

I\_135\_3070-4

135th General Assembly  
Regular Session  
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Sub. H. B. No. 407

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**A BILL**

To amend sections 3310.15 and 3310.16 and to enact  
sections 3301.165 and 3302.0311 of the Revised  
Code regarding state reporting on chartered  
nonpublic schools and state scholarship programs  
and report cards for scholarship students  
enrolled in chartered nonpublic schools.

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

**Section 1.** That sections 3310.15 and 3310.16 be amended  
and sections 3301.165 and 3302.0311 of the Revised Code be  
enacted to read as follows:

**Sec. 3301.165.** (A) As used in this section:

(1) "Adjusted gross income" has the same meaning as in  
section 5747.01 of the Revised Code.

(2) "Federal poverty guidelines" has the same meaning as  
in section 5101.46 of the Revised Code.

(3) "Community school" means a community school  
established under Chapter 3314. of the Revised Code.



(4) "Scholarship student" means a student who is 17  
participating in a state scholarship program. 18

(5) "State scholarship programs" has the same meaning as 19  
in section 3301.0711 of the Revised Code. 20

(6) "STEM school" means a STEM school established under 21  
Chapter 3326. of the Revised Code. 22

(B) The department of education and workforce shall 23  
establish a system by which an individual may compare the 24  
performance data of scholarship students enrolled in a chartered 25  
nonpublic school with the performance data of similar students 26  
enrolled in the school district in which the school is located 27  
or a community school, STEM school, or other chartered nonpublic 28  
school in that district. The department shall make the system 29  
available on its publicly accessible web site. 30

In calculating the performance of similar students under 31  
this section, the department shall consider age, grade, race and 32  
ethnicity, gender, and socioeconomic status. 33

(C)(1) Annually, the department shall post on its publicly 34  
accessible web site the number of scholarship students 35  
disaggregated according to the following categories: 36

(a) Students with a family adjusted gross income at or 37  
below four hundred fifty per cent of the federal poverty 38  
guidelines; 39

(b) Students with a family adjusted gross income above 40  
four hundred fifty per cent of the federal poverty guidelines, 41  
but at or below five hundred per cent of the federal poverty 42  
guidelines; 43

(c) Students with a family adjusted gross income above 44

five hundred per cent of the federal poverty guidelines, but at 45  
or below five hundred fifty per cent of the federal poverty 46  
guidelines; 47

(d) Students with a family adjusted gross income above 48  
five hundred fifty per cent of the federal poverty guidelines, 49  
but at or below six hundred per cent of the federal poverty 50  
guidelines; 51

(e) Students with a family adjusted gross income above six 52  
hundred per cent of the federal poverty guidelines, but at or 53  
below six hundred fifty per cent of the federal poverty 54  
guidelines; 55

(f) Students with a family adjusted gross income above six 56  
hundred fifty per cent of the federal poverty guidelines, but at 57  
or below seven hundred per cent of the federal poverty 58  
guidelines; 59

(g) Students with a family adjusted gross income above 60  
seven hundred per cent of the federal poverty guidelines, but at 61  
or below seven hundred fifty per cent of the federal poverty 62  
guidelines; 63

(h) Students with a family adjusted gross income above 64  
seven hundred fifty per cent of the federal poverty guidelines. 65

The department may disaggregate data under division (C) (1) 66  
of this section according to other categories that the 67  
department determines are appropriate. 68

(2) The department of education and workforce shall 69  
request from the department of taxation any data necessary for 70  
the department of education and workforce to compute and post 71  
data as required under division (C) (1) of this section. 72

<u>(D) Annually, the department shall post on its publicly</u>	73
<u>accessible web site all of the following for each chartered</u>	74
<u>nonpublic school:</u>	75
<u>(1) The school's total enrollment;</u>	76
<u>(2) The number of scholarship students enrolled in the</u>	77
<u>school, disaggregated by whether, in the prior school year, the</u>	78
<u>students were enrolled in one of the following:</u>	79
<u>(a) That school;</u>	80
<u>(b) A different chartered nonpublic school;</u>	81
<u>(c) A nonchartered nonpublic school;</u>	82
<u>(d) A city, local, or exempted village school district;</u>	83
<u>(e) A community school;</u>	84
<u>(f) A STEM school;</u>	85
<u>(g) If the student was not enrolled in a district or</u>	86
<u>school in the prior school year, whether either of the following</u>	87
<u>apply to the student:</u>	88
<u>(i) The student, in the prior school year, was exempted</u>	89
<u>from attendance at school for the purpose of home education</u>	90
<u>under section 3321.042 of the Revised Code.</u>	91
<u>(ii) The student, in the current school year, is enrolling</u>	92
<u>in school in this state for the first time.</u>	93
<u>(3) The total amount of state support received by the</u>	94
<u>school through all of the following:</u>	95
<u>(a) State scholarship programs;</u>	96
<u>(b) Auxiliary services payments as described under</u>	97
<u>division (E) of section 3317.024 of the Revised Code;</u>	98

(c) Administrative and clerical services cost 99  
reimbursements as described in section 3317.063 of the Revised 100  
Code. 101

