



# Ohio Legislative Service Commission

## Bill Analysis

Hannah K. Wann

### S.B. 9

129th General Assembly  
(As Passed by the Senate)

**Sens.** Manning, Bacon, Beagle, Cates, Grendell, Jones, Jordan, Patton, Schaffer, Seitz, Wagoner, Lehner, Widener, Hite, Daniels

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## BILL SUMMARY

- Eliminates the requirement that school districts offer all-day kindergarten and reinstates the permanent authority for most districts and community schools to charge tuition for all-day kindergarten.
- Eliminates the authority for school districts (1) to use space in licensed child day-care centers for all-day kindergarten and (2) to use state operating funds to modify or purchase classroom space for all-day kindergarten.

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## CONTENT AND OPERATION

### All-day kindergarten

The bill eliminates the requirement for all school districts to offer all-day kindergarten for all families that want it, which was enacted in Am. Sub. H.B. 1 of the 128th General Assembly (the main operating budget for the 2009-2011 fiscal biennium). It also permanently reinstates the authority, currently scheduled to expire June 30, 2011, for school districts and community (charter) schools to charge tuition for all-day kindergarten services if they did not receive a poverty-based assistance payment for all-day kindergarten for fiscal year 2009. It retains the stipulation that the tuition must be structured on a sliding scale according to family income. But the bill removes the limitation of the temporary H.B. 1 law that the tuition cannot exceed rates charged in fiscal year 2009.

Finally, the bill reinstates the pre-H.B. 1 requirement that the Department of Education annually survey each school district and community school authorized to charge tuition for all-day kindergarten to determine (1) the amount it charges and (2) how many of the students for whom tuition is charged are eligible for federal free or

reduced-price lunch programs. The Department must issue a report with the results of the survey, and post the report on its web site, by April 30 each year.<sup>1</sup>

## **Background**

Current law enacted in H.B. 1 requires that every school district offer all-day kindergarten to each student enrolled in kindergarten beginning in fiscal year 2011 (the current fiscal year). However, a district can apply for and receive a waiver of this requirement from the Superintendent of Public Instruction, or a district may unilaterally "delay" implementation until fiscal year 2012.

Prior to H.B. 1, the law permitted school districts and community schools that did not receive a poverty-based payment for all-day kindergarten (under the former school funding model) to charge for all-day kindergarten, if they offered it, on a sliding scale according to family income. H.B. 1 temporarily permits these districts and community schools to continue charging for all-day kindergarten at the fiscal year 2009 level, but prohibits any district or school from charging at all for all-day kindergarten after fiscal year 2011.

## **Acquisition of classroom space for all-day kindergarten**

The bill repeals two H.B. 1 provisions that give school districts options for acquiring classroom space for all-day kindergarten. Therefore, districts that voluntarily provide all-day kindergarten will not have these options under the bill. First, the bill eliminates the authority for a school district to use space in child day-care centers licensed by the Department of Job and Family Services to provide all-day kindergarten.<sup>2</sup> Second, it repeals a district's authority to use state funds received under H.B. 1's school funding system (unofficially known as the "Evidence-Based Model") to modify or purchase classroom space for all-day kindergarten, if the funds are not specifically allocated for another purpose and the district certifies its space shortage to the Department of Education.<sup>3</sup>

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<sup>1</sup> R.C. 3321.01 and 3321.05. Also repealed Section 265.70.70 of Am. Sub. H.B. 1 of the 128th General Assembly and repealed Section 9 of Sub. H.B. 318 of the 128th General Assembly. See R.C. 3314.03(A)(11)(d), not in the bill.

<sup>2</sup> R.C. 3321.05(E).

<sup>3</sup> R.C. 3306.01(C).

## Effective date

All of the bill's provisions take effect July 1, 2011, except that if the constitutionally required 90-day period for filing a referendum petition has not expired by that date, the provisions will take effect upon the expiration of that period.<sup>4</sup>

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## HISTORY

ACTION	DATE
Introduced	02-01-11
Reported, S. Education	03-01-11
Passed Senate (23-10)	03-09-11

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<sup>4</sup> Section 4 of the bill. See also Section 1c of Article II, Ohio Constitution.

