



# Ohio Legislative Service Commission

## Final Analysis

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### Sub. H.B. 299

131st General Assembly  
(As Passed by the General Assembly)

- 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
- Sens.** Hite, Bacon, Balderson, Brown, Coley, Eklund, Jones, LaRose, Lehner, Obhof, Oelslager, Patton, Peterson, Seitz, Thomas

**Effective date:** August 31, 2016

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## ACT 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

### 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 act qualifies a temporary, legal, or permanent custodian of an identified autistic child, when the custodian is not the child's natural or adoptive parent or a government agency, to apply for an Autism Scholarship on the child's behalf.<sup>1</sup> Under continuing law, the child's natural or adoptive parent whose custodial rights have not been terminated may apply for a scholarship, as may the child's grandparent in either of the following circumstances:

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

(2) When a child is the subject of a caretaker authorization affidavit executed by the child's grandparent.

### 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 act prescribes a fourth, alternative pathway 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, Cleveland, Jon Peterson Special Needs, and Autism scholarship programs.

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



Specifically, the act's fourth pathway qualifies such 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>2</sup>

Under continuing law, this fourth pathway is already afforded to students in a non-ISACS nonpublic school, regardless of whether they have 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>3</sup>
Student in an ISACS-accredited chartered nonpublic school <i>not attending</i> under a state scholarship	No requirement <sup>4</sup>
Student in a non-ISACS chartered nonpublic school attending under a state scholarship	Complete one of the four graduation pathways <sup>5</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>6</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 act also revises these testing requirements for students who attend an ISACS-accredited chartered nonpublic high school with a state scholarship. Under prior law, those students had to take a nationally standardized assessment that measures college and career readiness and each of the seven end-of-

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<sup>2</sup> R.C. 3313.619.

<sup>3</sup> R.C. 3313.612, 3313.618, and 3313.619.

<sup>4</sup> R.C. 3313.612(B)(2).

<sup>5</sup> R.C. 3313.612, 3313.618, and 3313.619.

<sup>6</sup> R.C. 3313.612, 3313.618, and 3313.619.

course exams (see "**Background – High school achievement assessments**," below). The act allows them to take an alternative assessment approved by the Department, *in lieu* of taking the nationally standardized assessment and end-of-course exams.<sup>7</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>8</sup>
Student in an ISACS-accredited chartered nonpublic school <i>not attending</i> under a state scholarship	No requirement <sup>9</sup>
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>10</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>11</sup> or (3) take an alternative assessment approved by the Department <sup>12</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>13</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>14</sup> or

<sup>7</sup> R.C. 3301.0711(L)(1).

<sup>8</sup> R.C. 3301.0711(L)(1), 3310.03(F)(2), 3310.14, 3310.522, and 3313.619.

<sup>9</sup> R.C. 3301.0711(L)(2).

<sup>10</sup> R.C. 3301.0711(L)(3)(a), 3310.03(F)(2), 3310.14, and 3310.522.

<sup>11</sup> R.C. 3301.0711(L)(3)(b), 3310.03(F)(2), 3310.14, and 3310.522.

<sup>12</sup> R.C. 3301.0711(L)(3)(c), 3310.03(F)(2), 3310.14, 3310.522, and 3313.619.

<sup>13</sup> R.C. 3301.0711(L)(3)(a).

<sup>14</sup> R.C. 3301.0711(L)(3)(b).



Student status	Requirement
	(3) take an alternative assessment approved by the Department <sup>15</sup>

## Background

### Graduation pathways

The term "graduation pathways" refers to three general options under which a student can graduate from high school. 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>16</sup> The fourth option, as described above, is available only to students in chartered nonpublic schools as an alternative to the three general pathways.

### 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>17</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
Passed Senate (32-0)	04-27-16
House concurred in Senate amendments (96-0)	05-04-16

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<sup>15</sup> R.C. 3301.0711(L)(3)(c) and 3313.619.

<sup>16</sup> R.C. 3313.618.

<sup>17</sup> R.C. 3301.0712.