**Sec. 3302.0311.** The department of education and workforce, 102  
in consultation with the state advisory committee on chartered 103  
nonpublic schools established under rules adopted by the 104  
department, shall establish a report card that measures the 105  
performance of students enrolled in chartered nonpublic schools 106  
under a state scholarship program as defined in section 107  
3301.0711 of the Revised Code. To the extent practicable, the 108  
department shall make that report card similar to the report 109  
card issued under section 3302.03 of the Revised Code. The 110  
department annually shall issue a report card under this section 111  
not later than the fifteenth day of September or the preceding 112  
Friday when that day falls on Saturday or Sunday. 113

**Sec. 3310.15.** (A) The department of education and 114  
workforce annually shall compile the scores attained by 115  
scholarship students to whom an assessment is administered under 116  
section 3310.14 of the Revised Code. The scores shall be 117  
aggregated as follows: 118

(1) By state, which shall include all students awarded a 119  
scholarship under the educational choice scholarship pilot 120  
program and who were required to take an assessment under 121  
section 3310.14 of the Revised Code; 122

(2) By school district, which shall include all 123  
scholarship students who were required to take an assessment 124  
under section 3310.14 of the Revised Code and for whom the 125  
district is the student's resident district; 126

(3) By chartered nonpublic school, which shall include all 127

scholarship students enrolled in that school who were required	128
to take an assessment under section 3310.14 of the Revised Code.	129
(B) The department shall disaggregate the student	130
performance data described in division (A) of this section	131
according to the following categories:	132
(1) Grade level;	133
(2) Race and ethnicity;	134
(3) Gender;	135
(4) Students who have participated in the scholarship	136
program for three or more years;	137
(5) Students who have participated in the scholarship	138
program for more than one year and less than three years;	139
(6) Students who have participated in the scholarship	140
program for one year or less;	141
(7) Economically disadvantaged students.	142
(C) The department shall post the student performance data	143
required under divisions (A) and (B) of this section on its web	144
site and, by the <del>first-fifteenth</del> day of <del>February-September</del> or	145
<u>the preceding Friday when that day falls on a Saturday or Sunday</u>	146
each year, shall distribute that data to the parent of each	147
eligible student. In reporting student performance data under	148
this division, the department shall not include any data that is	149
statistically unreliable or that could result in the	150
identification of individual students. For this purpose, the	151
department shall not report performance data for any group that	152
contains less than ten students.	153
Not later than July 1, 2025, the department shall develop	154

a measure of student growth for scholarship students enrolled in 155  
chartered nonpublic schools. The measure of student growth shall 156  
be used to report data annually on student growth for students 157  
in grades four through eight during the school year in which 158  
data is reported. No data shall be reported for schools with 159  
fewer than ten scholarship students. The department shall make 160  
the growth reports available on its publicly accessible web 161  
site. 162

(D) The department shall provide the parent of each 163  
scholarship student with information comparing the student's 164  
performance on the assessments administered under section 165  
3310.14 of the Revised Code with the average performance of 166  
similar students enrolled in the building operated by the 167  
student's resident district that the scholarship student would 168  
otherwise attend. In calculating the performance of similar 169  
students, the department shall consider age, grade, race and 170  
ethnicity, gender, and socioeconomic status. 171

**Sec. 3310.16.** (A) For the 2020-2021 school year and each 172  
school year thereafter, the department of education and 173  
workforce shall accept, process, and award scholarships each 174  
year for the educational choice scholarship pilot program under 175  
sections 3310.03 and 3310.032 of the Revised Code, as follows: 176

(1) The application period shall open on the first day of 177  
February prior to the first day of July of the school year for 178  
which a scholarship is sought. Not later than forty-five days 179  
after an applicant submits to the department of education and 180  
workforce a completed application, the department shall 181  
determine whether that applicant is eligible for a scholarship 182  
and notify the applicant whether or not the applicant is 183  
eligible. The department shall award a scholarship to each 184

student with an approved application. However, for any 185  
application submitted on or after the fifteenth day of October 186  
of the school year for which a scholarship is sought, the 187  
department shall prorate the amount of the awarded scholarship 188  
based on how much of the school year remains after the date of 189  
the student's enrollment in the chartered nonpublic school. 190

(2) In each school year, the department shall accept 191  
applications for conditional approval of a scholarship sought 192  
for that year or the next school year. Not later than five days 193  
after receiving an application under this division, the 194  
department shall grant conditional approval to an applicant who 195  
is eligible for a scholarship and notify the applicant whether 196  
or not conditional approval is granted. 197

(B) If the department determines an application submitted 198  
under this section contains an error or deficiency, the 199  
department shall notify the applicant who submitted that 200  
application not later than fourteen days after the application 201  
is submitted. 202

(C) The departments of education and workforce, job and 203  
family services, and taxation shall enter into a data sharing 204  
agreement so that, in administering this section, the department 205  
of education and workforce shall be able to determine, based on 206  
the address provided in a student's application, whether that 207  
student is eligible for an educational choice scholarship under 208  
section 3310.03 of the Revised Code and whether the student 209  
meets the residency requirements for an educational choice 210  
scholarship under section 3310.032 of the Revised Code. 211

(D) No city, local, or exempted village school district 212  
shall have access to an application submitted under this 213  
section. 214



(E) The department shall require each applicant to include 215  
the school and, if applicable the school district, in which the 216  
applicant is enrolled, or that the student is receiving home 217  
education, for the school year prior to the one for which an 218  
applicant submits an application under this section. 219

**Section 2.** That existing sections 3310.15 and 3310.16 of 220  
the Revised Code are hereby repealed. 221