

As Reported by the House Primary and Secondary Education Committee

135th General Assembly

Regular Session

2023-2024

Sub. H. B. No. 407

Representatives Manning, Seitz

A BILL

To amend sections 3310.15 and 3310.16 and to enact 1
sections 3301.165 and 3302.0311 of the Revised 2
Code regarding state reporting on chartered 3
nonpublic schools and state scholarship programs 4
and report cards for scholarship students 5
enrolled in chartered nonpublic schools. 6

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

Section 1. That sections 3310.15 and 3310.16 be amended 7
and sections 3301.165 and 3302.0311 of the Revised Code be 8
enacted to read as follows: 9

Sec. 3301.165. (A) As used in this section: 10

(1) "Adjusted gross income" has the same meaning as in 11
section 5747.01 of the Revised Code. 12

(2) "Federal poverty guidelines" has the same meaning as 13
in section 5101.46 of the Revised Code. 14

(3) "Community school" means a community school 15
established under Chapter 3314. of the Revised Code. 16

(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

(D) Annually, the department shall post on its publicly 73
accessible web site all of the following for each chartered 74
nonpublic school: 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
<u>(c) Administrative and clerical services cost</u>	99
<u>reimbursements as described in section 3317.063 of the Revised</u>	100
<u>Code.</u>	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 program for three or more years;	136 137
(5) Students who have participated in the scholarship program for more than one year and less than three years;	138 139
(6) Students who have participated in the scholarship program for one year or less;	140 141
(7) Economically disadvantaged students.	142
(C) The department shall post the student performance data required under divisions (A) and (B) of this section on its web site and, by the first-fifteenth day of February-September or <u>the preceding Friday when that day falls on a Saturday or Sunday</u> each year, shall distribute that data to the parent of each eligible student. In reporting student performance data under this division, the department shall not include any data that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report performance data for any group that contains less than ten students.	143 144 145 146 147 148 149 150 151 152 153
Not later than July 1, 2025, the department shall develop a measure of student growth for scholarship students enrolled in chartered nonpublic schools. The measure of student growth shall be used to report data annually on student growth for students in grades four through eight during the school year in which	154 155 156 157 158

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

<u>education, for the school year prior to the one for which an</u>	218
<u>applicant submits an application under this section.</u>	219
Section 2. That existing sections 3310.15 and 3310.16 of	220
the Revised Code are hereby repealed.	221