

As Introduced

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H. B. No. 587

Representatives Robinson, Patterson

Cosponsors: Representatives Miller, J., Miranda, Ingram, Crawley, Russo, Leland, Brent, Sobacki, Weinstein, Howse, O'Brien, Lightbody, Strahorn, Denson, Liston, Crossman, Clites, Boyd

A BILL

To amend sections 3310.02, 3310.03, 3310.032, 1
3310.08, and 3310.16 of the Revised Code to 2
suspend all performance-based Educational Choice 3
scholarships for the 2020-2021 school year, to 4
make changes to the Educational Choice 5
Scholarship Program and the expansion of that 6
program for the 2021-2022 school year and each 7
school year thereafter, and to declare an 8
emergency. 9

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

Section 1. That sections 3310.02, 3310.03, 3310.032, 10
3310.08, and 3310.16 of the Revised Code be amended to read as 11
follows: 12

Sec. 3310.02. (A) The educational choice scholarship pilot 13
program is hereby established. Under the program, the department 14
of education annually shall pay scholarships to attend chartered 15
nonpublic schools in accordance with section 3310.08 of the 16
Revised Code for up to the following number of eligible 17

students: 18

(1) Thirty thousand in the 2011-2012 school year; 19

(2) Sixty thousand in the 2012-2013 school year and 20
thereafter. 21

~~For any school year for which the number of applications 22
for scholarships timely submitted for the program exceeds ninety 23
per cent of the maximum number of scholarships permitted under 24
division (A) of this section, the department shall increase the 25
maximum number of scholarships permitted for the following 26
school year by five per cent. The department shall make the 27
increased number of scholarships available for each subsequent 28
school year until the department is again required to increase 29
the number of scholarships under division (A) of this section. 30~~

~~If the number of students who apply for a scholarship 31
exceeds the maximum number of scholarships permitted under 32
division (A) of this section, priority shall be given to those 33
students applying for a scholarship under section 3310.03 of the 34
Revised Code in accordance with division (B) of this section. 35~~

(B) ~~The~~ If the number of students who apply for a 36
scholarship exceeds the number of scholarships available under 37
division (A) of this section for the applicable school year, the 38
department shall award scholarships under section 3310.03 of the 39
Revised Code in the following order of priority: 40

(1) First, to eligible students who received scholarships 41
in the prior school year; 42

(2) Second, to eligible students with family incomes at or 43
below two hundred per cent of the federal poverty guidelines, as 44
defined in section 5101.46 of the Revised Code, who qualify 45
under divisions (A) and (E) of section 3310.03 of the Revised 46

Code. If the number of students described in division (B) (2) of 47
this section who apply for a scholarship exceeds the number of 48
available scholarships after awards are made under division (B) 49
(1) of this section, the department shall select students 50
described in division (B) (2) of this section by lot to receive 51
any remaining scholarships. 52

(3) Third, to other eligible students who qualify under 53
divisions (A) and (E) of section 3310.03 of the Revised Code. If 54
the number of students described in division (B) (3) of this 55
section who apply for a scholarship exceeds the number of 56
available scholarships after awards are made under divisions (B) 57
(1) and (2) of this section, the department shall select 58
students described in division (B) (3) of this section by lot to 59
receive any remaining scholarships. 60

(4) Fourth, to eligible students with family incomes at or 61
below two hundred per cent of the federal poverty guidelines who 62
qualify under division (D) of section 3310.03 of the Revised 63
Code. If the number of students described in division (B) (4) of 64
this section who apply for a scholarship exceeds the number of 65
available scholarships after awards are made under divisions (B) 66
(1) to (3) of this section, the department shall select students 67
described in division (B) (4) of this section by lot to receive 68
any remaining scholarships. 69

(5) Fifth, to other eligible students who qualify under 70
division (D) of section 3310.03 of the Revised Code. If the 71
number of students described in division (B) (5) of this section 72
who apply for a scholarship exceeds the number of available 73
scholarships after awards are made under divisions (B) (1) to (4) 74
of this section, the department shall select students described 75
in division (B) (5) of this section by lot to receive any 76

remaining scholarships. 77

(6) Sixth, to eligible students with family incomes at or 78
below two hundred per cent of the federal poverty guidelines who 79
qualify under division (B) of section 3310.03 of the Revised 80
Code. If the number of students described in division (B) (6) of 81
this section who apply for a scholarship exceeds the number of 82
available scholarships after awards are made under divisions (B) 83
(1) to (5) of this section, the department shall select students 84
described in division (B) (6) of this section by lot to receive 85
any remaining scholarships. 86

