

# AN ACT

To amend sections 3313.64, 3317.02, 3321.01, and 3323.01 of the Revised Code to require a child under the age of six who attends kindergarten to be considered of compulsory school age.

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. That sections 3313.64, 3317.02, 3321.01, and 3323.01 of the Revised Code be amended to read as follows:

Sec. 3313.64. (A) As used in this section and in section 3313.65 of the Revised Code:

(1) "Parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian of the child. When a child is in the legal custody of a government agency or a person other than the child's natural or adoptive parent, "parent" means the parent with residual parental rights, privileges, and responsibilities. When a child is in the permanent custody of a government agency or a person other than the child's natural or adoptive parent, "parent" means the parent who was divested of parental rights and responsibilities for the care of the child and the right to have the child live with the parent and be the legal custodian of the child and all residual parental rights, privileges, and responsibilities.

(2) "Legal custody," "permanent custody," and "residual parental rights, privileges, and responsibilities" have the same meanings as in section 2151.011 of the Revised Code.

(3) "School district" or "district" means a city, local, or exempted village school district and excludes any school operated in an institution maintained by the department of youth services.

(4) Except as used in division (C)(2) of this section, "home" means a home, institution, family foster home, group home, or other residential facility in this state that receives and cares for children, to which any of the following applies:

(a) The home is licensed, certified, or approved for such purpose by the state or is maintained by the department of youth services.

(b) The home is operated by a person who is licensed, certified, or approved by the state to operate the home for such purpose.

(c) The home accepted the child through a placement by a person licensed, certified, or approved to place a child in such a home by the state.

(d) The home is a children's home created under section 5153.21 or 5153.36 of the Revised Code.

(5) "Agency" means all of the following:

(a) A public children services agency;

(b) An organization that holds a certificate issued by the Ohio department of human services in accordance with the requirements of section 5103.03 of the Revised Code and assumes temporary or permanent custody of children through commitment, agreement, or surrender, and places children in family homes for the purpose of adoption;

(c) Comparable agencies of other states or countries that have complied with applicable requirements of section 2151.39, or sections 5103.20 to 5103.28 of the Revised Code.

(6) A child is placed for adoption if either of the following occurs:

(a) An agency to which the child has been permanently committed or surrendered enters into an agreement with a person pursuant to section 5103.06 of the Revised Code for the care and adoption of the child.

(b) The child's natural parent places the child pursuant to section 5103.16 of the Revised Code with a person who will care for and adopt the child.

(7) "Handicapped preschool child" means a handicapped child, as defined by division (A) of section 3323.01 of the Revised Code, who is at least three years of age but is not of compulsory school age, as defined in section 3321.01 of the Revised Code, and who ~~has~~ is not ~~entered~~ currently enrolled in kindergarten.

(8) "Child," unless otherwise indicated, includes handicapped preschool children.

(B) Except as otherwise provided in section 3321.01 of the Revised Code for admittance to kindergarten and first grade, a child who is at least five but under twenty-two years of age and any handicapped preschool child shall be admitted to school as provided in this division.

(1) A child shall be admitted to the schools of the school district in which the child's parent resides.

(2) A child who does not reside in the district where the child's parent resides shall be admitted to the schools of the district in which the child resides if any of the following applies:

(a) The child is in the legal or permanent custody of a government

agency or a person other than the child's natural or adoptive parent.

(b) The child resides in a home.

(c) The child requires special education.

(3) A child who is not entitled under division (B)(2) of this section to be admitted to the schools of the district where the child resides and who is residing with a resident of this state with whom the child has been placed for adoption shall be admitted to the schools of the district where the child resides unless either of the following applies:

(a) The placement for adoption has been terminated.

(b) Another school district is required to admit the child under division (B)(1) of this section.

Division (B) of this section does not prohibit the board of education of a school district from placing a handicapped child who resides in the district in a special education program outside of the district or its schools in compliance with Chapter 3323. of the Revised Code.

(C) A district shall not charge tuition for children admitted under division (B)(1) or (3) of this section. If the district admits a child under division (B)(2) of this section, tuition shall be paid to the district that admits the child as follows:

(1) If the child receives special education in accordance with Chapter 3323. of the Revised Code, tuition shall be paid in accordance with section 3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code regardless of who has custody of the child or whether the child resides in a home.

