



# Ohio Legislative Service Commission

## Bill Analysis

Carol Napp

### H.B. 299

131st General Assembly  
(As Passed by the House)

**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

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## BILL SUMMARY

- 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.

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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

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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.

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>

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>

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## HISTORY

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

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<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.

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

