



Jim Kelly

## *Bill Analysis*

Legislative Service Commission

### **Sub. H.B. 281**

123rd General Assembly  
(As Reported by H. Education)

**Reps. Hartnett, Pringle, D. Miller, Ford, Britton, Flannery, Opfer, DePiero, Allen, Bender, Boyd, Sullivan, Jones, Peterson, R. Miller, Smith, Ogg, Brading, Harris**

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#### **BILL SUMMARY**

- Declares a child under the age of six who attends kindergarten to be of compulsory school age for purposes of mandatory attendance law, but allows the parent or guardian to withdraw the child for any reason prior to the first full school week of October, and with the recommendation of the child's teacher and principal thereafter.

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#### **CONTENT AND OPERATION**

##### **Current law**

Under current law, a child who is between six and 18 years of age 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, current law mandates the successful completion of kindergarten before a school district may admit a child to first grade.

##### **The bill**

(sec. 3321.01)

Under the bill, a child under six years of age who has been enrolled in kindergarten must be considered "of compulsory school age" for purposes of school attendance requirements, unless the child's parent or guardian withdraws the child from kindergarten. The parent or guardian may withdraw the child for

any reason, and on the parent or guardian's own initiative, any time prior to the first full school week of October. A parent may withdraw a child after that time, but only with the recommendation of the child's principal and teacher that withdrawal would be in his or her best interest. A teacher and principal may make this recommendation at any time during the school year, but they must always consult with the parent or guardian.

Declaring these children to be of compulsory school age will extend the sanctions applicable to parents who fail to ensure a child's school attendance 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 bill makes a conforming change in the definition of "handicapped preschool child," which currently is defined as a handicapped child who is at least three years of age but is not of compulsory school age and who has not entered kindergarten. Under the bill, a handicapped preschool child is a handicapped child who is at least three years of age but is not of compulsory school age and *who is not currently enrolled in kindergarten*.

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## **COMMENT**

### **Sanctions against parents for truancy**

Under section 3321.19 of the Revised Code (not in the bill), 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 superintendent or district 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 declared 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 in the bill), a district board of education may adopt a policy requiring the parent or guardian of any student of the district 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 (not in the bill).

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	03-30-99	p. 375
Reported, H. Education	05-26-99	p. 728

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