(7) Seventh, to other eligible students who qualify under 87
division (B) of section 3310.03 of the Revised Code. If the 88
number of students described in division (B) (7) of this section 89
who apply for a scholarship exceeds the number of available 90
scholarships after awards are made under divisions (B) (1) to (6) 91
of this section, the department shall select students described 92
in division (B) (7) of this section by lot to receive any 93
remaining scholarships. 94

Sec. 3310.03. A student is an "eligible student" for 95
purposes of the educational choice scholarship pilot program if 96
the student's resident district is not a school district in 97
which the pilot project scholarship program is operating under 98
sections 3313.974 to 3313.979 of the Revised Code and the 99
student satisfies one of the conditions in division (A), (B), 100
(C), (D), or (E) of this section: 101

(A) (1) The student is enrolled in a school building 102
operated by the student's resident district that, on the report 103
card issued under section 3302.03 of the Revised Code published 104
prior to the first day of July of the school year for which a 105
scholarship is sought, did not receive a rating as described in 106

division (I) of this section, and to which any or a combination 107
of any of the following apply for two of the three most recent 108
report cards published prior to the first day of July of the 109
school year for which a scholarship is sought: 110

(a) The building was declared to be in a state of academic 111
emergency or academic watch under section 3302.03 of the Revised 112
Code as that section existed prior to March 22, 2013. 113

(b) The building received a grade of "D" or "F" for the 114
performance index score under division (A) (1) (b) or (B) (1) (b) of 115
section 3302.03 of the Revised Code and for the value-added 116
progress dimension under division (A) (1) (e) or (B) (1) (e) of 117
section 3302.03 of the Revised Code for the 2012-2013, 2013- 118
2014, 2014-2015, or 2015-2016 school year; or if the building 119
serves only grades ten through twelve, the building received a 120
grade of "D" or "F" for the performance index score under 121
division (A) (1) (b) or (B) (1) (b) of section 3302.03 of the 122
Revised Code and had a four-year adjusted cohort graduation rate 123
of less than seventy-five per cent. 124

(c) The building received an overall grade of "D" or "F" 125
under division (C) (3) of section 3302.03 of the Revised Code or 126
a grade of "F" for the value-added progress dimension under 127
division (C) (1) (e) of section 3302.03 of the Revised Code for 128
the 2016-2017 school year or any school year thereafter. 129

(2) The student will be enrolling in any of grades 130
kindergarten through twelve in this state for the first time in 131
the school year for which a scholarship is sought, will be at 132
least five years of age by the first day of January of the 133
school year for which a scholarship is sought, and otherwise 134
would be assigned under section 3319.01 of the Revised Code in 135
the school year for which a scholarship is sought, to a school 136

building described in division (A) (1) of this section.	137
(3) The student is enrolled in a community school	138
established under Chapter 3314. of the Revised Code but	139
otherwise would be assigned under section 3319.01 of the Revised	140
Code to a building described in division (A) (1) of this section.	141
(4) The student is enrolled in a school building operated	142
by the student's resident district or in a community school	143
established under Chapter 3314. of the Revised Code and	144
otherwise would be assigned under section 3319.01 of the Revised	145
Code to a school building described in division (A) (1) of this	146
section in the school year for which the scholarship is sought.	147
(5) The student will be both enrolling in any of grades	148
kindergarten through twelve in this state for the first time and	149
at least five years of age by the first day of January of the	150
school year for which a scholarship is sought, or is enrolled in	151
a community school established under Chapter 3314. of the	152
Revised Code, and all of the following apply to the student's	153
resident district:	154
(a) The district has in force an intradistrict open	155
enrollment policy under which no student in the student's grade	156
level is automatically assigned to a particular school building;	157
(b) In the most recent rating published prior to the first	158
day of July of the school year for which scholarship is sought,	159
the district did not receive a rating described in division (I)	160
of this section, and in at least two of the three most recent	161
report cards published prior to the first day of July of that	162
school year, any or a combination of the following apply to the	163
district:	164
(i) The district was declared to be in a state of academic	165

emergency under section 3302.03 of the Revised Code as it 166
existed prior to March 22, 2013. 167

