

OHIO

Compulsory Attendance Ages:	“between six and eighteen years of age.” Ohio Revised Code Annotated § 3321.01(A)(1).
Required Days of Instruction:	900 hours. Ohio Administrative Code § 3301-34-03(A)(8).
Required Subjects:	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).
2. “The purpose of the rules in this chapter is to prescribe conditions governing the issuance of excuses from school attendance under section 3321.04 . . . to provide for the consistent application thereof throughout the state by superintendents, *and to safeguard the primary right of parents to provide the education for their child(ren)*. Home education must be in accordance with the law.” Ohio Admin. Code § 3301-34-02 (emph. added).
3. A parent must provide an annual notification to homeschool to the appropriate superintendent which 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 and list of textbooks or other basic teaching materials; “Such outline . . . [and] list is for informational purposes only”; and
 - f. Assurance of hours and qualifications (see below).
4. The superintendent shall review the information within 14 calendar days and “determine if it is in compliance” with the rules. If the homeschooler’s 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 completely denies the homeschool, 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”

Standardized Tests: Parents who homeschool have three options for assessment. Ohio Admin. Code § 3301-34-04. At the time of 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) the public school, (c) “[an]other person mutually agreed upon” by the parents and superintendent, *or* (d) 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) a 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.

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.”

Before Ohio’s homeschooling regulation was promulgated in 1989, some parents who qualified established these “-08 schools” to comply with Ohio compulsory attendance laws. Since 1989, some families continue to establish -08 schools to privately educate their children at home. After years of negotiation and litigation between the ODE and HSLDA, the Ohio Department of Education (ODE) appears to have ceased to object to the practice of parents forming single family schools to privately educate children in a home as long as there are 5 or fewer enrolled students. In 2009, a hearing officer decided that families with 6 or more students enrolled in a home based -08 school must comply with Ohio’s educational group E fire codes.

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.