

2019 – 2020 Home Schooling in Oregon Laws and Information



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www.soesd.k12.or.us
Educational Services (at top of website)
Home School Registration

This Southern Oregon ESD's brochure explains home schooling in Oregon, including FAQs that will assist you as you plan your student's home school course of study. Please be aware that students registered with an online or correspondence school are considered home schooled, unless the online school or correspondence school has been accredited by AdvancED Improvement Network. AdvancED is the accrediting agency for all public schools in Oregon therefore, you wouldn't register with the ESD.

If you have any further questions, please contact our office.

FAQs

<https://www.oregon.gov/ode/learning-options/HomeSchool/Pages/QA.aspx>

NOTIFICATION

At what age may students be home schooled?

Students may be home schooled at any time. However, in order to comply with the compulsory school attendance law, parents of students between the ages of 6-18 must notify their local Education Service District (ESD) of their intent to home school within 10 days of beginning to home school or withdrawing their child from school or moving to a new ESD region. ORS 339.030, 339.035, OAR 581-021-0026(4)

At what age must a child begin home schooling?

A parent whose child is 6 years old on or before September 1, and who is to be home schooled, must notify the local ESD of their intent to home school their child within 10 days of beginning to home school or moving to a new ESD region. ORS 339.010, OAR 581-021-0026(4)

What about the child who turns 6 after September 1?

Although the child may be home schooled at any time, it is not necessary to notify the ESD until the beginning of school year following the child's sixth birthday.

What about the child who is between ages 6 and 18?

The parent must notify the ESD of their intent to home school within 10 days of withdrawing the child from school. OAR 581-021-0026(4)

What happens if a parent withdraws a student from school with the intent to home school and the parent does not notify the ESD within 10 days?

A student who is withdrawn from school and is not registered with the ESD as being home schooled within 10 days of being withdrawn is truant. Any gap of more than 10 days between withdrawal and registration equals truancy. OAR 581-023-0006(4)(b)

At what grade level will this child be tested?

Home schooled children must be tested before the end of grades 3, 5, 8, and 10. The end of the grade is defined as before August 15 following the end of that school year. OAR 581-021-0026(5)

Who determines what grade a child is in when notifying the ESD of their intent to home school?

The rule presumes that a parent's notification of their intent to home school a child at age 6 will begin with kindergarten. The testing requirements will be based on that presumption unless otherwise notified by the parent. For example, a student who was 6 on September 1, 1998 will be considered to be in 2nd grade for the school year beginning September 2000. OAR 581-021-0026(6)

What if parents do not notify the ESD of intent to home school their child?

The compulsory school attendance law requires that all students between the ages of 6-18 years attend public school or be exempted as allowed by law in ORS 339.030. One of the options is home schooling [ORS 339.030 (1) (c-d)]. If a child is not in school and is not exempt under one of the provisions of the compulsory school attendance law, the child's parent may be reported by the school district as in noncompliance with the compulsory school law and court action may follow.

Does the parent need to notify the ESD each year?

No, a parent is only required to notify the ESD when the student is first withdrawn from school or otherwise begins home schooling or if the student moves to a new ESD. OAR 581-021-0026(4)

Does a parent have to notify the school district of their intent to home school?

No. Parents are not required by law to provide advance notification to their local school district of intent to educate their children at home. OAR 581-021-0026(4)

Student "A" was home schooled for 3rd grade and attended public school for 4th grade. If Student "A's" parents decide to home school for 5th grade, do they have to register again with the ESD?

Yes. Parents or guardians are required to register a child as home schooled when they withdraw the student from the public school intending to home school. There is no exemption for students who may have previously been home schooled. OAR 581-021-0026(4)

Are students who are schooled at home by a parent or private teacher using materials from a "correspondence school" considered Home Schooler?

