

As Introduced

136th General Assembly

Regular Session

2025-2026

H. B. No. 968

Representatives McNally, Synenberg

Cosponsors: Representatives Somani, Piccolantonio, Lett, Brennan, Rader

To amend section 3310.70 of the Revised Code to
revise the operation of the Afterschool Child
Enrichment (ACE) Educational Savings Account
Program and to make an appropriation.

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

Section 1. That section 3310.70 of the Revised Code be
amended to read as follows:

Sec. 3310.70. (A) A student is an "eligible student" for
purposes of this section if the student is ~~at least six but no~~
~~more than eighteen years old and at least one of the following~~
~~conditions is met:~~

~~(1) The student's family adjusted gross income, as defined~~
~~in section 5747.01 of the Revised Code, is at or below four~~
~~hundred per cent of the federal poverty guidelines, as defined~~
~~in section 5101.46 of the Revised Code.~~

~~(2) The student's resident district, as defined in section~~
~~3310.01 of the Revised Code, had a chronic absenteeism rate~~
~~ranked in the highest ten per cent of school districts in the~~
~~most recent school year.~~

~~(3) The student's resident district operates one or more~~

~~school buildings described in division (A) (1) of section 3310.03 20
of the Revised Code or is a district described in division (C) 21
of that section. 22~~

~~(4) The student's resident district is a school district 23
in which the pilot program is operating under sections 3313.974 24
to 3313.979 of the Revised Code. 25~~

~~For the purpose of division (A) (1) of this section, a 26
student's parent or guardian may certify income eligibility to 27
the department of education by submitting, in a manner 28
determined by the department, an affidavit affirming the 29
student's family income meets the requirement, proof of income 30
eligibility under another state or federal program, or other 31
evidence determined appropriate by the department. 32
enrolled in 32
a school district, community school established under Chapter 33
3314. of the Revised Code, or STEM school established under 34
Chapter 3326. of the Revised Code. 35~~

(B) (1) There is hereby established the afterschool child 36
enrichment (ACE) educational savings account program. The 37
department of education and workforce shall adopt rules under 38
Chapter 119. of the Revised Code that prescribe procedures for 39
the establishment of these accounts ~~in fiscal years 2022, 2023, 40
and 2024~~ upon the request of the parent or guardian of an 41
eligible student ~~enrolled in a public or nonpublic school or an 42
eligible student who is exempt from the compulsory attendance 43
law for the purpose of home education under section 3321.042 of 44
the Revised Code.~~ Accounts shall be established on a first-come, 45
first-served basis according to the availability of funds 46
appropriated for purposes of this section. 47

Accounts shall be used in accordance with division (E) of 48
this section. ~~Any balance remaining in a student's account after 49~~

~~fiscal year 2024 shall remain in that account for use as
prescribed in division (D) (3) of this section.~~ 50
51

Except as provided for in ~~divisions~~ division (C) (3) ~~and~~ 52
~~(D) (3)~~ of this section, neither the department nor the vendor 53
shall reclaim any funds ~~ereditied to~~ deposited into a student's 54
account. 55

(2) The department shall create an online form for parents 56
and guardians to request the establishment of an account under 57
this section. 58

(C) (1) The department shall contract with a vendor for 59
purposes of administering the provisions of this section and may 60
contract with the treasurer of state for technical assistance. 61
In selecting a vendor, the department shall give preference to 62
those vendors who use a smart phone application that is free for 63
parents or guardians to use, is capable of scanning receipts, 64
allows users to provide program feedback, and includes customer 65
service contact information for parents and guardians who 66
experience technical issues with the application. For each 67
fiscal year ~~in which the program operates~~, the department shall 68
pay the vendor not more than three per cent of the amount 69
appropriated for that fiscal year for purposes of this section. 70

(2) The vendor selected by the department under division 71
(C) (2) of this section shall do ~~both~~ all of the following: 72

(a) Enable a student's parent or guardian to directly pay 73
for expenses permitted under division (E) of this section using 74
moneys deposited into the student's account under division (D) 75
of this section; 76

(b) Monitor how accounts are used by parents or guardians 77
and recoup moneys that are used for purposes that are not 78

authorized by this section as determined by the vendor; 79

~~(b)~~(c) Provide the department with a comprehensive list of 80
purchases made with accounts. 81

(3) At no time shall the vendor authorize parents or 82
guardians to use moneys for purposes that are not authorized by 83
this section as determined by the vendor. If the vendor 84
authorizes parents or guardians to use moneys for a specified 85
purpose and later determines that purpose is not authorized by 86
this section, the vendor may recoup that money. 87

~~(D) (1) If a parent or guardian makes a request under 88
division (B) of this section during fiscal year 2022, five 89
hundred dollars shall be credited to the account established 90
pursuant to the parent's or guardian's request within fourteen 91
days of the parent's or guardian's request, and that amount 92
shall be disbursed upon request to the parent or guardian not 93
later than June 30, 2022, for use in accordance with division 94
(E) of this section. Any amount remaining in an account at the 95
end of fiscal year 2022 shall remain in that account for fiscal 96
year 2023 for use in accordance with division (E) of this 97
section. 98~~

