

**As Introduced**

**136th General Assembly**

**Regular Session**

**2025-2026**

**H. B. No. 114**

**Representatives Bird, Ritter**

**Cosponsors: Representatives Williams, Young, King, Daniels, Fowler Arthur,  
Hiner**

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**A BILL**

To amend sections 3314.06, 3314.08, 3317.0213, and 1  
3321.01 of the Revised Code regarding age 2  
requirements for kindergarten admission. 3

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 3314.06, 3314.08, 3317.0213, and 4  
3321.01 of the Revised Code be amended to read as follows: 5

**Sec. 3314.06.** The governing authority of each community 6  
school established under this chapter shall adopt admission 7  
procedures that specify the following: 8

(A) That, except as otherwise provided in this section, 9  
admission to the school shall be open to any individual age five 10  
to twenty-two entitled to attend school pursuant to section 11  
3313.64 or 3313.65 of the Revised Code in a school district in 12  
the state. 13

Additionally, except as otherwise provided in this 14  
section, admission to the school may be open on a tuition basis 15  
to any individual age five to twenty-two who is not a resident 16  
of this state. The school shall not receive state funds under 17

section 3317.022 of the Revised Code for any student who is not 18  
a resident of this state. 19

~~An individual younger than five years of age may be 20  
admitted to the school in accordance with division (A) (2) of 21  
section 3321.01 of the Revised Code. The school shall receive 22  
funds for an individual admitted under that division in the 23  
manner provided under section 3317.022 of the Revised Code. 24~~

If the school operates a program that uses the Montessori 25  
method endorsed by the American Montessori society, the 26  
Montessori accreditation council for teacher education, or the 27  
association Montessori internationale as its primary method of 28  
instruction, admission to the school may be open to individuals 29  
younger than five years of age but the school shall not receive 30  
funds under section 3317.022 of the Revised Code for those 31  
individuals. Notwithstanding anything to the contrary in this 32  
chapter, individuals younger than five years of age who are 33  
enrolled in a Montessori program shall be offered at least four 34  
hundred fifty-five hours of learning opportunities per school 35  
year. 36

If the school operates a preschool program that is 37  
licensed under sections 3301.52 to 3301.59 of the Revised Code, 38  
admission to the school may be open to individuals who are 39  
younger than five years of age, but the school shall not receive 40  
funds under this chapter for those individuals. 41

(B) (1) That admission to the school may be limited to 42  
students who have attained a specific grade level or are within 43  
a specific age group; to students that meet a definition of "at- 44  
risk," as defined in the contract; to residents of a specific 45  
geographic area within the district, as defined in the contract; 46  
or to separate groups of autistic students and nondisabled 47

students, as authorized in section 3314.061 of the Revised Code 48  
and as defined in the contract. 49

(2) For purposes of division (B)(1) of this section, "at- 50  
risk" students may include those students identified as gifted 51  
students under section 3324.03 of the Revised Code. 52

(C) Whether enrollment is limited to students who reside 53  
in the district in which the school is located or is open to 54  
residents of other districts, as provided in the policy adopted 55  
pursuant to the contract. 56

(D)(1) That there will be no discrimination in the 57  
admission of students to the school on the basis of race, creed, 58  
color, disability, or sex except that: 59

(a) The governing authority may do either of the following 60  
for the purpose described in division (G) of this section: 61

(i) Establish a single-gender school for either sex; 62

(ii) Establish single-gender schools for each sex under 63  
the same contract, provided substantially equal facilities and 64  
learning opportunities are offered for both boys and girls. Such 65  
facilities and opportunities may be offered for each sex at 66  
separate locations. 67

(b) The governing authority may establish a school that 68  
simultaneously serves a group of students identified as autistic 69  
and a group of students who are not disabled, as authorized in 70  
section 3314.061 of the Revised Code. However, unless the total 71  
capacity established for the school has been filled, no student 72  
with any disability shall be denied admission on the basis of 73  
that disability. 74

(2) That upon admission of any student with a disability, 75

the community school will comply with all federal and state laws 76  
regarding the education of students with disabilities. 77

(E) That the school may not limit admission to students on 78  
the basis of intellectual ability, measures of achievement or 79  
aptitude, or athletic ability, except that a school may limit 80  
its enrollment to students as described in division (B) of this 81  
section. 82

(F) That the community school will admit the number of 83  
students that does not exceed the capacity of the school's 84  
programs, classes, grade levels, or facilities. 85

