As Re-Referred to the Senate Finance Committee

136th General Assembly
Regular Session **S. B. No. 44**
2025-2026

Senator O'Brien
Cosponsors: Senators Cirino, Schaffer, Brenner

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.

(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:

(1) The autism scholarship program established under section 3310.41 of the Revised Code;

(2) The Jon Peterson special needs scholarship program established under sections 3310.51 to 3310.64 of the Revised Code.

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.

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.

(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

the Revised Code and, therefore, is no longer eligible to receive that scholarship may be considered an "eligible student" for purposes of the educational choice scholarship pilot program under section 3310.03 of the Revised Code, regardless of whether the student is enrolled in a school building described in division (A)(1) or (C) of that section.

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

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

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

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

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

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

which the child is entitled to attend school or the child's school district of residence, if different;

(2) A public entity other than a school district.

(B) "Child with a disability" and "individualized education program" have the same meanings as in section 3323.01 of the Revised Code.

(C) "Eligible applicant" means any of the following:

(1) Either of the natural or adoptive parents of a qualified special education child, except as otherwise specified in this division. When the marriage of the natural or adoptive parents of the student has been terminated by a divorce, dissolution of marriage, or annulment, or when the natural or adoptive parents of the student are living separate and apart under a legal separation decree, and a court has issued an order allocating the parental rights and responsibilities with respect to the child, "eligible applicant" means the residential parent as designated by the court. If the court issues a shared parenting decree, "eligible applicant" means either parent. "Eligible applicant" does not mean a parent whose custodial rights have been terminated.

(2) The custodian of a qualified special education child, when a court has granted temporary, legal, or permanent custody of the child to an individual other than either of the natural or adoptive parents of the child or to a government agency;

(3) The guardian of a qualified special education child, when a court has appointed a guardian for the child;

(4) The grandparent of a qualified special education child, when the grandparent is the child's attorney in fact under a power of attorney executed under sections 3109.51 to

3109.62 of the Revised Code or when the grandparent has executed a caretaker authorization affidavit under sections 3109.65 to 3109.73 of the Revised Code;

(5) The surrogate parent appointed for a qualified special education child pursuant to division (B) of section 3323.05 and section 3323.051 of the Revised Code;

(6) A qualified special education child, if the child does not have a custodian or guardian and the child is at least eighteen years of age.

(D) "Entitled to attend school" means entitled to attend school in a school district under sections 3313.64 and 3313.65 of the Revised Code.

(E) "Formula ADM" has the same meaning as in section 3317.02 of the Revised Code.

(F) "Qualified special education child" is a child for whom all of the following conditions apply:

(1) The child is at least five years of age and less than twenty-two years of age.

(2) The school district in which the child is entitled to attend school, or the child's school district of residence if different, has identified the child as a child with a disability.

(3) The school district in which the child is entitled to attend school, or the child's school district of residence if different, has developed an individualized education program under Chapter 3323. of the Revised Code for the child.

(4) The child either:

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

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

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

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

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

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

sections 3310.51 to 3310.64 of the Revised Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 4.

1	2	3	4	5
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 Director of Budget and Management shall establish accounts indicating the source and amount of funds for each appropriation

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