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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

Senators Brenner, Cirino, O'Brien, Patton, Reynolds, Roegner

A BILL

To amend section 3321.01 of the Revised Code 1
regarding age requirements for kindergarten 2
admission and to correct a scoring error on the 3
2024-2025 science end-of-course exam. 4

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

Section 1. That section 3321.01 of the Revised Code be 5
amended to read as follows: 6

Sec. 3321.01. (A) (1) As used in this chapter, "parent," 7
"guardian," or "other person having charge or care of a child" 8
means either parent unless the parents are separated or divorced 9
or their marriage has been dissolved or annulled, in which case 10
"parent" means the parent who is the residential parent and 11
legal custodian of the child. If the child is in the legal or 12
permanent custody of a person or government agency, "parent" 13
means that person or government agency. When a child is a 14

resident of a home, as defined in section 3313.64 of the Revised 15
Code, and the child's parent is not a resident of this state, 16
"parent," "guardian," or "other person having charge or care of 17
a child" means the head of the home. 18

A child between six and eighteen years of age is "of 19
compulsory school age" for the purpose of sections 3321.01 to 20
3321.13 of the Revised Code. A child under six years of age who 21
has been enrolled in kindergarten also shall be considered "of 22
compulsory school age" for the purpose of sections 3321.01 to 23
3321.13 of the Revised Code unless at any time the child's 24
parent or guardian, at the parent's or guardian's discretion and 25
in consultation with the child's teacher and principal, formally 26
withdraws the child from kindergarten. The compulsory school age 27
of a child shall not commence until the beginning of the term of 28
such schools, or other time in the school year fixed by the 29
rules of the board of the district in which the child resides. 30

(2) Each school district board of education shall admit to 31
kindergarten any student who is five or, for a student who has 32
not completed first grade, six years of age by the first day of 33
instruction of the school year of admittance. 34

In a district in which all children are admitted to 35
~~kindergarten and the first grade in August or September, a child 36
shall be admitted if the child is five or six years of age, 37
respectively,~~ by the thirtieth day of September of the year of 38
admittance, or by the first day of a term or semester other than 39
one beginning in August or September in school districts 40
granting admittance at the beginning of such term or semester. A 41

A child who does not meet the age requirements of this 42
section for admittance to kindergarten or first grade, but who 43
will be five or six years old, ~~respective~~respectively, prior to 44

the first day of January of the school year in which admission 45
is requested, shall be evaluated for early admittance in 46
accordance with district policy upon referral by the child's 47
parent or guardian, an educator employed by the district, a 48
preschool educator who knows the child, or a pediatrician or 49
psychologist who knows the child. Following an evaluation in 50
accordance with a referral under this section, the district 51
board shall decide whether to admit the child. If a child for 52
whom admission to kindergarten or first grade is requested will 53
not be five or six years of age, respectively, prior to the 54
first day of January of the school year in which admission is 55
requested, the child shall be admitted only in accordance with 56
the district's acceleration policy adopted under section 3324.10 57
of the Revised Code. 58

(3) Notwithstanding division (A)(2) of this section, 59
beginning with the school year that starts in 2001 and 60
continuing thereafter the board of education of any district may 61
adopt a resolution establishing the first day of August in lieu 62
of the thirtieth day of September as the required date by which 63
students must have attained the age specified in that division_ 64
for admittance to first grade. 65

(4) After a student has been admitted to kindergarten in a 66
school district or chartered nonpublic school, no board of 67
education of a school district to which the student transfers 68
shall deny that student admission based on the student's age. 69

(B) As used in division (C) of this section, "successfully 70
completed kindergarten" means that the child has completed the 71
kindergarten requirements at one of the following: 72

(1) A public or chartered nonpublic school; 73

(2) A kindergarten class that is both of the following:	74
(a) Offered by a child care provider licensed under	75
Chapter 5104. of the Revised Code;	76
(b) If offered after July 1, 1991, is directly taught by a	77
teacher who holds one of the following:	78
(i) A valid educator license issued under section 3319.22	79
of the Revised Code;	80
(ii) A Montessori preprimary credential or age-appropriate	81
diploma granted by the American Montessori society or the	82
association Montessori internationale;	83
(iii) Certification determined under division (F) of this	84
section to be equivalent to that described in division (B) (2) (b)	85
(ii) of this section;	86
(iv) Certification for teachers in nontax-supported	87
schools pursuant to section 3301.071 of the Revised Code.	88
(C) (1) Except as provided in division (A) (2) of this	89
section, no school district shall admit to the first grade any	90
child who has not successfully completed kindergarten.	91
(2) Notwithstanding division (A) (2) of this section, any	92
student who has successfully completed kindergarten in	93
accordance with section (B) of this section shall be admitted to	94
first grade.	95
(D) The scheduling of times for kindergarten classes and	96
length of the school day for kindergarten shall be determined by	97
the board of education of a city, exempted village, or local	98
school district.	99
(E) Any kindergarten class offered by a child care	100

provider or school described by division (B) (1) or (B) (2) (a) of 101
this section shall be developmentally appropriate. 102

(F) Upon written request of a child care provider 103
described by division (B) (2) (a) of this section, the department 104
of education and workforce shall determine whether certification 105
held by a teacher employed by the provider meets the requirement 106
of division (B) (2) (b) (iii) of this section and, if so, shall 107
furnish the provider a statement to that effect. 108

(G) As used in this division, "all-day kindergarten" has 109
the same meaning as in section 3321.05 of the Revised Code. 110

(1) A school district that is offering all-day 111
kindergarten for the first time or that charged fees or tuition 112
for all-day kindergarten in the 2012-2013 school year may charge 113
fees or tuition for a student enrolled in all-day kindergarten 114
in any school year following the 2012-2013 school year. The 115
department shall adjust the district's average daily membership 116
certification under section 3317.03 of the Revised Code by one- 117
half of the full-time equivalency for each student charged fees 118
or tuition for all-day kindergarten under this division. If a 119
district charges fees or tuition for all-day kindergarten under 120
this division, the district shall develop a sliding fee scale 121
based on family incomes. 122

(2) The department shall conduct an annual survey of each 123
school district described in division (G) (1) of this section to 124
determine the following: 125

(a) Whether the district charges fees or tuition for 126
students enrolled in all-day kindergarten; 127

(b) The amount of the fees or tuition charged; 128

(c) How many of the students for whom tuition is charged 129

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

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

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

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

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

Section 3. As used in this section, "school" means a community school established under Chapter 3314. of the Revised Code, a STEM school established under Chapter 3326. of the Revised Code, or a chartered nonpublic school that grants a high school diploma based on meeting the requirements of section 3313.618 of the Revised Code.

The Department of Education and Workforce shall review the scores of students who took the science end-of-course examination prescribed under division (B)(2) of section 3301.0712 of the Revised Code during the 2024-2025 school year to determine those students who were affected by an error in the scoring of a single, one-point question on that examination. For

any student who would have achieved a higher score on the 159
examination had the question been scored correctly, the 160
Department shall increase the student's score accordingly. If 161
the increase in the student's score qualifies the student for a 162
science seal or an honors diploma seal under section 3313.6114 163
of the Revised Code, the school district or school in which the 164
student was enrolled during the 2024-2025 school year shall 165
award the applicable seal. The Department shall not decrease any 166
student's score on the science end-of-course examination due to 167
the scoring error. 168