

As Re-Referred to the Senate Finance Committee

136th General Assembly

Regular Session

2025-2026

S. B. No. 44

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. 17
18

(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
20
21
22
23

(1) The autism scholarship program established under section 3310.41 of the Revised Code; 24
25

(2) The Jon Peterson special needs scholarship program established under sections 3310.51 to 3310.64 of the Revised Code. 26
27
28

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
30
31

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
33
34
35
36
37
38
39

(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
41
42
43
44
45

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 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
234

| | 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 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 |