

**As Introduced**

**136th General Assembly  
Regular Session  
2025-2026**

**S. B. No. 44**

**Senator O'Brien**

**Cosponsors: Senators Cirino, Schaffer, Brenner**

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**A BILL**

To amend sections 3310.034, 3310.51, and 3310.52 of  
the Revised Code to permit students to  
concurrently receive an Educational Choice  
scholarship or Pilot Project scholarship and  
either an Autism or Jon Peterson Special Needs  
scholarship and to make an appropriation.

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

**Section 1.** That sections 3310.034, 3310.51, and 3310.52 of  
the Revised Code be amended to read as follows:

**Sec. 3310.034.** (A) As used in this section:

(1) "State scholarship" means any of the following:

(a) The educational choice scholarship pilot program under  
section 3310.03 of the Revised Code;

(b) The expansion of the educational choice scholarship  
pilot program under section 3310.032 of the Revised Code;

(c) The pilot project scholarship program under sections  
3313.974 to 3313.979 of the Revised Code.

(2) "Qualifying student" means a student who is eligible for a state scholarship. 17  
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(B) Notwithstanding anything in the Revised Code to the contrary, a qualifying student may receive in the same school year both a state scholarship for which the student is eligible and a scholarship under one of the following programs, so long as the student is eligible for that program: 19  
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(1) The autism scholarship program established under section 3310.41 of the Revised Code; 24  
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(2) The Jon Peterson special needs scholarship program established under sections 3310.51 to 3310.64 of the Revised Code. 26  
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The amount a student receives under both scholarships shall not exceed the total amount paid for services or tuition and fees provided to a student under those scholarships. 29  
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If a student receives both a state scholarship and a Jon Peterson special needs scholarship, the student shall only use the Jon Peterson special needs scholarship to pay for fees for the student's special education program in accordance with section 3310.52 of the Revised Code. Such student shall not use the Jon Peterson special needs scholarship to pay for tuition at the provider that operates the student's special education program. 32  
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(C) Notwithstanding anything in section 3310.03 of the Revised Code to the contrary, a student who is the recipient of an autism scholarship under section 3310.41 of the Revised Code or a Jon Peterson special needs scholarship under section 3310.52 of the Revised Code but who is no longer in need of special education and related services under Chapter 3323. of 40  
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the Revised Code and, therefore, is no longer eligible to 46  
receive that scholarship may be considered an "eligible student" 47  
for purposes of the educational choice scholarship pilot program 48  
under section 3310.03 of the Revised Code, regardless of whether 49  
the student is enrolled in a school building described in 50  
division (A) (1) or (C) of that section. 51

~~(B)-(D)~~ A student described in ~~division (A) of this~~ 52  
section who receives a state scholarship under section 3310.03 ~~of~~ 53  
~~of the Revised Code~~ remains an eligible student and may continue 54  
to receive that scholarship in subsequent school years until the 55  
student completes grade twelve, so long as the student satisfies 56  
one of the following conditions: 57

(1) The student receives a scholarship established under 58  
section 3310.03, 3310.032, or sections 3313.974 to 3313.979 of 59  
the Revised Code as described in division (B) of this section 60  
and continues to meet the eligibility criteria for that 61  
scholarship; 62

(2) The student receives a scholarship established under 63  
section 3310.03 of the Revised Code pursuant to division (C) of 64  
this section and satisfies the requirements specified in 65  
divisions (D) (2) and (3) of section 3310.03 of the Revised Code. 66

**Sec. 3310.51.** As used in sections 3310.51 to 3310.64 of 67  
the Revised Code: 68

(A) "Alternative public provider" means either of the 69  
following providers that agrees to enroll a child in the 70  
provider's special education program to implement the child's 71  
individualized education program and to which the eligible 72  
applicant owes fees for the services provided to the child: 73

