



# Ohio Legislative Service Commission

## Bill Analysis

William Schwartz

### Sub. H.B. 299

131st General Assembly  
(As Reported by S. Education)

**Reps.** Blessing and Rezabek, Butler, Terhar, Dever, Brenner, Bishoff, LaTourette, Grossman, Huffman, Schaffer, Amstutz, Anielski, Ashford, Baker, Barnes, Boyce, Boyd, Brown, Buchy, Burkley, Conditt, Craig, Driehaus, Duffey, Green, Hackett, Hall, Hambley, Hayes, Henne, Hill, G. Johnson, T. Johnson, Kuhns, Kunze, Maag, Manning, M. O'Brien, S. O'Brien, Patmon, Pelanda, Perales, Reece, Reineke, Rogers, Ruhl, Ryan, Scherer, Schuring, Sheehy, Slesnick, Sprague, Stinziano, Strahorn, Sweeney, Sykes, Thompson

**Sen.** Hite

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## BILL SUMMARY

### Autism Scholarship Program

- Permits the temporary, legal, or permanent custodian of an identified autistic child, when the custodian is not the natural or adoptive parent of the child or a government agency, to apply for an Autism Scholarship for the child.

### Graduation and testing requirements for nonpublic school students

- Qualifies for a high school diploma a student who is enrolled in a chartered nonpublic school that is accredited through the Independent Schools Association of the Central States (ISACS) and who is attending the school under a state scholarship program, if the student attains a prescribed score on an alternative assessment approved by the Department of Education.
- Permits such a student to take an alternative assessment in lieu of the requirement to take a nationally standardized assessment that measures college and career readiness and the seven end-of-course exams.

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## CONTENT AND OPERATION

### Definition of parent for purposes of the Autism Scholarship Program

The Autism Scholarship Program pays scholarships, upon application, to the parents of identified autistic children in grades pre-kindergarten through 12. The scholarship is to be used solely to pay all or part of the cost of sending a child to a public or an approved nonpublic special education program, instead of the one provided by the child's resident school district. The scholarship amount is the lesser of the amount charged by the special education program or \$27,000.<sup>1</sup>

Under current law, for purposes of the program, "parent" generally means the natural or adoptive parent of a child.<sup>2</sup> Even if a child is in the legal custody of a government agency or a person other than the child's natural or adoptive parent, the natural parent is still considered the parent of a child for purposes of the program because he or she continues to have "residual parental rights, privileges, and responsibilities"<sup>3</sup> (those rights, privileges, and responsibilities that remain with the natural parent after the transfer of legal custody of a child). However, a natural or adoptive parent whose custodial rights have been terminated is not considered to be a child's parent for purposes of the Program.<sup>4</sup>

Additionally, "parent" means a child's grandparent, rather than the natural or adoptive parent of a child, in either of the following circumstances:<sup>5</sup>

(1) When a child is the subject of a power of attorney that grants to a grandparent of the child with whom the child is residing any of the parent's rights and responsibilities regarding the care, physical custody, and control of the child;<sup>6</sup>

(2) When a child is the subject of a caretaker authorization affidavit executed by the child's grandparent.<sup>7</sup>

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<sup>1</sup> R.C. 3310.41.

<sup>2</sup> R.C. 3310.41(A)(5) and 3313.64(A)(1)(a), latter section not in the bill.

<sup>3</sup> R.C. 2151.011(B)(48), not in the bill.

<sup>4</sup> R.C. 3310.41(A)(5) and 3313.64(A)(1)(a).

<sup>5</sup> R.C. 3310.41(A)(5) and 3313.64(A)(1).

<sup>6</sup> R.C. 3109.51 to 3109.62, none in the bill.

<sup>7</sup> R.C. 3109.64 to 3109.73, none in the bill.



The bill expands this definition to permit the temporary, legal, or permanent custodian of an identified autistic child, when the custodian is not the natural or adoptive parent of the child or a government agency, to apply for an Autism Scholarship on behalf of the child.<sup>8</sup>

## Graduation and testing requirements for nonpublic school students

### Graduation requirements

Generally, to be eligible for a high school diploma, a student attending any high school must successfully complete the school's curriculum and complete one of three graduation testing pathways (see "**Background – Graduation pathways**," below). The bill revises the high school graduation testing requirements for students who are enrolled in a chartered nonpublic school that is accredited through the Independent Schools Association of the Central States (ISACS) and who are attending the school under a state scholarship program. Those programs are the Educational Choice Scholarship Program, Pilot Project (Cleveland) Scholarship Program, Jon Peterson Special Needs Scholarship Program, or the Autism Scholarship Program. Specifically, the bill affords such a student a fourth pathway, which qualifies a student for graduation if the student attains a prescribed score on an alternative assessment that is approved by the Department of Education and is selected by the student's school.<sup>9</sup> Under continuing law, this fourth pathway is already afforded to students in a non-ISACS nonpublic school, regardless of whether they are attending the school under a state scholarship. Also under continuing law, there is no graduation testing requirement for a student attending an ISACS-accredited school without a state scholarship.

The resulting graduation requirements for students enrolled in chartered nonpublic schools are summarized in the table below.

