

**The Jon Peterson Special Education Scholarship Program and  
Other FY 2012-2013 Budget School Voucher Reforms  
July 22, 2011**

Am. Sub. H.B. 153, the recently passed FY 2012-2013 biennial state operating budget, expanded educational choice options, in part by increasing caps on community school sponsors. The budget also expanded the Educational Choice and Cleveland Scholarship (or voucher) programs. Additionally, the bill created a new special education scholarship program named after former state legislator and special education advocate Jon Peterson.

Relevant policy changes are highlighted below:

***Educational Choice (EdChoice) Scholarships***

- The number of EdChoice scholarships is increased from 14,000 to 30,000 for the 2011-12 school year and to 60,000 thereafter.
- The amount deducted from school districts for EdChoice scholarships is reduced from \$5,200 to the actual amount paid for the scholarship, with a maximum of \$4,250 for grades K-8 and \$5,000 for grades 9-12.
- New eligibility criteria, in addition to what is currently in law, are added to include school buildings ranked in the bottom 10% of schools based on the Performance Index for two of the three preceding years and not rated as excellent or effective in the third year. Students receiving scholarships under the current eligibility criteria are priority. A second EdChoice application period is required for 45 days starting July 1, 2011.

***Cleveland Scholarships***

- The scholarship amounts are increased to be equal to that used for the EdChoice Scholarship Program (\$4,250 for grades K-8 and \$5,000 for high school) and \$5.0 million per year is added to pay for these scholarship increases.
- The amount paid by the state continues to be the lesser of the actual amount of the tuition or 75% or 90% of the scholarship amount depending on whether the student is low income.
- New students may enroll in the program in high school regardless of whether they participated in the program in grades K-8.

***Autism Scholarship Program***

- The budget clarifies that the services provided under the Autism Scholarship Program must include an educational component. However, no changes were made to the payment methodology.

### ***Jon Peterson Special Needs Scholarship Program***

The budget also created the Jon Peterson Special Needs Scholarship program including the following provisions:

- Establishes a Special Needs Scholarship Program to provide scholarships to special education students in grades kindergarten through 12<sup>th</sup> grade to attend alternative public or private education programs.
- Sets a \$20,000 cap on the amount of scholarships. Calculated as the least of 1) the fees charged by the provider, 2) \$5,732 plus base funding supplements and the formula amount multiplied by the weights adjusted by 90%, or 3) \$20,000.
- Deducts the scholarship amount from the state aid of the resident school district.
- Requires the resident school district to provide student transportation in the manner prescribed by law.
- Limits the number of scholarships in any given academic year to 5% of the number of identified special needs students in the previous year.
- Requires ODE to develop a document comparing student/parental rights under state and federal law and rights under the scholarship program.
- Directs ODE to State Board to adopt rules for the program to be in effect no later than 120 days after the bill's effective date.
- Requires scholarship students to take, and private providers to administer, the state achievement assessments, unless the students are excused from taking a test under federal law or under their IEPs.
- Prohibits a student from receiving both Jon Peterson Scholarship and either an Ed Choice Scholarship, Autism Scholarship or Cleveland Scholarship for the same school year.
- Requires ODE to conduct an evaluation of the program by December 31, 2014.

While several voucher or scholarship program-related bills are still pending before the Ohio House and Senate, including HB 136 (Huffman, R-Lima), it is unlikely that these bills will receive much if any additional legislative attention in this General Assembly given the provisions enacted in Am. Sub. H.B. 153.