(G) That the purpose of single-gender schools that are 86  
established shall be to take advantage of the academic benefits 87  
some students realize from single-gender instruction and 88  
facilities and to offer students and parents residing in the 89  
district the option of a single-gender education. 90

(H) That, except as otherwise provided under division (B) 91  
of this section or section 3314.061 of the Revised Code, if the 92  
number of applicants exceeds the capacity restrictions of 93  
division (F) of this section, students shall be admitted by lot 94  
from all those submitting applications, except preference shall 95  
be given to students attending the school the previous year and 96  
to students who reside in the district in which the school is 97  
located. Preference may be given to siblings of students 98  
attending the school the previous year. Preference also may be 99  
given to students who are the children of full-time staff 100  
members employed by the school, provided the total number of 101  
students receiving this preference is less than five per cent of 102  
the school's total enrollment. 103

Notwithstanding divisions (A) to (H) of this section, in 104

the event the racial composition of the enrollment of the 105  
community school is violative of a federal desegregation order, 106  
the community school shall take any and all corrective measures 107  
to comply with the desegregation order. 108

**Sec. 3314.08.** (A) As used in this section: 109

(1) "IEP" has the same meaning as in section 3323.01 of 110  
the Revised Code. 111

(2) "Resident district" means the school district in which 112  
a student is entitled to attend school under section 3313.64 or 113  
3313.65 of the Revised Code. 114

(B) The department of education and workforce shall adopt 115  
rules requiring the governing authority of each community school 116  
established under this chapter to annually report all of the 117  
following: 118

(1) The number of students enrolled in grades one through 119  
twelve and the full-time equivalent number of students enrolled 120  
in kindergarten in the school who are not receiving special 121  
education and related services pursuant to an IEP; 122

(2) The number of enrolled students in grades one through 123  
twelve and the full-time equivalent number of enrolled students 124  
in kindergarten, who are receiving special education and related 125  
services pursuant to an IEP; 126

(3) The number of students reported under division (B) (2) 127  
of this section receiving special education and related services 128  
pursuant to an IEP for a disability described in each of 129  
divisions (A) to (F) of section 3317.013 of the Revised Code; 130

(4) The full-time equivalent number of students reported 131  
under divisions (B) (1) and (2) of this section who are enrolled 132

in career-technical education programs or classes described in	133
each of divisions (A) (1) to (5) of section 3317.014 of the	134
Revised Code that are provided by the community school;	135
(5) The number of students reported under divisions (B) (1)	136
and (2) of this section who are not reported under division (B)	137
(4) of this section but who are enrolled in career-technical	138
education programs or classes described in each of divisions (A)	139
(1) to (5) of section 3317.014 of the Revised Code at a joint	140
vocational school district or another district in the career-	141
technical planning district to which the school is assigned;	142
(6) The number of students reported under divisions (B) (1)	143
and (2) of this section who are category one to three English	144
learners described in each of divisions (A) to (C) of section	145
3317.016 of the Revised Code;	146
(7) The number of students reported under divisions (B) (1)	147
and (2) of this section who are economically disadvantaged, as	148
defined by the department. A student shall not be categorically	149
excluded from the number reported under division (B) (7) of this	150
section based on anything other than family income.	151
(8) For each student, the city, exempted village, or local	152
school district in which the student is entitled to attend	153
school under section 3313.64 or 3313.65 of the Revised Code.	154
(9) The number of students enrolled in a preschool program	155
operated by the school that is licensed under sections 3301.52	156
to 3301.59 of the Revised Code who are not receiving special	157
education and related services pursuant to an IEP.	158
A school district board and a community school governing	159
authority shall include in their respective reports under	160
division (B) of this section any child admitted in accordance	161

with division (A) ~~(2)~~ (3) of section 3321.01 of the Revised Code. 162

A governing authority of a community school shall not 163  
include in its report under divisions (B) (1) to (9) of this 164  
section any student for whom tuition is charged under division 165  
(F) of this section. 166

(C) (1) (a) If a community school's costs for a fiscal year 167  
for a student receiving special education and related services 168  
pursuant to an IEP for a disability described in divisions (B) 169  
to (F) of section 3317.013 of the Revised Code exceed the 170  
threshold cost for serving the student as specified in division 171  
(B) of section 3317.0214 of the Revised Code, the school may 172  
submit to the director of education and workforce documentation, 173  
as prescribed by the director, of all its costs for that 174  
student. Upon submission of documentation for a student of the 175  
type and in the manner prescribed, the department shall pay to 176  
the community school an amount equal to the school's costs for 177  
the student in excess of the threshold costs. 178