(1) A school district that is not the school district in 74

which the child is entitled to attend school or the child's	75
school district of residence, if different;	76
(2) A public entity other than a school district.	77
(B) "Child with a disability" and "individualized	78
education program" have the same meanings as in section 3323.01	79
of the Revised Code.	80
(C) "Eligible applicant" means any of the following:	81
(1) Either of the natural or adoptive parents of a	82
qualified special education child, except as otherwise specified	83
in this division. When the marriage of the natural or adoptive	84
parents of the student has been terminated by a divorce,	85
dissolution of marriage, or annulment, or when the natural or	86
adoptive parents of the student are living separate and apart	87
under a legal separation decree, and a court has issued an order	88
allocating the parental rights and responsibilities with respect	89
to the child, "eligible applicant" means the residential parent	90
as designated by the court. If the court issues a shared	91
parenting decree, "eligible applicant" means either parent.	92
"Eligible applicant" does not mean a parent whose custodial	93
rights have been terminated.	94
(2) The custodian of a qualified special education child,	95
when a court has granted temporary, legal, or permanent custody	96
of the child to an individual other than either of the natural	97
or adoptive parents of the child or to a government agency;	98
(3) The guardian of a qualified special education child,	99
when a court has appointed a guardian for the child;	100
(4) The grandparent of a qualified special education	101
child, when the grandparent is the child's attorney in fact	102
under a power of attorney executed under sections 3109.51 to	103

3109.62 of the Revised Code or when the grandparent has executed	104
a caretaker authorization affidavit under sections 3109.65 to	105
3109.73 of the Revised Code;	106
(5) The surrogate parent appointed for a qualified special	107
education child pursuant to division (B) of section 3323.05 and	108
section 3323.051 of the Revised Code;	109
(6) A qualified special education child, if the child does	110
not have a custodian or guardian and the child is at least	111
eighteen years of age.	112
(D) "Entitled to attend school" means entitled to attend	113
school in a school district under sections 3313.64 and 3313.65	114
of the Revised Code.	115
(E) "Formula ADM" has the same meaning as in section	116
3317.02 of the Revised Code.	117
(F) "Qualified special education child" is a child for	118
whom all of the following conditions apply:	119
(1) The child is at least five years of age and less than	120
twenty-two years of age.	121
(2) The school district in which the child is entitled to	122
attend school, or the child's school district of residence if	123
different, has identified the child as a child with a	124
disability.	125
(3) The school district in which the child is entitled to	126
attend school, or the child's school district of residence if	127
different, has developed an individualized education program	128
under Chapter 3323. of the Revised Code for the child.	129
(4) The child either:	130

(a) Was enrolled in the schools of the school district in 131  
which the child is entitled to attend school in any grade from 132  
kindergarten through twelve in the school year prior to the 133  
school year in which a scholarship is first sought for the 134  
child; 135

(b) Is eligible to enter school in any grade kindergarten 136  
through twelve in the school district in which the child is 137  
entitled to attend school in the school year in which a 138  
scholarship is first sought for the child. 139

(5) The department of education and workforce has not 140  
approved a scholarship for the child under the ~~educational-~~ 141  
~~choice scholarship pilot program, under sections 3310.01 to~~ 142  
~~3310.17 of the Revised Code, the~~ autism scholarship program, 143  
under section 3310.41 of the Revised Code, ~~or the pilot project-~~ 144  
~~scholarship program, under sections 3313.974 to 3313.979 of the~~ 145  
~~Revised Code~~ for the same school year in which a scholarship 146  
under the Jon Peterson special needs scholarship program is 147  
sought. 148

(6) The child and the child's parents are in compliance 149  
with the state compulsory attendance law under Chapter 3321. of 150  
the Revised Code. 151

(G) "Registered private provider" means a nonpublic school 152  
or other nonpublic entity that has been registered by the 153  
superintendent of public instruction under section 3310.58 of 154  
the Revised Code prior to ~~the effective date of this amendment-~~ 155  
October 3, 2023, or the department of education and workforce on 156  
or after that date. 157

(H) "Scholarship" means a scholarship awarded under the 158  
Jon Peterson special needs scholarship program pursuant to 159

sections 3310.51 to 3310.64 of the Revised Code. 160

(I) "School district of residence" has the same meaning as 161  
in section 3323.01 of the Revised Code. A community school 162  
established under Chapter 3314. of the Revised Code is not a 163  
"school district of residence" for purposes of sections 3310.51 164  
to 3310.64 of the Revised Code. 165