(ii) The district received a grade of "D" or "F" for the 168
performance index score under division (A) (1) (b) or (B) (1) (b) of 169
section 3302.03 of the Revised Code and for the value-added 170
progress dimension under division (A) (1) (e) or (B) (1) (e) of 171
section 3302.03 of the Revised Code for the 2012-2013, 2013- 172
2014, 2014-2015, or 2015-2016 school year. 173

(c) The district received an overall grade of "D" or "F" 174
under division (C) (3) of section 3302.03 of the Revised Code or 175
a grade of "F" for the value-added progress dimension under 176
division (C) (1) (e) of section 3302.03 of the Revised Code for 177
the 2016-2017 school year or any school year thereafter. 178

(6) ~~Beginning in~~ In the 2019-2020 school year, the student 179
meets both of the following conditions: 180

(a) The student was enrolled in a public or nonpublic 181
school or was homeschooled in the prior school year and 182
completed any of grades eight through eleven in that school 183
year. 184

(b) The student would be assigned to a building in the 185
school year for which the scholarship is sought that either: 186

(i) Serves any of grades nine through twelve and that 187
received a grade of "D" or "F" for the four-year adjusted cohort 188
graduation rate under division (A) (1) (d), (B) (1) (d), or (C) (1) 189
(d) of section 3302.03 of the Revised Code in two of the three 190
most recent report cards published prior to the first day of 191
July of the school year for which a scholarship is sought; 192

(ii) Is a building described in division (A) (1) of this 193
section. 194

Any student who was awarded a scholarship under division 195
(A) (6) of this section as it existed prior to ~~the effective date~~ 196
~~of this amendment~~ the effective date of this amendment may 197
continue to receive scholarships in subsequent school years 198
until the student completes grade twelve, as long as the student 199
meets the criteria prescribed by division (F) of this section. 200

(7) Beginning in the 2020-2021 school year, the student is 201
enrolled in or will be enrolling in a building in the school 202
year for which the scholarship is sought that serves any of 203
grades nine through twelve and that receives a grade of "D" or 204
"F" for the four-year adjusted cohort graduation rate under 205
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of section 3302.03 206
of the Revised Code in two of the three most recent report cards 207
published prior to the first day of July of the school year for 208
which a scholarship is sought. 209

(B) (1) The student is enrolled in a school building 210
operated by the student's resident district and to which both of 211
the following apply: 212

(a) The building was ranked, for at least two of the three 213
most recent rankings prior to the first day of July of the 214
school year for which a scholarship is sought, in the lowest ten 215
per cent of all buildings operated by city, local, and exempted 216
village school districts according to performance index score as 217
determined by the department of education. 218

(b) The building was not declared to be excellent or 219
effective, or the equivalent of such ratings as determined by 220
the department, under section 3302.03 of the Revised Code in the 221
most recent rating published prior to the first day of July of 222
the school year for which a scholarship is sought. 223

(2) The student will be enrolling in any of grades 224
kindergarten through twelve in this state for the first time in 225
the school year for which a scholarship is sought, will be at 226
least five years of age, as defined in section 3321.01 of the 227
Revised Code, by the first day of January of the school year for 228
which a scholarship is sought, and otherwise would be assigned 229
under section 3319.01 of the Revised Code in the school year for 230
which a scholarship is sought, to a school building described in 231
division (B)(1) of this section. 232

(3) The student is enrolled in a community school 233
established under Chapter 3314. of the Revised Code but 234
otherwise would be assigned under section 3319.01 of the Revised 235
Code to a building described in division (B)(1) of this section. 236

(4) The student is enrolled in a school building operated 237
by the student's resident district or in a community school 238
established under Chapter 3314. of the Revised Code and 239
otherwise would be assigned under section 3319.01 of the Revised 240
Code to a school building described in division (B)(1) of this 241
section in the school year for which the scholarship is sought. 242

(C) The student is enrolled in a nonpublic school at the 243
time the school is granted a charter by the state board of 244
education under section 3301.16 of the Revised Code and the 245
student meets the standards of division (B) of section 3310.031 246
of the Revised Code. 247

