

Sub. S.B. 89  
As Passed by the Senate

\_\_\_\_\_ moved to amend as follows:

- In line 1 of the title, after "sections" insert "3310.01,  
3310.03, 3310.031, 3310.032, 3310.08, 3310.16," 1  
2
- In line 4 of the title, delete the second "and" and insert  
";" 3  
4
- In line 5 of the title, after "6301.23" insert "; and to  
repeal sections 3310.035 and 3310.05" 5  
6
- In line 6 of the title, after "Code" insert ", and to amend  
Sections 265.10, as subsequently amended, and 265.260 of H.B. 166  
of the 133rd General Assembly" 7  
8  
9
- In line 9 of the title, delete "and" 10
- In line 10 of the title, after "cards" insert ", to revise  
the eligibility and operation of the Educational Choice  
Scholarship program, to rename the income-based expansion of the  
Educational Choice Scholarship program as the Buckeye Opportunity  
Scholarship program, and to declare an emergency" 11  
12  
13  
14  
15
- In line 11, after "sections" insert "3310.01, 3310.03,  
3310.031, 3310.032, 3310.08, 3310.16," 16  
17
- After line 87, insert: 18
- "**Sec. 3310.01.** As used in sections 3310.01 to 3310.17 of the 19

Revised Code:	20
(A) "Chartered nonpublic school" means a nonpublic school that holds a valid charter issued by the state board of education under section 3301.16 of the Revised Code and meets the standards established for such schools in rules adopted by the state board.	21 22 23 24
(B) An "eligible student" is a student who satisfies the conditions specified in section 3310.03 or 3310.032 of the Revised Code.	25 26 27
(C) "Parent" has the same meaning as in section 3313.98 of the Revised Code.	28 29
(D) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.	30 31 32
(E) "School year" has the same meaning as in section 3313.62 of the Revised Code.	33 34
(F) <u>"Sibling" means a brother, half-brother, sister, or half-sister, by birth, adoption, or marriage, without regard to residence or custodial status, or a child residing in the same household as a foster child or under a guardianship or custodial order. As used in division (F) of this section, "foster child" means a child placed in a family foster home, as defined in section 5103.02 of the Revised Code.</u>	35 36 37 38 39 40 41
<b>Sec. 3310.03. A</b> <u>Notwithstanding anything to the contrary in divisions (A) to (I) of this section, and except as provided in Section 265.210 of H.B. 166 of the 133rd general assembly, as subsequently amended, or in division (J) of this section, the department of education shall not award any first-time educational choice scholarship under this section for the 2020-2021 school</u>	42 43 44 45 46 47

year and any school year thereafter. The department shall award 48  
first-time educational choice scholarships under division (J) of 49  
this section for the 2020-2021 school year and any school year 50  
thereafter, and any student who receives a scholarship under that 51  
division shall continue to receive that scholarship until the 52  
student completes grade twelve, as long as the student meets the 53  
criteria prescribed by division (F) of this section, or until the 54  
student is subject to division (K) of this section. 55

Additionally, any student who received a scholarship under 56  
this section for the 2019-2020 school year shall continue to 57  
receive that scholarship until the student completes grade twelve, 58  
as long as the student meets the criteria prescribed by division 59  
(F) of this section, or until the student is subject to division 60  
(K) of this section. 61

A student is an "eligible student" for purposes of the 62  
educational choice scholarship pilot program if the student's 63  
resident district is not a school district in which the pilot 64  
project scholarship program is operating under sections 3313.974 65  
to 3313.979 of the Revised Code and the student satisfies one of 66  
the conditions in division (A), (B), (C), (D), or (E) of this 67  
section: 68

(A)(1) The student is enrolled in a school building operated 69  
by the student's resident district that, on the report card issued 70  
under section 3302.03 of the Revised Code published prior to the 71  
first day of July of the school year for which a scholarship is 72  
sought, did not receive a rating as described in division (I) of 73  
this section, and to which any or a combination of any of the 74  
following apply for two of the three most recent report cards 75  
published prior to the first day of July of the school year for 76  
which a scholarship is sought: 77

(a) The building was declared to be in a state of academic emergency or academic watch under section 3302.03 of the Revised Code as that section existed prior to March 22, 2013.

(b) The building received a grade of "D" or "F" for the performance index score under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and for the value-added progress dimension under division (A)(1)(e) or (B)(1)(e) of section 3302.03 of the Revised Code for the 2012-2013, 2013-2014, 2014-2015, or 2015-2016 school year; or if the building serves only grades ten through twelve, the building received a grade of "D" or "F" for the performance index score under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and had a four-year adjusted cohort graduation rate of less than seventy-five per cent.

(c) The building received an overall grade of "D" or "F" under division (C)(3) of section 3302.03 of the Revised Code or a grade of "F" for the value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code for the 2016-2017 school year or any school year thereafter.

(2) The student will be enrolling in any of grades kindergarten through twelve in this state for the first time in the school year for which a scholarship is sought, will be at least five years of age by the first day of January of the school year for which a scholarship is sought, and otherwise would be assigned under section 3319.01 of the Revised Code in the school year for which a scholarship is sought, to a school building described in division (A)(1) of this section.