(2) Except as otherwise provided in division (C)(2)(d) of this section, if the child is in the permanent or legal custody of a government agency or person other than the child's parent, tuition shall be paid by:

(a) The district in which the child's parent resided at the time the court removed the child from home or at the time the court vested legal or permanent custody of the child in the person or government agency, whichever occurred first; or

(b) If the parent's residence at the time the court removed the child from home or placed the child in the legal or permanent custody of the person or government agency is unknown, tuition shall be paid by the district in which the child resided at the time the child was removed from home or placed in legal or permanent custody, whichever occurred first; or

(c) If a school district cannot be established under division (C)(2)(a) or (b) of this section, tuition shall be paid by the district determined as required by section 2151.357 of the Revised Code by the court at the time it vests custody of the child in the person or government agency.

(d) If at the time the court removed the child from home or vested legal

or permanent custody of the child in the person or government agency, whichever occurred first, one parent was in a residential or correctional facility or a juvenile residential placement and the other parent, if living and not in such a facility or placement, was not known to reside in this state, tuition shall be paid by the district determined under division (D) of section 3313.65 of the Revised Code as the district required to pay any tuition while the parent was in such facility or placement.

(3) If the child is not in the permanent or legal custody of a government agency or person other than the child's parent and the child resides in a home, tuition shall be paid by one of the following:

(a) The school district in which the child's parent resides;

(b) If the child's parent is not a resident of this state, the home in which the child resides.

(D) Tuition required to be paid under divisions (C)(2) and (3)(a) of this section shall be computed in accordance with section 3317.08 of the Revised Code. Tuition required to be paid under division (C)(3)(b) of this section shall be computed in accordance with section 3317.081 of the Revised Code. If a home fails to pay the tuition required by division (C)(3)(b) of this section, the board of education providing the education may recover in a civil action the tuition and the expenses incurred in prosecuting the action, including court costs and reasonable attorney's fees. If the prosecuting attorney or city director of law represents the board in such action, costs and reasonable attorney's fees awarded by the court, based upon the prosecuting attorney's, director's, or one of their designee's time spent preparing and presenting the case, shall be deposited in the county or city general fund.

(E) A board of education may enroll a child free of any tuition obligation for a period not to exceed sixty days, on the sworn statement of an adult resident of the district that the resident has initiated legal proceedings for custody of the child.

(F) In the case of any individual entitled to attend school under this division, no tuition shall be charged by the school district of attendance and no other school district shall be required to pay tuition for the individual's attendance. Notwithstanding division (B), (C), or (E) of this section:

(1) All persons at least eighteen but under twenty-two years of age who live apart from their parents, support themselves by their own labor, and have not successfully completed the high school curriculum or the individualized education program developed for the person by the high school pursuant to section 3323.08 of the Revised Code, are entitled to attend school in the district in which they reside.

(2) Any child under eighteen years of age who is married is entitled to attend school in the child's district of residence.

(3) A child is entitled to attend school in the district in which either of the child's parents is employed if the child has a medical condition that may require emergency medical attention. The parent of a child entitled to attend school under division (F)(3) of this section shall submit to the board of education of the district in which the parent is employed a statement from the child's physician certifying that the child's medical condition may require emergency medical attention. The statement shall be supported by such other evidence as the board may require.

(4) Any child residing with a person other than the child's parent is entitled, for a period not to exceed twelve months, to attend school in the district in which that person resides if the child's parent files an affidavit with the superintendent of the district in which the person with whom the child is living resides stating all of the following:

(a) That the parent is serving outside of the state in the armed services of the United States;

(b) That the parent intends to reside in the district upon returning to this state;

(c) The name and address of the person with whom the child is living while the parent is outside the state.

(5) Any child under the age of twenty-two years who, after the death of a parent, resides in a school district other than the district in which the child attended school at the time of the parent's death is entitled to continue to attend school in the district in which the child attended school at the time of the parent's death for the remainder of the school year, subject to approval of that district board.

(6) A child under the age of twenty-two years who resides with a parent who is having a new house built in a school district outside the district where the parent is residing is entitled to attend school for a period of time in the district where the new house is being built. In order to be entitled to such attendance, the parent shall provide the district superintendent with the following:

(a) A sworn statement explaining the situation, revealing the location of the house being built, and stating the parent's intention to reside there upon its completion;

(b) A statement from the builder confirming that a new house is being built for the parent and that the house is at the location indicated in the parent's statement.

