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Bill Analysis

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Primary Sponsors: Reps. Manning and Seitz

Mike Niemi, Research Analyst

SUMMARY

- Establishes new reporting requirements for chartered nonpublic schools that enroll students participating in a general scholarship program (either the Ed Choice Scholarship Program or the Cleveland Scholarship Program).
- Expressly requires public money held by a chartered nonpublic school that enrolls general scholarship students to be accounted for separately from other funds.
- Requires the Department of Education and Workforce to issue a state report card for qualifying chartered nonpublic schools that enroll general scholarship students and to report other specified student performance and family adjusted gross income data.
- Eliminates exceptions that permit general scholarship students to take alternative assessments instead of state assessments and qualify for a high school diploma based on alternative assessments.
- Establishes or modifies reporting requirements regarding the Ed Choice Scholarship Program for chartered nonpublic schools and the Department.
- Requires each public and chartered nonpublic school to maintain student disciplinary records and to transmit a transfer student's disciplinary record with the student's school records upon request of the student's new school.

DETAILED ANALYSIS

General scholarship program requirements

The bill addresses requirements for chartered nonpublic schools that enroll students participating in a "general scholarship program." Under the bill, a "general scholarship program" is the Ed Choice Scholarship Program or the Cleveland Scholarship Program.

In addition, the bill establishes new requirements for the Department of Education and Workforce regarding those schools. It also revises the state assessment and high school

graduation requirements for students in those schools who are participating in a general scholarship program.

Chartered nonpublic schools

State expenditure report

The bill requires each chartered nonpublic school enrolling students participating in a general scholarship program to submit annually to the Department a state expenditure report. The report must include information regarding expenditures the school made using the state funds it received under a general scholarship program in that school year.

The Department must post each report it receives on its publicly accessible website. A chartered nonpublic school may contract with an information technology center for assistance in complying with the new requirement.¹

Admission procedure

The bill requires each chartered nonpublic school enrolling students participating in a general scholarship program include in its admission procedure a method to determine which students to admit if the number of applicants for a grade level, school building, or education program exceeds the school's capacity. Each school must report its method to the Department.²

Capacity, enrollment, and prior school year attendance reporting

The bill establishes additional reporting requirements for each chartered nonpublic school in which at least 20% of its total enrollment is composed of students participating in a general scholarship program. Each such school must report annually to the Department all of the following:

1. The school's total enrollment and its capacity limits by grade level, school building, and education program;
2. The number of scholarship students enrolled in the school, disaggregated by whether, in the prior school year, the students were enrolled in:
 - a. That school;
 - b. A different chartered nonpublic school;
 - c. A nonchartered nonpublic school;
 - d. A city, local, or exempted village school district;
 - e. A community school;
 - f. A STEM school; or

¹ R.C. 3301.165(A) and (B).

² R.C. 3301.166(B).

- g. If the student was not enrolled in a district or school, whether the student was homeschooled or if, in the current school year, the student is enrolling in school in this state for the first time.³

Department of Education and Workforce

System to compare student performance data

The bill requires the Department to establish a system where an individual may compare the performance data of students enrolled in a chartered nonpublic school and participating in a general scholarship program with the performance data of similar students enrolled in the district in which the school is located or a community school, STEM school, or other chartered nonpublic school in that district. The Department must make the system available on its publicly accessible website.

In calculating the performance of similar students, the Department must consider age, grade, race and ethnicity, gender, and socioeconomic status.⁴

Reporting family adjusted gross income categories

Under the bill, annually the Department must post on its publicly accessible website the number of students participating in a general scholarship program, disaggregated according to the following categories:

1. Students with a family adjusted gross income (AGI) at or below 450% of the federal poverty level (FPL);
2. Students with a family AGI above 450% FPL, but at or below 500% FPL;
3. Students with a family AGI above 500% FPL, but at or below 550% FPL;
4. Students with a family AGI above 550% FPL, but at or below 600% FPL;
5. Students with a family AGI above 600% FPL, but at or below 650% FPL;
6. Students with a family AGI above 650% FPL, but at or below 700% FPL;
7. Students with a family AGI above 700% FPL, but at or below 750% FPL; and
8. Students with a family AGI above 750% FPL.

The bill permits the Department to disaggregate the data according to other categories as the Department determines appropriate. It also requires the Department of Education and Workforce to request from the Department of Taxation any data necessary to compute and post that data.⁵

³ R.C. 3301.166(A) and (C).

⁴ R.C. 3301.167(B).

⁵ R.C. 3301.167(C).

