

Rules for Excuses from Compulsory Attendance for Home Education in Ohio Revised Code **(enacted in 1989):**

§ 3321.04. Scope of parent's duty; excuses from attendance.

Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, this section does not apply to any joint vocational or cooperative education school district or its superintendent.

Every parent of any child of compulsory school age who is not employed under an age and schooling certificate must send such child to a school or a special education program that conforms to the minimum standards prescribed by the state board of education, for the full time the school or program attended is in session, which shall not be for less than thirty-two weeks per school year. Such attendance must begin within the first week of the school term or program or within one week of the date on which the child begins to reside in the district or within one week after his withdrawal from employment.

For the purpose of operating a school or program on a trimester plan, "full time the school attended is in session," as used in this section means the two trimesters to which the child is assigned by the board of education. For the purpose of operating a school or program on a quarterly plan, "full time the school attended is in session," as used in this section, means the three quarters to which the child is assigned by the board of education. For the purpose of operating a school or program on a pentamester plan, "full time the school is in session," as used in this section, means the four pentamesters to which the child is assigned by the board of education.

Excuses from future attendance at or past absence from school or a special education program may be granted for the causes, by the authorities, and under the following conditions:

(A) The superintendent of the city or exempted village school district or the educational service center in which the child resides may excuse the child from attendance for any part of the remainder of the current school year upon satisfactory showing of either of the following facts:

(1) That the child's bodily or mental condition does not permit attendance at school or a special education program during such period; this fact is certified in writing by a licensed physician or, in the case of a mental condition, by a licensed physician, a licensed psychologist, licensed school psychologist or a certificated school psychologist; and provision is made for appropriate instruction of the child, in accordance with Chapter 3323. of the Revised Code;

(2) That the child is being instructed at home by a person qualified to teach the branches in which instruction is required, and such additional branches, as the advancement and needs of the child may, in the opinion of such superintendent, require. In each such case the issuing superintendent shall file in his office, with a copy of the excuse, papers showing how the inability of the child to attend school or a special education program or the qualifications of the person instructing the child at home were determined. All such excuses shall become void and subject to recall upon the removal of the disability of the child or the cessation of proper home instruction; and thereupon the child or the child's parents may be proceeded against after due notice whether such excuse be recalled or not.

(B) The state board of education may adopt rules authorizing the superintendent of schools of the district in which the child resides to excuse a child over fourteen years of age from attendance for a future limited period for the purpose of performing necessary work directly and exclusively for the child's parents or legal guardians. All excuses provided for in divisions (A) and (B) of this section shall be in writing and shall show the reason for excusing the child. A copy thereof shall be sent to the person in charge of the child.

(C) The board of education of the city or exempted village school district or the governing board of the educational service center in which a public school is located or the governing authorities of a private or parochial school may in the rules governing the discipline in such schools, prescribe the authority by which and the manner in which any child may be excused for absence from such school for good and sufficient reasons. The state board of education may by rule prescribe conditions governing the issuance of excuses, which shall be binding upon the authorities empowered to issue them.

HISTORY: GC § 4849-3; 120 v 475(561); Bureau of Code Revision, 10-1-53; 126 v 655(679) (Eff 1-1-56); 132 v S 356 (Eff 5-31-68); 134 v H 475 (Eff 12-20-71); 136 v H 455 (Eff 8-27-76); 144 v S 195 (Eff 4-16-93); 146 v H 117. Eff 9-29-95.

3301-34-01 Definitions

The following terms are defined as they are used in this chapter

- (A) "Certified Teacher" means a person who holds a valid Ohio teaching certificate, excluding the certificate issued under section 3301.071 of the revised code.
- (B) "Home Education" means education primarily directed and provided by the parent or guardian of a child under section 3321.04 (A) (2) of the revised code which child is of compulsory school age and is not enrolled in a nonpublic school.
- (C) "Parent" means a parent, guardian or other person having charge or care of a child as defined by section 3321.01 of the revised code.
- (D) "School District of Residence" means the public school district within which the parent resides.
- (E) "Superintendent" means the Superintendent of schools of the city, county or exempted village school district in which the parent resides.