(J) "School year" has the same meaning as in section 166  
3313.62 of the Revised Code. 167

(K) "Special education program" means a school or facility 168  
that provides special education and related services to children 169  
with disabilities. 170

**Sec. 3310.52.** (A) The Jon Peterson special needs 171  
scholarship program is hereby established. Under the program, 172  
beginning with the 2012-2013 school year, subject to division 173  
(B) of this section, the department of education and workforce 174  
annually shall pay a scholarship under section 3317.022 of the 175  
Revised Code to an eligible applicant for services provided by 176  
an alternative public provider or a registered private provider 177  
for a qualified special education child. The Except as provided 178  
in division (E) of this section, the scholarship shall be used 179  
only to pay all or part of the fees for the child to attend the 180  
special education program operated by the alternative public 181  
provider or registered private provider to implement the child's 182  
individualized education program, in lieu of the child's 183  
attending the special education program operated by the school 184  
district in which the child is entitled to attend school, and 185  
other services agreed to by the provider and eligible applicant 186  
that are not included in the individualized education program 187  
but are associated with educating the child. Beginning in the 188  
2014-2015 school year, if the child is receiving special 189

education services for a disability specified in division (A) of 190  
section 3317.013 of the Revised Code, the scholarship shall be 191  
used only to pay for related services that are included in the 192  
child's individualized education program. Upon agreement with 193  
the eligible applicant, the alternative public provider or 194  
registered private provider may modify the services provided to 195  
the child. 196

Services provided through the program established under 197  
this section may be provided virtually by qualified, 198  
credentialed providers in accordance with standards established 199  
by the department. 200

(B) The number of scholarships awarded under the program 201  
in any fiscal year shall not exceed five per cent of the total 202  
number of students residing in the state identified as children 203  
with disabilities during the previous fiscal year. 204

(C) The department shall pay a scholarship under section 205  
3317.022 of the Revised Code to the parent of each qualified 206  
special education child, unless the parent authorizes a direct 207  
payment to the child's provider, upon application of that parent 208  
in the manner prescribed by the department. However, the 209  
department shall not adopt specific dates for application 210  
deadlines for scholarships under the program. 211

(D) The department shall not require the parent of a 212  
student who applies for or receives a scholarship under this 213  
section to complete any kind of income verification regarding 214  
the student's family income. 215

(E) A scholarship awarded under this section to a 216  
qualified special education child who does not receive a state 217  
scholarship, as defined in section 3310.034 of the Revised Code, 218

in accordance with that section may be applied to the child's 219  
tuition at an alternative public provider or registered private 220  
provider if any amount of the scholarship remains after paying 221  
the child's fees for attending a special education program 222  
operated by that provider. 223

**Section 2.** That existing sections 3310.034, 3310.51, and 224  
3310.52 of the Revised Code are hereby repealed. 225

**Section 3.** All items in this act are hereby appropriated 226  
as designated out of any moneys in the state treasury to the 227  
credit of the designated fund. For all operating appropriations 228  
made in this act, those in the first column are for fiscal year 229  
2026 and those in the second column are for fiscal year 2027. 230  
The operating appropriations made in this act are in addition to 231  
any other operating appropriations made for these fiscal years. 232

**Section 4.** 233  
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A	EDU DEPARTMENT OF EDUCATION AND WORKFORCE				
B	General Revenue Fund				
C	GRF	200550	Foundation Funding - All Students	\$42,000,000	\$42,000,000
D	TOTAL GRF General Revenue Fund			\$42,000,000	\$42,000,000
E	TOTAL ALL BUDGET FUND GROUPS			\$42,000,000	\$42,000,000

**Section 5.** Within the limits set forth in this act, the 235  
Director of Budget and Management shall establish accounts 236  
indicating the source and amount of funds for each appropriation 237

made in this act, and shall determine the manner in which	238
appropriation accounts shall be maintained. Expenditures from	239
operating appropriations contained in this act shall be	240
accounted for as though made in, and are subject to all	241
applicable provisions of the main operating budget of the 136th	242
General Assembly.	243