(D) For the 2016-2017 school year and each school year 248
thereafter, the student is in any of grades kindergarten through 249
three, is enrolled in a school building that is operated by the 250
student's resident district or will be enrolling in any of 251
grades kindergarten through twelve in this state for the first 252
time in the school year for which a scholarship is sought, and 253

to which both of the following apply:	254
(1) The building, in at least two of the three most recent ratings of school buildings published prior to the first day of July of the school year for which a scholarship is sought, received a grade of "D" or "F" for making progress in improving literacy in grades kindergarten through three under division (B) (1) (g) or (C) (1) (g) of section 3302.03 of the Revised Code;	255 256 257 258 259 260
(2) The building did not receive a grade of "A" for making progress in improving literacy in grades kindergarten through three under division (B) (1) (g) or (C) (1) (g) of section 3302.03 of the Revised Code in the most recent rating published prior to the first day of July of the school year for which a scholarship is sought.	261 262 263 264 265 266
(E) The student's resident district is subject to section 3302.10 of the Revised Code and the student either:	267 268
(1) Is enrolled in a school building operated by the resident district or in a community school established under Chapter 3314. of the Revised Code;	269 270 271
(2) Will be both enrolling in any of grades kindergarten through twelve in this state for the first time and at least five years of age by the first day of January of the school year for which a scholarship is sought.	272 273 274 275
(F) A student who receives a scholarship under the educational choice scholarship pilot program remains an eligible student and may continue to receive scholarships in subsequent school years until the student completes grade twelve, so long as all of the following apply:	276 277 278 279 280
(1) The student's resident district remains the same, or the student transfers to a new resident district and otherwise	281 282

would be assigned in the new resident district to a school building described in division (A) (1), (B) (1), (D), or (E) of this section.

(2) Except as provided in divisions (K) (1) and (L) of section 3301.0711 of the Revised Code, the student takes each assessment prescribed for the student's grade level under section 3301.0710 or 3301.0712 of the Revised Code while enrolled in a chartered nonpublic school.

(3) In each school year that the student is enrolled in a chartered nonpublic school, the student is absent from school for not more than twenty days that the school is open for instruction, not including excused absences.

(G) (1) The department shall cease awarding first-time scholarships pursuant to divisions (A) (1) to (4) of this section with respect to a school building that, in the most recent ratings of school buildings published under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (A) (1) of this section. The department shall cease awarding first-time scholarships pursuant to division (A) (5) of this section with respect to a school district that, in the most recent ratings of school districts published under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (A) (5) of this section.

(2) The department shall cease awarding first-time scholarships pursuant to divisions (B) (1) to (4) of this section with respect to a school building that, in the most recent ratings of school buildings under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (B) (1) of this section.

(3) The department shall cease awarding first-time 313
scholarships pursuant to division (D) of this section with 314
respect to a school building that, in the most recent ratings of 315
school buildings under section 3302.03 of the Revised Code prior 316
to the first day of July of the school year, ceases to meet the 317
criteria in division (D) of this section. 318

(4) The department shall cease awarding first-time 319
scholarships pursuant to division (E) of this section with 320
respect to a school district subject to section 3302.10 of the 321
Revised Code when the academic distress commission established 322
for the district ceases to exist. 323

(5) However, students who have received scholarships in 324
the prior school year remain eligible students pursuant to 325
division (F) of this section. 326

(H) The state board of education shall adopt rules 327
defining excused absences for purposes of division (F)(3) of 328
this section. 329

(I)(1) A student who satisfies only the conditions 330
prescribed in divisions (A)(1) to (4) of this section shall not 331
be eligible for a scholarship if the student's resident building 332
meets any of the following in the most recent rating under 333
section 3302.03 of the Revised Code published prior to the first 334
day of July of the school year for which a scholarship is 335
sought: 336

(a) The building has an overall designation of excellent 337
or effective under section 3302.03 of the Revised Code as it 338
existed prior to March 22, 2013. 339

