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**H. B. No. 299**

**Representatives Blessing, Rezabek**

**Cosponsors: Representatives Butler, Terhar, Dever, Brenner, Bishoff, LaTourette, Grossman, Huffman, Schaffer, Amstutz, Anielski, Ashford, Baker, Barnes, Boyce, Boyd, Brown, Buchy, Burkley, Conditt, Craig, Driehaus, Duffey, Green, Hackett, Hall, Hambley, Hayes, Henne, Hill, Johnson, G., Johnson, T., Kuhns, Kunze, Maag, Manning, O'Brien, M., O'Brien, S., Patmon, Pelanda, Perales, Reece, Reineke, Rogers, Ruhl, Ryan, Scherer, Schuring, Sheehy, Slesnick, Sprague, Stinziano, Strahorn, Sweeney, Sykes, Thompson**

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**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 attend school has developed an individualized education program under Chapter 3323. of the Revised Code for the child.

(c) The child either:

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

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

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

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

(B) There is hereby established the autism scholarship program. Under the program, the department of education shall pay a scholarship to the parent of each qualified special education child upon application of that parent pursuant to procedures and deadlines established by rule of the state board of education. Each scholarship shall be used only to pay tuition for the child on whose behalf the scholarship is awarded to attend a special education program that implements the child's individualized education program and that is operated by an alternative public provider or by a registered private provider,

and to pay for other services agreed to by the provider and the parent of a qualified special education child that are not included in the individualized education program but are 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 102  
child to attend a community school established under Chapter 103  
3314. of the Revised Code. However, nothing in this section or 104  
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