(b) The community school shall report under division (C) 179  
(1) (a) of this section, and the department shall pay for, only 180  
the costs of educational expenses and the related services 181  
provided to the student in accordance with the student's 182  
individualized education program. Any legal fees, court costs, 183  
or other costs associated with any cause of action relating to 184  
the student may not be included in the amount. 185

(2) In any fiscal year, a community school receiving funds 186  
under division (A) (7) of section 3317.022 of the Revised Code 187  
shall spend those funds only for the purposes that the 188  
department designates as approved for career-technical education 189  
expenses. Career-technical education expenses approved by the 190  
department shall include only expenses connected to the delivery 191

of career-technical programming to career-technical students. 192  
The department shall require the school to report data annually 193  
so that the department may monitor the school's compliance with 194  
the requirements regarding the manner in which funding received 195  
under division (A) (7) of section 3317.022 of the Revised Code 196  
may be spent. 197

(3) Notwithstanding anything to the contrary in section 198  
3313.90 of the Revised Code, except as provided in division (C) 199  
(5) of this section, all funds received under division (A) (7) of 200  
section 3317.022 of the Revised Code shall be spent in the 201  
following manner: 202

(a) At least seventy-five per cent of the funds shall be 203  
spent on curriculum development, purchase, and implementation; 204  
instructional resources and supplies; industry-based program 205  
certification; student assessment, credentialing, and placement; 206  
curriculum specific equipment purchases and leases; career- 207  
technical student organization fees and expenses; home and 208  
agency linkages; work-based learning experiences; professional 209  
development; and other costs directly associated with career- 210  
technical education programs including development of new 211  
programs. 212

(b) Not more than twenty-five per cent of the funds shall 213  
be used for personnel expenditures. 214

(4) A community school shall spend the funds it receives 215  
under division (A) (4) of section 3317.022 of the Revised Code in 216  
accordance with section 3317.25 of the Revised Code. 217

(5) The department may waive the requirement in division 218  
(C) (3) of this section for any community school that exclusively 219  
provides one or more career-technical workforce development 220



programs in arts and communications that are not equipment-	221
intensive, as determined by the department.	222
(6) For fiscal years 2024 and 2025, a community school	223
shall spend the funds it receives under division (A) (5) of	224
section 3317.022 of the Revised Code only for services for	225
English learners.	226
(D) A board of education sponsoring a community school may	227
utilize local funds to make enhancement grants to the school or	228
may agree, either as part of the contract or separately, to	229
provide any specific services to the community school at no cost	230
to the school.	231
(E) A community school may not levy taxes or issue bonds	232
secured by tax revenues.	233
(F) No community school shall charge tuition for the	234
enrollment of any student who is a resident of this state. A	235
community school may charge tuition for the enrollment of any	236
student who is not a resident of this state.	237
(G) (1) (a) A community school may borrow money to pay any	238
necessary and actual expenses of the school in anticipation of	239
the receipt of any portion of the payments to be received by the	240
school pursuant to section 3317.022 of the Revised Code. The	241
school may issue notes to evidence such borrowing. The proceeds	242
of the notes shall be used only for the purposes for which the	243
anticipated receipts may be lawfully expended by the school.	244
(b) A school may also borrow money for a term not to	245
exceed fifteen years for the purpose of acquiring facilities.	246
(2) The state is not liable for debt incurred by the	247
governing authority of a community school.	248

(H) The department shall adjust the amounts paid under 249  
section 3317.022 of the Revised Code to reflect any enrollment 250  
of students in community schools for less than the equivalent of 251  
a full school year. The department shall adopt in accordance 252  
with Chapter 119. of the Revised Code rules governing the 253  
payments to community schools under section 3317.022 of the 254  
Revised Code including initial payments in a school year and 255  
adjustments and reductions made in subsequent periodic payments 256  
to community schools as provided under section 3317.022 of the 257  
Revised Code. For purposes of this division: 258

(1) A student shall be considered enrolled in the 259  
community school for any portion of the school year the student 260  
is participating at a college under Chapter 3365. of the Revised 261  
Code. 262