(7) A child under the age of twenty-two years residing with a parent

who has a contract to purchase a house in a school district outside the district where the parent is residing and who is waiting upon the date of closing of the mortgage loan for the purchase of such house is entitled to attend school for a period of time in the district where the house is being purchased. In order to be entitled to such attendance, the parent shall provide the district superintendent with the following:

(a) A sworn statement explaining the situation, revealing the location of the house being purchased, and stating the parent's intent to reside there;

(b) A statement from a real estate broker or bank officer confirming that the parent has a contract to purchase the house, that the parent is waiting upon the date of closing of the mortgage loan, and that the house is at the location indicated in the parent's statement.

The district superintendent shall establish a period of time not to exceed ninety days during which the child entitled to attend school under division (F)(6) or (7) of this section may attend without tuition obligation. A student attending a school under division (F)(6) or (7) of this section shall be eligible to participate in interscholastic athletics under the auspices of that school, provided the board of education of the school district where the student's parent resides, by a formal action, releases the student to participate in interscholastic athletics at the school where the student is attending, and provided the student receives any authorization required by a public agency or private organization of which the school district is a member exercising authority over interscholastic sports.

(8) A child whose parent is a full-time employee of a city, local, or exempted village school district may be admitted to the schools of the district where the child's parent is employed, provided the board of education establishes such an admission policy by resolution adopted by a majority of its members. Any such policy shall take effect on the first day of the school year and the effective date of any amendment or repeal may not be prior to the first day of the subsequent school year. The policy shall be uniformly applied to all such children and shall provide for the admission of any such child upon request of the parent. No child may be admitted under this policy after the first day of classes of any school year.

(9) A child who is with the child's parent under the care of a shelter for victims of domestic violence, as defined in section 3113.33 of the Revised Code, is entitled to attend school free in the district in which the child is with ~~his~~ the child's parent, and no other school district shall be required to pay tuition for the child's attendance in that school district.

The enrollment of a child in a school district under this division shall not be denied due to a delay in the school district's receipt of any records

required under section 3313.672 of the Revised Code or any other records required for enrollment. Any days of attendance and any credits earned by a child while enrolled in a school district under this division shall be transferred to and accepted by any school district in which the child subsequently enrolls. The state board of education shall adopt rules to ensure compliance with this division.

(10) Any child under the age of twenty-two years whose parent has moved out of the school district after the commencement of classes in the child's senior year of high school is entitled, subject to the approval of that district board, to attend school in the district in which the child attended school at the time of the parental move for the remainder of the school year and for one additional semester or equivalent term. A district board may also adopt a policy specifying extenuating circumstances under which a student may continue to attend school under division (F)(10) of this section for an additional period of time in order to successfully complete the high school curriculum for the individualized education program developed for the student by the high school pursuant to section 3323.08 of the Revised Code.

(11) As used in this division, "grandparent" means a parent of a parent of a child. A child under the age of twenty-two years who is in the custody of the child's parent, resides with a grandparent, and does not require special education is entitled to attend the schools of the district in which the child's grandparent resides, provided that, prior to such attendance in any school year, the board of education of the school district in which the child's grandparent resides and the board of education of the school district in which the child's parent resides enter into a written agreement specifying that good cause exists for such attendance, describing the nature of this good cause, and consenting to such attendance.

In lieu of a consent form signed by a parent, a board of education may request the grandparent of a child attending school in the district in which the grandparent resides pursuant to division (F)(11) of this section to complete any consent form required by the district, including any authorization required by sections 3313.712 and 3313.713 of the Revised Code. Upon request, the grandparent shall complete any consent form required by the district. A school district shall not incur any liability solely because of its receipt of a consent form from a grandparent in lieu of a parent.

Division (F)(11) of this section does not create, and shall not be construed as creating, a new cause of action or substantive legal right against a school district, a member of a board of education, or an employee of a school district. This section does not affect, and shall not be construed

as affecting, any immunities from defenses to tort liability created or recognized by Chapter 2744. of the Revised Code for a school district, member, or employee.