Yes. Students taught by a parent, legal guardian or private teacher at home using materials purchased from a "correspondence school" are considered to be home schooled and must register as required in OAR 581-021-0026. The exemption under ORS 339.030(1) (a) requires that the student be "in attendance" in a private or parochial school. Further, the definition of "private school" as set out in ORS 345.505 (2) specifically excludes from that definition the option for home schooling under ORS 339.030 (1) (c and d).

What should the parent do if they move or their child begins attending a public or private school?

Homeschooling parents must notify the new ESD in writing if they move to a new ESD and continue to homeschool. Parents are encouraged to notify the ESD if they enroll their child in a public or private school. OAR 581-021-0026(4)

EDUCATIONAL MATERIALS, CURRICULUM, AND SUPPORT

How do parents know what to teach?

Required testing for home school students focuses on satisfactory progress in academic areas. Academic content standards and curriculum goals have been developed by the Department of Education and are available on the department's website. These content standards provide a framework for all content areas and are arranged as standards for grades 3, 5, 8, and 10. The department's website address is www.ode.state.or.us. Parents are not required to use the state content standards and may teach programs other than those taught in public school. A list of support groups and test publishers has been included in the appendix.

Where do parents get educational materials?

ESDs and local school districts are not required by law to provide educational materials or services for students who are being home schooled. Acquisition of these materials is the responsibility of the parent. However, some school districts may be able to provide materials on loan. A deposit may be charged. Various instructional materials and other resources are available on the Department of Education's website.

Is the ESD or local school district required to provide educational services; i.e., academic classes, math, foreign language, band, etc. to home school students?

No. A school district may allow home school students to attend academic classes, but is not required by law to do so. A home school student who attends classes in a local school district is subject to the same rights and responsibilities as any student enrolled in the district.

May materials from a correspondence school program be used for home school instruction?

Yes. Parents may purchase instruction materials from any source, including a correspondence school. See Question 1.12.

May a home schooled child participate in interscholastic activities?

Yes, as long as the following statutes and administrative rules are followed: ORS 339.460, Interscholastic Activities; and OAR 581-021-0033, Interscholastic Activities Eligibility Requirement for Home School Students. Interscholastic activities include those activities administered by the Oregon School Activities Association (OSAA).

Home schooled students must be tested every year and must score at or above the 23rd percentile to be eligible to participate in interscholastic activities. Assessment scores must be submitted annually to the school district by the student's parent or legal guardian. A school district may adopt alternative methods to determine eligibility, including a portfolio of work samples.

Parents or guardians should contact the school district athletic director and the OSAA for specific eligibility requirements. The home school parent is responsible for any fees charged for participation in such activities.

TESTING INFORMATION

Must home schooled students be tested?

Yes, home schooled students must be tested at grades 3, 5, 8, and 10. OAR 581-021-0026(5)

When must the tests be administered?

If the child never attended public or private school, the child must be tested before August 15 following the end of grade 3. OAR 581-021-0026(5)(a)(B)

If the child was withdrawn from public or private school, the first test is not required in the first 18 months of home schooling even if the child is in grade 3, 5, 8, or 10. OAR 581-021-0026(5)(a)(A)

For example, if a student completed grade 4 in a public school and was then withdrawn to be home schooled, the student would not be required to be tested at grade 5 because grade 5 is within the 18 month period. The child would not be required to be tested until August 15th following grade 8.

Which tests may be used?

The home schooling Oregon Administrative Rules (OARs) list approved tests for assessment of satisfactory progress by home school students. Parents or guardians must make sure that their home schooled child is tested no later than August 15th, using a

(Continued...)

Which tests may be used? Continued

test from the following list that is appropriate for the child's grade level. Please work with a neutral qualified tester and test publishers to use one of the two most recent editions of these comprehensive tests currently approved for testing a home schooled child. Further details about the examination of children instructed by parent, legal guardian or private teachers is provided in OAR 581-021-0026.

