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# OHIO LEGISLATIVE SERVICE COMMISSION

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H.B. 478  
133<sup>rd</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. A. Miller and Miranda

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### SUMMARY

- Limits eligibility for first-time Ed Choice scholarships to students who have been enrolled in school buildings operated by their resident school districts for at least one entire school year.
- Specifies that a student who receives a performance-based Ed Choice scholarship remains eligible for that scholarship only if the district school building to which the student would otherwise be assigned continues to meet prescribed performance criteria.
- Requires the Department of Education each school year to audit the state report card data of district school buildings and qualifying districts, and to certify that data if it is complete and accurate.
- Prohibits the Department from awarding performance-based Ed Choice scholarships to students who would be assigned to a district school building or qualifying district that does not have its state report card data certified.

### DETAILED ANALYSIS

#### Eligibility for a first-time Ed Choice scholarship

The bill limits eligibility for a first-time, performance-based or income-based Educational Choice (Ed Choice) scholarship to students who have been enrolled in school buildings operated by their resident school districts for at least one entire school year.<sup>1</sup>

<sup>1</sup> R.C. 3310.03 and 3310.032(A); conforming changes in 3310.02 and 3310.035.

Current law permits a student who is not enrolled in a district school building to qualify for a first-time, performance-based Ed Choice scholarship if that student would be assigned to a district school building that meets prescribed performance criteria and is enrolled in a community school, is at least five years old and will be enrolling in any grades K-12 in Ohio for the first time, or is either homeschooled or enrolled in a nonpublic school and completed any of grades eight through eleven. Current law also does not require that a student be enrolled, or ever have been enrolled, in a district school building to qualify for a first-time, income-based Ed Choice scholarship.<sup>2</sup>

The bill eliminates a provision that qualifies a student for a first-time, performance-based Ed Choice scholarship if the student is at least five years old and is enrolling in any of grades K-12 in Ohio for the first time, or is enrolled in a community school, and if the student's resident district has in force an intradistrict open enrollment policy under which no student in the student's grade level is automatically assigned to a particular school building and the district meets prescribed performance criteria.<sup>3</sup>

The bill also eliminates a provision that establishes a student's eligibility for a first-time, performance-based Ed Choice scholarship if the student's district school building meets prescribed performance criteria and the student is enrolled in a nonpublic school when that school receives a charter from the State Board of Education.<sup>4</sup>

## **Maintaining performance-based Ed Choice eligibility**

The bill specifies that a student who receives a performance-based Ed Choice scholarship remains eligible for that type of scholarship in subsequent school years if the district school building to which the student otherwise would be assigned meets prescribed performance criteria for those years. The bill prohibits the Department of Education from awarding a performance-based scholarship to a student who received that scholarship in the prior school year if the student does not meet that criterion and other criteria established under continuing law.<sup>5</sup>

Under current law, a student remains eligible for a performance-based Ed Choice scholarship if the student's resident district remains the same, regardless of whether the building in which the student is enrolled continues to meet prescribed performance criteria or not. A student also remains eligible if the student moves to a new resident district and the district school building to which the student would otherwise be assigned meets prescribed performance criteria. Additionally, continuing law also requires that a student take required state assessments and not have more than 20 unexcused absences to remain eligible for a performance-based scholarship.

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<sup>2</sup> R.C. 3310.03(A), (B), (C), (D), and (E) and R.C. 3310.032(A).

<sup>3</sup> R.C. 3310.03(A)(5).

<sup>4</sup> R.C. 3310.03(C) and 3310.031.

<sup>5</sup> R.C. 3310.03(E)(1) and (E)(3), second paragraph.

## State report card data audit prior to awarding Ed Choice scholarships

The bill requires that, after publishing state report cards, the Department of Education must audit the data used to calculate the state report cards of district school buildings and qualifying districts. In conducting the audit, the Department must certify the data if the Department determines that it is complete and accurate. The Department must complete that audit prior to awarding any performance-based Ed Choice scholarships.<sup>6</sup>

If the Department does not certify the state report card data of a district school building or a qualifying district in the audit, the bill prohibits the Department from awarding a performance-based Ed Choice scholarship to any student who would be assigned in the next school year to that district school building or qualifying district.<sup>7</sup>

For the purposes of the bill, a “qualifying district” is a school district that has in force an intradistrict open enrollment policy under which no student in the student’s grade level is automatically assigned to a particular school building.<sup>8</sup>

### Background

The Ed Choice Scholarship Program operates statewide in every school district except Cleveland to provide scholarships for students who (1) are assigned or would be assigned to district school buildings that have persistently low academic achievement (known as “traditional” or “performance-based” Ed Choice) or (2) are from low-income families (known as “income-based” Ed Choice Expansion). Students may use their scholarships to enroll in participating chartered nonpublic schools.<sup>9</sup>

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## HISTORY

Action	Date
As Introduced	01-23-20

H0478-I-133/ec

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<sup>6</sup> R.C. 3310.036(B).

<sup>7</sup> R.C. 3310.036(C).

<sup>8</sup> R.C. 3310.036(A)(2).

<sup>9</sup> R.C. 3310.01 and 3310.04 to 3310.17, not in the bill.