



**Am. H.B. 383**

123rd General Assembly

(As Passed by the General Assembly)

**Reps. Brading, Terwilleger, Corbin, Hartnett, Taylor, Hollister, Bender, Jolivet, Logan, Britton, Damschroder, Harris**

**Sens. Kearns, Wachtmann, Mumper**

**Effective date: \***

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**ACT SUMMARY**

- Permits a school district board to adopt August 1 rather than September 30 as the date by which, with certain exceptions, children must be five or six years old in order to be admitted to kindergarten or first grade, respectively.
- Permits a school district board to adopt August 1 rather than September 30 as the date by which children must be at least six years of age in order to be considered for a waiver of the requirement that kindergarten must be completed before admission to first grade.

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**CONTENT AND OPERATION**

Continuing law generally requires that children be five years old prior to September 30 in order to be admitted to kindergarten in that year, and six years old prior to that date for admission to first grade in that year. (See **COMMENT**.) Continuing law also generally requires children to successfully complete kindergarten before they can be admitted to first grade. If a child is at least six years old prior to September 30 and has not completed kindergarten, the pupil personnel services committee of the child's school district may waive the kindergarten requirement if the child demonstrates to the committee's satisfaction that the child possesses the necessary social, emotional, and cognitive skills for first grade.

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\* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared.*

The act authorizes any school district board to adopt August 1 instead of September 30 as the date by which a child must be of the required age to be admitted to either kindergarten or first grade. This provision is effective beginning with the school year that begins in 2001 and continues thereafter. (Sec. 3321.01(A)(3).)

An exception to the age requirement for admission to kindergarten and first grade exists in continuing law. This exception applies to children who are at least five or six years old by January 1 of the school year of admission and who meet "educationally accepted" standards for early admission to the applicable grade, as determined by the school district's testing program. The act does not change this provision. (Sec. 3321.01(A)(2).)

The act also retains a provision of law that, if a school district customarily admits children during the middle of a school year (that is, at the beginning of a term that begins in a month other than August or September), children may be admitted to kindergarten or first grade as long as they are five or six years old, respectively, by the first day of that term. (Sec. 3321.01(A)(2).)

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## COMMENT

Also under continuing law, any child who is at least five years old and less than 22 years old must be admitted tuition free to a school in the school district in which the child's parent resides or in certain circumstances in the school district where the child resides (secs. 3313.64 and 3313.65, not in the act). It appears that in practice, reading these sections together with section 3321.01, it has been presumed that school districts are *required* under continuing law to admit any child to kindergarten and first grade if the child is five or six years old, respectively, by the date specified in section 3321.01, even though the latter section states only that "no child shall be admitted" unless the child is of the required age by the specified date.

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	06-10-99	p. 827
Reported, H. Education	01-26-00	pp. 1574-1575
Passed House (70-25)	05-24-00	pp. 2098-2099
Reported, S. Education	09-13-00	p. 2063
Passed Senate (29-4)	09-13-00	pp. 2064-2065

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