Test names and availability change frequently. Efforts are made to keep the list of tests current but in the case where changes are made by the test publisher in name or availability, please work with your local qualified tester and Education Service District Contact to assure you are using one of the two most recent versions of the tests and acting in the best interests of your child. Generally, comprehensive tests are first released for use in public, private schools, and secure testing environments and then released to testers (Home School Organizations or Testing Centers) for use with home schooled students. The list of currently approved tests includes the following, with publisher information as available:

- Comprehensive Tests of Basic Skills – CTBS Terra Nova (800) 538-9547
- McGraw-Hill Tests Grade level 3-8 aligned with common core 3rd addition - 800.538.9547
- Iowa Tests of Basic Skills: Riverside Publishing Co. Common Core Correlation K-12, 2008 Form C - (800) 323-9540 Test of Achievement and Proficiency 800.323-9540
- Stanford 9th and 10th Editions are acceptable, contact: Psychological Corp., P.O Box 708912, San Antonio, TX (888) 433-8435, Education Home School

Who is authorized to administer the tests?

The test examiner must be a "neutral person" and one who is "qualified" to administer such tests. A "neutral person" is defined as an individual who is selected by the parent or guardian of the child to be taught at home who has no relationship by bloodline or marriage to the child. A "qualified person" is defined in OAR 581-021-0026 (1)(i) as a person who:

- Holds a current personnel service license or teaching license from Oregon Teacher Standards and Practices Commission; or
- Has been licensed by the Oregon Board of Psychological Examiners; or
- Has met the publisher's qualifications for purchase, and has purchased at least one test from the list set forth in section (1)(a) of this rule; or
- Provides evidence of satisfactory completion of a graduate course in which test administration and interpretation is included in the objective; or
- Has previously qualified as a tester pursuant to paragraph (1)(i) of this rule, and has during the previous year administered at least one test from the list set forth in section (1)(a) of this rule.

A list of qualified persons is on file at each ESD and at the Department of Education.

Who is responsible for the cost of testing?

The parent or guardian. OAR 581-021-0026(10)

Will the ESD or local school district administer the test to the student?

Testing home school students is usually done by independent test examiners. ESDs and school districts as governmental entities do not usually administer tests for home schooled students. Some local school districts do allow testing of home-school students with their regular students. Results of tests given in the local school district may be submitted as home schooling tests. The test must be from the approved list and must be administered and submitted according to the approved timeline. It is up to the local school district to decide whether to include home schooling students in the district testing program. The local school district or ESD may charge for individual testing services.

How does a person get on the list of qualified examiners?

The Oregon Department of Education (ODE) reviews requests from persons who believe they meet the requirements of OAR 581-021-0026(1) (i) (A-E) (see Question 3.4). The requests describe how the person meets at least one of the qualifications in the rule and also includes copies of the appropriate evidence, such as a copy of a current teaching license. The Department maintains a database of qualified testers and prepares a list from the database each year that is sent to each ESD.

What do parents or guardians need to do with the test results?

If the ESD requests that the test results be submitted, parents or guardians must submit the results of the test to the ESD within a reasonable period of time. OAR 581-021-0026 (5)© Just because an ESD does not request test results one year, does not guarantee that the ESD will not request the results at another time. Parents or guardians should maintain a cumulative record of the test results for each home schooled child.

How will the results of the test be evaluated?

A student must score at or above the 15th percentile on one of the approved tests, or score equal to or greater than the composite score on the previous test. OAR 581-021-0026(7) (a-b)

What if the student does not meet the performance requirements on the test?

If a student at grade 5 does not meet the performance requirement on the test given following grade 5, the student will be required to be tested again after grade 6. If the results of the test given following grade 6 are below the performance requirement, but do not show a decline from the grade 5 test, the student meets the performance requirement and the student will not be required to be tested again until grade 8. If the results of the grade 6 test show a decline from the grade 5 results, the student will be required to be tested again following grade 7 and the ESD superintendent may require the parent or guardian to place the student under the supervision of a licensed teacher at the expense of the parent. OAR 581-021-0026(7) If the results of the grade 7 test continue to show a decline, the ESD superintendent may:

- allow the student to continue under the supervision of a licensed teacher and be tested again at grade 8; or
- allow the student to continue to be home schooled and be tested again at grade 8; or
- order the student back to school for no more than 12 consecutive months.

