



*Our Mission*

*...To preserve the God-given, constitutional right to home educate, and to support and encourage families in fulfilling this Biblical responsibility.*

## **An Examination of the Regulations Regarding Home Education and 08 Schools**

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What is home education? The simple answer of “educating a child at home” is no longer sufficient, and in reality probably never was. The answer to this question requires a close look at the laws and regulations of Ohio. Some will argue that the state should not define who we are, but the law is the law. While other states are freer in some respects, our regulations are not onerous and in many ways are ingenious. While the credit for this belongs ultimately to God, He used some very dedicated home educators to help craft our regulations

There were some very basic things most home educators in the 1980’s desired – freedom to teach God’s Word, freedom to train and educate their children as they saw fit, and freedom from government intervention. All three desires were accommodated, but at a cost, as we shall see later.

The most marvelous aspect of home education in Ohio is the amount of freedom that we have. This freedom is due in part to the fact that we are excused from the compulsory attendance laws. In the Ohio Administrative Code (OAC) 3301-34-02 Statement of Purpose we read: 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 law.” Being excused from the compulsory attendance laws means the child does not attend a public or nonpublic school.

Schools have varying levels of regulation depending on whether they are public, public chartered, non-public chartered, or non-public, non-chartered; commonly referred to as 08 schools. Some regulations such as speed zone laws, health, fire and safety laws, and gun-free school zones affect all schools. Academic standards are prescribed only for public and nonpublic chartered schools. However, just like public and non-public chartered schools, non-public, non-chartered schools must, among other things, have a policy for the promotion of children from grade to grade.

The legal definition of home education according to the OAC 3301-34-01: “means education primarily directed and provided by the parent or guardian of a child under division (A)(2) of section 3321.04 of the Revised Code which child is of compulsory school age and is not enrolled in a nonpublic school.” This definition makes several things clear. First, a child that is home educated does not attend a school. The term “home education” infers that the location where the education takes place is primarily in the home. Secondly, the education is primarily directed by the parent indicates that while the parent is the one usually involved in the instruction, that other people can also be involved. The last point is the hardest one

for us to swallow. Not only does the parent have the responsibility for teaching the child but also for providing it. What does it mean to provide? Well, as the provider for a family the husband is the one who goes to work and brings home the money to pay for what the family needs. The phrase “education..... that is provided by the parent” infers a cost factor. The parents are the ones that have to buy the books and the supplies for our child’s education.

The freedom to home educate has existed since the founding of our nation, and of this state. According to the 10<sup>th</sup> Amendment to the US Constitution, “The powers not delegated to the United States by the Constitution, not prohibited by it to the States, are reserved to the States respectively, or to the people.” And in Article 1, Section 20 of the Ohio State Constitution which deals with powers reserved to the people, it states, “This enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers, not herein delegated, remain with the people.” So while Article 6 of the Ohio Constitution provides for the creation of schools, it does not state that all children must attend those schools. This is why in the Statement of Purpose in OAC 3301-34-02, home education is referred to as a primary right. So while, schools may be opened or closed, home education can take place regardless of the actions of the State Board of Education or its subsidiaries.

CHEO recognizes each family’s freedom and responsibility to decide what type of educational alternative they choose for their child. One of the best choices for families where home education is impractical is a non-public, non-chartered school. This is “a school, which is not chartered or seeking a charter from the state board of education because of truly held religious beliefs...” (OAC 3301-35-08) These schools were authorized so that Christians could send their children to schools where curriculum and teachers were free from excessive state regulation. It is therefore impossible to form an 08 school for other than religious freedom. To do so, jeopardizes the future freedom of 08 schools. There are basic requirements 08 schools must meet such as; all teachers and administrators possessing a bachelor’s degree, meeting for 5 hours a day for 182 days, and keeping records of attendance. In addition, according to OAC 3301-35-08 E “Each non-chartered, non-tax supported school shall have courses of study” for the specified subjects. This indicates that an 08 school must teach the required subjects for a specified period of time; be it a quarter, semester or entire school year. They must also be in compliance with other laws that affect the community. The fact that many of these regulations have not been enforced does not change the fact that they are the laws and regulations to which 08 schools are subject.

There is a measure of freedom for 08 schools but the greatest freedom is experienced by home educators. We, who choose to home educate, have the freedom to provide a schedule flexible to the family’s needs. We have the freedom to teach one day a week or five, or all seven. As long as we meet the required 900 hours, how we choose to do it is up to the individual family. We have the freedom to use whatever curricula we choose. Home educators have the freedom, to use the hours for whatever type of education they choose – academics, the arts, religious instruction, skill development, or physical fitness. Unless your child sleeps all day almost anything they do is part of education. We have these freedoms regardless of the parent’s educational background. We have these freedoms regardless of religious affiliation or lack thereof. Most importantly, we are free from government intrusion in our homes.

We have freedom, yet we still have accountability. Home educators are accountable to the state through the assessment process. Great latitude is given in this regard. If you have a late bloomer or a slow learner you can avoid the intimidation of standardized tests by having a certified teacher evaluate the child’s work. There is not a requirement to tell the state the grade level of the child, therefore an evaluator does not state that a child is performing at grade level, but rather that “he has made progress in accordance with his abilities.” Whether you choose to use a test, have a teacher perform the evaluation or do something else agreeable with your superintendent, the point is not to simply meet a state requirement, but rather to help you uncover academic blind spots so that you can give your child the best education possible.

The regulations have provided consistency for Ohio families and are tolerable. The greatest frustration is not actually with the regulations but rather with the superintendents' understanding of them. It is aggravating to get a letter back from the superintendent stating that he "approves" what we are doing. The superintendent does not have the authority to approve, but to simply ensure that the family is meeting the requirements and to grant the excuse from the compulsory attendance laws.

CHEO, as an organization, respects the regulations that govern home educators, and we will do all we can to safeguard our freedom. CHEO has monthly representation at our State School Board meeting. Rarely does an issue come up that directly impacts us. However, we know that the best way to preserve home education is to keep laws affecting teacher licensure, state standards, and testing under a watchful eye. We must also keep the distinctions between the various educational options from getting blurred if we are to continue to enjoy the freedoms that we have.

CHEO has been instrumental in defining and defending home education. Regulations governing 08 schools were established separately and distinct from the home education regulations, and were not established for the benefit of individual home educating families. Schools hire teachers and administrators, to which students are accountable; they are not accountable to their parents. Someone else controls the choice of curriculum in a 08 school.

Allowing students that excel to take classes at colleges or via correspondence is one of the choices that a home educator can make for their children. Post Secondary Enrollment Option (PSEO), in which the state pays for the classes, however is not an option for home educators. Home educators are given many freedoms, but they all come with the cost of parents paying for the child's education. PSEO is a viable alternative for those enrolled in schools. Home educated students may attend the college under dual/concurrent enrollment, but they must pay for the classes.

CHEO will continue to seek to preserve the God-given, and constitutional right to home educate, and to support and encourage families in fulfilling this Biblical responsibility.

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