3301-34-02 Statement of Purpose

The purpose of the rules in this chapter is to prescribe conditions governing the issuance of excuses from school attendance under section 3321.04 of the revised code, 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.

3301-34-03 Notification

(A) A parent who elects to provide home education shall supply the following information to the superintendent.

School year for which notification is made;

Name of parent, address and telephone number (Telephone number optional);

Name, address and telephone number (telephone number optional) of person(s) who will be teaching the child subjects set forth in paragraph (A) (5) of this rule, if other than the parent;

Full name and birthdate of child to be educated at home;

Assurance that home education will include the following, 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: Language, Reading, Spelling, and Writing; Geography, History of the United States and Ohio; and National State and Local Government; Mathematics; Science; Health; Physical Education; Fine Arts, Including Music and First Aid, Safety and Fire Prevention

Brief outline of the intended curriculum for the current year. Such outline is for informational

purposes only.

List of textbooks, correspondence courses, commercial curricula, or other basic teaching materials that the parent intends to use for home education. Such list is for informational purposes only.

Assurance that the child will be provided a minimum of nine hundred hours of home education each school year.

Assurance that the home teacher has one of the following qualifications:

A high school diploma;

the certificate of high school equivalence;

Standardized test scores that demonstrate high school equivalence;

Other equivalent credential found appropriate by the superintendent

Lacking the above, the home teacher must work under the direction of a person holding a baccalaureate degree from a recognized college until the child's or children's test results demonstrate reasonable proficiency or until the home teacher obtains a high school diploma or the certificate of a high school equivalence.

The parent(s) shall affirm the information supplied with his or her signature prior to providing it to the superintendent.

(B) The information required in paragraph (A) of this rule may be provided on a form prescribed by the superintendent of public instruction.

(C) The superintendent shall review the information submitted within fourteen calendar days of receipt thereof and shall determine if it is in compliance with the provisions of paragraph (A) of this rule.

If the superintendent, upon review of the information, determines that it is in compliance with all requirements set forth in paragraph (A) of this rule, the superintendent shall notify the parent (s) in writing that the child is excused from school attendance for the remainder of the current school year.

If the superintendent, upon review of the information, determines that it is not in compliance with all of the requirements set forth in paragraph (A) of this rule, the superintendent shall state in writing the specific respects in which the information is incomplete. The superintendent shall provide the parent an option within fourteen calendar days, to: Supply additional information in writing, or arrange a conference at which the requested information can be supplied.

(D) If the additional information supplied either in writing or in conference is not in accordance with the requirements set forth in paragraph (A) of this rule; or notwithstanding the fact that the parent has complied with the provisions of this rule, if the superintendent has substantial evidence that the minimum educational requirements of paragraph (A) of this rule will not be met, the superintendent shall declare his or her intent to deny the excuse.

The superintendent shall so notify the parent(s) in writing within fourteen calendar days, stating:

The reason(s) for the intent to deny the excuse, and

The right to a due process hearing before the superintendent on the reasons set forth.

If a due process hearing before the superintendent is held, the superintendent shall be responsible for providing a record of the proceedings, including oral testimony of witnesses and any documentary evidence referred to in the hearing.

Based on the evidence presented at the hearing, the superintendent may grant or deny an excuse from attendance. If the excuse from attendance is denied, the superintendent shall notify the parent(s):

That the parent(s) has the right to appeal the superintendent's decision to the juvenile judge of the county, within ten calendar days, in accordance with section 3331.08 of the revised code; and

That the parent(s) may be in violation of sections 3321.03 of the revised code.

(E) The superintendent shall file in his office a copy of the information supplied; a copy of the excuse, if any; papers showing how the qualification of the person instructing the child was determined; and all other documents relating to the information and the actions thereon.

(F) Upon transfer from a district in which the child has been excused from compulsory school attendance for the purpose of home education, the last district of residence shall, upon the request of the parent(s), forward to the new district of residence a copy of the information supplied and related documents.