(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. 108

(4) The student is enrolled in a school building operated by 109  
the student's resident district or in a community school 110  
established under Chapter 3314. of the Revised Code and otherwise 111  
would be assigned under section 3319.01 of the Revised Code to a 112  
school building described in division (A)(1) of this section in 113  
the school year for which the scholarship is sought. 114

(5) The student will be both enrolling in any of grades 115  
kindergarten through twelve in this state for the first time and 116  
at least five years of age by the first day of January of the 117  
school year for which a scholarship is sought, or is enrolled in a 118  
community school established under Chapter 3314. of the Revised 119  
Code, and all of the following apply to the student's resident 120  
district: 121

(a) The district has in force an intradistrict open 122  
enrollment policy under which no student in the student's grade 123  
level is automatically assigned to a particular school building; 124

(b) In the most recent rating published prior to the first 125  
day of July of the school year for which scholarship is sought, 126  
the district did not receive a rating described in division (I) of 127  
this section, and in at least two of the three most recent report 128  
cards published prior to the first day of July of that school 129  
year, any or a combination of the following apply to the district: 130

(i) The district was declared to be in a state of academic 131  
emergency under section 3302.03 of the Revised Code as it existed 132  
prior to March 22, 2013. 133

(ii) The district received a grade of "D" or "F" for the 134  
performance index score under division (A)(1)(b) or (B)(1)(b) of 135  
section 3302.03 of the Revised Code and for the value-added 136

progress dimension under division (A)(1)(e) or (B)(1)(e) of 137  
 section 3302.03 of the Revised Code for the 2012-2013, 2013-2014, 138  
 2014-2015, or 2015-2016 school year. 139

~~(e)(iii)~~ The district received an overall grade of "D" or "F" 140  
 under division (C)(3) of section 3302.03 of the Revised Code or a 141  
 grade of "F" for the value-added progress dimension under division 142  
 (C)(1)(e) of section 3302.03 of the Revised Code for the 2016-2017 143  
 school year or any school year thereafter. 144

(6) Beginning in the 2019-2020 school year, the student meets 145  
 both of the following conditions: 146

(a) The student was enrolled in a public or nonpublic school 147  
 or was homeschooled in the prior school year and completed any of 148  
 grades eight through eleven in that school year. 149

(b) The student would be assigned to a building in the school 150  
 year for which the scholarship is sought that either: 151

(i) Serves any of grades nine through twelve and that 152  
 received a grade of "D" or "F" for the four-year adjusted cohort 153  
 graduation rate under division (A)(1)(d), (B)(1)(d), or (C)(1)(d) 154  
 of section 3302.03 of the Revised Code in two of the three most 155  
 recent report cards published prior to the first day of July of 156  
 the school year for which a scholarship is sought; 157

(ii) Is a building described in division (A)(1) of this 158  
 section. 159

Any student who was awarded a scholarship under division 160  
 (A)(6) of this section as it existed prior to ~~the effective date~~ 161  
~~of this amendment~~ October 17, 2019, may continue to receive 162  
 scholarships in subsequent school years until the student 163  
 completes grade twelve, as long as the student meets the criteria 164  
 prescribed by division (F) of this section. 165

(B)(1) The student is enrolled in a school building operated 166  
 by the student's resident district and to which both of the 167  
 following apply: 168

(a) The building was ranked, for at least two of the three 169  
 most recent rankings prior to the first day of July of the school 170  
 year for which a scholarship is sought, in the lowest ten per cent 171  
 of all buildings operated by city, local, and exempted village 172  
 school districts according to performance index score as 173  
 determined by the department of education. 174

(b) The building was not declared to be excellent or 175  
 effective, or the equivalent of such ratings as determined by the 176  
 department, under section 3302.03 of the Revised Code in the most 177  
 recent rating published prior to the first day of July of the 178  
 school year for which a scholarship is sought. 179

(2) The student will be enrolling in any of grades 180  
 kindergarten through twelve in this state for the first time in 181  
 the school year for which a scholarship is sought, will be at 182  
 least five years of age, as defined in section 3321.01 of the 183  
 Revised Code, by the first day of January of the school year for 184  
 which a scholarship is sought, and otherwise would be assigned 185  
 under section 3319.01 of the Revised Code in the school year for 186  
 which a scholarship is sought, to a school building described in 187  
 division (B)(1) of this section. 188

(3) The student is enrolled in a community school established 189  
 under Chapter 3314. of the Revised Code but otherwise would be 190  
 assigned under section 3319.01 of the Revised Code to a building 191  
 described in division (B)(1) of this section. 192

(4) The student is enrolled in a school building operated by 193  
 the student's resident district or in a community school 194  
 established under Chapter 3314. of the Revised Code and otherwise 195

would be assigned under section 3319.01 of the Revised Code to a school building described in division (B)(1) of this section in the school year for which the scholarship is sought.

(C) The student is enrolled in a nonpublic school at the time the school is granted a charter by the state board of education under section 3301.16 of the Revised Code and the student meets the standards of division (B) of section 3310.031 of the Revised Code.

(D) For the 2016-2017 school year and each school year thereafter, the student is in any of grades kindergarten through three, is enrolled in a school building that is operated by the student's resident district or will be enrolling in any of grades kindergarten through twelve in this state for the first time in the school year for which a scholarship is sought, and to which both of the following apply:

(1) The building, in at least two of the three most recent ratings of school buildings published prior to the first day of July of the school year for which a scholarship is sought, received a grade of "D" or "F" for making progress in improving literacy in grades kindergarten through three under division (B)(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code;

(2) The building did not receive a grade of "A" for making progress in improving literacy in grades kindergarten through three under division (B)(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code in the most recent rating published prior to the first day of July of the school year for which a scholarship is sought.

(E) The student's resident district is subject to section 3302.10 of the Revised Code and the student either:

(1) Is enrolled in a school building operated by the resident district or in a community school established under Chapter 3314. of the Revised Code;	225 226 227
(2) Will be both enrolling in any of grades kindergarten through twelve in this state for the first time and at least five years of age by the first day of January of the school year for which a scholarship is sought.	228 229 230 231
(F) A student who receives a scholarship under the educational choice scholarship pilot program remains an eligible student and may continue to receive scholarships in subsequent school years until the student completes grade twelve, so long as all of the following apply:	232 233 234 235 236
(1) The student's resident district remains the same, or the student transfers to a new resident district and otherwise would be assigned in the new resident district to a school building described in division (A)(1), (B)(1), (D), or (E) of this section.	237 238 239 240
(2) Except as provided in divisions (K)(1) and (L) of section 3301.0711 of the Revised Code, the student takes each assessment prescribed for the student's grade level under section 3301.0710 or 3301.0712 of the Revised Code while enrolled in a chartered nonpublic school.	241 242 243 244 245
(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.	246 247 248 249
(G)(1) The department shall cease awarding first-time scholarships pursuant to divisions (A)(1) to (4) of this section with respect to a school building that, in the most recent ratings of school buildings published under section 3302.03 of the Revised	250 251 252 253

Code prior to the first day of July of the school year, ceases to  
 meet the criteria in division (A)(1) of this section. The  
 department shall cease awarding first-time scholarships pursuant  
 to division (A)(5) of this section with respect to a school  
 district that, in the most recent ratings of school districts  
 published 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)(5) of this section.

