

OAC Ann. 3301-34-01

This document is current through the Ohio Register for the week of August 23, 2018

*Ohio Administrative Code > 3301 Department of Education - Administration and Director > Chapter 3301-34
Excuses from Compulsory Attendance for Home Education*

3301-34-01. Definitions.

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

(A)"Licensed or certified teacher" means a person who holds a valid Ohio teaching license or 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 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.

(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.

Statutory Authority

Promulgated Under:

119.03.

Statutory Authority:

3301.07, 3321.04.

Rule Amplifies:

3321.04.

History

History:

R.C. 119.032 review dates: 12/23/2013 and 12/23/2018.

Prior Effective Dates:

8/1/89; 01/23/2009.

Annotations

Notes to Decisions

(1996) A student may be denied home schooling credit for education received during a disciplinary expulsion: [Commons v. Westlake City Sch. Bd. of Educ., \(8th Dist.\), 109 Ohio App. 3d 706, 672 N.E.2d 1098, 1996 Ohio App. LEXIS 802.](#)

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OAC Ann. 3301-34-02

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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 law.

Statutory Authority

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Rule Amplifies:

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History

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8/1/89.

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OAC Ann. 3301-34-03

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3301-34-03. Notification.

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

- (1) School year for which notification is made;
- (2) Name of parent, address, and telephone number (telephone number optional);
- (3) Name, address, and telephone number (telephone number optional) of person(s) who will be teaching the child the subjects set forth in paragraph (A)(5) of this rule, if other than the parent;
- (4) Full name and birthdate of child to be educated at home;
- (5) 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:
 - (a) Language, reading, spelling, and writing;
 - (b) Geography, history of the United States and Ohio; and national, state, and local government;
 - (c) Mathematics;
 - (d) Science;
 - (e) Health;
 - (f) Physical education;
 - (g) Fine arts, including music; and
 - (h) First aid, safety, and fire prevention.
- (6) Brief outline of the intended curriculum for the current year. Such outline is for informational purposes only.
- (7) 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.
- (8) Assurance that the child will be provided a minimum of nine hundred hours of home education each school year.
- (9) Assurance that the home teacher has one of the following qualifications:
 - (a) A high school diploma; or
 - (b) The certificate of high school equivalence; or
 - (c) Standardized test scores that demonstrate high school equivalence; or
 - (d) Other equivalent credential found appropriate by the superintendent; or

(e) 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 high school equivalence.

(10) 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.

(1) 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.

(2) 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:

(a) Supply additional information in writing, or

(b) 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.

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

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

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

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

(3) 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)

(a) 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

(b) That the parent(s) may be in violation of [sections 3321.03](#) and [3321.04 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 chapter, 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 in 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](#).

Statutory Authority

Promulgated Under:

119.03.

Statutory Authority:

3301.07, 3321.04.

Rule Amplifies:

3321.04.

History

History:

R.C. 119.032 review dates: 12/23/2013 and 12/23/2018.

Prior Effective Dates:

8/1/89.

Annotations

Notes to Decisions

(1997) The superintendent was obliged to act upon parents' notification of election to home school their children, notwithstanding a current order of the juvenile court that the children be educated in the public schools: [Carroll v. Wright, 123 Ohio App. 3d 623, 704 N.E.2d 1279, 1997 Ohio App. LEXIS 4993.](#)

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OAC Ann. 3301-34-04

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3301-34-04. Academic assessment.

- (A) The parent(s) 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:
- (1) Results of a nationally normed, standardized achievement test.
 - (a) Such test shall be administered by:
 - (i) A licensed or certified teacher; or
 - (ii) Another person mutually agreed upon by the parent(s) and the superintendent; or
 - (iii) A person duly authorized by the publisher of the test.
 - (b) 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.
 - (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.
 - (a) The written narrative shall be prepared by:
 - (i) A licensed or certified teacher; or
 - (ii) Other person mutually agreed upon by the parent(s) and the superintendent.
 - (b) The parent(s) shall be responsible for the payment of fees charged for preparation of the narrative.
 - (3) 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 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).

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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 of 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:

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

(2) 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 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](#).

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3301-34-06. Placement in school.

The school district of residence shall 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:

- (A) The child's most recent annual academic assessment report;
- (B) 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
- (C) Other evaluation information that may include interviews with the child and/or parent(s).

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Rule Amplifies:

3321.04.

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R.C. 119.032 review dates: 12/23/2013 and 12/23/2018.

Prior Effective Dates:

8/1/89.

Annotations

Notes to Decisions

(1996) The board of education acted within its discretion in denying any credit to appellant for his home schooling during a period of expulsion regardless of whether appellant properly applied for home schooling: [Commons v. Westlake City Sch. Bd. of Educ., \(8th Dist.\), 109 Ohio App. 3d 706, 672 N.E.2d 1098, 1996 Ohio App. LEXIS 802.](#)

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