Under continuing law, tax return information is confidential and cannot be disclosed by an employee of the Department of Taxation or any other individual. However, the Department of Taxation has a general authorization to share information with any state or federal agency when disclosure is necessary to ensure compliance with state or federal law. The receiving agency is prohibited from disclosing any of this shared information, except as otherwise authorized by state or federal law.⁶

Report card

The bill requires the Department of Education and Workforce to establish a report card for chartered nonpublic schools in which at least 20% of their total enrollment is composed of students participating in a general scholarship program. To the extent practicable, the Department must make that report card similar to the state report card issued for public schools. The Department must include in the state report card the information a chartered nonpublic school is newly required to report under the bill (see **“State expenditure report,” “Admission procedure,” and “Capacity, enrollment, and prior school year attendance reporting,”** above). The Department must issue the chartered nonpublic school report card by September 15 each year.⁷

Students

State assessment exceptions

The bill removes alternative assessment options for general scholarship students attending a chartered nonpublic school. This applies to both schools accredited through the Independent Schools Association of the Central States (ISACS), and all other chartered nonpublic schools that enroll scholarship students. The bill eliminates exceptions for general scholarship students that:

1. Permit a student who is enrolled in grades 3-8 to take alternative standardized assessments in lieu of state elementary assessments;⁸
2. Permit a high school student, in lieu of taking both the state end-of-course exams and the nationally standardized assessment (ACT or SAT), to just take either:
 - a. An alternative assessment approved by the Department; or
 - b. A nationally standardized assessment (ACT or SAT), under certain circumstances.⁹

Otherwise, the bill does not affect the assessment exceptions for students enrolled in chartered nonpublic schools who are:

1. Attending school without state scholarships;

⁶ R.C. 5703.21, not in the bill.

⁷ R.C. 3302.0311.

⁸ R.C. 3301.0711(K)(1)(a), 3310.03(D)(2)(c), and 3313.976(A)(10)(c).

⁹ R.C. 3301.0711(L)(1) and (3), 3310.03(D)(2), 3310.14(A), and 3313.976(A)(10).

2. Participating in the Autism Scholarship Program;
3. Participating in the Jon Peterson Special Needs Scholarship Program;
4. Eligible for a separate exception under continuing law (for example, exceptions related to English learners, student with individualized education programs (IEPs), and certain students with disabilities).¹⁰

For additional information about state assessments, see the LSC [Assessments Required Under State and Federal Law \(PDF\)](#) Members Brief, which is also available on lsc.ohio.gov.

High school graduation requirements

Continuing law establishes graduation requirements that public and chartered nonpublic school students must meet to qualify for a high school diploma. Generally, to qualify for a high school diploma, a student must demonstrate competency in English language arts and math and earn two diploma seals.

However, current law permits students enrolled in chartered nonpublic schools to instead qualify for a high school diploma by attaining a specified score on an alternative assessment approved by the Department or a nationally standardized assessment (ACT or SAT) if the student's school administers either of those assessments instead of state assessments.

The bill limits that exception to students who are not participating in a general scholarship program. Students participating in a general scholarship program must comply with the graduation requirements prescribed for public school students.¹¹

Other Ed Choice requirements

Family income of student receiving an SGO scholarship

Continuing law permits a chartered nonpublic school to accept scholarships issued by a scholarship granting organization (SGO) as payment for the difference between the student's Ed Choice scholarship amount and the school's regular tuition and other fees.

The bill requires each school that accepts an SGO scholarship for that purpose to report annually to the Department the family income of each SGO scholarship recipient.¹²

Student performance data reporting deadline

Current law requires the Department to post student performance data for Ed Choice scholarship students on its website and distribute the data to the parents of eligible students by February 1. The bill changes that deadline to September 15.¹³

¹⁰ R.C. 3301.0711(K) and (L), 3310.03(D)(2), 3310.14, and 3313.976(A)(10). See also R.C. 3310.41 and 3310.522, neither in the bill.

¹¹ R.C. 3301.0711(L)(2), 3313.618(D), and 3313.619.

¹² R.C. 3310.13(F).

¹³ R.C. 3310.15(C).

Student disciplinary records

Requirement to maintain records

The bill requires each school district, community school, STEM school, college-preparatory boarding school, and chartered nonpublic school to maintain a disciplinary record for each student who is subject to a disciplinary action. The record must include a description of each incident that resulted in disciplinary action. The record of a student in a public school is subject to state and federal student privacy laws.¹⁴

Requirement to transfer records

Continuing law generally requires each district or school to transmit a transfer student's school records to the student's new school within five school days of receiving a request from the new school. For the purpose of that requirement, the bill expressly includes a disciplinary record in the definition of school records.¹⁵

HISTORY

Action	Date
Introduced	02-12-24

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¹⁴ R.C. 3313.6612. The provision applies to community schools, STEM schools, and college-preparatory boarding schools through cross references in R.C. 3314.03(A)(11)(d), 3326.11, and 3328.24, respectively.

¹⁵ R.C. 3319.324(A). The provision applies to community schools, STEM schools, and college-preparatory boarding schools through cross references in R.C. 3314.03(A)(11)(d), 3326.11, and 3328.24, respectively.