent or 81

effective under that section in the most recent rating published 82
prior to the first day of July of the school year for which a 83
scholarship is sought. 84

(B) A student who receives a scholarship under the 85
educational choice scholarship ~~pilot~~ program remains an eligible 86
student and may continue to receive scholarships in subsequent 87
school years until the student completes grade twelve, so long as 88
all of the following apply: 89

(1) The student's resident district remains the same, or the 90
student transfers to a new resident district and otherwise would 91
be assigned in the new resident district to a school building 92
described in division (A)(1) ~~or (6)~~ of this section; 93

(2) The student takes each assessment prescribed for the 94
student's grade level under section 3301.0710 or 3301.0712 of the 95
Revised Code while enrolled in a chartered nonpublic school; 96

(3) In each school year that the student is enrolled in a 97
chartered nonpublic school, the student is absent from school for 98
not more than twenty days that the school is open for instruction, 99
not including excused absences. 100

(C) The department shall cease awarding first-time 101
scholarships pursuant to divisions (A)(1) to (4) of this section 102
with respect to a school building that, in the most recent ratings 103
of school buildings published under section 3302.03 of the Revised 104
Code prior to the first day of July of the school year, ceases to 105
meet the criteria in division (A)(1) of this section. The 106
department shall cease awarding first-time scholarships pursuant 107
to division (A)(5) of this section with respect to a school 108
district that, in the most recent ratings of school districts 109
published under section 3302.03 of the Revised Code prior to the 110
first day of July of the school year, ceases to meet the criteria 111
in division (A)(5) of this section. However, students who have 112

received scholarships in the prior school year remain eligible 113
students pursuant to division (B) of this section. 114

(D) The state board of education shall adopt rules defining 115
excused absences for purposes of division (B)(3) of this section. 116

Sec. 3310.04. Any eligible student who is enrolled in a 117
chartered nonpublic school and for whom a scholarship under the 118
educational choice scholarship ~~pilot~~ program has been awarded 119
shall be entitled to transportation to and from the chartered 120
nonpublic school by the student's resident district in the manner 121
prescribed in section 3327.01 of the Revised Code. 122

Sec. 3310.05. A scholarship under the educational choice 123
scholarship ~~pilot~~ program is not available for any student whose 124
resident district is a school district in which the pilot project 125
scholarship program is operating under sections 3313.974 to 126
3313.979 of the Revised Code. The two ~~pilot~~ programs are separate 127
and distinct. The general assembly has prescribed separate 128
scholarship amounts for the two ~~pilot~~ programs in recognition of 129
their differing eligibility criteria. The pilot project 130
scholarship program operating under sections 3313.974 to 3313.979 131
of the Revised Code is a district-wide program that may award 132
scholarships to students who do not attend district schools that 133
face academic challenges, whereas the educational choice 134
scholarship ~~pilot~~ program established under sections 3310.01 to 135
3310.17 of the Revised Code is limited to students of individual 136
district school buildings that face academic challenges. 137

Sec. 3310.06. It is the policy adopted by the general 138
assembly that the educational choice scholarship ~~pilot~~ program 139
shall be construed as one of several educational options available 140
for students enrolled in academic emergency or academic watch 141
school buildings. Students may be enrolled in the schools of the 142

student's resident district, in a community school established 143
under Chapter 3314. of the Revised Code, in the schools of another 144
school district pursuant to an open enrollment policy adopted 145
under section 3313.98 of the Revised Code, in a chartered 146
nonpublic school with or without a scholarship under the 147
educational choice scholarship ~~pilot~~ program, or in other schools 148
as the law may provide. 149

Sec. 3310.07. Any parent, or any student who is at least 150
eighteen years of age, who is seeking a scholarship under the 151
educational choice scholarship ~~pilot~~ program shall notify the 152
department of education of the student's and parent's names and 153
address, the chartered nonpublic school in which the student has 154
been accepted for enrollment, and the tuition charged by the 155
school. 156