Student status	Requirement
Student in an ISACS-accredited chartered nonpublic school attending under a state scholarship	Complete one of the four graduation pathways <sup>10</sup>
Student in an ISACS-accredited chartered nonpublic school <i>not attending</i> under a state scholarship	No requirement <sup>11</sup>

<sup>8</sup> R.C. 3310.41(A)(5).

<sup>9</sup> R.C. 3313.619.

<sup>10</sup> R.C. 3313.612, 3313.618, and 3313.619.

<sup>11</sup> R.C. 3313.612(B)(2).

Student status	Requirement
Student in a non-ISACS chartered nonpublic school attending under a state scholarship	Complete one of the four graduation pathways <sup>12</sup>
Student in a non-ISACS chartered nonpublic school <i>not attending</i> under a state scholarship	Complete one of the four graduation pathways <sup>13</sup>

### General assessment requirements

Regardless of which graduation pathway is chosen, most students must still take the state assessments as a result of the achievement testing system and not as a result of the statutory graduation requirements. The bill also revises these testing requirements for students who are enrolled in an ISACS-accredited chartered nonpublic high school and who are attending the school under a state scholarship. Currently, such students must take a nationally standardized assessment that measures college and career readiness and each of the seven end-of-course exams (see "**Background – High school achievement assessments**," below). The bill allows such students to take an alternative assessment approved by the Department, *in lieu* of taking the nationally standardized assessment and end-of-course exams.<sup>14</sup> This is the same alternative assessment that can qualify them for a high school diploma.

The resulting state achievement assessment requirements for students enrolled in chartered nonpublic high schools are summarized in the table below.

Student status	Requirement
Student in an ISACS-accredited chartered nonpublic school attending under a state scholarship	Either (1) take the college and career readiness assessment and each of the seven end-of-course exams or (2) take an alternative assessment approved by the Department of Education <sup>15</sup>
Student in an ISACS-accredited chartered nonpublic school <i>not attending</i> under a state scholarship	No requirement <sup>16</sup>

<sup>12</sup> R.C. 3313.612, 3313.618, and 3313.619.

<sup>13</sup> R.C. 3313.612, 3313.618, and 3313.619.

<sup>14</sup> R.C. 3301.0711(L)(1).

<sup>15</sup> R.C. 3301.0711(L)(1), 3310.03(F)(2), 3310.14, 3310.522, and 3313.619.

<sup>16</sup> R.C. 3301.0711(L)(2).

Student status	Requirement
Student in a non-ISACS chartered nonpublic school attending under a state scholarship	One of the following: (1) take the college and career readiness assessment and each of the seven end-of-course exams, <sup>17</sup> (2) take only the college and career readiness assessment, but the student's school must publish the aggregate results of that assessment for all its students, <sup>18</sup> or (3) take an alternative assessment approved by the Department <sup>19</sup>
Student in a non-ISACS chartered nonpublic school <i>not attending</i> under a state scholarship	One of the following: (1) take the college and career readiness assessment and each of the seven end-of-course exams, <sup>20</sup> (2) take only the college and career readiness assessment, but the student's school must publish the aggregate results of that assessment for all its students, <sup>21</sup> or (3) take an alternative assessment approved by the Department <sup>22</sup>

## Background

### Graduation pathways

The term "graduation pathways" refers to three options under which a student can graduate from high school, as well as a fourth option for students (including scholarship students) enrolled in a chartered nonpublic school that is not accredited through ISACS. The available pathways for both public and chartered nonpublic schools are: (1) score at "remediation-free" levels in English, math, and reading on nationally standardized assessments, (2) attain a cumulative passing score on the state high school end-of-course examinations, or (3) attain a passing score on a nationally recognized job skills assessment and obtain either an industry-recognized credential or a state agency- or board-issued license for practice in a specific vocation.<sup>23</sup> The fourth option, available only to non-ISACS schools is: attain a designated score on an

<sup>17</sup> R.C. 3301.0711(L)(3)(a), 3310.03(F)(2), 3310.14, and 3310.522.

<sup>18</sup> R.C. 3301.0711(L)(3)(b), 3310.03(F)(2), 3310.14, and 3310.522.

<sup>19</sup> R.C. 3301.0711(L)(3)(c), 3310.03(F)(2), 3310.14, 3310.522, and 3313.619.

<sup>20</sup> R.C. 3301.0711(L)(3)(a).

<sup>21</sup> R.C. 3301.0711(L)(3)(b).

<sup>22</sup> R.C. 3301.0711(L)(3)(c) and 3313.619.

<sup>23</sup> R.C. 3313.618.

alternative assessment approved by the Department of Education and selected by the student's school.<sup>24</sup>

### High school achievement assessments

The high school state achievement assessments are referred to in the Revised Code as the College and Work-Ready Assessment System and consist of the following: (1) a nationally standardized assessment that measures college and career readiness, and (2) seven end-of-course exams in English language arts I, English language arts II, science, Algebra I, geometry, American history, and American government.<sup>25</sup>

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## HISTORY

ACTION	DATE
Introduced	08-11-15
Reported, H. Education	11-12-15
Passed House (92-0)	12-08-15
Reported, S. Education	04-20-16

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<sup>24</sup> R.C. 3313.619, as enacted by H.B. 64 of the 131st General Assembly.

<sup>25</sup> R.C. 3301.0712.