(2) The department shall cease awarding first-time  
 scholarships pursuant to divisions (B)(1) to (4) 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 (B)(1) of this section.

(3) The department shall cease awarding first-time  
 scholarships pursuant to division (D) 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 (D) of this section.

(4) The department shall cease awarding first-time  
 scholarships pursuant to division (E) 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.

(5) However, students who have received scholarships in the  
 prior school year remain eligible students pursuant to division  
 (F) of this section.

(H) The state board of education shall adopt rules defining  
 excused absences for purposes of division (F)(3) of this section.

(I)(1) A student who satisfies only the conditions prescribed 284  
in divisions (A)(1) to (4) of this section shall not be eligible 285  
for a scholarship if the student's resident building meets any of 286  
the following in the most recent rating under section 3302.03 of 287  
the Revised Code published prior to the first day of July of the 288  
school year for which a scholarship is sought: 289

(a) The building has an overall designation of excellent or 290  
effective under section 3302.03 of the Revised Code as it existed 291  
prior to March 22, 2013. 292

(b) For the 2012-2013, 2013-2014, 2014-2015, or 2015-2016 293  
school year, the building has a grade of "A" or "B" for the 294  
performance index score under division (A)(1)(b) or (B)(1)(b) of 295  
section 3302.03 of the Revised Code and for the value-added 296  
progress dimension under division (A)(1)(e) or (B)(1)(e) of 297  
section 3302.03 of the Revised Code; or if the building serves 298  
only grades ten through twelve, the building received a grade of 299  
"A" or "B" for the performance index score under division 300  
(A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and 301  
had a four-year adjusted cohort graduation rate of greater than or 302  
equal to seventy-five per cent. 303

(c) For the 2016-2017 school year or any school year 304  
thereafter, the building has a grade of "A" or "B" under division 305  
(C)(3) of section 3302.03 of the Revised Code and a grade of "A" 306  
for the value-added progress dimension under division (C)(1)(e) of 307  
section 3302.03 of the Revised Code; or if the building serves 308  
only grades ten through twelve, the building received a grade of 309  
"A" or "B" for the performance index score under division 310  
(C)(1)(b) of section 3302.03 of the Revised Code and had a 311  
four-year adjusted cohort graduation rate of greater than or equal 312  
to seventy-five per cent. 313

(2) A student who satisfies only the conditions prescribed in 314  
 division (A)(5) of this section shall not be eligible for a 315  
 scholarship if the student's resident district meets any of the 316  
 following in the most recent rating under section 3302.03 of the 317  
 Revised Code published prior to the first day of July of the 318  
 school year for which a scholarship is sought: 319

(a) The district has an overall designation of excellent or 320  
 effective under section 3302.03 of the Revised Code as it existed 321  
 prior to March 22, 2013. 322

(b) The district has a grade of "A" or "B" for the 323  
 performance index score under division (A)(1)(b) or (B)(1)(b) of 324  
 section 3302.03 of the Revised Code and for the value-added 325  
 progress dimension under division (A)(1)(e) or (B)(1)(e) of 326  
 section 3302.03 of the Revised Code for the 2012-2013, 2013-2014, 327  
 2014-2015, and 2015-2016 school years. 328

(c) The district has an overall grade of "A" or "B" under 329  
 division (C)(3) of section 3302.03 of the Revised Code and a grade 330  
 of "A" for the value-added progress dimension under division 331  
 (C)(1)(e) of section 3302.03 of the Revised Code for the 2016-2017 332  
 school year or any school year thereafter. 333

(J) For the 2020-2021 school year and for each school year 334  
thereafter, a student shall be eligible for a scholarship under 335  
this section if all of the following criteria are satisfied: 336

(1) The student's sibling received a scholarship under this 337  
section during the 2019-2020 school year. 338

(2) The student is enrolled in or would be enrolled in a 339  
building that, in the 2019-2020 school year, met one of the 340  
conditions described in division (A), (B), (C), or (E) of this 341  
section. A student shall not be eligible under division (J)(2) of 342

this section solely because the student is enrolled in or would be 343  
enrolled in a building that, in the 2019-2020 school year, met the 344  
conditions described in division (D) of this section. 345

(3) The student was enrolled in a public or nonpublic school 346  
in any of grades kindergarten through twelve or was homeschooled 347  
for the equivalent of those grades in the 2019-2020 school year. 348

(K)(1) For the 2021-2022 school year and for each school year 349  
thereafter, if a student received a scholarship for the previous 350  
school year under this section but the student's family income 351  
satisfies the requirements for a scholarship under section 352  
3310.032 of the Revised Code, the student shall not be eligible 353  
for a scholarship under this section for that school year and any 354  
school year thereafter and, instead, shall be eligible for a 355  
scholarship under section 3310.032 of the Revised Code. 356

(2) Notwithstanding anything to the contrary in section 357  
3310.032 of the Revised Code, if a student receives a scholarship 358  
under division (K)(1) of this section, that student shall continue 359  
to receive a scholarship under section 3310.032 of the Revised 360  
Code, so long as the student satisfies the conditions specified in 361  
divisions (F)(2) and (3) of this section, in the amount of one 362  
hundred per cent of the full scholarship amount until the student 363  
completes grade twelve, regardless of any changes in the student's 364  
family income. 365