Sec. 3310.08. (A) The amount paid for an eligible student 157
under the educational choice scholarship ~~pilot~~ program shall be 158
the lesser of the tuition of the chartered nonpublic school in 159
which the student is enrolled or the maximum amount prescribed in 160
section 3310.09 of the Revised Code. 161

(B)(1) The department shall pay to the parent of each 162
eligible student for whom a scholarship is awarded under the 163
program, or to the student if at least eighteen years of age, 164
periodic partial payments of the scholarship. 165

(2) The department shall proportionately reduce or terminate 166
the payments for any student who withdraws from a chartered 167
nonpublic school prior to the end of the school year. 168

(C)(1) The department shall deduct five thousand two hundred 169
dollars from the payments made to each school district under 170
Chapters 3306. and 3317. and, if necessary, sections 321.24 and 171
323.156 of the Revised Code, for each eligible student awarded a 172

scholarship under the educational choice scholarship ~~pilot~~ program 173
who is entitled under section 3313.64 or 3313.65 of the Revised 174
Code to attend school in the district. 175

The amount deducted under division (C)(1) of this section 176
funds scholarships for students under both the educational choice 177
scholarship ~~pilot~~ program and the pilot project scholarship 178
program under sections 3313.974 to 3313.979 of the Revised Code. 179

(2) If the department reduces or terminates payments to a 180
parent or a student, as prescribed in division (B)(2) of this 181
section, and the student enrolls in the schools of the student's 182
resident district or in a community school, established under 183
Chapter 3314. of the Revised Code, before the end of the school 184
year, the department shall proportionally restore to the resident 185
district the amount deducted for that student under division 186
(C)(1) of this section. 187

(D) In the case of any school district from which a deduction 188
is made under division (C) of this section, the department shall 189
disclose on the district's SF-3 form, or any successor to that 190
form used to calculate a district's state funding for operating 191
expenses, a comparison of the following: 192

(1) The district's state share of the adequacy amount 193
payment, as calculated under section 3306.13 of the Revised Code 194
with the scholarship students included in the district's formula 195
ADM; 196

(2) What the district's state share of the adequacy amount 197
payment would have been, as calculated under that section if the 198
scholarship students were not included in the district's formula 199
ADM. 200

This comparison shall display both the aggregate difference 201
between the amounts described in divisions (D)(1) and (2) of this 202
section, and the quotient of that aggregate difference divided by 203

the number of eligible students for whom deductions are made under 204
division (C) of this section. 205

Sec. 3310.09. The maximum amount awarded to an eligible 206
student under the educational choice scholarship ~~pilot~~ program 207
shall be as follows: 208

(A) For grades kindergarten through eight, four thousand two 209
hundred fifty dollars; 210

(B) For grades nine through twelve, five thousand dollars. 211

Sec. 3310.11. (A) Only for the purpose of administering the 212
educational choice scholarship ~~pilot~~ program, the department of 213
education may request from any of the following entities the data 214
verification code assigned under division (D)(2) of section 215
3301.0714 of the Revised Code to any student who is seeking a 216
scholarship under the program: 217

(1) The student's resident district; 218

(2) If applicable, the community school in which that student 219
is enrolled; 220

(3) The independent contractor engaged to create and maintain 221
student data verification codes. 222

(B) Upon a request by the department under division (A) of 223
this section for the data verification code of a student seeking a 224
scholarship or a request by the student's parent for that code, 225
the school district or community school shall submit that code to 226
the department or parent in the manner specified by the 227
department. If the student has not been assigned a code, because 228
the student will be entering kindergarten during the school year 229
for which the scholarship is sought, the district shall assign a 230
code to that student and submit the code to the department or 231
parent by a date specified by the department. If the district does 232

not assign a code to the student by the specified date, the 233
department shall assign a code to that student. 234

The department annually shall submit to each school district 235
the name and data verification code of each student residing in 236
the district who is entering kindergarten, who has been awarded a 237
scholarship under the program, and for whom the department has 238
assigned a code under this division. 239