(b) For the 2012-2013, 2013-2014, 2014-2015, or 2015-2016 340
school year, the building has a grade of "A" or "B" for the 341

performance index score under division (A) (1) (b) or (B) (1) (b) of 342
section 3302.03 of the Revised Code and for the value-added 343
progress dimension under division (A) (1) (e) or (B) (1) (e) of 344
section 3302.03 of the Revised Code; or if the building serves 345
only grades ten through twelve, the building received a grade of 346
"A" or "B" for the performance index score under division (A) (1) 347
(b) or (B) (1) (b) of section 3302.03 of the Revised Code and had 348
a four-year adjusted cohort graduation rate of greater than or 349
equal to seventy-five per cent. 350

(c) For the 2016-2017 school year or any school year 351
thereafter, the building has a grade of "A" or "B" under 352
division (C) (3) of section 3302.03 of the Revised Code and a 353
grade of "A" for the value-added progress dimension under 354
division (C) (1) (e) of section 3302.03 of the Revised Code; or if 355
the building serves only grades ten through twelve, the building 356
received a grade of "A" or "B" for the performance index score 357
under division (C) (1) (b) of section 3302.03 of the Revised Code 358
and had a four-year adjusted cohort graduation rate of greater 359
than or equal to seventy-five per cent. 360

(2) A student who satisfies only the conditions prescribed 361
in division (A) (5) of this section shall not be eligible for a 362
scholarship if the student's resident district meets any of the 363
following in the most recent rating under section 3302.03 of the 364
Revised Code published prior to the first day of July of the 365
school year for which a scholarship is sought: 366

(a) The district has an overall designation of excellent 367
or effective under section 3302.03 of the Revised Code as it 368
existed prior to March 22, 2013. 369

(b) The district has a grade of "A" or "B" for the 370
performance index score under division (A) (1) (b) or (B) (1) (b) of 371

section 3302.03 of the Revised Code and for the value-added 372
progress dimension under division (A) (1) (e) or (B) (1) (e) of 373
section 3302.03 of the Revised Code for the 2012-2013, 2013- 374
2014, 2014-2015, and 2015-2016 school years. 375

(c) The district has an overall grade of "A" or "B" under 376
division (C) (3) of section 3302.03 of the Revised Code and a 377
grade of "A" for the value-added progress dimension under 378
division (C) (1) (e) of section 3302.03 of the Revised Code for 379
the 2016-2017 school year or any school year thereafter. 380

Sec. 3310.032. (A) A student is an "eligible student" for 381
purposes of the expansion of the educational choice scholarship 382
pilot program under this section if the student's resident 383
district is not a school district in which the pilot project 384
scholarship program is operating under sections 3313.974 to 385
3313.979 of the Revised Code, the student is not eligible for an 386
educational choice scholarship under section 3310.03 of the 387
Revised Code, and the student's family income is at or below two 388
hundred per cent of the federal poverty guidelines, as defined 389
in section 5101.46 of the Revised Code. 390

(B) In each fiscal year for which the general assembly 391
appropriates funds for purposes of this section, the department 392
of education shall pay scholarships to attend chartered 393
nonpublic schools in accordance with section 3310.08 of the 394
Revised Code. The number of scholarships awarded under this 395
section shall not exceed the number that can be funded with 396
appropriations made by the general assembly for this purpose. 397

(C) Scholarships under this section shall be awarded as 398
follows: 399

(1) For the 2013-2014 school year, to eligible students 400

who are entering kindergarten in that school year for the first 401
time; 402

(2) For each subsequent school year through the 2019-2020 403
school year, scholarships shall be awarded to eligible students 404
in the next grade level above the highest grade level awarded in 405
the preceding school year, in addition to the grade levels for 406
which students received scholarships in the preceding school 407
year; 408

(3) ~~Beginning with~~ For the 2020-2021 school year, to 409
eligible students who are entering any of grades kindergarten 410
through twelve in that school year for the first time. Any 411
student who was awarded a scholarship under division (C) (3) of 412
this section may continue to receive scholarships in subsequent 413
school years until the student completes grade twelve, as long 414
as the student meets the criteria prescribed by division (E) of 415
this section. 416

(4) For the 2021-2022 school year, to eligible students 417
who are entering any of grades kindergarten through eight in 418
that school year for the first time; 419

(5) For each subsequent school year, scholarships shall be 420
awarded to eligible students in the next grade level above the 421
highest grade level awarded in the preceding school year, in 422
addition to the grade levels for which students received 423
scholarships in the preceding school year. 424