Are there any penalties for not adhering to these procedures?

Yes. Students between the age of 6 and 18 are required to attend public school under ORS 339.010. Every person "having control of any child between the ages of 6 and 18" is required to send the child to public school under ORS 339.020. ORS 339.030 sets up several exemptions to the requirements that children attend and parents send children to public school. There is an exemption for children who are taught at home. The specific requirements for home schooling are set out in ORS 339.035. Violation of either ORS 339.020 or ORS 339.035 is a Class C violation that carries a fine of up to 150 dollars. OAR 581-021-0026(12)

CREDITS, RECORDS, DIPLOMAS, INTERSCHOLASTIC ACTIVITIES, ETC.

If home-school students return to their public school, is that school required to accept credits for homeschool education?

Oregon law allows school districts to develop policies and procedures to review a home schooled student's transcript and/or work samples to determine if credit can be awarded. Districts are not required to award credit for homeschool work. Therefore, the acceptance of high school credit earned in a home school program is determined by local district board policy. OAR 581-021-0210

Where will the student's permanent public school records be kept?

These records will be kept in the last public/private school attended. Home-school records and documentation will not be a part of the student's permanent public school records. Homeschool records are not kept at the Oregon Department of Education.

Will homeschool students receive a high school diploma?

No. ESDs do not award diplomas to home schooled students nor do high schools generally award diplomas to home schooled high school students. Parents may, however, contact their local high school regarding local district policies, if any, on accepting credits toward a public high school diplomas, participating in graduation, and other related matters.

Can a home schooled student participate in the General Educational Development (GED) program? If so, when?

Yes. An applicant, who is at least 16 years of age, but not yet 18 years of age, may take the GED tests under certain circumstances. Specific GED information may be found at the <https://www.oregon.gov/ode/learning-options/GED/Pages/default.aspx>.

OAR 589-007-0400, General Educational Development Program and Certificates of High School Equivalency states in subsection (7)(b)(A)(ii) that "the Education Service District must certify to authorized Oregon GED Chief Examiner that the applicant is exempt from compulsory school attendance" because the student is being home schooled as provided in ORS 339.030 (1) (c and d). The ESD must be an approved GED option site to certify that 16 and 17-year-old students are eligible to test.

The ESD/Parent Assurance Form and the GED Testing Authorization Form, which are provided by the ESD, are both required to certify to the authorized Oregon GED Chief Examiner that the applicant is exempt from compulsory school attendance and eligible for GED Testing.

STUDENTS WITH DISABILITIES

For all questions related to Students with Disabilities and Home Schooling please contact RaeAnn Ray, Dispute Resolution Specialist, with the Oregon Department of Education at (503) 947-5722 or email her at Raeann.ray@ode.state.or.us.

SUPPORT AND ASSISTANCE

Are there local support groups that provide assistance to prospective home schooling parents?

These exist in some locations. Addresses and email, where available, for home school support groups are listed on the website and at the end of this document. The Oregon Department of Education does not endorse these groups.

Local Support Groups

Rogue Valley Homeschoolers – 541-324-8069
<https://www.facebook.com/groups/southernoregonhomeschoolers/>

Jackson County Home Educators – (541) 779-1595
<http://www.jchenews.com/>

Resources

These resources are provided as reference information only.

