

OREGON

Compulsory Attendance Ages: “between the ages of 7 and 18 years who have not completed the twelfth grade.” Or. Rev. Stat. § 339.010.

Required Days of Instruction: None.

Required Subjects: None.

Home School Statute: ORS §§ 339.030(1)(d) and 339.035; Or. Admin. Rules 581-021-0026 and 581-021-0029.

Children are exempt from public school if they are “being educated in the children’s home by a parent or legal guardian.” ORS § 339.030 (1)(d). A parent may home school under this law provided the requirements below are followed:

1. The parent or guardian must notify the education service district (ESD) in writing within 10 days when a child is taught at home or is withdrawn from a public school to be taught at home. When a child moves to a new ESD, the parent or guardian must notify the new ESD in writing within 10 days of such occurrence. Annual notification is not required. ORS § 339.035 (2). OAR 581-021-0026 (4). The notice must include the child’s and parent’s names and addresses, the child’s birth date, and the name of the school the child is presently attending or last attended or, if the child has not attended school, the name of the public school district where the child resides. OAR 581-021-0026 (1)(f).
2. The ESD is required to acknowledge receipt of the notice of intent in writing within 90 days of receipt of the notification. ORS § 339.035 (2) and OAR 581-021-0026 (4)(a).
3. The parent of a child who turns seven (7) after September 1 shall not be required to provide notice of intent to home school until the beginning of the next school year. OAR 581-021-0026 (11).
4. A home school cannot be a private school. ORS § 345.505(2).
5. In *Pierce v. Society of Sisters*, 268 U.S. 1076 (1925) the U.S. Supreme Court struck down an Oregon law which required all children to attend public school. The Court declared: “The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the state to standardize its children by forcing them to accept instruction from public teachers only. The child is not the mere creature of the state; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations.” The Court emphasized that “the liberty of parents and guardians to direct the upbringing and education of children under their control” is guaranteed by the 14th Amendment. *Pierce* at 1078.

Teacher Qualifications: None.

Standardized Tests: ORS § 339.035(3)-(5).

1. Parents must choose one of the comprehensive examinations approved by the State Board of Education which must be administered in grades 3, 5, 8, and 10 by “a qualified neutral person,” as defined by the State Board of Education. ORS § 339.035(3). Testing shall occur no later than August 15. OAR 581-021-0026 (5).
2. If the child was withdrawn from public school, the first examination must be administered at least 18 months after the date the child was withdrawn from public school. If the child never attended public or private school, the first examination must be administered to the child prior to the end of grade 3. ORS § 339.035(3); OAR 581-021-0026 (5).
3. The person administering the examination shall score it and report the results to the parent or legal guardian. Test results are reported to the ESD only if the superintendent of the ESD requests them. ORS § 339.035(3)(c) and (d); OAR 581-021-0026 (5)(b) and (c).
4. If the composite score on the examination is below the 15th percentile, the child must be given an additional examination within one year. If the score on the second examination is a lower percentile than the previous examination, the child must be given an additional examination within one year of when the second examination was given, and the superintendent of the ESD may place the education of the child under a certified teacher selected by and at the expense of the parent or guardian. ORS § 339.035(4); OAR 581-021-0026 (7)(a) and (b).
5. If the composite score on the third examination continues to decline, the superintendent of the ESD may: (1) allow the home schooling to continue under the supervision of a certified teacher selected by the parent or guardian and require an additional examination within one year; (2) allow the child to be taught by the parent, guardian, or private teacher and require an additional examination within one year; *or* (3) order the parent or guardian to send the child to school for a period not to exceed 12 consecutive months. ORS § 339.035 (4); OAR 581-021-0026 (7)(c).
6. If the composite score on an examination is equal to or greater than the percentile score on the prior test, the child may be taught by a parent, guardian, or private teacher without any previous restrictions imposed because of a declining score. ORS § 339.035 (4)(d); OAR 581-021-0026 (7)(e).

A child with disabilities is to be evaluated for satisfactory educational progress according to the method recommended in the individualized education plan (IEP) or privately developed plan. No testing of these students is required unless recommended in their respective plans. ORS § 339.035 (5); OAR 581-021-0029.