**Sec. 3310.031. This section shall not apply for the 2020-2021** 366  
school year and any school year thereafter. 367

(A) The state board of education shall adopt rules under 368  
section 3310.17 of the Revised Code establishing procedures for 369  
granting educational choice scholarships to eligible students 370  
attending a nonpublic school at the time the state board grants 371

the school a charter under section 3301.16 of the Revised Code. 372  
 The procedures shall include at least the following: 373

(1) Provisions for extending the application period for 374  
 scholarships for the following school year, if necessary due to 375  
 the timing of the award of the nonpublic school's charter, in 376  
 order for students enrolled in the school at the time the charter 377  
 is granted to apply for scholarships for the following school 378  
 year; 379

(2) Provisions for notifying the resident districts of the 380  
 nonpublic school's students that the nonpublic school has been 381  
 granted a charter and that educational choice scholarships may be 382  
 awarded to the school's students for the following school year. 383

(B) A student who is enrolled in a nonpublic school at the 384  
 time the school's charter is granted is an eligible student if any 385  
 of the following applies: 386

(1) At the end of the last school year before the student 387  
 enrolled in the nonpublic school, the student was enrolled in a 388  
 school building operated by the student's resident district or in 389  
 a community school established under Chapter 3314. of the Revised 390  
 Code and, for the current or following school year, the student 391  
 otherwise would be assigned under section 3319.01 of the Revised 392  
 Code to a school building described in division (A)(1) or (B)(1) 393  
 of section 3310.03 of the Revised Code. 394

(2) At the end of the last school year before the student 395  
 enrolled in the nonpublic school, the student was enrolled in a 396  
 school building operated by the student's resident district and, 397  
 for the current or following school year, the student otherwise 398  
 would be assigned under section 3319.01 of the Revised Code to a 399  
 school building described in division (A)(6) of section 3310.03 of 400  
 the Revised Code. 401

(3) The student was not enrolled in any public or other nonpublic school before the student enrolled in the nonpublic school and, for the current or following school year, otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (A)(1) or (6) or (B)(1) of section 3310.03 of the Revised Code.

(4) At the end of the last school year before the student enrolled in the nonpublic school, the student was enrolled in a school building operated by the student's resident district and, during that school year, the building met the conditions described in division (A)(1) or (6) or (B)(1) of section 3310.03 of the Revised Code.

(5) At the end of the last school year before the student enrolled in the nonpublic school, the student was enrolled in a community school established under Chapter 3314. of the Revised Code but otherwise would have been assigned under section 3319.01 of the Revised Code to a school building that, during that school year, met the conditions described in division (A)(1) or (B)(1) of section 3310.03 of the Revised Code.

**Sec. 3310.032.** ~~(A)~~ The scholarship program established in this section shall be known as the buckeye opportunity scholarship program.

(A) A student is an "eligible student" for purposes of ~~the expansion of the educational choice scholarship pilot program under~~ this section if the student satisfies any of the following:

(1) The student's resident district is not a school district in which the pilot project scholarship program is operating under sections 3313.974 to 3313.979 of the Revised Code, the student is not ~~eligible for receiving~~ an educational choice scholarship under

section 3310.03 of the Revised Code, and the student's family 431  
 income is at or below two hundred fifty per cent of the federal 432  
 poverty guidelines, as defined in section 5101.46 of the Revised 433  
 Code. 434

(2) The student's sibling received a scholarship under this 435  
section in the prior school year. 436

(3) The student is eligible under division (K) of section 437  
3310.03 of the Revised Code. 438

(B) In each fiscal year for which the general assembly 439  
 appropriates funds for purposes of this section, the department of 440  
 education shall pay scholarships to attend chartered nonpublic 441  
 schools in accordance with section 3310.08 of the Revised Code. 442  
 The number of scholarships awarded under this section shall not 443  
 exceed the number that can be funded with appropriations made by 444  
 the general assembly for this purpose. 445

(C) Scholarships under this section shall be awarded as 446  
 follows: 447

(1) For the 2013-2014 school year, to eligible students who 448  
 are entering kindergarten in that school year for the first time; 449

(2) For each subsequent school year through the 2019-2020 450  
 school year, scholarships shall be awarded to eligible students in 451  
 the next grade level above the highest grade level awarded in the 452  
 preceding school year, in addition to the grade levels for which 453  
 students received scholarships in the preceding school year; 454

(3) Beginning with the 2020-2021 school year, to eligible 455  
 students who are entering any of grades kindergarten through 456  
 twelve in that school year for the first time. 457

(D) If the number of eligible students who apply for a 458  
 scholarship under this section exceeds the scholarships available 459

based on the appropriation for this section, the department shall  
award scholarships in the following order of priority:

(1) First, to eligible students who received scholarships  
under this section in the prior school year and their siblings;

(2) Second, to other eligible students with in rank order of  
family ~~incomes at or below one hundred per cent of the income~~  
according to federal poverty guidelines, with lower income  
students having priority over higher income students. ~~If the~~  
~~number of students described in division (D)(2) of this section~~  
~~who apply for a scholarship exceeds the number of available~~  
~~scholarships after awards are made under division (D)(1) of this~~  
~~section, the department shall select students described in~~  
~~division (D)(2) of this section by lot to receive any remaining~~  
~~scholarships.~~

~~(3) Third, to other eligible students who qualify under this~~  
~~section. If the number of students described in division (D)(3) of~~  
~~this section exceeds the number of available scholarships after~~  
~~awards are made under divisions (D)(1) and (2) of this section,~~  
~~the department shall select students described in division (D)(3)~~  
~~of this section by lot to receive any remaining scholarships.~~

(E) Subject to divisions (E)(1) to (3) of this section, a  
student who receives a scholarship under this section remains an  
eligible student and may continue to receive scholarships under  
this section in subsequent school years until the student  
completes grade twelve, so long as the student satisfies the  
conditions specified in divisions (F)(2) and (3) of section  
3310.03 of the Revised Code.