Barnes and Noble Booksellers
1400 Biddle Road, Medford (541) 858-0203 (K – 12th)

Tree House Books
15 N. Main Street, Ashland (541) 482-9616 (K – 6th or special order for 7th-12th)

NW Textbook Depository
Portland, Oregon 97224 (503) 639-3193 (K – 12th)
www.nwtd.com

Oregon Home Education Network (OHEN)
Beaverton, OR (K-12th)
www.ohen.org/resources

PBS Education: www.pbslearningmedia.org, Search, Lesson Plan, Go (at right). SOPTV - (541) 200-2056 or Ben Garcia bgarcia@soptv.org

Jackson County Libraries (school center webpage):
<http://jclsrcc.librarycatalog.info/polaris/Children/default.aspx?ctx=1>

Josephine Co. Libraries (home schooling webpage):
www.josephineibrary.org/eshelf-research/learningexpress.html

Oregon Department of Education, Data, and Resources
225 Capitol St. NE Salem, OR 97310
<https://www.oregon.gov/ode/learning-options/HomeSchool/Pages/Laws-Data-Resources.aspx>

Oregon Administrative Rule 581-021-0026

Examination of Children Instructed by Parent, Legal Guardian or Private Teacher

(1) The following definitions and abbreviations apply to OAR 581-021-0026 unless otherwise specified within the rule:

(a) "Approved Tests" Tests approved for assessment of satisfactory progress by home school students are the two most recent versions of the following tests;

(A) California Achievement Test;

(B) Comprehensive Tests of Basic Skills;

(C) Iowa Tests of Basic Skills/Tests of Achievement and Proficiency;

(D) Metropolitan Achievement Battery;

(E) Stanford Achievement Test Battery.

(b) "Child" means a person between ages 6 and 18 whose parent or parents seek exemption from compulsory school attendance under ORS 339.030(1)(c) or (1)(d). A child is considered to be six years of age if the sixth birthday of the child occurred on or before September 1 immediately preceding the beginning of the current school term.

(c) "Education Service District" means the education service district that contains the school district of which the child is a resident.

(d) "Department" means the Oregon Department of Education;

(e) "Neutral person" means an individual selected by the parent or guardian of the child to be taught at home who has no relationship by bloodline or marriage to the child;

(f) "Notification" means written notice containing:

(A) The child's and the parent's name, address, telephone number (optional), and e-mail address (optional);

(B) The child's birth date; and

(C) The name of the school the child is presently attending, or last attended, or if child has not attended school, the name of the public school district in which the child resides.

(g) "Order" means to provide formal written notice.

(h) "Parent" is the natural parent or legal guardian of a child whom the parent desires to be exempted from compulsory attendance under the provisions of ORS 339.030(1)(c) or (1)(d).

(i) For the purposes of OAR 581-021-0026 only, "Qualified person" is an individual who:

(A) Holds a current personnel service license or teaching li-

cense from Oregon Teacher Standards and Practices Commission; or

(B) Has been licensed by the Oregon Board of Psychologist Examiners; or

(C) Has met the publisher's qualifications for purchase, and has purchased at least one test from the list set forth in section (1)(a) of this rule; or

(D) Provides evidence of satisfactory completion of a graduate course in which test administration and interpretation is included in the objective; or

(E) Has previously qualified as a tester pursuant to paragraph (1)(i) of this rule, and has during the previous year administered at least one test from the list set forth in section (1)(a) of this rule.

(j) "Superintendent" is the executive officer of the education service district (ESD).

(2) The State Superintendent and the Oregon Department of Education shall make available a list of the test publishers and their addresses.

(3) The Department shall make available a list of persons qualified to administer tests under this rule, such list to be updated by July 1 of each year. To be placed on the list, an applicant shall submit to the State Superintendent of Public Instruction evidence that satisfies any one of the requirements stated in subsection (1)(i)(A) through (E) of this rule.

(4) When a child is taught or is withdrawn from a public or private school to be taught by a parent, legal guardian or private teacher, as provided in ORS 339.030(1)(c) or (d), the parent, legal guardian or private teacher must notify the education service district in writing within 10 days of such occurrence. In addition, when a child who is taught by a parent, legal guardian or private teacher moves to a new education service district, the parent shall notify the new education service district in writing within 10 days of such occurrence of their intent to continue home schooling.