(12) A child under the age of twenty-two years is entitled to attend school in a school district other than the district in which the child is entitled to attend school under division (B), (C), or (E) of this section provided that, prior to such attendance in any school year, both of the following occur:

(a) The superintendent of the district in which the child is entitled to attend school under division (B), (C), or (E) of this section contacts the superintendent of another district for purposes of this division;

(b) The superintendents of both districts enter into a written agreement that consents to the attendance and specifies that the purpose of such attendance is to protect the student's physical or mental well-being or to deal with other extenuating circumstances deemed appropriate by the superintendents.

While an agreement is in effect under this division for a student who is not receiving special education under Chapter 3323. of the Revised Code and notwithstanding Chapter 3327. of the Revised Code, the board of education of neither school district involved in the agreement is required to provide transportation for the student to and from the school where the student attends.

A student attending a school of a district pursuant to this division shall be allowed to participate in all student activities, including interscholastic athletics, at the school where the student is attending on the same basis as any student who has always attended the schools of that district while of compulsory school age.

(G) A board of education, after approving admission, may waive tuition for students who will temporarily reside in the district and who are either of the following:

(1) Residents or domiciliaries of a foreign nation who request admission as foreign exchange students;

(2) Residents or domiciliaries of the United States but not of Ohio who request admission as participants in an exchange program operated by a student exchange organization.

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 3327.04, and 3327.06 of the Revised Code, a child may attend school or participate in a special education program in a school district other than in the district where the child is entitled to attend school under division (B) of this section.

(I) This division does not apply to a child receiving special education.

A school district required to pay tuition pursuant to division (C)(2) or

(3) of this section or section 3313.65 of the Revised Code shall have an amount deducted under division (F) of section 3317.023 of the Revised Code equal to its own tuition rate for the same period of attendance. A school district entitled to receive tuition pursuant to division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount credited under division (F) of section 3317.023 of the Revised Code equal to its own tuition rate for the same period of attendance. If the tuition rate credited to the district of attendance exceeds the rate deducted from the district required to pay tuition, the department of education shall pay the district of attendance the difference from amounts deducted from all districts' payments under division (F) of section 3317.023 of the Revised Code but not credited to other school districts under such division and from appropriations made for such purpose. The treasurer of each school district shall, by the fifteenth day of January and July, furnish the superintendent of public instruction a report of the names of each child who attended the district's schools under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code during the preceding six calendar months, the duration of the attendance of those children, the school district responsible for tuition on behalf of the child, and any other information that the superintendent requires.

Upon receipt of the report the superintendent, pursuant to division (F) of section 3317.023 of the Revised Code, shall deduct each district's tuition obligations under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code and pay to the district of attendance that amount plus any amount required to be paid by the state.

(J) In the event of a disagreement, the superintendent of public instruction shall determine the school district in which the parent resides.

(K) Nothing in this section requires or authorizes, or shall be construed to require or authorize, the admission to a public school in this state of a pupil who has been permanently excluded from public school attendance by the superintendent of public instruction pursuant to sections 3301.121 and 3313.662 of the Revised Code.

Sec. 3317.02. As used in this chapter:

(A) Unless otherwise specified, "school district" means city, local, and exempted village school districts.

(B) "Formula amount" means the base cost for the fiscal year specified in section 3317.012 of the Revised Code, except that to allow for the orderly phase-in of the increased funding specified in that section, the formula amount for fiscal year 1999 shall be \$3,851; the formula amount for fiscal year 2000 shall be \$4,038; and the formula amount for fiscal year 2001 shall

be \$4,226. Thereafter, the formula amount shall be as specified in that section.

(C) "FTE basis" means a count of students based on full-time equivalency, in accordance with rules adopted by the department of education pursuant to section 3317.03 of the Revised Code. In adopting its rules under this division, the department shall provide for counting any student in a district's category one, two, or three special education ADM in the same proportion the student is counted in formula ADM.

(D)(1) "Formula ADM" means the number reported pursuant to division (A) of section 3317.03 of the Revised Code.

(2) "Three-year average formula ADM" means the average of a school district's formula ADMs for the current and preceding two fiscal years. However, as applicable in fiscal years 1999 and 2000, the three-year average shall be determined utilizing the FY 1997 ADM or FY 1998 ADM in lieu of formula ADM for fiscal year 1997 or 1998.