~~Once~~ Except as provided in division (K) of section 3310.03 of  
the Revised Code, once a scholarship is awarded under this  
section, the student shall remain eligible for that scholarship

for the current school year and subsequent school years even if 490  
 the student's family income rises above the amount specified in 491  
 division (A) of this section, provided the student remains 492  
 enrolled in a chartered nonpublic school, however: 493

(1) If the student's family income is above two hundred fifty 494  
 per cent but at or below ~~three~~ two hundred seventy-five per cent 495  
 of the federal poverty guidelines, the student shall receive a 496  
 scholarship in the amount of seventy-five per cent of the full 497  
 scholarship amount. 498

(2) If the student's family income is above ~~three~~ two hundred 499  
seventy-five per cent but at or below ~~four~~ three hundred per cent 500  
 of the federal poverty guidelines, the student shall receive a 501  
 scholarship in the amount of fifty per cent of the full 502  
 scholarship amount. 503

(3) If the student's family income is above ~~four~~ three 504  
 hundred per cent of the federal poverty guidelines, the student is 505  
 no longer eligible to receive an educational choice scholarship. 506

**Sec. 3310.08.** (A) As used in this section, "tuition discount" 507  
 means any deduction from the base tuition amount per student 508  
 charged by the school, to which the student's family is entitled 509  
 due to one or more of the following conditions: 510

(1) The student's family has multiple children enrolled in 511  
 the same school. 512

(2) The student's family is a member of or affiliated with a 513  
 religious or secular organization that provides oversight of the 514  
 school or from which the school has agreed to enroll students. 515

(3) The student's parent is an employee of the school. 516

(4) Some other qualification not based on the income of the 517

student's family or the student's athletic or academic ability and 518  
for which all students in the school may qualify. 519

(B) The amount paid for an eligible student under the 520  
educational choice scholarship pilot program, awarded under 521  
section 3310.03 of the Revised Code, and the ~~expansion of the~~ 522  
buckeye opportunity scholarship program, awarded under section 523  
3310.032 of the Revised Code, shall be the lesser of the 524  
following: 525

(1) The base tuition of the chartered nonpublic school in 526  
which the student is enrolled minus the total amount of any 527  
applicable tuition discounts for which the student qualifies; 528

(2) The maximum amount prescribed in section 3310.09 of the 529  
Revised Code. 530

(C)(1) The department of education shall pay to the parent of 531  
each eligible student for whom a scholarship is awarded under the 532  
program, or to the student if at least eighteen years of age, 533  
periodic partial payments of the scholarship. 534

(2) The department shall proportionately reduce or terminate 535  
the payments for any student who withdraws from a chartered 536  
nonpublic school prior to the end of the school year. 537

(D)(1) The department shall deduct from the payments made to 538  
each school district under Chapter 3317., and if necessary, 539  
sections 321.24 and 323.156 of the Revised Code, the amount paid 540  
under division (C) of this section for each eligible student who 541  
qualifies for a scholarship under section 3310.03 of the Revised 542  
Code and who is entitled under section 3313.64 or 3313.65 of the 543  
Revised Code to attend school in the district. In the case of a 544  
student entitled to attend school in a school district under 545  
division (B)(2)(a) of section 3313.64 or division (C) of section 546

3313.65 of the Revised Code, the department shall deduct the 547  
 payments from the school district in whose formula ADM the student 548  
 is included, as that term is defined in section 3317.02 of the 549  
 Revised Code. 550

(2) If the department reduces or terminates payments to a 551  
 parent or a student, as prescribed in division (C)(2) of this 552  
 section, and the student enrolls in the schools of the student's 553  
 resident district or in a community school, established under 554  
 Chapter 3314. of the Revised Code, before the end of the school 555  
 year, the department shall proportionally restore to the resident 556  
 district the amount deducted for that student under division 557  
 (D)(1) of this section. 558

**Sec. 3310.16.** For the ~~2020-2021~~ 2021-2022 school year and 559  
 each school year thereafter, the department of education shall 560  
 accept, process, and award scholarships each year for the 561  
 educational choice scholarship pilot program under ~~sections~~ 562  
section 3310.03 and 3310.032 of the Revised Code and the buckeye 563  
opportunity scholarship program under section 3310.032 of the 564  
Revised Code, as follows: 565

(A) A ~~priority single~~ single application period shall open on the 566  
 first day of February and close on the first day of April prior to 567  
 the first day of July of the school year for which a scholarship 568  
 is sought ~~and run not less than seventy five days~~. The department 569  
 shall award scholarships under this division not later than the 570  
 thirtieth day of June prior to the first day of July of the school 571  
 year for which a scholarship is sought. 572

(B) ~~The department shall continue to award scholarships after~~ 573  
~~the priority application period closes. If the department awards a~~ 574  
~~scholarship after the beginning of the school year, the department~~ 575

shall prorate the amount of the scholarship based on how much of 576  
the school year remains. The department shall continue to award 577  
~~income-based~~ scholarships under section 3310.032 of the Revised 578  
Code only so long as funds appropriated by the general assembly 579  
for such scholarships for that school year remain available." 580

In line 1990, after "sections" insert "3310.01, 3310.03, 581  
3310.031, 3310.032, 3310.08, 3310.16," 582

After line 1993, insert: 583

"**Section 3.** That sections 3310.035 and 3310.05 of the Revised 584  
Code are hereby repealed. 585

**Section 4.** That Section 265.260 of H.B. 166 of the 133rd 586  
General Assembly be amended to read as follows: 587

**Sec. 265.260. ~~EDCHOICE EXPANSION~~ BUCKEYE OPPORTUNITY** 588  
SCHOLARSHIPS 589

The foregoing appropriation item 200573, ~~EdChoice Expansion~~ 590  
Buckeye Opportunity Scholarships, shall be used to provide for the 591  
scholarships awarded under ~~the expansion of the educational choice~~ 592  
~~program established under~~ section 3310.032 of the Revised Code. 593  
The number of scholarships awarded ~~under the expansion of the~~ 594  
~~educational choice program~~ shall not exceed the number that can be 595  
funded with the appropriations made by the General Assembly for 596  
this purpose. 597

HALF-MILL MAINTENANCE EQUALIZATION 598

The foregoing appropriation item 200574, Half-Mill 599  
Maintenance Equalization, shall be used to make payments pursuant 600  
to section 3318.18 of the Revised Code. 601

ADAPTIVE SPORTS PROGRAM 602

The foregoing appropriation item 200576, Adaptive Sports Program, shall be used by the Department of Education, in collaboration with the Adaptive Sports Program of Ohio, to fund adaptive sports programs in school districts across the state.