(2) A student shall be considered to be enrolled in a 263  
community school for the period of time beginning on the later 264  
of the date on which the school both has received documentation 265  
of the student's enrollment from a parent and the student has 266  
commenced participation in learning opportunities as defined in 267  
the contract with the sponsor, or thirty days prior to the date 268  
on which the student is entered into the education management 269  
information system established under section 3301.0714 of the 270  
Revised Code. For purposes of applying this division and 271  
divisions (H) (3) and (4) of this section to a community school 272  
student, "learning opportunities" shall be defined in the 273  
contract, which shall describe both classroom-based and non- 274  
classroom-based learning opportunities and shall be in 275  
compliance with criteria and documentation requirements for 276  
student participation which shall be established by the 277  
department. Any student's instruction time in non-classroom- 278  
based learning opportunities shall be certified by an employee 279

of the community school. A student's enrollment shall be 280  
considered to cease on the date on which any of the following 281  
occur: 282

(a) The community school receives documentation from a 283  
parent terminating enrollment of the student. 284

(b) The community school is provided documentation of a 285  
student's enrollment in another public or private school. 286

(c) The community school ceases to offer learning 287  
opportunities to the student pursuant to the terms of the 288  
contract with the sponsor or the operation of any provision of 289  
this chapter. 290

Except as otherwise specified in this paragraph, beginning 291  
in the 2011-2012 school year, any student who completed the 292  
prior school year in an internet- or computer-based community 293  
school shall be considered to be enrolled in the same school in 294  
the subsequent school year until the student's enrollment has 295  
ceased as specified in division (H) (2) of this section. The 296  
department shall continue paying amounts for the student under 297  
section 3317.022 of the Revised Code without interruption at the 298  
start of the subsequent school year. However, if the student 299  
without a legitimate excuse fails to participate in the first 300  
seventy-two consecutive hours of learning opportunities offered 301  
to the student in that subsequent school year, the student shall 302  
be considered not to have re-enrolled in the school for that 303  
school year and the department shall recalculate the payments to 304  
the school for that school year to account for the fact that the 305  
student is not enrolled. 306

(3) The department shall determine each community school 307  
student's percentage of full-time equivalency based on the 308

percentage of learning opportunities offered by the community 309  
school to that student, reported either as number of hours or 310  
number of days, is of the total learning opportunities offered 311  
by the community school to a student who attends for the 312  
school's entire school year. However, no internet- or computer- 313  
based community school shall be credited for any time a student 314  
spends participating in learning opportunities beyond ten hours 315  
within any period of twenty-four consecutive hours. Whether it 316  
reports hours or days of learning opportunities, each community 317  
school shall offer not less than nine hundred twenty hours of 318  
learning opportunities during the school year. 319

(4) With respect to the calculation of full-time 320  
equivalency under division (H) (3) of this section, the 321  
department shall waive the number of hours or days of learning 322  
opportunities not offered to a student because the community 323  
school was closed during the school year due to disease 324  
epidemic, hazardous weather conditions, law enforcement 325  
emergencies, inoperability of school buses or other equipment 326  
necessary to the school's operation, damage to a school 327  
building, or other temporary circumstances due to utility 328  
failure rendering the school building unfit for school use, so 329  
long as the school was actually open for instruction with 330  
students in attendance during that school year for not less than 331  
the minimum number of hours required by this chapter. The 332  
department shall treat the school as if it were open for 333  
instruction with students in attendance during the hours or days 334  
waived under this division. 335

(I) The department of education and workforce shall reduce 336  
the amounts paid under section 3317.022 of the Revised Code to 337  
reflect payments made to colleges under section 3365.07 of the 338  
Revised Code. 339

(J) (1) No student shall be considered enrolled in any internet- or computer-based community school or, if applicable to the student, in any community school that is required to provide the student with a computer pursuant to division (C) of section 3314.22 of the Revised Code, unless both of the following conditions are satisfied:

(a) The student possesses or has been provided with all required hardware and software materials and all such materials are operational so that the student is capable of fully participating in the learning opportunities specified in the contract between the school and the school's sponsor as required by division (A) (23) of section 3314.03 of the Revised Code;

(b) The school is in compliance with division (A) of section 3314.22 of the Revised Code, relative to such student.

(2) In accordance with policies adopted by the department of education and workforce, in consultation with the auditor of state, the department shall reduce the amounts otherwise payable under section 3317.022 of the Revised Code to any community school that includes in its program the provision of computer hardware and software materials to any student, if such hardware and software materials have not been delivered, installed, and activated for each such student in a timely manner or other educational materials or services have not been provided according to the contract between the individual community school and its sponsor.