(a) The ESD must acknowledge in writing receipt of any notification from a parent, legal guardian or private teacher within 90 days of having record of such notification.

(b) The ESD must also notify at least annually, school districts of home schooled students who reside in the school district.

(5) Children in grades 3, 5, 8, and 10, being taught as provided in section (4) of this rule, shall be examined no later than August 15 in accordance with the following procedures:

(a) The parent or legal guardian shall select an examination from the list of approved tests provided in subsection (1)(a) above and arrange to have the examination administered to the child by a neutral qualified person as defined in subsections (1)(e) and (i) above.

(A) If the child was withdrawn from public or private school, the first examination shall be administered to the child at least 18 months after the date on which the child was withdrawn from public or private school.

(B) If the child never attended public or private school, the first examination shall be administered to the child prior to the end of grade three.

(b) The person administering the examination shall:

(A) Score or provide for the scoring of the examination; and

(B) Report the results of the examination to the parent or legal guardian.

(c) Upon request of the superintendent of the education service district, the parent or legal guardian shall submit the results of the examination to the education service district.

(6) Testing for grade levels 3, 5, 8, and 10 shall occur in the third, fifth, eighth, and tenth year ending August 15. The first year is defined as when the child is six on September 1, or earlier at the parent's discretion.

(7) Test score results shall be evaluated as follows:

(a) If the composite test score of the child places the child below the 15th percentile based on national norms, the child shall be given an additional examination within one year of when the first examination was administered.

(b) If the composite test score of the child on the second examination shows a declining score, then the child shall be given an additional examination within one year of when the second examination was administered and the superintendent of the education service district may:

(A) Allow the child to continue to be taught by a parent, legal guardian or private teacher; or

(B) Place the education of the child under the supervision of a person holding a teaching license who is selected by the parent or legal guardian at the expense of the parent or legal guardian.

(c) If the composite test score of the child continues to show a declining score, the superintendent of the education service district may:

(A) Allow the child to continue under the educational supervi-

sion of a licensed teacher selected by the parent or legal guardian, at the expense of the parent or legal guardian, and require that the child be given an additional examination with-

in one year of when the last examination was administered; (B) Allow the child to be taught by a parent, legal guardian or private teacher and require that the child be given an additional examination within one year of when the last examination was administered; or

(C) Order the parent or legal guardian to send the child to school for a period not to exceed 12 consecutive months as determined by the superintendent.

(d) If the parent or legal guardian of the child does not consent to placing the education of the child under the supervision of a licensed teacher who is selected by the parent or legal guardian, then the superintendent of the education service district may order the child to school for a period not to exceed 12 consecutive months as determined by the superintendent.

(e) If the composite test score of the child on an examination is equal to or greater than the percentile score on the prior test, the child may be taught by a parent, legal guardian or private teacher and for the next examination be examined pursuant to subsection (5) of this section.

(8) Procedures for homeschooling students with disabilities are set out in OAR 581-021-0029.

(9) A test administrator shall certify that the administrator is qualified and neutral as defined in this rule with respect to a child being tested.

(10) All costs for the test instrument, administration, and scoring are the responsibility of the parent.

(11) The parent of a child who turns six after September 1 shall not be required to provide notice of intent to home school that child until the beginning of the next school year.

(12) Violation of ORS 339.020 or the requirements of 339.035 is punishable as set out in 339.990.

Stat. Auth.: ORS 339.030 & ORS 339.035

Stats. Implemented: ORS 339.035

Hist.: 1EB 8-1986, f. 3-17-86; 1EB 10-1986, f. 3-21-86, ef. 3-24-86; EB 6-1992(Temp), f. & cert. ef. 2-25-92; EB 26-1992, f. & cert. ef. 7-28-92; EB 33-1992(Temp), f. & cert. ef. 10-29-92; EB 14-1993, f. & cert. ef. 3-25-93; EB 12-1996, f. 7-26-96, cert. ef. 11-1-96; ODE 19-2000, f. & cert. ef. 5-23-00

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