(E) "FY 1997 ADM" or "FY 1998 ADM" means the district's average daily membership reported for the applicable fiscal year under the version of division (A) of section 3317.03 of the Revised Code in effect during that fiscal year, adjusted as follows:

(1) Minus the average daily membership of handicapped preschool children;

(2) Minus one-half of the average daily membership attending kindergarten;

(3) Minus three-fourths of the average daily membership attending a joint vocational school district;

(4) Plus the average daily membership entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in the district but receiving educational services in approved units from an educational service center or another school district under a compact or a cooperative education agreement, as determined by the department;

(5) Minus the average daily membership receiving educational services from the district in approved units but entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in another school district, as determined by the department.

(F)(1) "Category one special education ADM" means the average daily membership of handicapped children receiving special education services for those handicaps specified in division (A) of section 3317.013 of the Revised Code and reported under division (B) of section 3317.03 of the Revised Code.

(2) "Category two special education ADM" means the average daily

membership of handicapped children receiving special education services for those handicaps specified in division (B) of section 3317.013 of the Revised Code and reported under division (B) of section 3317.03 of the Revised Code.

(3) "Category three special education ADM" means the average daily membership of students receiving special education services for students identified as autistic, having traumatic brain injuries, or as both visually and hearing disabled as these terms are defined pursuant to Chapter 3323. of the Revised Code, and reported under division (B) of section 3317.03 of the Revised Code.

(G) "Handicapped preschool child" means a handicapped child, as defined in section 3323.01 of the Revised Code, who is at least age three but is not of compulsory school age, as defined in section 3321.01 of the Revised Code, and who ~~has is not entered~~ currently enrolled in kindergarten.

(H) "County MR/DD board" means a county board of mental retardation and developmental disabilities.

(I) "Recognized valuation" means the amount calculated for a school district pursuant to section 3317.015 of the Revised Code.

(J) "Transportation ADM" means the number of children reported under division (B)(9) of section 3317.03 of the Revised Code.

(K) "Most efficient transportation use cost per transported student" for a district means a statistical representation of transportation costs as calculated under division (D)(4) of section 3317.022 of the Revised Code.

(L) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property.

(M) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code.

(N)(1) "Cost-of-doing-business factor" means the amount indicated in this division for the county in which the district is located, adjusted in accordance with division (N)(2) of this section. If the district is located in more than one county, the factor is the amount indicated for the county to which the district is assigned by the state department of education.

| COUNTY  | COST-OF-DOING-BUSINESS |        |
|---------|------------------------|--------|
|         | FACTOR                 | AMOUNT |
| Adams   |                        | 1.0100 |
| Allen   |                        | 1.0272 |
| Ashland |                        | 1.0362 |

|            |        |
|------------|--------|
| Ashtabula  | 1.0540 |
| Athens     | 1.0040 |
| Auglaize   | 1.0300 |
| Belmont    | 1.0101 |
| Brown      | 1.0218 |
| Butler     | 1.0662 |
| Carroll    | 1.0180 |
| Champaign  | 1.0432 |
| Clark      | 1.0489 |
| Clermont   | 1.0498 |
| Clinton    | 1.0287 |
| Columbiana | 1.0320 |
| Coshocton  | 1.0224 |
| Crawford   | 1.0174 |
| Cuyahoga   | 1.0725 |
| Darke      | 1.0360 |
| Defiance   | 1.0214 |
| Delaware   | 1.0512 |
| Erie       | 1.0414 |
| Fairfield  | 1.0383 |
| Fayette    | 1.0281 |
| Franklin   | 1.0548 |
| Fulton     | 1.0382 |
| Gallia     | 1.0000 |
| Geauga     | 1.0608 |
| Greene     | 1.0418 |
| Guernsey   | 1.0091 |
| Hamilton   | 1.0750 |
| Hancock    | 1.0270 |
| Hardin     | 1.0384 |
| Harrison   | 1.0111 |
| Henry      | 1.0389 |
| Highland   | 1.0177 |
| Hocking    | 1.0164 |
| Holmes     | 1.0275 |
| Huron      | 1.0348 |
| Jackson    | 1.0176 |
| Jefferson  | 1.0090 |
| Knox       | 1.0276 |
| Lake       | 1.0627 |