PROGRAM AND PROJECT SUPPORT

Of the foregoing appropriation item 200597, Program and Project Support, \$500,000 in fiscal year 2020 shall be distributed to Tri-State Early College STEM School to provide additional support for facility renovations and operations, including professional development, educational materials, equipment, marketing, and recruitment.

Of the foregoing appropriation item 200597, Program and Project Support, \$500,000 in each fiscal year shall be distributed to Ohio Adolescent Health Centers to support risk avoidance education.

Of the foregoing appropriation item 200597, Program and Project Support, \$125,000 in each fiscal year shall be used to support Ruling Our eXperiences (ROX) programming in schools.

**Section 5.** That existing Section 265.260 of H.B. 166 of the 133rd General Assembly is hereby repealed.

**Section 6.** That Section 265.10 of H.B. 166 of the 133rd General Assembly (as amended by S.B. 120 of the 133rd General Assembly) be amended to read as follows:

**Sec. 265.10.** EDU DEPARTMENT OF EDUCATION

General Revenue Fund

GRF 200321	Operating Expenses	\$	15,153,032	\$	16,565,951	
GRF 200408	Early Childhood	\$	68,116,789	\$	68,116,789	

	Education				
GRF 200420	Information Technology Development and Support	\$	4,004,299	\$	4,026,960 630
GRF 200422	School Management Assistance	\$	2,385,580	\$	2,408,711 631
GRF 200424	Policy Analysis	\$	458,232	\$	457,676 632
GRF 200426	Ohio Educational Computer Network	\$	15,457,000	\$	15,457,000 633
GRF 200427	Academic Standards	\$	4,434,215	\$	4,483,525 634
GRF 200437	Student Assessment	\$	56,906,893	\$	56,948,365 635
GRF 200439	Accountability/Report Cards	\$	7,517,406	\$	7,565,320 636
GRF 200442	Child Care Licensing	\$	2,156,322	\$	2,227,153 637
GRF 200446	Education Management Information System	\$	8,112,987	\$	8,174,415 638
GRF 200448	Educator Preparation	\$	11,785,384	\$	7,285,384 639
GRF 200455	Community Schools and Choice Programs	\$	4,867,763	\$	4,912,546 640
GRF 200465	Education Technology Resources	\$	5,179,664	\$	5,179,664 641
GRF 200478	Industry-Recognized Credentials High School Students	\$	25,000,000	\$	25,000,000 642
GRF 200502	Pupil Transportation	\$	527,129,809	\$	527,129,809 643
GRF 200505	School Lunch Match	\$	8,963,500	\$	8,963,500 644
GRF 200511	Auxiliary Services	\$	154,939,134	\$	154,939,134 645
GRF 200532	Nonpublic Administrative Cost Reimbursement	\$	69,997,735	\$	69,997,735 646
GRF 200540	Special Education	\$	152,600,000	\$	152,850,000 647

		Enhancements				
GRF	200545	Career-Technical	\$	9,750,892	\$	9,750,892 648
		Education Enhancements				
GRF	200550	Foundation Funding	\$	6,942,880,845	\$	6,784,618,845 649
GRF	200566	Literacy Improvement	\$	1,452,876	\$	1,452,172 650
GRF	200572	Adult Education	\$	10,207,674	\$	10,207,674 651
		Programs				
GRF	200573	<del>EdChoice Expansion</del>	\$	57,223,340	\$	121,017,418 652
		<u>Buckeye Opportunity</u>				
		<u>Scholarships</u>				
GRF	200574	Half-Mill Maintenance	\$	18,849,207	\$	18,128,526 653
		Equalization				
GRF	200576	Adaptive Sports	\$	250,000	\$	250,000 654
		Program				
GRF	200597	Program and Project	\$	1,125,000	\$	625,000 655
		Support				
GRF	657401	Medicaid in Schools	\$	297,978	\$	297,978 656
TOTAL GRF		General Revenue Fund	\$	8,187,203,556	\$	8,089,038,142 657
		Dedicated Purpose Fund Group				658
4520	200638	Charges and	\$	1,000,000	\$	1,000,000 659
		Reimbursements				
4550	200608	Commodity Foods	\$	1,000,000	\$	1,000,000 660
4L20	200681	Teacher Certification	\$	13,795,827	\$	14,000,000 661
		and Licensure				
5980	200659	Auxiliary Services	\$	1,300,000	\$	1,300,000 662
		Reimbursement				
5H30	200687	School District	\$	2,000,000	\$	2,000,000 663
		Solvency Assistance				
5KX0	200691	Ohio School	\$	1,250,000	\$	1,250,000 664
		Sponsorship Program				
5MM0	200677	Child Nutrition	\$	550,000	\$	550,000 665

		Refunds				
5U20	200685	National Education	\$	170,675	\$	175,000 666
		Statistics				
5VS0	200604	Student Wellness and	\$	275,000,000	\$	400,000,000 667
		Success				
5VU0	200663	School Bus Purchase	\$	0	\$	20,000,000 668
6200	200615	Educational	\$	594,443	\$	600,000 669
		Improvement Grants				
TOTAL DPF		Dedicated Purpose Fund	\$	296,660,945	\$	441,875,000 670
Group						
Internal Service Activity Fund Group						671
1380	200606	Information	\$	7,939,104	\$	8,047,645 672
		Technology				
		Development and				
		Support				
4R70	200695	Indirect Operational	\$	7,856,766	\$	7,856,766 673
		Support				
4V70	200633	Interagency Program	\$	5,497,938	\$	5,500,000 674
		Support				
TOTAL ISA		Internal Service Activity	\$	21,293,808	\$	21,404,411 675
Fund Group						
State Lottery Fund Group						676
7017	200602	School Climate Grants	\$	2,000,000	\$	2,000,000 677
7017	200612	Foundation Funding	\$	1,081,400,000	\$	1,249,900,000 678
7017	200614	Accelerate Great	\$	1,500,000	\$	1,500,000 679
		Schools				
7017	200631	Quality Community	\$	30,000,000	\$	30,000,000 680
		Schools Support				
7017	200636	Enrollment Growth	\$	15,500,000	\$	23,000,000 681
		Supplement				
7017	200684	Community School	\$	20,600,000	\$	20,600,000 682

