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,"

In line 4 of the title, delete the second "and" and insert ";"

In line 5 of the title, after "6301.23" insert "; and to repeal sections 3310.035 and 3310.05"

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"

In line 9 of the title, delete "and"

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"

In line 11, after "sections" insert "3310.01, 3310.03, 3310.031, 3310.032, 3310.08, 3310.16,"

After line 87, insert:

"Sec. 3310.01. As used in sections 3310.01 to 3310.17 of the
Revised Code:

(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.

(B) An "eligible student" is a student who satisfies the conditions specified in section 3310.03 or 3310.032 of the Revised Code.

(C) "Parent" has the same meaning as in section 3313.98 of the Revised Code.

(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.

(E) "School year" has the same meaning as in section 3313.62 of the Revised Code.

(F) "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.

Sec. 3310.03. A 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...
year and any school year thereafter. The department shall award first-time educational choice scholarships under division (J) of this section for the 2020-2021 school year and any school year thereafter, and any student who receives a scholarship under that division shall continue to receive that scholarship until the student completes grade twelve, as long as the student meets the criteria prescribed by division (F) of this section, or until the student is subject to division (K) of this section.

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

A student is an "eligible student" for purposes of the educational choice scholarship pilot program if 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 and the student satisfies one of the conditions in division (A), (B), (C), (D), or (E) of this section:

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

(4) The student is enrolled in a school building 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.

(5) The student 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, 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:

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

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

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

(ii) The district 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.

(c)(iii) The district 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.

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

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

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

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

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

Any student who was awarded a scholarship under division
(A)(6) of this section as it existed prior to the effective date
of this amendment October 17, 2019, may continue to receive
scholarships in subsequent school years until the student
completes grade twelve, as long as the student meets the criteria
prescribed by division (F) of this section.
(B)(1) The student is enrolled in a school building operated by the student's resident district and to which both of the following apply:

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

(b) The building was not declared to be excellent or effective, or the equivalent of such ratings as determined by the department, under 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.

(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, as defined in section 3321.01 of the Revised Code, 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 (B)(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 (B)(1) of this section.

(4) The student is enrolled in a school building 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 (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;

(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.

(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:

(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.

(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.

(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.

(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 Code.
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 in divisions (A)(1) to (4) of this section shall not be eligible for a scholarship if the student's resident building meets any of the following in the most recent rating under section 3302.03 of the Revised Code published prior to the first day of July of the school year for which a scholarship is sought:

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

(b) For the 2012-2013, 2013-2014, 2014-2015, or 2015-2016 school year, the building has a grade of "A" or "B" 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; or if the building serves only grades ten through twelve, the building received a grade of "A" or "B" 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 greater than or equal to seventy-five per cent.

(c) For the 2016-2017 school year or any school year thereafter, the building has a grade of "A" or "B" under division (C)(3) of section 3302.03 of the Revised Code and a grade of "A" for the value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code; or if the building serves only grades ten through twelve, the building received a grade of "A" or "B" for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code and had a four-year adjusted cohort graduation rate of greater than or equal to seventy-five per cent.
(2) A student who satisfies only the conditions prescribed in division (A)(5) of this section shall not be eligible for a scholarship if the student's resident district meets any of the following in the most recent rating under section 3302.03 of the Revised Code published prior to the first day of July of the school year for which a scholarship is sought:

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

(b) The district has a grade of "A" or "B" 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, and 2015-2016 school years.

(c) The district has an overall grade of "A" or "B" under division (C)(3) of section 3302.03 of the Revised Code and a grade of "A" 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.

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

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

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

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

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

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

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

(A) The state board of education shall adopt rules under section 3310.17 of the Revised Code establishing procedures for granting educational choice scholarships to eligible students attending a nonpublic school at the time the state board grants
the school a charter under section 3301.16 of the Revised Code. The procedures shall include at least the following:

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

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

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

(1) 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 or in a community school established under Chapter 3314. of the Revised Code and, for the current or following school year, the student otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (A)(1) or (B)(1) of section 3310.03 of the Revised Code.

(2) 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, for the current or following school year, the student otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (A)(6) of section 3310.03 of the Revised Code.
(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 income is at or below two hundred fifty per cent of the federal poverty guidelines, as defined in section 5101.46 of the Revised Code.

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

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

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

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

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

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

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

(D) If the number of eligible students who apply for a scholarship under this section exceeds the scholarships available
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 percent 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 the student's family income rises above the amount specified in division (A) of this section, provided the student remains enrolled in a chartered nonpublic school, however:

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

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

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

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

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

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

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

(4) Some other qualification not based on the income of the
student's family or the student's athletic or academic ability and for which all students in the school may qualify.