|            |        |
|------------|--------|
| Lawrence   | 1.0154 |
| Licking    | 1.0418 |
| Logan      | 1.0376 |
| Lorain     | 1.0573 |
| Lucas      | 1.0449 |
| Madison    | 1.0475 |
| Mahoning   | 1.0465 |
| Marion     | 1.0289 |
| Medina     | 1.0656 |
| Meigs      | 1.0016 |
| Mercer     | 1.0209 |
| Miami      | 1.0456 |
| Monroe     | 1.0152 |
| Montgomery | 1.0484 |
| Morgan     | 1.0168 |
| Morrow     | 1.0293 |
| Muskingum  | 1.0194 |
| Noble      | 1.0150 |
| Ottawa     | 1.0529 |
| Paulding   | 1.0216 |
| Perry      | 1.0185 |
| Pickaway   | 1.0350 |
| Pike       | 1.0146 |
| Portage    | 1.0595 |
| Preble     | 1.0523 |
| Putnam     | 1.0308 |
| Richland   | 1.0232 |
| Ross       | 1.0111 |
| Sandusky   | 1.0361 |
| Scioto     | 1.0082 |
| Seneca     | 1.0265 |
| Shelby     | 1.0274 |
| Stark      | 1.0330 |
| Summit     | 1.0642 |
| Trumbull   | 1.0465 |
| Tuscarawas | 1.0109 |
| Union      | 1.0488 |
| Van Wert   | 1.0181 |
| Vinton     | 1.0065 |
| Warren     | 1.0678 |

|            |        |
|------------|--------|
| Washington | 1.0124 |
| Wayne      | 1.0446 |
| Williams   | 1.0316 |
| Wood       | 1.0431 |
| Wyandot    | 1.0227 |

(2) As used in this division, "multiplier" means the number for the corresponding fiscal year as follows:

| FISCAL YEAR OF THE<br>COMPUTATION | MULTIPLIER |
|-----------------------------------|------------|
| 1998                              | 9.6/7.5    |
| 1999                              | 11.0/7.5   |
| 2000                              | 12.4/7.5   |
| 2001                              | 13.8/7.5   |
| 2002                              | 15.2/7.5   |
| 2003                              | 16.6/7.5   |
| 2004 and thereafter               | 18.0/7.5   |

Beginning in fiscal year 1998, the department shall annually adjust the cost-of-doing-business factor for each county in accordance with the following formula:

$$[(\text{The cost-of-doing-business factor specified under division (N)(1) of this section} - 1) \times (\text{the multiplier for the fiscal year of the calculation})] + 1$$

The result of such formula shall be the adjusted cost-of-doing-business factor for that fiscal year.

(O) "Tax exempt value" of a school district means the amount certified for a school district under division (A)(4) of section 3317.021 of the Revised Code.

(P) "Potential value" of a school district means the adjusted total taxable value of a school district plus the tax exempt value of the district.

(Q) "District median income" means the median Ohio adjusted gross income certified for a school district. On or before the first day of July of each year, the tax commissioner shall certify to the department of education for each city, exempted village, and local school district the median Ohio adjusted gross income of the residents of the school district determined on the basis of tax returns filed for the second preceding tax year by the residents of the district.

(R) "Statewide median income" means the median district median income of all city, exempted village, and local school districts in the state.

(S) "Income factor" for a city, exempted village, or local school district means the quotient obtained by dividing that district's median income by the

statewide median income.

(T) Except as provided in division (B)(3) of section 3317.012 of the Revised Code, "valuation per pupil" for a city, exempted village, or local school district means the district's recognized valuation divided by the greater of the district's formula ADM or three-year average formula ADM.

(U) Except as provided in section 3317.0213 of the Revised Code, "adjusted valuation per pupil" means the amount calculated in accordance with the following formula:

$$\text{District valuation per pupil} - [\$60,000 \times (1 - \text{district income factor})]$$

If the result of such formula is negative, the adjusted valuation per pupil shall be zero.

(V) "Income adjusted valuation" means the product obtained by multiplying the district's adjusted valuation per pupil by the greater of the district's formula ADM or three-year average formula ADM.

(W) Except as provided in division (A)(2) of section 3317.022 of the Revised Code, "adjusted total taxable value" means one of the following:

(1) In any fiscal year that a district's income factor is less than or equal to one, the amount calculated under the following formula:

$$(\text{Income adjusted valuation} \times 1/5) + (\text{recognized valuation} \times 4/5)$$

(2) In fiscal year 1999, if a district's income factor is greater than one, the amount calculated under the following formula:

$$(\text{Income adjusted valuation} \times 1/15) + (\text{recognized valuation} \times 14/15)$$

Thereafter, the adjusted total taxable value of a district with an income factor greater than one shall be its recognized valuation.