## Facilities

TOTAL SLF State Lottery Fund Group	\$ 1,151,000,000	\$ 1,327,000,000	683
Federal Fund Group			684
3670 200607 School Food Services	\$ 11,469,730	\$ 11,897,473	685
3700 200624 Education of Exceptional Children	\$ 2,000,000	\$ 2,000,000	686
3AF0 657601 Schools Medicaid Administrative Claims	\$ 295,500	\$ 295,500	687
3AN0 200671 School Improvement Grants	\$ 17,000,000	\$ 17,000,000	688
3C50 200661 Early Childhood Education	\$ 12,555,000	\$ 12,555,000	689
3EH0 200620 Migrant Education	\$ 2,700,000	\$ 2,700,000	690
3EJ0 200622 Homeless Children Education	\$ 3,295,203	\$ 3,300,000	691
3FE0 200669 Striving Readers	\$ 12,507,905	\$ 12,511,000	692
3GE0 200674 Summer Food Service Program	\$ 15,599,467	\$ 16,342,299	693
3GG0 200676 Fresh Fruit and Vegetable Program	\$ 4,911,207	\$ 5,145,074	694
3HF0 200649 Federal Education Grants	\$ 7,049,677	\$ 7,056,327	695
3HI0 200634 Student Support and Academic Enrichment	\$ 40,042,720	\$ 40,042,720	696
3L60 200617 Federal School Lunch	\$ 418,643,500	\$ 430,837,000	697
3L70 200618 Federal School Breakfast	\$ 158,726,966	\$ 163,350,081	698
3L80 200619 Child/Adult Food Programs	\$ 110,121,168	\$ 113,328,580	699
3L90 200621 Career-Technical Education Basic Grant	\$ 45,946,927	\$ 46,000,000	700

3M00	200623	ESEA Title 1A	\$	600,000,000	\$	600,000,000	701
3M20	200680	Individuals with Disabilities Education Act	\$	454,770,591	\$	455,000,000	702
3T40	200613	Public Charter Schools	\$	7,000,000	\$	7,000,000	703
3Y20	200688	21st Century Community Learning Centers	\$	47,500,000	\$	47,500,000	704
3Y60	200635	Improving Teacher Quality	\$	85,000,000	\$	85,000,000	705
3Y70	200689	English Language Acquisition	\$	10,500,000	\$	10,500,000	706
3Y80	200639	Rural and Low Income Technical Assistance	\$	3,600,000	\$	3,600,000	707
3Z20	200690	State Assessments	\$	12,000,000	\$	12,000,000	708
3Z30	200645	Consolidated Federal Grant Administration	\$	10,701,635	\$	10,900,000	709
TOTAL FED	Federal Fund Group		\$	2,093,937,196	\$	2,115,861,054	710
TOTAL ALL BUDGET FUND GROUPS			\$	11,750,095,505	\$	11,995,178,607	711

**Section 7.** That existing Section 265.10 of H.B. 166 of the 133rd General Assembly (as amended by S.B. 120 of the 133rd General Assembly) is hereby repealed." 713  
714  
715

In line 1994, delete "3" and insert "8" 716

After line 1998, insert: 717

"**Section 9.** (A) There is hereby established the State Educational Assessments Study Committee. 718  
719

(B) The Committee shall consist of the following members: 720

(1) Five members of the House of Representatives, three of which shall be from the majority party and two of which shall be from the minority party;

(2) Five members of the Senate, three of which shall be from the majority party and two of which shall be from the minority party.

(C) Not later than October 1, 2020, the Committee shall submit a report of its findings to the General Assembly in accordance with section 101.68 of the Revised Code. The report shall include, but not be limited to, all of the following:

(1) Federal requirements regarding testing;

(2) State requirements regarding testing;

(3) End-of-course examination and assessment score ranges as described under sections 3301.0710 and 3301.0712 of the Revised Code;

(4) Performance measures used to determine letter grades on the state report card under section 3302.03 of the Revised Code;

(5) Any potential waivers from federal testing requirements that the state may seek.

Upon completion of the report, the Committee shall be dissolved."

In line 1999, delete "4" and insert "10"

After line 2007, insert:

"**Section 11.** Sections 3310.01, 3310.03, 3310.031, 3310.032, 3310.08, and 3310.16 of the Revised Code as amended by this act, sections 3310.035 and 3310.05 of the Revised Code as repealed by this act, and Section 9 of this act are hereby declared to be an emergency measure necessary for the immediate preservation of the

public peace, health, and safety. The reason for such necessity is 749  
to ensure that the changes regarding scholarship eligibility and 750  
operation made by the act go into effect for the next school year 751  
and that the establishment of the State Educational Assessments 752  
Study Committee is effective in a timely manner. Therefore, those 753  
sections shall go into immediate effect." 754

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

**Educational Choice Scholarship program; Buckeye Opportunity 755  
Scholarship program 756**

**R.C. 3310.01, 3310.03, 3310.031, 3310.032, 3310.08, and 757  
3310.16; repealed R.C. 3310.035 and 3310.05; Section 11 758**

Renames the income-based expansion of the Educational Choice 759  
program as the Buckeye Opportunity Scholarship program. 760

Beginning with the 2020-2021 school year, prohibits the 761  
Department of Education from awarding first-time performance-based 762  
Educational Choice (Ed Choice) scholarships except: 763

