

As Passed by the House

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Am. H. B. No. 114

Representatives Bird, Ritter

Cosponsors: Representatives Williams, Young, King, Daniels, Fowler Arthur, Hiner, Odioso, Brennan, Click, Barhorst, Brewer, Brownlee, Cockley, Deeter, Denson, Dovilla, Grim, Gross, Hall, D., Hall, T., Isaacsohn, Jarrells, John, Jones, Lawson-Rowe, Lett, Mathews, T., Mohamed, Newman, Piccolantonio, Rader, Richardson, Robb Blasdel, Robinson, Roemer, Rogers, Salvo, Sigrist, Somani, Thomas, C., Troy, Upchurch, White, E., Willis

A BILL

To amend section 3321.01 of the Revised Code 1
regarding age requirements for kindergarten 2
admission. 3

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

Section 1. That section 3321.01 of the Revised Code be 4
amended to read as follows: 5

Sec. 3321.01. (A) (1) As used in this chapter, "parent," 6
"guardian," or "other person having charge or care of a child" 7
means either parent unless the parents are separated or divorced 8
or their marriage has been dissolved or annulled, in which case 9
"parent" means the parent who is the residential parent and 10
legal custodian of the child. If the child is in the legal or 11
permanent custody of a person or government agency, "parent" 12
means that person or government agency. When a child is a 13
resident of a home, as defined in section 3313.64 of the Revised 14
Code, and the child's parent is not a resident of this state, 15

"parent," "guardian," or "other person having charge or care of
a child" means the head of the home.

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

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

In a district in which all children are admitted to
~~kindergarten and~~ the first grade in August or September, a child
shall be admitted if the child is ~~five or six~~ years of age,
~~respectively,~~ by the thirtieth day of September of the year of
admittance, or by the first day of a term or semester other than
one beginning in August or September in school districts
granting admittance at the beginning of such term or semester. A

A child who does not meet the age requirements of this
section for admittance to kindergarten or first grade, but who
will be five or six years old, ~~respective~~respectively, prior to
the first day of January of the school year in which admission
is requested, shall be evaluated for early admittance in

accordance with district policy upon referral by the child's 46
parent or guardian, an educator employed by the district, a 47
preschool educator who knows the child, or a pediatrician or 48
psychologist who knows the child. Following an evaluation in 49
accordance with a referral under this section, the district 50
board shall decide whether to admit the child. If a child for 51
whom admission to kindergarten or first grade is requested will 52
not be five or six years of age, respectively, prior to the 53
first day of January of the school year in which admission is 54
requested, the child shall be admitted only in accordance with 55
the district's acceleration policy adopted under section 3324.10 56
of the Revised Code. 57

(3) Notwithstanding division (A)(2) of this section, 58
beginning with the school year that starts in 2001 and 59
continuing thereafter the board of education of any district may 60
adopt a resolution establishing the first day of August in lieu 61
of the thirtieth day of September as the required date by which 62
students must have attained the age specified in that division_ 63
for admittance to first grade. 64

(4) After a student has been admitted to kindergarten in a 65
school district or chartered nonpublic school, no board of 66
education of a school district to which the student transfers 67
shall deny that student admission based on the student's age. 68

(B) As used in division (C) of this section, "successfully 69
completed kindergarten" means that the child has completed the 70
kindergarten requirements at one of the following: 71

(1) A public or chartered nonpublic school; 72

(2) A kindergarten class that is both of the following: 73

(a) Offered by a child care provider licensed under 74

Chapter 5104. of the Revised Code; 75

(b) If offered after July 1, 1991, is directly taught by a 76
teacher who holds one of the following: 77

(i) A valid educator license issued under section 3319.22 78
of the Revised Code; 79

(ii) A Montessori preprimary credential or age-appropriate 80
diploma granted by the American Montessori society or the 81
association Montessori internationale; 82

(iii) Certification determined under division (F) of this 83
section to be equivalent to that described in division (B) (2) (b) 84
(ii) of this section; 85

(iv) Certification for teachers in nontax-supported 86
schools pursuant to section 3301.071 of the Revised Code. 87

(C) (1) Except as provided in division (A) (2) of this 88
section, no school district shall admit to the first grade any 89
child who has not successfully completed kindergarten. 90

(2) Notwithstanding division (A) (2) of this section, any 91
student who has successfully completed kindergarten in 92
accordance with section (B) of this section shall be admitted to 93
first grade. 94

(D) The scheduling of times for kindergarten classes and 95
length of the school day for kindergarten shall be determined by 96
the board of education of a city, exempted village, or local 97
school district. 98

(E) Any kindergarten class offered by a child care 99
provider or school described by division (B) (1) or (B) (2) (a) of 100
this section shall be developmentally appropriate. 101

(F) Upon written request of a child care provider 102
described by division (B) (2) (a) of this section, the department 103
of education and workforce shall determine whether certification 104
held by a teacher employed by the provider meets the requirement 105
of division (B) (2) (b) (iii) of this section and, if so, shall 106
furnish the provider a statement to that effect. 107

(G) As used in this division, "all-day kindergarten" has 108
the same meaning as in section 3321.05 of the Revised Code. 109

(1) A school district that is offering all-day 110
kindergarten for the first time or that charged fees or tuition 111
for all-day kindergarten in the 2012-2013 school year may charge 112
fees or tuition for a student enrolled in all-day kindergarten 113
in any school year following the 2012-2013 school year. The 114
department shall adjust the district's average daily membership 115
certification under section 3317.03 of the Revised Code by one- 116
half of the full-time equivalency for each student charged fees 117
or tuition for all-day kindergarten under this division. If a 118
district charges fees or tuition for all-day kindergarten under 119
this division, the district shall develop a sliding fee scale 120
based on family incomes. 121

(2) The department shall conduct an annual survey of each 122
school district described in division (G) (1) of this section to 123
determine the following: 124

(a) Whether the district charges fees or tuition for 125
students enrolled in all-day kindergarten; 126

(b) The amount of the fees or tuition charged; 127

(c) How many of the students for whom tuition is charged 128
are eligible for free lunches under the "National School Lunch 129
Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the 130

"Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as 131
amended, and how many of the students for whom tuition is 132
charged are eligible for reduced price lunches under those acts; 133

(d) How many students are enrolled in traditional half-day 134
kindergarten rather than all-day kindergarten. 135

Each district shall report to the department, in the 136
manner prescribed by the department, the information described 137
in divisions (G)(2)(a) to (d) of this section. 138

The department shall issue an annual report on the results 139
of the survey and shall post the report on its web site. The 140
department shall issue the first report not later than April 30, 141
2008, and shall issue a report not later than the thirtieth day 142
of April each year thereafter. 143

Section 2. That existing section 3321.01 of the Revised 144
Code is hereby repealed. 145