The director and the auditor of state shall jointly establish a method for auditing any community school to which this division pertains to ensure compliance with this section.

The director, auditor of state, and the governor shall

jointly make recommendations to the general assembly for 369  
legislative changes that may be required to assure fiscal and 370  
academic accountability for such schools. 371

(K) (1) If the department determines that a review of a 372  
community school's enrollment is necessary, such review shall be 373  
completed and written notice of the findings shall be provided 374  
to the governing authority of the community school and its 375  
sponsor within ninety days of the end of the community school's 376  
fiscal year, unless extended for a period not to exceed thirty 377  
additional days for one of the following reasons: 378

(a) The department and the community school mutually agree 379  
to the extension. 380

(b) Delays in data submission caused by either a community 381  
school or its sponsor. 382

(2) If the review results in a finding that additional 383  
funding is owed to the school, such payment shall be made within 384  
thirty days of the written notice. If the review results in a 385  
finding that the community school owes moneys to the state, the 386  
following procedure shall apply: 387

(a) Within ten business days of the receipt of the notice 388  
of findings, the community school may appeal the department's 389  
determination to the director. 390

(b) The director shall conduct an informal hearing on the 391  
matter within thirty days of receipt of such an appeal and shall 392  
issue a decision within fifteen days of the conclusion of the 393  
hearing. 394

(c) Any decision made by the director under this division 395  
is final. 396

(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the director.

(L) The department shall not pay to a community school under section 3317.022 of the Revised Code any amount for any of the following:

(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any student who is not a resident of the state;

(3) Any student who was enrolled in the community school during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C) (1) or (3) of that section, unless the director grants the student a waiver from the requirement to take the assessment and a parent is not paying tuition for the student pursuant to section 3314.26 of the Revised Code. The director may grant a waiver only for good cause in accordance with rules adopted by the department.

(4) Any student who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for enrollment in a community school not later than four years after termination of war or their honorable discharge. If, however, any such veteran elects to enroll in special courses organized for veterans for whom tuition is paid under federal law, or

otherwise, the department shall not pay to a community school 426  
under section 3317.022 of the Revised Code any amount for that 427  
veteran. 428

**Sec. 3317.0213.** (A) The department of education and 429  
workforce shall compute and pay in accordance with this section 430  
additional state aid for preschool children with disabilities to 431  
each city, local, and exempted village school district and to 432  
each institution, as defined in section 3323.091 of the Revised 433  
Code. Funding shall be provided for children who are not 434  
enrolled in kindergarten and who are under age six on the 435  
thirtieth day of September of the academic year, or on the first 436  
day of August of the academic year if the school district in 437  
which the child is enrolled has adopted a resolution under 438  
division (A) ~~(3)~~(4) of section 3321.01 of the Revised Code, but 439  
not less than age three on the first day of December of the 440  
academic year. 441

For fiscal years 2024 and 2025, the additional state aid 442  
shall be calculated under the following formula: 443

(\$4,000 X the number of students who are preschool 444  
children with disabilities) + the sum of the following: 445

(1) The district's or institution's category one special 446  
education students who are preschool children with disabilities 447  
X the multiple specified in division (A) of section 3317.013 of 448  
the Revised Code X the statewide average base cost per pupil for 449  
that fiscal year X the district's state share percentage X 0.50; 450

(2) The district's or institution's category two special 451  
education students who are preschool children with disabilities 452  
X the multiple specified in division (B) of section 3317.013 of 453  
the Revised Code X the statewide average base cost per pupil for 454



that fiscal year X the district's state share percentage X 0.50; 455

(3) The district's or institution's category three special 456  
education students who are preschool children with disabilities 457  
X the multiple specified in division (C) of section 3317.013 of 458  
the Revised Code X the statewide average base cost per pupil for 459  
that fiscal year X the district's state share percentage X 0.50; 460

(4) The district's or institution's category four special 461  
education students who are preschool children with disabilities 462  
X the multiple specified in division (D) of section 3317.013 of 463  
the Revised Code X the statewide average base cost per pupil for 464  
that fiscal year X the district's state share percentage X 0.50; 465

(5) The district's or institution's category five special 466  
education students who are preschool children with disabilities 467  
X the multiple specified in division (E) of section 3317.013 of 468  
the Revised Code X the statewide average base cost per pupil for 469  
that fiscal year X the district's state share percentage X 0.50; 470