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

No child shall be admitted to a kindergarten or a first grade of a public school in a district in which all children are admitted to kindergarten and the first grade in August or September unless 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, except that in those school districts using or obtaining educationally accepted standardized testing programs for determining entrance, as approved by the board of education of such districts, the board shall admit a child to kindergarten or the first grade who fails to meet the age requirement, provided the child meets necessary standards as determined by such standardized testing programs. If the board of education has not established a standardized testing program, the board shall designate the necessary standards and a testing program it will accept for the purpose of admitting a child to kindergarten or first grade who fails to meet the age requirement. Each child who will be the proper age for entrance to kindergarten ~~or~~ or first grade by the first day of January of the school year for which admission is requested shall be so tested upon the request of the child's parent.

(B) As used in divisions (C) and (D) of this section, "successfully completed kindergarten" and "successful completion of kindergarten" mean that the child has completed the kindergarten requirements at one of the following:

- (1) A public or chartered nonpublic school;
- (2) A kindergarten class that is both of the following:
  - (a) Offered by a day-care provider licensed under Chapter 5104. of the Revised Code;
  - (b) If offered after July 1, 1991, is directly taught by a teacher who holds one of the following:
    - (i) A valid educator license issued under section 3319.22 of the Revised Code;
    - (ii) A Montessori preprimary credential or age-appropriate diploma granted by the American Montessori society or the association Montessori

internationale;

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

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

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

(D) Upon request of a parent, the requirement of division (C) of this section may be waived by the district's pupil personnel services committee in the case of a child who is at least six years of age by the thirtieth day of September of the year of admittance and who demonstrates to the satisfaction of the committee the possession of the social, emotional, and cognitive skills necessary for first grade.

The board of education of each city, local, and exempted village school district shall establish a pupil personnel services committee. The committee shall be composed of all of the following to the extent such personnel are either employed by the district or employed by the governing board of the educational service center within whose territory the district is located and the educational service center generally furnishes the services of such personnel to the district:

- (1) The director of pupil personnel services;
- (2) An elementary school counselor;
- (3) An elementary school principal;
- (4) A school psychologist;
- (5) A teacher assigned to teach first grade.

The responsibilities of the pupil personnel services committee shall be limited to the issuing of waivers allowing admittance to the first grade without the successful completion of kindergarten. The committee shall have no other authority except as specified in this section.

(E) 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.

(F) Any kindergarten class offered by a day-care provider or school described by division (B)(1) or (B)(2)(a) of this section shall be developmentally appropriate.

(G) Upon written request of a day-care provider described by division (B)(2)(a) of this section, the department of education shall determine whether certification held by a teacher employed by the provider meets the requirement of division (B)(2)(b)(iii) of this section and, if so, shall furnish

the provider a statement to that effect.

Sec. 3323.01. As used in this chapter and Chapter 3321. of the Revised Code:

(A) "Handicapped child" means a person under twenty-two years of age who is developmentally handicapped, hearing handicapped, speech handicapped, visually disabled, severe behavior handicapped, orthopedically handicapped, multihandicapped, other health handicapped, specific learning disabled, autistic, or traumatic brain injured, and by reason thereof requires special education.

(B) "Special education program" means the required related services and instruction specifically designed to meet the unique needs of a handicapped child, including classroom instruction, home instruction, and instruction in hospitals and institutions and in other settings.

(C) "Related services" means transportation, and such developmental, corrective, and other supportive services as may be required to assist a handicapped child to benefit from special education, including the early identification and assessment of handicapped conditions in children, speech pathology and audiology, psychological services, occupational and physical therapy, physical education, recreation, counseling services including rehabilitative counseling, and medical services, except that such medical services shall be for diagnostic and evaluation purposes only.

(D) "Appropriate public education" means special education and related services that:

- (1) Are provided at public expense and under public supervision;
- (2) Meet the standards of the state board of education;
- (3) Include an appropriate preschool, elementary, or secondary education;
- (4) Are provided in conformity with the individualized education program required under this chapter.