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

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

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

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

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

(D)(1) The department shall deduct from the payments made to each school district under Chapter 3317., and if necessary, sections 321.24 and 323.156 of the Revised Code, the amount paid under division (C) of this section for each eligible student who qualifies for a scholarship under section 3310.03 of the Revised Code and who is entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in the district. In the case of a student entitled to attend school in a school district under division (B)(2)(a) of section 3313.64 or division (C) of section
3313.65 of the Revised Code, the department shall deduct the payments from the school district in whose formula ADM the student is included, as that term is defined in section 3317.02 of the Revised Code.

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

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

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

(B) The department shall continue to award scholarships after the priority application period closes. If the department awards a scholarship after the beginning of the school year, the department
shall prorate the amount of the scholarship based on how much of
the school year remains. The department shall continue to award
income-based scholarships under section 3310.032 of the Revised
Code only so long as funds appropriated by the general assembly
for such scholarships for that school year remain available."

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

After line 1993, insert:

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

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

Sec. 265.260. EDCHOICE EXPANSION BUCKEYE OPPORTUNITY
SCHOLARSHIPS

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

HALF-MILL MAINTENANCE EQUALIZATION

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

ADAPTIVE SPORTS PROGRAM
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

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Fiscal Year 2020</th>
<th>Fiscal Year 2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>GRF 200321 Operating Expenses</td>
<td>$15,153,032</td>
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<td>GRF 200408 Early Childhood</td>
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## Education

| GRF 200420 | Information Technology | $4,004,299 | $4,026,960 | 630 |
| GRF 200422 | School Management      | $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

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<tr>
<th>GRF</th>
<th>Description</th>
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<th>Amount 2</th>
<th>Amount 3</th>
<th>Amount 4</th>
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## Dedicated Purpose Fund Group

<p>| 4520 200638   | Charges and Reimbursements        | $1,000,000    | $1,000,000    |               |               |
| 4550 200608   | Commodity Foods                   | $1,000,000    | $1,000,000    |               |               |
| 4L20 200681   | Teacher Certification and Licensure | $13,795,827   | $14,000,000   |               |               |
| 5980 200659   | Auxiliary Services Reimbursement  | $1,300,000    | $1,300,000    |               |               |
| 5H30 200687   | School District Reimbursement     | $2,000,000    | $2,000,000    |               |               |
| 5KX0 200691   | Ohio School Sponsorship Program   | $1,250,000    | $1,250,000    |               |               |
| 5MM0 200677   | Child Nutrition                   | $550,000      | $550,000      |               |</p>
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<th>Budget 2007</th>
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<td>National Education Statistics</td>
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<td>Student Wellness and Success</td>
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<td>3L80 200619 Child/Adult Food Programs</td>
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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.”

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

After line 1998, insert:

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

(B) The Committee shall consist of the following members:
(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."
public peace, health, and safety. The reason for such necessity is to ensure that the changes regarding scholarship eligibility and operation made by the act go into effect for the next school year and that the establishment of the State Educational Assessments Study Committee is effective in a timely manner. Therefore, those sections shall go into immediate effect."

The motion was __________ agreed to.

**SYNOPSIS**

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

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

Renames the income-based expansion of the Educational Choice program as the Buckeye Opportunity Scholarship program. Beginning with the 2020-2021 school year, prohibits the Department of Education from awarding first-time performance-based Educational Choice (Ed Choice) scholarships except:

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

2. For a student (a) whose sibling received a performance-based scholarship in the 2019-2020 school year, (b) who is enrolled in, or would be enrolled in, a school building that satisfied the conditions for eligibility for performance-based scholarships in the 2019-2020 school year, excluding those buildings that satisfied the conditions regarding the "making progress in kindergarten through third grade literacy"
grade of the school report card, and (c) who was enrolled in a public or nonpublic school in any of grades K-12 or was homeschooled for the equivalent of those grades in the 2019-2020 school year.

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

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

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

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

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

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.

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.

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.

Eligibility for Buckeye Opportunity Scholarships

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).

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.

Specifies that the Department of Education must prioritize awarding Buckeye Opportunity Scholarships in the following order:

1. Eligible students 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 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
Sections 9 and 11

Establishes the State Educational Assessments Study Committee to evaluate all of, but not limited to, the following:

1. Federal requirements regarding testing;
2. State requirements regarding testing;
3. End-of-course examination and assessment score ranges used under current law;
4. Performance measures used to determine letter grades on the state report card;
5. Any potential waivers from federal testing requirements that the state may seek.

Specifies that the committee must consist of the following members:

1. Five members of the House of Representatives, three of whom must be from the majority party and two of whom must be from the minority party;
2. Five members of the Senate, three of whom must be from the majority party and two of whom must be from the minority party.

Requires the Committee to submit a report of its findings to the General Assembly by October 1, 2020.

Declares an emergency for this provision.

Department of Education

Sections 265.10 and 265.260 of H.B. 166 of the 133rd General Assembly

Renames GRF appropriation item 200573, EdChoice Expansion, as "Buckeye Opportunity Scholarships."