(G) At the request of a parent, a child who has been excused from compulsory school attendance for the purpose of home education may be enrolled in a chartered public school in the school district of residence as determined under section 3313.64 of the revised code on a part-time basis.

(H) Upon substantial evidence of cessation of home education in accordance with this charter, the superintendent shall notify the parent(s) of the intent to revoke the excuse from attendance and the parent's right to a due process hearing pursuant to paragraph (D) of this rule. If, after the due process hearing, the excuse is withdrawn, the superintendent shall notify the parent(s) in writing to enroll the child in a school that is compliance with chapter 3301-35 of the administrative code. The superintendent shall also notify the parent(s) in writing that the parent(s) has the right to appeal the superintendent's decision to the juvenile judge of the county, within ten calendar days, in accordance with section 3331.08 of the revised code.

3301-34-04 Academic Assessment

(A) The parents shall send to the superintendent an academic assessment report of the child for the previous school year at the time of supplying subsequent notification.

(B) The academic assessment report shall include one of the following:

Results of a nationally normed, standardized achievement test which meets requirements set forth in rule 3301-1202 of the administrative code. Such test shall be administered by:

A certified teacher; or

Another person mutually agreed upon by the parent(s) and the superintendent; or

A person duly authorized by the publisher of the test.

Results should demonstrate reasonable proficiency as compared to other children in the district at the same grade level. Any child that has a composite score at or above the twenty-fifth percentile shall be deemed to be performing at a level of reasonable proficiency.

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.

The written narrative shall be prepared by: A certified teacher; or

Other person mutually agreed upon by the parent(s) and the superintendent.

The parent(s) shall be responsible for the payment of fees charged for preparation of the narrative.

An alternative academic assessment of the child's proficiency mutually agreed upon by the parent and the superintendent.

(C) If the parent(s) chooses to have the standardized testing conducted as part of the school district scheduled testing program, there shall be no cost to the parent(s). The time and location for testing shall be established by the local school district.

(D) If the parent(s) chooses to have the standardized testing conducted privately, the parent(s) shall pay for the testing. The time and location for testing shall be established by the parent(s).

3301-34-05 Remediation

(A) If the annual academic assessment indicates that the child is not demonstrating reasonable proficiency, the superintendent shall notify the parent(s) in writing that an appropriate plan for remediation shall be submitted by the parent(s) to the superintendent within thirty days after receipt of such notification.

(B) During remediation the parent(s) shall submit a quarterly report to the superintendent which includes:

A written narrative evaluating the child's progress, including an explanation if the child has made less than satisfactory progress in any subject; and

An explanation if less than the intended curriculum planned for the quarter was covered.

(C) Remediation may be eliminated at any time during the year upon determination by the superintendent that the child is demonstrating reasonable proficiency. At the time of such determination, the superintendent shall notify the parent(s) in writing that remediation is no longer needed.

(D) If the child does not demonstrate reasonable progress during remediation, the superintendent may, subsequent to a due process hearing, under paragraph (D) of rule 3301-34-03 of the administrative code, if requested by the parent, revoke the child's excuse from attendance and notify the parent(s) in writing to enroll the child within thirty calendar days in a school that is in compliance with chapter 3301-35 of the administrative code. The superintendent shall also no-

tify the parent(s) in writing that the parent(s) has the right to appeal the superintendent's decision to the juvenile judge of the county, within ten calendar days, in accordance with section 3331.08 of the revised code.

3301-34-06 Placement in School

The school district of residence enroll or reenroll a child who has been home educated without discrimination or prejudice. The superintendent shall determine the appropriate placement of such child in accordance with section 3319.01 of the revised code. In making the placement decision, the superintendent shall consider:

The child's most recent annual academic assessment report;

Requiring the child to take any or all of the nationally normed, standardized achievement tests that are regularly scheduled for district pupils of similar age; and

Other evaluation information that may include interviews with the child and/or parent(s).

Promulgated Under: Chapter 119

Rule Authorized By: R.C. 3321.04

Rule Amplifies: R.C. 3321.04