



Ohio Revised Code

Section 3310.70 Afterschool child enrichment educational savings account.

Effective: April 7, 2023

Legislation: House Bill 45

(A) A student is an "eligible student" for purposes of this section if the student is at least six but no more than eighteen years old and at least one of the following conditions is met:

(1) The student's family adjusted gross income, as defined in section 5747.01 of the Revised Code, is at or below four hundred per cent of the federal poverty guidelines, as defined in section 5101.46 of the Revised Code.

(2) The student's resident district, as defined in section 3310.01 of the Revised Code, had a chronic absenteeism rate ranked in the highest ten per cent of school districts in the most recent school year.

(3) The student's resident district operates one or more school buildings described in division (A)(1) of section 3310.03 of the Revised Code or is a district described in division (C) of that section.

(4) The student's resident district is a school district in which the pilot program is operating under sections 3313.974 to 3313.979 of the Revised Code.

For the purpose of division (A)(1) of this section, a student's parent or guardian may certify income eligibility to the department of education by submitting, in a manner determined by the department, an affidavit affirming the student's family income meets the requirement, proof of income eligibility under another state or federal program, or other evidence determined appropriate by the department.

(B)(1) There is hereby established the afterschool child enrichment (ACE) educational savings account program. The department of education shall adopt rules under Chapter 119. of the Revised Code that prescribe procedures for the establishment of these accounts in fiscal years 2022, 2023, and 2024 upon the request of the parent or guardian of an eligible student enrolled in a public or nonpublic school or an eligible student who has been excused from the compulsory attendance law for the purpose of home instruction under section 3321.04 of the Revised Code. Accounts shall be established on a first-come, first-served basis according to the availability of funds appropriated for



purposes of this section.

Accounts shall be used in accordance with division (E) of this section. Any balance remaining in a student's account after fiscal year 2024 shall remain in that account for use as prescribed in division (D)(3) of this section.

Except as provided for in divisions (C)(3) and (D)(3) of this section, neither the department nor the vendor shall reclaim any funds credited to a student's account.

(2) The department shall create an online form for parents and guardians to request the establishment of an account under this section.

(C)(1) The department shall contract with a vendor for purposes of administering the provisions of this section and may contract with the treasurer of state for technical assistance. In selecting a vendor, the department shall give preference to those vendors who use a smart phone application that is free for parents or guardians to use, is capable of scanning receipts, allows users to provide program feedback, and includes customer service contact information for parents and guardians who experience technical issues with the application. For each fiscal year in which the program operates, the department shall pay the vendor not more than three per cent of the amount appropriated for that fiscal year for purposes of this section.

(2) The vendor selected by the department under division (C)(2) of this section shall do both of the following:

(a) Monitor how accounts are used by parents or guardians and recoup moneys that are used for purposes that are not authorized by this section as determined by the vendor;

(b) Provide the department with a comprehensive list of purchases made with accounts.

(3) At no time shall the vendor authorize parents or guardians to use moneys for purposes that are not authorized by this section as determined by the vendor. If the vendor authorizes parents or guardians to use moneys for a specified purpose and later determines that purpose is not authorized by this section, the vendor may recoup that money.



(D)(1) If a parent or guardian makes a request under division (B) of this section during fiscal year 2022, five hundred dollars shall be credited to the account established pursuant to the parent's or guardian's request within fourteen days of the parent's or guardian's request, and that amount shall be disbursed upon request to the parent or guardian not later than June 30, 2022, for use in accordance with division (E) of this section. Any amount remaining in an account at the end of fiscal year 2022 shall remain in that account for fiscal year 2023 for use in accordance with division (E) of this section.

(2) If a parent or guardian makes a request under division (B) of this section during fiscal year 2023 or 2024, one thousand dollars shall be credited to the account established pursuant to the parent's or guardian's request within fourteen days of the parent's or guardian's request, and that amount shall be disbursed upon request to the parent or guardian not later than June 30, 2023, for fiscal year 2023 or June 30, 2024, for fiscal year 2024 for use in accordance with division (E) of this section. If a parent or guardian had an account established for the previous fiscal year, that amount shall be credited and distributed to that account for use in accordance with division (E) of this section.

For each account credited five hundred dollars for fiscal year 2023 prior to the effective date of this amendment, the department shall credit an additional five hundred dollars for that year. The total amount credited to an account for fiscal year 2023 shall not exceed one thousand dollars.

Nothing in division (D)(2) of this section shall be construed to limit the amount of the total balance in an account.

(3) Any amount remaining in an account established under division (B) of this section at the end of fiscal year 2024 shall remain in that account for use in accordance with division (E) of this section in future fiscal years until either the full amount has been spent or the student graduates from high school. Any amount remaining in the account of a student who graduates from high school shall be returned to the department.

(E) Subject to division (F) of this section, moneys credited to an education savings account established under division (B) of this section shall be used by an eligible student's parent or guardian for any of the following purposes, whether secular or nonsecular:



- (1) Before- or after-school educational programs;
 - (2) Day camps, including camps for academics, music, and arts;
 - (3) Tuition at learning extension centers;
 - (4) Tuition for learning pods;
 - (5) If the student has been excused from the compulsory attendance law for the purpose of home instruction under section 3321.04 of the Revised Code, purchase of curriculum and materials;
 - (6) Educational, learning, or study skills services;
 - (7) Field trips to historical landmarks, museums, science centers, and theaters, including admission, exhibit, and program fees;
 - (8) Language classes;
 - (9) Instrument lessons;
 - (10) Tutoring.
- (F) At no time shall moneys credited to an account established under division (B) of this section be used for the purchase of electronic devices.
- (G) The department shall make available to parents and guardians a list of the purposes for which moneys credited to an account established under division (B) of this section may be spent in accordance with division (E) of this section.
- (H) Not later than December 31, 2023, the department shall prepare a report regarding the administration of this section, including feedback from a random sampling of parents and guardians who participate in the program and submit the report to the general assembly in accordance with



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section 101.68 of the Revised Code.