(E) "Individualized education program" means a written statement for each handicapped child designed to meet the unique needs of a handicapped child, which statement shall include:

- (1) A statement of the present levels of educational performance of such child;
- (2) A statement of annual goals, including short-term instructional objectives;
- (3) A statement of the specific educational services to be provided to such child, and the extent to which such child will be able to participate in regular educational programs;
- (4) A statement of the transition services needed for such child

beginning no later than age sixteen and annually thereafter (and, when determined appropriate for such child, beginning at age fourteen or younger), including, when appropriate, a statement of the interagency responsibilities and linkages before the student leaves the school setting;

(5) The projected date for initiation and anticipated duration of such services;

(6) Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether instructional objectives are being achieved, and whether current placement is appropriate.

(F) "Other educational agency" means a department, division, bureau, office, institution, board, commission, committee, authority, or other state or local agency, other than a school district or an agency administered by the department of mental retardation and developmental disabilities, that provides or seeks to provide special education or related services to handicapped children.

(G) "School district" means a city, local, or exempted village school district.

(H) "Parents" means either parent. If the parents are separated or divorced, "parent" means the parent who is the residential parent and legal custodian of the handicapped child. Except as used in division (I) of this section and in sections 3323.09 and 3323.141 of the Revised Code, "parents" includes a child's guardian or custodian. This definition does not apply to Chapter 3321. of the Revised Code.

(I) As used in sections 3323.09, 3323.091, 3323.13, and 3323.14 of the Revised Code, "school district of residence" means:

(1) The school district in which the child's parents reside;

(2) If the school district specified in division (I)(1) of this section cannot be determined, the last school district in which the child's parents are known to have resided if the parents' whereabouts are unknown;

(3) If the school district specified in division (I)(2) of this section cannot be determined, the school district determined by the court under section 2151.357 of the Revised Code, or if no district has been so determined, the school district as determined by the probate court of the county in which the child resides. The school district of residence that had been established under this section on December 12, 1983, shall remain the child's school district of residence unless a district of residence can be determined under division (I)(1) or (2) of this section.

(4) Notwithstanding divisions (I)(1) to (3) of this section, if a school district is required by section 3313.65 of the Revised Code to pay tuition for a child, that district shall be the child's school district of residence.

(J) "County MR/DD board" means a county board of mental retardation and developmental disabilities.

(K) "Handicapped preschool child" means a handicapped child who is at least three years of age but is not of compulsory school age, as defined under section 3321.01 of the Revised Code, and who ~~has~~ is not ~~entered~~ currently enrolled in kindergarten.

(L) "Transition services" means a coordinated set of activities for a student, designed within an outcome-oriented process, that:

(1) Promotes movement from school to post-school activities, including post-secondary education; vocational training; integrated employment, including supported employment; continuing and adult education; adult services; independent living; and community participation;

(2) Is based upon the individual student's needs, including taking into account the student's preferences and interests;

(3) Includes instruction, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

(M) "Visual disability" for any individual means that one of the following applies to the individual:

(1) The individual has a visual acuity of 20/200 or less in the better eye with correcting lenses or has a limited field of vision in the better eye such that the widest diameter subtends an angular distance of no greater than twenty degrees.

(2) The individual has a medically indicated expectation of meeting the requirements of division (M)(1) of this section over a period of time.

(3) The individual has a medically diagnosed and medically uncorrectable limitation in visual functioning that adversely affects the individual's ability to read and write standard print at levels expected of the individual's peers of comparable ability and grade level.

(N) "Student with a visual disability" means any person under twenty-two years of age who has a visual disability.

(O) "Instruction in braille reading and writing" means the teaching of the system of reading and writing through touch commonly known as standard English braille.

SECTION 2. That existing sections 3313.64, 3317.02, 3321.01, and 3323.01 of the Revised Code are hereby repealed.

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*Speaker* \_\_\_\_\_ *of the House of Representatives.*

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*President* \_\_\_\_\_ *of the Senate.*

Passed \_\_\_\_\_, 20\_\_\_\_

Approved \_\_\_\_\_, 20\_\_\_\_

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*Governor.*

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the  
\_\_\_\_ day of \_\_\_\_\_, A. D. 20\_\_\_\_.

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*Secretary of State.*

File No. \_\_\_\_\_ Effective Date \_\_\_\_\_