



Jim Kelly

Final Analysis
Legislative Service Commission

Am. Sub. H.B. 281
123rd General Assembly
(As Passed by the General Assembly)

Reps. Hartnett, Pringle, D. Miller, Ford, Britton, Flannery, Opfer, DePiero, Allen, Bender, Boyd, Sullivan, Jones, Peterson, R. Miller, Smith, Ogg, Brading, Harris, Sutton, Barnes, Verich, Hartley, Perry, Hoops, Sulzer, Wilson, Corbin, O'Brien, Jolivette, Distel, Tiberi, Myers, Patton, Gooding, Winkler, Barrett, Womer Benjamin, Austria

Sens. Gardner, Schafrath, Kearns, Prentiss, Spada, Drake

Effective date: October 29, 1999

ACT SUMMARY

- Declares a child under the age of six who attends kindergarten to be of compulsory school age for purposes of mandatory attendance law unless the parent or guardian formally withdraws the child for any reason in consultation with the child's teacher and principal.

CONTENT AND OPERATION

The compulsory school attendance law

Under preexisting law, a child who is between six and 18 years old is "of compulsory school age" and must attend school or otherwise be excused or instructed in accordance with law. The parent of a child of compulsory school age is responsible for ensuring the child's school attendance. Failure to attend school when required may result in finding the child to be truant and the parent being sanctioned. (The law prescribing these sanctions is summarized in the **COMMENT** section.)

With certain exceptions, the law mandates the successful completion of kindergarten before a school district may admit a child to first grade.

The act

(sec. 3321.01)

Under the act, a child under age six who has been enrolled in kindergarten also must be considered "of compulsory school age" for purposes of school attendance requirements, unless the child's parent or guardian *formally* withdraws the child from kindergarten. The parent or guardian may formally withdraw the child for any reason, but it must be done in consultation with the child's principal and teacher.

Declaring these children to be of compulsory school age will extend the truancy sanctions to parents who fail to ensure a child's continuing kindergarten attendance without formally withdrawing the child.

Conforming changes

(secs. 3313.64, 3317.02, and 3323.01)

The act makes a conforming change in the definition of "handicapped preschool child," which had been defined as a handicapped child who is at least three years old, is not of compulsory school age, and has not entered kindergarten. Under the act, a handicapped preschool child is a handicapped child who is at least three years old, is not of compulsory school age, and is not *currently enrolled* in kindergarten.

COMMENT

Sanctions against parents for truancy

Under section 3321.19 of the Revised Code (not affected by the act), when any child of compulsory school age is not attending school (in violation of law), the school district attendance officer must notify the person in charge of the child, and the person notified must cause the child to attend school. Upon the failure of the person in charge of the child to cause the child to attend school, the attendance officer must either make a complaint against the person in court or, if directed by the district superintendent or board, send notice requiring attendance at a parental education program. A person having charge of a child of compulsory school age who violates the compulsory education law is subject to a fine of not less than \$5 nor more than \$20 or may be required to give a bond of \$100 as a surety that the person will cause the child to attend school. A person who proves in court that he is unable to control the child and cause the child to attend school must be dismissed from the legal proceeding, and the attendance officer must begin proceedings to have the child adjudicated delinquent or dependent.

As an alternative, a person in charge of a truant or habitually absent child may be ordered to attend a parental education program. Under section 3313.663 of the Revised Code (not affected by the act), a district board of education may adopt a policy requiring the parent or guardian of any student who is truant or habitually absent from school, as defined by the policy, to attend a parental education or training program provided by the district. Failure to attend a parental education or training program when required is "parental education neglect," a misdemeanor of the fourth degree under section 2919.222 of the Revised Code (also not affected by the act).

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	03-30-99	p. 375
Reported, H. Education	05-26-99	p. 728
Passed House (82-15)	06-09-99	pp. 798-801
Reported, S. Education	06-30-99	p. 849
Passed Senate (31-2)	06-30-99	p. 858

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