(C) For the purpose of administering the applicable 240
assessments prescribed under sections 3301.0710 and 3301.0712 of 241
the Revised Code, as required by section 3310.14 of the Revised 242
Code, the department shall provide to each chartered nonpublic 243
school that enrolls a scholarship student the data verification 244
code for that student. 245

(D) The department and each chartered nonpublic school that 246
receives a data verification code under this section shall not 247
release that code to any person except as provided by law. 248

Any document relative to this program that the department 249
holds in its files that contains both a student's name or other 250
personally identifiable information and the student's data 251
verification code shall not be a public record under section 252
149.43 of the Revised Code. 253

Sec. 3310.12. Except as provided in division (D) of section 254
3310.11 of the Revised Code, documents relative to the educational 255
choice scholarship ~~pile~~ program that the department holds in its 256
files are public records under section 149.43 of the Revised Code 257
and may be released pursuant to that section subject to the 258
provisions of section 3319.321 of the Revised Code and the "Family 259
Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 260
U.S.C. 1232g, as amended. 261

Sec. 3310.15. (A) The department of education annually shall 262

compile the scores attained by scholarship students to whom an assessment is administered under section 3310.14 of the Revised Code. The scores shall be aggregated as follows:

(1) By state, which shall include all students awarded a scholarship under the educational choice scholarship ~~pilot~~ program and who were required to take an assessment under section 3310.14 of the Revised Code;

(2) By school district, which shall include all scholarship students who were required to take an assessment under section 3310.14 of the Revised Code and for whom the district is the student's resident district;

(3) By chartered nonpublic school, which shall include all scholarship students enrolled in that school who were required to take an assessment under section 3310.14 of the Revised Code.

(B) The department shall disaggregate the student performance data described in division (A) of this section according to the following categories:

(1) Age;

(2) Race and ethnicity;

(3) Gender;

(4) Students who have participated in the scholarship program for three or more years;

(5) Students who have participated in the scholarship program for more than one year and less than three years;

(6) Students who have participated in the scholarship program for one year or less;

(7) Economically disadvantaged students.

(C) The department shall post the student performance data required under divisions (A) and (B) of this section on its web

site and, by the first day of February each year, shall distribute 292
that data to the parent of each eligible student. In reporting 293
student performance data under this division, the department shall 294
not include any data that is statistically unreliable or that 295
could result in the identification of individual students. For 296
this purpose, the department shall not report performance data for 297
any group that contains less than ten students. 298

(D) The department shall provide the parent of each 299
scholarship student with information comparing the student's 300
performance on the assessments administered under section 3310.14 301
of the Revised Code with the average performance of similar 302
students enrolled in the building operated by the student's 303
resident district that the scholarship student would otherwise 304
attend. In calculating the performance of similar students, the 305
department shall consider age, grade, race and ethnicity, gender, 306
and socioeconomic status. 307

Sec. 3310.17. (A) The state board of education shall adopt 308
rules in accordance with Chapter 119. of the Revised Code 309
prescribing procedures for the administration of the educational 310
choice scholarship ~~pilot~~ program. 311

(B) The state board and the department of education shall not 312
require chartered nonpublic schools to comply with any education 313
laws or rules or other requirements that are not specified in 314
sections 3310.01 to 3310.17 of the Revised Code or in rules 315
necessary for the administration of the program, adopted under 316
division (A) of this section, and that otherwise would not apply 317
to a chartered nonpublic school. 318

Section 2. That existing sections 3310.02, 3310.03, 3310.04, 319
3310.05, 3310.06, 3310.07, 3310.08, 3310.09, 3310.11, 3310.12, 320
3310.15, and 3310.17 of the Revised Code are hereby repealed. 321

Section 3. This act is hereby declared to be an emergency 322
measure necessary for the immediate preservation of the public 323
peace, health, and safety. The reasons for such necessity are that 324
all students eligible for the Educational Choice Scholarship 325
should be able to take advantage of it, beginning in the 2011-2012 326
school year. Therefore, this act shall go into immediate effect. 327