(D) If the number of eligible students who apply for a 425
scholarship under this section exceeds the scholarships 426
available based on the appropriation for this section, the 427
department shall award scholarships in the following order of 428
priority: 429

(1) First, to eligible students who received scholarships 430
under this section in the prior school year; 431

(2) Second, to eligible students with family incomes at or 432
below one hundred per cent of the federal poverty guidelines. If 433
the number of students described in division (D) (2) of this 434
section who apply for a scholarship exceeds the number of 435
available scholarships after awards are made under division (D) 436
(1) of this section, the department shall select students 437
described in division (D) (2) of this section by lot to receive 438
any remaining scholarships. 439

(3) Third, to other eligible students who qualify under 440
this section. If the number of students described in division 441
(D) (3) of this section exceeds the number of available 442
scholarships after awards are made under divisions (D) (1) and 443
(2) of this section, the department shall select students 444
described in division (D) (3) of this section by lot to receive 445
any remaining scholarships. 446

(E) Subject to divisions (E) (1) to (3) of this section, a 447
student who receives a scholarship under this section remains an 448
eligible student and may continue to receive scholarships under 449
this section in subsequent school years until the student 450
completes grade twelve, so long as the student satisfies the 451
conditions specified in divisions (F) (2) and (3) of section 452
3310.03 of the Revised Code. 453

Once a scholarship is awarded under this section, the 454
student shall remain eligible for that scholarship for the 455
current school year and subsequent school years even if the 456
student's family income rises above the amount specified in 457
division (A) of this section, provided the student remains 458
enrolled in a chartered nonpublic school, however: 459

(1) If the student's family income is above two hundred 460
per cent but at or below three hundred per cent of the federal 461
poverty guidelines, the student shall receive a scholarship in 462
the amount of seventy-five per cent of the full scholarship 463
amount. 464

(2) If the student's family income is above three hundred 465
per cent but at or below four hundred per cent of the federal 466
poverty guidelines, the student shall receive a scholarship in 467
the amount of fifty per cent of the full scholarship amount. 468

(3) If the student's family income is above four hundred 469
per cent of the federal poverty guidelines, the student is no 470
longer eligible to receive an educational choice scholarship. 471

Sec. 3310.08. (A) As used in this section, "tuition 472
discount" means any deduction from the base tuition amount per 473
student charged by the school, to which the student's family is 474
entitled due to one or more of the following conditions: 475

(1) The student's family has multiple children enrolled in 476
the same school. 477

(2) The student's family is a member of or affiliated with 478
a religious or secular organization that provides oversight of 479
the school or from which the school has agreed to enroll 480
students. 481

(3) The student's parent is an employee of the school. 482

(4) Some other qualification not based on the income of 483
the student's family or the student's athletic or academic 484
ability and for which all students in the school may qualify. 485

~~(B) The~~ (1) For the 2020-2021 school year, the amount paid 486
for an eligible student under the educational choice scholarship 487

pilot program and the expansion of the program under section 488
3310.032 of the Revised Code shall be the lesser of the 489
following: 490

~~(1)~~ (a) The base tuition of the chartered nonpublic school 491
in which the student is enrolled minus the total amount of any 492
applicable tuition discounts for which the student qualifies; 493

~~(2)~~ (b) The maximum amount prescribed in section 3310.09 494
of the Revised Code. 495

(2) For the 2021-2022 school year and for each school year 496
thereafter, the amount paid for an eligible student under the 497
educational choice scholarship pilot program shall be the lesser 498
of the tuition of the chartered nonpublic school in which the 499
student is enrolled or the maximum amount prescribed in section 500
3310.09 of the Revised Code. 501

(C) (1) The department of education shall pay to the parent 502
of each eligible student for whom a scholarship is awarded under 503
the program, or to the student if at least eighteen years of 504
age, periodic partial payments of the scholarship. 505

(2) The department shall proportionately reduce or 506
terminate the payments for any student who withdraws from a 507
chartered nonpublic school prior to the end of the school year. 508

(D) (1) The department shall deduct from the payments made 509
to each school district under Chapter 3317., and if necessary, 510
sections 321.24 and 323.156 of the Revised Code, the amount paid 511
under division (C) of this section for each eligible student who 512
qualifies for a scholarship under section 3310.03 of the Revised 513
Code and who is entitled under section 3313.64 or 3313.65 of the 514
Revised Code to attend school in the district. In the case of a 515
student entitled to attend school in a school district under 516

division (B) (2) (a) of section 3313.64 or division (C) of section 3313.65 of the Revised Code, the department shall deduct the payments from the school district in whose formula ADM the student is included, as that term is defined in section 3317.02 of the Revised Code.