(1) As provided in Section 265.210 of H.B. 166 of the 133rd 764  
General Assembly as recently amended, and 765

(2) For a student (a) whose sibling received a 766  
performance-based scholarship in the 2019-2020 school year, (b) 767  
who is enrolled in, or would be enrolled in, a school building 768  
that satisfied the conditions for eligibility for 769  
performance-based scholarships in the 2019-2020 school year, 770  
excluding those buildings that satisfied the conditions regarding 771  
the "making progress in kindergarten through third grade literacy" 772

grade of the school report card, and (c) who was enrolled in a 773  
public or nonpublic school in any of grades K-12 or was 774  
homeschooled for the equivalent of those grades in the 2019-2020 775  
school year. 776

Defines "sibling" as a brother, half-brother, sister, or 777  
half-sister, by birth, adoption, or marriage, without regard to 778  
residence or custodial status, or child residing in the same 779  
household as a foster child or under a guardianship or custodial 780  
order. 781

Specifies that a student who receives a first-time 782  
scholarship as described above must continue receiving a 783  
scholarship until the student completes 12th grade, provided the 784  
student satisfies certain conditions under continuing law. 785

Specifies that a student who received a performance-based 786  
scholarship prior to the bill's effective date must continue 787  
receiving a scholarship until the student completes 12th grade, 788  
provided the student satisfies certain conditions under continuing 789  
law. 790

Beginning with the 2021-2022 school year, specifies that a 791  
student who received a performance-based scholarship for the 792  
previous school year but whose family income qualifies the student 793  
for the Buckeye Opportunity Scholarship is no longer eligible for 794  
a performance-based scholarship and is instead eligible for the 795  
Buckeye Opportunity Scholarship. 796

Requires that a student who receives the Buckeye Opportunity 797  
Scholarship in this manner remains eligible for the scholarship 798  
until the student completes 12th grade at 100% of the full 799  
scholarship amount, regardless of any changes in the student's 800  
family income. 801

Makes the following conforming changes:	802
1. Specifies that a provision establishing procedures for awarding performance-based Ed Choice scholarships to students attending a nonpublic school at the time that school receives a charter from the State Board of Education no longer applies for the 2020-2021 school year and thereafter.	803 804 805 806 807
2. Repeals a provision that generally requires a student who is eligible for both an income-based and performance-based Ed Choice scholarship to receive a performance-based scholarship first.	808 809 810 811
3. Specifies that a student receiving a performance-based Ed Choice scholarship is not eligible for a Buckeye Opportunity scholarship, rather than stating that a student who is eligible for a performance-based scholarship is not eligible for an income-based scholarship as under current law.	812 813 814 815 816
<b>Eligibility for Buckeye Opportunity Scholarships</b>	817
Specifies that the base family income eligibility criteria of the Buckeye Opportunity Scholarship program is 250% of the federal poverty guidelines (under current law, the base family income eligibility criteria of the income-based Ed Choice Expansion program is 200% of the federal poverty guidelines).	818 819 820 821 822
Specifies that the sibling of a student who received a scholarship under the Buckeye Opportunity Scholarship program (or, for the 2020-2021 school year, the income-based Ed Choice Expansion program) in the prior school year is eligible for a Buckeye Opportunity Scholarship.	823 824 825 826 827
Specifies that the Department of Education must prioritize awarding Buckeye Opportunity Scholarships in the following order:	828 829
1. Eligible students who received a scholarship under the	830

Buckeye Opportunity Scholarship program (or, for the 2020-2021  
 school year, the income-based Ed Choice Expansion program) in the  
 prior school year and their siblings.

2. Other first-time scholarship students in rank order of  
 family income according to federal poverty level (FPL), with lower  
 income students given priority over higher income students.

(Under current law, first priority for the income-based Ed  
 Choice Expansion program is given to students who received an  
 income-based scholarship in the prior school year, second priority  
 is given to students with eligible incomes at or below 100% FPL,  
 and third priority is given to all other eligible students.  
 Current law requires that, if the Ed Choice Expansion  
 appropriation is insufficient to award scholarships in the second  
 or third priority tier, the Department must award scholarships in  
 either tier using a lottery system.)

**Application period**

Specifies that, beginning with the 2021-2022 school year, the  
 application period for the Buckeye Opportunity Scholarship program  
 and the performance-based Ed Choice Scholarship program runs from  
 February 1 until April 1 prior to the school year for which the  
 scholarship is sought.

Eliminates current law providing for a priority application  
 period, applications on a rolling basis after that period, and  
 pro-rated scholarship amounts for a scholarship awarded after the  
 beginning of the school year for which a scholarship is sought.

**Emergency clause**

Declares an emergency that applies to the amendment's  
 scholarship provisions.

**State Educational Assessments Study Committee**

<b>Sections 9 and 11</b>	860
Establishes the State Educational Assessments Study Committee	861
to evaluate all of, but not limited to, the following:	862
(1) Federal requirements regarding testing;	863
(2) State requirements regarding testing;	864
(3) End-of-course examination and assessment score ranges	865
used under current law;	866
(4) Performance measures used to determine letter grades on	867
the state report card;	868
(5) Any potential waivers from federal testing requirements	869
that the state may seek.	870
Specifies that the committee must consist of the following	871
members:	872
(1) Five members of the House of Representatives, three of	873
whom must be from the majority party and two of whom must be from	874
the minority party;	875
(2) Five members of the Senate, three of whom must be from	876
the majority party and two of whom must be from the minority	877
party.	878
Requires the Committee to submit a report of its findings to	879
the General Assembly by October 1, 2020.	880
Declares an emergency for this provision.	881
<b>Department of Education</b>	882
<b>Sections 265.10 and 265.260 of H.B. 166 of the 133rd General</b>	883
<b>Assembly</b>	884
Renames GRF appropriation item 200573, EdChoice Expansion, as	885
"Buckeye Opportunity Scholarships."	886