~~(2) If a parent or guardian makes a request under division 99
(B) of this section during fiscal year 2023 or 2024, one (D) The 100
department shall deposit one thousand dollars shall be credited 101
to into the account established pursuant to the parent's or 102
guardian's request within fourteen days of the parent's or 103
guardian's request, and that amount shall be disbursed upon 104
request to the parent or guardian not later than June 30, 2023, 105
for fiscal year 2023 or June 30, 2024, for fiscal year 2024 for 106
use in accordance with division (E) of this section. If a parent 107
or guardian had an account established for the previous fiscal 108~~

year, that amount shall be ~~credited and distributed to~~ deposited 109
into that account for use in accordance with division (E) of 110
this section. 111

~~For each account credited five hundred dollars for fiscal-~~ 112
~~year 2023 prior to the effective date of this amendment, the-~~ 113
~~department shall credit an additional five hundred dollars for-~~ 114
~~that year. The total amount credited to an account for fiscal-~~ 115
~~year 2023 shall not exceed one thousand dollars.-~~ 116

Nothing in division ~~(D)(2)~~ (D) of this section shall be 117
construed to limit the amount of the total balance in an 118
account. 119

~~(3) Any amount remaining in an account established under-~~ 120
~~division (B) of this section at the end of fiscal year 2024-~~ 121
~~shall remain in that account for use in accordance with division~~ 122
~~(E) of this section in future fiscal years until either the full~~ 123
~~amount has been spent or the student graduates from high school.~~ 124
~~Any amount remaining in the account of a student who graduates-~~ 125
~~from high school shall be returned to the department.-~~ 126

(E) Subject to division (F) of this section, moneys 127
~~credited to~~ deposited into an education savings account 128
established under division (B) of this section shall be used by 129
an eligible student's parent or guardian for any of the 130
following purposes, whether secular or nonsecular: 131

- (1) Before- or after-school educational programs; 132
- (2) Day camps, including camps for academics, music, and 133
arts; 134
- (3) ~~Tuition at learning extension centers;-~~ 135
- ~~(4) Tuition for learning pods;-~~ 136

(5) If the student is exempt from the compulsory	137
attendance law for the purpose of home education under section	138
3321.042 of the Revised Code, purchase of curriculum and	139
materials;	140
(6) Educational, learning, or study skills services;	141
(7) Field trips to historical landmarks, museums, science	142
centers, and theaters, including admission, exhibit, and program	143
fees;	144
(8) (4) Language classes;	145
(9) (5) Instrument lessons;	146
(10) Tutoring (6) School clubs;	147
<u>(7) School sports;</u>	148
<u>(8) 4-H or FFA activities and programs.</u>	149
(F) At no time shall moneys credited to <u>deposited into an</u>	150
account established under division (B) of this section be used	151
for the purchase of electronic devices.	152
(G) The department shall make available to parents and	153
guardians a list of the purposes for which moneys credited to	154
<u>deposited into an</u> account established under division (B) of this	155
section may be spent in accordance with division (E) of this	156
section.	157
(H) Not later than December 31, 2023, the department shall	158
prepare a report regarding the administration of this section,	159
including feedback from a random sampling of parents and	160
guardians who participate in the program and submit the report	161
to the general assembly in accordance with section 101.68 of the	162
Revised Code. <u>The department annually may audit the program</u>	163

established under this section and issue a report about its 164
operation. 165

(I) Any school district, community school, or STEM school 166
may advertise the program established under this section. 167

Section 2. That existing section 3310.70 of the Revised 168
Code is hereby repealed. 169

Section 3. All items in this act are hereby appropriated 170
as designated out of any moneys in the state treasury to the 171
credit of the designated fund. For all operating appropriations 172
made in this act, those in the first column are for fiscal year 173
2026 and those in the second column are for fiscal year 2027. 174
The operating appropriations made in this act are in addition to 175
any other operating appropriations made for these fiscal years. 176

Section 4. 177
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	1	2	3	4	5
A	EDU DEPARTMENT OF EDUCATION AND WORKFORCE				
B	Dedicated Purpose Fund Group				
C	5DV1	2006B4	Afterschool Child	\$0	\$5,000,000
			Enrichment		
D	Dedicated Purpose Fund Group Total			\$0	\$5,000,000
E	TOTAL ALL BUDGET FUND GROUPS			\$0	\$5,000,000

AFTERSCHOOL CHILD ENRICHMENT 179

The foregoing appropriation item 2006B4, Afterschool Child 180
Enrichment, shall be used to fund the Afterschool Child 181

Enrichment educational savings account program established under 182
section 3310.70 of the Revised Code, as amended by this act. 183

On July 1, 2026, or as soon possible thereafter, the 184
Director of Budget and Management shall transfer \$5,000,000 cash 185
from the General Revenue Fund to the Afterschool Child 186
Enrichment Fund (Fund 5DV1). 187

Section 5. Within the limits set forth in this act, the 188
Director of Budget and Management shall establish accounts 189
indicating the source and amount of funds for each appropriation 190
made in this act, and shall determine the manner in which 191
appropriation accounts shall be maintained. Expenditures from 192
operating appropriations contained in this act shall be 193
accounted for as though made in, and are subject to all 194
applicable provisions of, H.B. 96 of the 136th General Assembly. 195

Section 6. Section 3310.70 of the Revised Code is 196
presented in this act as a composite of the section as amended 197
by H.B. 33 of the 135th General Assembly and H.B. 45 of the 198
134th General Assembly. The General Assembly, applying the 199
principle stated in division (B) of section 1.52 of the Revised 200
Code that amendments are to be harmonized if reasonably capable 201
of simultaneous operation, finds that the composite is the 202
resulting version of the section in effect prior to the 203
effective date of the section as presented in this act. 204