(6) The district's or institution's category six special 471  
education students who are preschool children with disabilities 472  
X the multiple specified in division (F) of section 3317.013 of 473  
the Revised Code X the statewide average base cost per pupil for 474  
that fiscal year X the district's state share percentage X 0.50. 475

For fiscal year 2026 and each fiscal year thereafter, the 476  
additional state aid shall be calculated for each category of 477  
special education students who are preschool children with 478  
disabilities using a formula specified by the general assembly. 479

The special education disability categories for preschool 480  
children used in this section are the same categories prescribed 481  
in section 3317.013 of the Revised Code. 482

As used in division (A) of this section, the state share 483

percentage of a student enrolled in an institution is the state 484  
share percentage of the school district in which the student is 485  
entitled to attend school under section 3313.64 or 3313.65 of 486  
the Revised Code. 487

(B) If an educational service center is providing services 488  
to students who are preschool children with disabilities under 489  
agreement with the city, local, or exempted village school 490  
district in which the students are entitled to attend school, 491  
that district may authorize the department to transfer funds 492  
computed under this section to the service center providing 493  
those services. 494

(C) If a county DD board is providing services to students 495  
who are preschool children with disabilities under agreement 496  
with the city, local, or exempted village school district in 497  
which the students are entitled to attend school, the department 498  
shall deduct from the district's payment computed under division 499  
(A) of this section the total amount of those funds that are 500  
attributable to the students served by the county DD board and 501  
pay that amount to that board. 502

**Sec. 3321.01.** (A) (1) As used in this chapter, "parent," 503  
"guardian," or "other person having charge or care of a child" 504  
means either parent unless the parents are separated or divorced 505  
or their marriage has been dissolved or annulled, in which case 506  
"parent" means the parent who is the residential parent and 507  
legal custodian of the child. If the child is in the legal or 508  
permanent custody of a person or government agency, "parent" 509  
means that person or government agency. When a child is a 510  
resident of a home, as defined in section 3313.64 of the Revised 511  
Code, and the child's parent is not a resident of this state, 512  
"parent," "guardian," or "other person having charge or care of 513

a child" means the head of the home. 514

A child between six and eighteen years of age is "of 515  
compulsory school age" for the purpose of sections 3321.01 to 516  
3321.13 of the Revised Code. A child under six years of age who 517  
has been enrolled in kindergarten also shall be considered "of 518  
compulsory school age" for the purpose of sections 3321.01 to 519  
3321.13 of the Revised Code unless at any time the child's 520  
parent or guardian, at the parent's or guardian's discretion and 521  
in consultation with the child's teacher and principal, formally 522  
withdraws the child from kindergarten. The compulsory school age 523  
of a child shall not commence until the beginning of the term of 524  
such schools, or other time in the school year fixed by the 525  
rules of the board of the district in which the child resides. 526

(2) Each school district board of education shall admit to 527  
kindergarten any student who is five or, for a student who has 528  
not completed first grade, six years of age by the first day of 529  
instruction of the school year of admittance. 530

(3) In a district in which all children are admitted to 531  
~~kindergarten and~~ the first grade in August or September, a child 532  
shall be admitted if the child is ~~five or six~~ years of age, 533  
~~respectively,~~ by the thirtieth day of September of the year of 534  
admittance, or by the first day of a term or semester other than 535  
one beginning in August or September in school districts 536  
granting admittance at the beginning of such term or semester. A 537  
child who does not meet the age requirements of this section for 538  
admittance to ~~kindergarten or~~ first grade, but who will be ~~five-~~ 539  
~~or six~~ years old, ~~respective,~~ prior to the first day of January 540  
of the school year in which admission is requested, shall be 541  
evaluated for early admittance in accordance with district 542  
policy upon referral by the child's parent or guardian, an 543

educator employed by the district, ~~a preschool educator who~~ 544  
~~knows the child,~~ or a pediatrician or psychologist who knows the 545  
child. Following an evaluation in accordance with a referral 546  
under this section, the district board shall decide whether to 547  
admit the child. If a child for whom admission to ~~kindergarten~~ 548  
~~or~~ first grade is requested will not be ~~five or six~~ years of 549  
age, ~~respectively,~~ prior to the first day of January of the 550  
school year in which admission is requested, the child shall be 551  
admitted only in accordance with the district's acceleration 552  
policy adopted under section 3324.10 of the Revised Code. 553

