

## OHIO

<b>Compulsory Attendance Ages:</b>	“between six and eighteen years of age.” Ohio Revised Code Annotated § 3321.01(A)(1).
<b>Required Days of Instruction:</b>	900 hours. Ohio Administrative Code § 3301-34-03(A)(8).
<b>Required Subjects:</b>	Language, reading, spelling, writing, geography, history of the United States and Ohio, government, math, science, health, physical education, fine arts (including music), first aid, safety, and fire prevention. Ohio Admin. Code § 3301-34-03(A)(5).

**Homeschool Statute:** Ohio Rev. Code Ann. § 3321.04(A)(2). See also Ohio Admin. Code § 3301-34.

Ohio Rev. Code Ann. § 3321.04(A)(2) provides for home education in Ohio. Ohio Administrative Code Chapter 3301-34 (“Excuses From Compulsory Attendance for Home Education”) prescribes the rules governing excuses from school attendance under this statute:

1. “‘Home education’ means education primarily directed and provided by the parent...” Ohio Admin. Code § 3301-34-01(B).
3. A parent must provide an annual notification to homeschool to the local superintendent by the end of the first week of school in the resident district or within one week of withdrawing a child from school. When a family moves within Ohio, a request should be made within a week to the excuse-letter issuing school district to forward to the new resident district related information when a new district is established. A notice shall include (Ohio Admin. Code § 3301-34-03(A)):
  - a. School year for which notification is made;
  - b. Name and address of the parent, and full name and birth date of child;
  - c. Name and address of person(s) who will be teaching the child, if other than the parent;
  - d. Assurance that the homeschool will include the required subjects listed above (“except that home education shall not be required to include any concept, topic, or practice that is in conflict with the sincerely held religious beliefs of the parent”);
  - e. A brief outline of intended curriculum;
  - f. List of textbooks or other basic teaching materials; “Such outline... [and] list is for informational purposes only”; and
  - g. Assurance of hours and qualifications (see below).
4. The superintendent of the district in which the child resides shall review the information within 14 calendar days and “determine if it is in compliance” with the rules. If the information is incomplete, the superintendent will notify the parents in writing and give them 14 days to supplement information or meet with him. If the “superintendent has substantial evidence that the minimum educational requirements of paragraph A [Ohio Admin. Code § 3301-34-03(A)] will not be met,” he shall deny the

excuse. He must state the reason and inform the parents of their right to a due process hearing before him (he must provide a record of proceedings and allow for oral testimony). Ohio Admin. Code § 3301-34-03(C) and (D). If the superintendent denies the excuse, the family has 10 days to appeal to the local juvenile court pursuant to Ohio Rev. Code § 3331.08. [See *Svoboda v. Andrisek*, 514 N.E.2d 1140 (1986) for appeal guidelines where the Court of Appeals ruled in favor of a homeschool family represented by HSLDA.]

5. In *Ohio v. Whisner*, 47 Ohio St.2d 181, 351 N.E.2d 750 (1976), the Ohio Supreme Court stated “it has long been recognized that the right of a parent to guide the education, including the religious education, of his or her children is indeed a fundamental right guaranteed by the Due Process Clause of the Fourteenth Amendment.” 47 Ohio St.2d at 214.

**Teacher Qualifications:** Ohio Admin. Code § 3301-34-03(A)(9). The homeschool teacher must have a high school diploma or GED or test scores which demonstrate high school equivalence, *or* the parent must “work under the direction of a person holding a baccalaureate degree... until... children’s test results demonstrate reasonable proficiency....”

**Assessment:** Parents who homeschool pursuant to O.A.C. 3301-34 have three assessment options. Ohio Admin. Code § 3301-34-04 states that at the time of subsequent notification, the family must send to their school district *one* of the three items listed below:

1. A child’s test scores. If a child is tested, the child must have a composite score at least at the 25th percentile on a nationally normed standardized achievement test administered by either (a) an Ohio licensed or certified teacher, excluding the certification of teachers in nontax-supported schools provided under Ohio Rev. Code § 3301.071, (b) “[an]other person mutually agreed upon” by the parents and superintendent, *or* (c) a “person duly authorized by the publisher of the test.”
  - a. If the child fails to demonstrate reasonable proficiency on the assessment, the superintendent shall notify the parents in writing they must submit a plan of remediation within 30 days. The parent must then submit quarterly reports to include (a) a narrative of the child’s progress with explanation if the child has made less than satisfactory progress in a subject and (b) an explanation if the intended curriculum plan was not covered for the quarter.
  - b. The superintendent may terminate a remediation plan at any time if the child is progressing. If not, the superintendent shall revoke the child’s excuse from attendance, giving the parents 30 days written notice to enroll in a lawful school. Parents shall have ten days to appeal the superintendent’s decision to the juvenile court judge. Ohio Admin Code § 3301-34-05.
2. A “written narrative indicating that a portfolio of samples of the child’s work has been reviewed and that the child’s academic progress for the year is in accordance with the child’s abilities.” (If a written narrative is prepared, it must be written by either (a) an Ohio licensed or certified teacher, excluding the certification of teachers in nontax-supported schools provided under Ohio Rev. Code § 3301.071, or (b) “[an]other person mutually agreed upon.”)
3. An alternative assessment mutually agreed upon by the parents and the superintendent.
4. The school district’s scheduled testing program.

**Alternative ways to privately educate children:** Ohio Administrative Code 3301-35-08 allows schools with truly held religious beliefs to be established without a charter from the State Board of Education. These schools, officially “non-chartered, non-tax-supported schools,” have come to be known as “-08 schools.” Because there are a number of requirements and qualifications for forming an -08 school, HSLDA encourages members who have questions to read HSLDA’s -08 schools memo contained in the forms and resources section of HSLDA’s Ohio webpage. HSLDA will assist families who, because of truly held religious beliefs, organize single-family -08 schools to educate their own children. If you are considering privately educating your children in Ohio under this regulation, please contact HSLDA for more information.

**Diploma:** Ohio Rev. Code §3313.6110, effective July 1, 2015, provides that a person who completes the final year of instruction pursuant to O.A.C. 3301-34 (home education) or O.A.C. 3301-35-08 (“-08 school”) **may** be granted a diploma by the student’s parent. The law provides that the diploma issued under this section shall satisfy any legal requirement to show proof of completion of a high school education. A diploma issued under this section (note: parents are not required to issue diplomas under this section) shall be accompanied by the letter of excuse for the final year of home education.