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Representatives Blessing, Rezabek

**Cosponsors: Representatives Butler, Terhar, Dever, Brenner, Bishoff, LaTourette,
Grossman, Huffman, Schaffer**

A BILL

To amend section 3310.41 of the Revised Code to 1
permit the temporary, legal, or permanent 2
custodian of a qualified child to apply for an 3
Autism Scholarship. 4

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

Section 1. That section 3310.41 of the Revised Code be 5
amended to read as follows: 6

Sec. 3310.41. (A) As used in this section: 7

(1) "Alternative public provider" means either of the 8
following providers that agrees to enroll a child in the 9
provider's special education program to implement the child's 10
individualized education program and to which the child's parent 11
owes fees for the services provided to the child: 12

(a) A school district that is not the school district in 13
which the child is entitled to attend school; 14

(b) A public entity other than a school district. 15

(2) "Entitled to attend school" means entitled to attend 16

school in a school district under section 3313.64 or 3313.65 of 17
the Revised Code. 18

(3) "Formula ADM" and "category six special education ADM" 19
have the same meanings as in section 3317.02 of the Revised 20
Code. 21

(4) "Preschool child with a disability" and 22
"individualized education program" have the same meanings as in 23
section 3323.01 of the Revised Code. 24

(5) "Parent" has the same meaning as in section 3313.64 of 25
the Revised Code, except that "parent" does not mean a parent 26
whose custodial rights have been terminated. "Parent" also 27
includes the custodian of a qualified special education child, 28
when a court has granted temporary, legal, or permanent custody 29
of the child to an individual other than either of the natural 30
or adoptive parents of the child or to a government agency. 31

(6) "Preschool scholarship ADM" means the number of 32
preschool children with disabilities certified under division 33
(B) (3) (h) of section 3317.03 of the Revised Code. 34

(7) "Qualified special education child" is a child for 35
whom all of the following conditions apply: 36

(a) The school district in which the child is entitled to 37
attend school has identified the child as autistic. A child who 38
has been identified as having a "pervasive developmental 39
disorder - not otherwise specified (PPD-NOS)" shall be 40
considered to be an autistic child for purposes of this section. 41

(b) The school district in which the child is entitled to 42
attend school has developed an individualized education program 43
under Chapter 3323. of the Revised Code for the child. 44

(c) The child either: 45

(i) Was enrolled in the school district in which the child 46
is entitled to attend school in any grade from preschool through 47
twelve in the school year prior to the year in which a 48
scholarship under this section is first sought for the child; or 49

(ii) Is eligible to enter school in any grade preschool 50
through twelve in the school district in which the child is 51
entitled to attend school in the school year in which a 52
scholarship under this section is first sought for the child. 53

(8) "Registered private provider" means a nonpublic school 54
or other nonpublic entity that has been approved by the 55
department of education to participate in the program 56
established under this section. 57

(9) "Special education program" means a school or facility 58
that provides special education and related services to children 59
with disabilities. 60

(B) There is hereby established the autism scholarship 61
program. Under the program, the department of education shall 62
pay a scholarship to the parent of each qualified special 63
education child upon application of that parent pursuant to 64
procedures and deadlines established by rule of the state board 65
of education. Each scholarship shall be used only to pay tuition 66
for the child on whose behalf the scholarship is awarded to 67
attend a special education program that implements the child's 68
individualized education program and that is operated by an 69
alternative public provider or by a registered private provider, 70
and to pay for other services agreed to by the provider and the 71
parent of a qualified special education child that are not 72
included in the individualized education program but are 73

associated with educating the child. Upon agreement with the parent of a qualified special education child, the alternative public provider or the registered private provider may modify the services provided to the child. Each scholarship shall be in an amount not to exceed the lesser of the tuition charged for the child by the special education program or twenty-seven thousand dollars. The purpose of the scholarship is to permit the parent of a qualified special education child the choice to send the child to a special education program, instead of the one operated by or for the school district in which the child is entitled to attend school, to receive the services prescribed in the child's individualized education program once the individualized education program is finalized and any other services agreed to by the provider and the parent of a qualified special education child. The services provided under the scholarship shall include an educational component or services designed to assist the child to benefit from the child's education.