(2) If the department reduces or terminates payments to a parent or a student, as prescribed in division (C) (2) of this section, and the student enrolls in the schools of the student's resident district or in a community school, established under Chapter 3314. of the Revised Code, before the end of the school year, the department shall proportionally restore to the resident district the amount deducted for that student under division (D) (1) of this section.

Sec. 3310.16. ~~(A)~~ For the 2020-2021 school year ~~and each school year thereafter~~, the department of education shall accept, process, and award scholarships each year for the educational choice scholarship pilot program under sections 3310.03 and 3310.032 of the Revised Code, as follows:

~~(A)~~ (1) A priority application period shall open on the first day of February prior to the first day of July of the school year for which a scholarship is sought and run not less than seventy-five days. The department shall award scholarships under ~~this~~ division (A) (1) of this section not later than the thirtieth day of June prior to the first day of July of the school year for which a scholarship is sought.

~~(B)~~ (2) The department shall continue to award scholarships after the priority application period closes. If the department awards a scholarship after the beginning of the school year, the department shall prorate the amount of the scholarship based on how much of the school year remains. The

department shall continue to award income-based scholarships 547
under section 3310.032 of the Revised Code only so long as funds 548
appropriated by the general assembly for such scholarships for 549
that school year remain available. 550

(B) (1) For the 2021-2022 school year and each school year 551
thereafter, the department shall conduct two application periods 552
each year for the educational choice scholarship pilot program 553
under sections 3310.03 and 3310.032 of the Revised Code, as 554
follows: 555

(a) The first application period shall open not sooner 556
than the first day of February prior to the first day of July of 557
the school year for which a scholarship is sought and run not 558
fewer than seventy-five days. 559

(b) The second application period shall open not sooner 560
than the first day of July of the school year for which the 561
scholarship is sought and run not fewer than thirty days. 562

(2) If the scholarships awarded under section 3310.032 of 563
the Revised Code in the first application period for any school 564
year use the entirety of the amount appropriated by the general 565
assembly for such scholarships for that school year, the 566
department need not conduct a second application period for 567
scholarships under that section. If, after the first application 568
period, there are funds remaining to award scholarships under 569
section 3310.032 of the Revised Code, the department shall 570
conduct a second application period in accordance with division 571
(B) (1) (b) of this section. 572

(3) Not later than the thirty-first day of May of each 573
school year, the department shall determine whether funds remain 574
available for income-based scholarships under the educational 575

<u>choice scholarship pilot program after the first application</u>	576
<u>period.</u>	577
Section 2. That existing sections 3310.02, 3310.03,	578
3310.032, 3310.08, and 3310.16 of the Revised Code are hereby	579
repealed.	580
Section 3. Notwithstanding section 3310.03 of the Revised	581
Code, Section 265.210 of H.B. 166 of the 133rd General Assembly,	582
as amended by S.B. 120 of the 133rd General Assembly, and any	583
other provision of law to the contrary, the Department of	584
Education shall not accept, process, or award any performance-	585
based Educational Choice scholarships under section 3310.03 of	586
the Revised Code for the 2020-2021 school year. This includes	587
both first-time scholarships and scholarships for students who	588
received one in the 2019-2020 school year. The Department shall	589
resume accepting, processing, and awarding performance-based	590
Educational Choice scholarships under section 3310.03 of the	591
Revised Code on February 1, 2021, for the 2021-2022 school year.	592
Section 4. This act is hereby declared to be an emergency	593
measure necessary for the immediate preservation of the public	594
peace, health, and safety. The reason for such necessity is to	595
ensure that the changes to the Educational Choice Scholarship	596
pilot program go into effect for the next school year.	597
Therefore, this act shall go into immediate effect.	598