~~(3)~~ (4) Notwithstanding division (A) ~~(2)~~ (3) of this section, 554  
beginning with the school year that starts in 2001 and 555  
continuing thereafter the board of education of any district may 556  
adopt a resolution establishing the first day of August in lieu 557  
of the thirtieth day of September as the required date by which 558  
students must have attained the age specified in that division. 559

~~(4)~~ (5) After a student has been admitted to kindergarten 560  
in a school district or chartered nonpublic school, no board of 561  
education of a school district to which the student transfers 562  
shall deny that student admission based on the student's age. 563

(B) As used in division (C) of this section, "successfully 564  
completed kindergarten" means that the child has completed the 565  
kindergarten requirements at one of the following: 566

(1) A public or chartered nonpublic school; 567

(2) A kindergarten class that is both of the following: 568

(a) Offered by a child care provider licensed under 569  
Chapter 5104. of the Revised Code; 570

(b) If offered after July 1, 1991, is directly taught by a 571  
teacher who holds one of the following: 572

(i) A valid educator license issued under section 3319.22 of the Revised Code;	573 574
(ii) A Montessori preprimary credential or age-appropriate diploma granted by the American Montessori society or the association Montessori internationale;	575 576 577
(iii) Certification determined under division (F) of this section to be equivalent to that described in division (B) (2) (b) (ii) of this section;	578 579 580
(iv) Certification for teachers in nontax-supported schools pursuant to section 3301.071 of the Revised Code.	581 582
(C) (1) Except as provided in division (A) <del>(2)</del> (3) of this section, no school district shall admit to the first grade any child who has not successfully completed kindergarten.	583 584 585
(2) Notwithstanding division (A) <del>(2)</del> (3) of this section, any student who has successfully completed kindergarten in accordance with section (B) of this section shall be admitted to first grade.	586 587 588 589
(D) The scheduling of times for kindergarten classes and length of the school day for kindergarten shall be determined by the board of education of a city, exempted village, or local school district.	590 591 592 593
(E) Any kindergarten class offered by a child care provider or school described by division (B) (1) or (B) (2) (a) of this section shall be developmentally appropriate.	594 595 596
(F) Upon written request of a child care provider described by division (B) (2) (a) of this section, the department of education and workforce shall determine whether certification held by a teacher employed by the provider meets the requirement	597 598 599 600

of division (B) (2) (b) (iii) of this section and, if so, shall 601  
furnish the provider a statement to that effect. 602

(G) As used in this division, "all-day kindergarten" has 603  
the same meaning as in section 3321.05 of the Revised Code. 604

(1) A school district that is offering all-day 605  
kindergarten for the first time or that charged fees or tuition 606  
for all-day kindergarten in the 2012-2013 school year may charge 607  
fees or tuition for a student enrolled in all-day kindergarten 608  
in any school year following the 2012-2013 school year. The 609  
department shall adjust the district's average daily membership 610  
certification under section 3317.03 of the Revised Code by one- 611  
half of the full-time equivalency for each student charged fees 612  
or tuition for all-day kindergarten under this division. If a 613  
district charges fees or tuition for all-day kindergarten under 614  
this division, the district shall develop a sliding fee scale 615  
based on family incomes. 616

(2) The department shall conduct an annual survey of each 617  
school district described in division (G) (1) of this section to 618  
determine the following: 619

(a) Whether the district charges fees or tuition for 620  
students enrolled in all-day kindergarten; 621

(b) The amount of the fees or tuition charged; 622

(c) How many of the students for whom tuition is charged 623  
are eligible for free lunches under the "National School Lunch 624  
Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the 625  
"Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as 626  
amended, and how many of the students for whom tuition is 627  
charged are eligible for reduced price lunches under those acts; 628

(d) How many students are enrolled in traditional half-day 629

kindergarten rather than all-day kindergarten. 630

Each district shall report to the department, in the 631  
manner prescribed by the department, the information described 632  
in divisions (G)(2)(a) to (d) of this section. 633

The department shall issue an annual report on the results 634  
of the survey and shall post the report on its web site. The 635  
department shall issue the first report not later than April 30, 636  
2008, and shall issue a report not later than the thirtieth day 637  
of April each year thereafter. 638

**Section 2.** That existing sections 3314.06, 3314.08, 639  
3317.0213, and 3321.01 of the Revised Code are hereby repealed. 640