A scholarship under this section shall not be awarded to the parent of a child while the child's individualized education program is being developed by the school district in which the child is entitled to attend school, or while any administrative or judicial mediation or proceedings with respect to the content of the child's individualized education program are pending. A scholarship under this section shall not be used for a child to attend a public special education program that operates under a contract, compact, or other bilateral agreement between the school district in which the child is entitled to attend school and another school district or other public provider, or for a child to attend a community school established under Chapter 3314. of the Revised Code. However, nothing in this section or

in any rule adopted by the state board shall prohibit a parent 105
whose child attends a public special education program under a 106
contract, compact, or other bilateral agreement, or a parent 107
whose child attends a community school, from applying for and 108
accepting a scholarship under this section so that the parent 109
may withdraw the child from that program or community school and 110
use the scholarship for the child to attend a special education 111
program for which the parent is required to pay for services for 112
the child. 113

Except for development of the child's individualized 114
education program, the school district in which a qualified 115
special education child is entitled to attend school and the 116
child's school district of residence, as defined in section 117
3323.01 of the Revised Code, if different, are not obligated to 118
provide the child with a free appropriate public education under 119
Chapter 3323. of the Revised Code for as long as the child 120
continues to attend the special education program operated by 121
either an alternative public provider or a registered private 122
provider for which a scholarship is awarded under the autism 123
scholarship program. If at any time, the eligible applicant for 124
the child decides no longer to accept scholarship payments and 125
enrolls the child in the special education program of the school 126
district in which the child is entitled to attend school, that 127
district shall provide the child with a free appropriate public 128
education under Chapter 3323. of the Revised Code. 129

A child attending a special education program with a 130
scholarship under this section shall continue to be entitled to 131
transportation to and from that program in the manner prescribed 132
by law. 133

(C) (1) As prescribed in divisions (A) (2) (h), (B) (3) (g), 134

and (B) (10) of section 3317.03 of the Revised Code, a child who 135
is not a preschool child with a disability for whom a 136
scholarship is awarded under this section shall be counted in 137
the formula ADM and the category six special education ADM of 138
the district in which the child is entitled to attend school and 139
not in the formula ADM and the category six special education 140
ADM of any other school district. As prescribed in divisions (B) 141
(3) (h) and (B) (10) of section 3317.03 of the Revised Code, a 142
child who is a preschool child with a disability for whom a 143
scholarship is awarded under this section shall be counted in 144
the preschool scholarship ADM and category six special education 145
ADM of the school district in which the child is entitled to 146
attend school and not in the preschool scholarship ADM or 147
category six special education ADM of any other school district. 148

(2) In each fiscal year, the department shall deduct from 149
the amounts paid to each school district under Chapter 3317. of 150
the Revised Code, and, if necessary, sections 321.24 and 323.156 151
of the Revised Code, the aggregate amount of scholarships 152
awarded under this section for qualified special education 153
children included in the formula ADM, or preschool scholarship 154
ADM, and in the category six special education ADM of that 155
school district as provided in division (C) (1) of this section. 156

The scholarships deducted shall be considered as an 157
approved special education and related services expense of the 158
school district. 159

(3) From time to time, the department shall make a payment 160
to the parent of each qualified special education child for whom 161
a scholarship has been awarded under this section. The 162
scholarship amount shall be proportionately reduced in the case 163
of any such child who is not enrolled in the special education 164

program for which a scholarship was awarded under this section 165
for the entire school year. The department shall make no 166
payments to the parent of a child while any administrative or 167
judicial mediation or proceedings with respect to the content of 168
the child's individualized education program are pending. 169

(D) A scholarship shall not be paid to a parent for 170
payment of tuition owed to a nonpublic entity unless that entity 171
is a registered private provider. The department shall approve 172
entities that meet the standards established by rule of the 173
state board for the program established under this section. 174

(E) The state board shall adopt rules under Chapter 119. 175
of the Revised Code prescribing procedures necessary to 176
implement this section, including, but not limited to, 177
procedures and deadlines for parents to apply for scholarships, 178
standards for registered private providers, and procedures for 179
approval of entities as registered private providers. 180

The rules also shall specify that intervention services 181
under the autism scholarship program may be provided by a 182
qualified, credentialed provider, including, but not limited to, 183
all of the following: 184

(1) A behavior analyst certified by a nationally 185
recognized organization that certifies behavior analysts; 186

(2) A psychologist licensed to practice in this state 187
under Chapter 4732. of the Revised Code; 188

(3) A school psychologist licensed by the state board 189
under section 3319.22 of the Revised Code; 190

(4) Any person employed by a licensed psychologist or 191
licensed school psychologist, while carrying out specific tasks, 192
under the licensee's supervision, as an extension of the 193

licensee's legal and ethical authority as specified under 194
Chapter 4732. of the Revised Code who is ascribed as "psychology 195
trainee," "psychology assistant," "psychology intern," or other 196
appropriate term that clearly implies their supervised or 197
training status; 198

(5) Unlicensed persons holding a doctoral degree in 199
psychology or special education from a program approved by the 200
state board; 201

(6) Any other qualified individual as determined by the 202
state board. 203

(F) The department shall provide reasonable notice to all 204
parents of children receiving a scholarship under the autism 205
scholarship program, alternative public providers, and 206
registered private providers of any amendment to a rule 207
governing, or change in the administration of, the autism 208
scholarship program. 209

Section 2. That existing section 3310.41 of the Revised 210
Code is hereby repealed. 211