
**AN OVERVIEW AND BRIEF HISTORY of
"NON-CHARTERED, NON-TAX SUPPORTED SCHOOLS"**

Current School Options in Ohio

Ohio offers many educational options to its residents on the primary and secondary levels. Public schools, private schools, and home schools are three broad options, with each of these offering further choices within them. Public schools are all chartered schools but are of two types. "Regular" public schools meet all of the requirements of the "Minimum Standards" while community schools (originally known as "charter schools") are excused from certain parts of the "Minimum Standards" in order to address particular needs.

Private schools are either chartered or "non-chartered." The more complete title for non-chartered schools in Ohio is "non-chartered, non-tax supported" schools. These schools are also referred to as "08" schools after the final two numbers of the section of the Ohio Administrative Code which applies to them (3301-35-08). These "08" schools came into existence with the 1983 Ohio "Minimum Standards." It is also helpful to know that the "08" section grew out of the 1976 Ohio Supreme Court decision, *Ohio v. Whisner*, 47 Ohio St. 2d 181 (1976).

Overview of Two "Non-Chartered" Associations

The Buckeye Christian School Association (BCSA) (1982) and the Christian Schools of Ohio (CSO) (1975) are two associations of church-operated schools which are classified in the current State Board of Education's "Minimum Standards" as "non-chartered, non-tax supported schools." These church schools annually notify the state of course offerings and a limited amount of other information (including number of school days), and the state provides legal protection to parents, students, and churches involved in these "08" church schools. The "08" option has worked well for parents, church-operated schools, and the state since its inception (1983), apart from recent PSEOP-related tension explained in the following two paragraphs.

Church-Operated Schools and Home Education

It is important to note historically that the "08" section was forged in Ohio for church-operated schools. While church schools have been strong advocates for the parental responsibility of education (Galatians 4:2; Ephesians 6:4), it was not until recent years that there has been an increasing number of those who have seen this "08" section as an option for home-educators. A simple surface reading of the "08" Administrative Code does not make clear that the "08" option was not intended for home education. It reads simply, "A school, which is not chartered or seeking a charter from the state board of education because of truly held religious beliefs, shall annually certify in a report to the parents of its pupils that the

school meets Ohio minimum standards for non-chartered, non-tax supported schools cited in paragraphs (A) to (H) of this rule." In 1989, Ohio Administrative Code was written granting legal recognition and protection to those desiring to home educate (3301-34-01 through 06). (Paragraph (G) of the "08" section reads, "Each non-chartered, non-tax supported school shall comply with state and local health, fire, and safety laws," which at least suggests that "08" does not apply to home education.)

In 1989, the Post Secondary Enrollment Options Program (PSEOP) was enacted through the Ohio General Assembly. The PSEOP provided opportunity for eleventh and twelfth grade students in chartered public and nonpublic high schools to receive dual credit for high school and college through the successful completion of college courses. In 1997, the PSEO was expanded to include ninth and tenth grade students, as well as "08" students, but it did not mention home education. This development seemed to encourage some home educators to identify themselves as "08" in order to access the PSEO funds. When the PSEO funds began to be used up before all the eligible and applying private chartered school students were served, there was "no small stir about the matter" (Acts 12:18)! The Ohio Department of Education began denying "08" status (for the 2006-2007 school year) to schools desiring such status, which schools it perceived did not meet the "08" standards. The Department testified at the April 27, 2007, Non-Public Advisory Committee Meeting that they hope that this will take care of the problem.

History of the "08" Document

A study of the history of what today are called the "08" schools reveals that this "08" provision of the Ohio Administrative Code came out of the 1976 Ohio Supreme Court decision, *Ohio v. Whisner*, 47 Ohio St. 2d 181 (1976), which states in its opening paragraph, "The Supreme Court, Celebrezze, Jr., held that the State Board of Education's minimum standards relating to the operation of schools infringed upon the right to the free exercise of religion of parents of students attending a nonpublic religious school, where the religious beliefs of the parents were truly held..." The defendant (*Whisner*) was pastor of a church-operated school (Tabernacle Christian School, Greenville, OH) and those "non-public religious school[s], where the religious beliefs of the parents were truly held" were church-operated schools. Pastor Levi Whisner sought judicial protection from the state's intrusive demands, in which children were being declared truant. (A county prosecutor in Darke County actually had begun legal proceedings to take away these children from their parents.) The Ohio Supreme Court decision ordered the state to write "minimum standards" consistent with its ruling, and the "08" section resulted. The "08" section was an amicable arrangement between both parties and has been the standard of cooperation since that time (1983). (According to the "Minimum Standards," a non-chartered, non-tax supported school is "...a school, which is not chartered or seeking a charter from the state board of education because of truly held religious beliefs...")

"Truly Held Religious Beliefs"

While emphasizing the distinction between "notifying" and "licensing," church schools in BCSA and CSO have consistently obeyed the laws and will continue to do so unless a man-made law contradicts a God-made mandate (Acts 5:29). The scriptures reveal three primary institutions, with separate roles: the home, the church, and the state. The home (specifically parents) has been assigned the task of training and educating its children (Ephesians 6:4; Deuteronomy 6:4-7). The church, as a second teaching institution, is to assist the parents (1 Timothy 3:15; Ephesians 4:11-16). The state has been given the role of protection, that the home and the church may perform their God-assigned tasks (Romans 13:1-4). Church schools do not seek "approval" or "permission" from the state to operate. (This is identified as "licensing.") Education is inherently religious, and the state does not have jurisdiction over the church, but the church is willing to work together (share information) with the state as a co-equal institution. (This is identified as "notifying.")

A Few Additional Details

Both BCSA and CSO annually sponsor quality programs for their member schools including athletic tournaments, fine arts festivals, and continuing education opportunities. Schools in both associations participate in national standardized testing programs such as Stanford Achievement Tests and college admissions tests (ACT, SAT), demonstrating excellent results which are shared with parents and the public at large.

In addition to quality academic programs, the behavior of students enrolled in church-operated "08" schools is generally happy, respectful, and virtually drug-free. Graduates of Christian schools tend to be registered voters who participate in the civic process. BCSA and CSO schools are non-discriminatory in enrollment policies.

Church-operated schools have been part of the Superintendent's "Non-Public Advisory Committee" (which meets approximately four times a year) since the committee's inception (1994). These church schools also are interested in public education as well as private, and are represented at the monthly meetings of the State Board of Education. In 1987, in coordination with three Ohio Representatives, one of these associations instituted a weekly Bible study open to all Ohio Representatives. The Bible study continues to meet weekly whenever the Assembly is in session.

Speaking to Mr. Keith Hamblen, who has served as director of BCSA since 1986, State Department of Education officials consistently have stated that they have (and have had) "no problems with your schools." (Mr. Hamblen has served on the State Superintendent's Non-Public Advisory Board since its inception in 1994.)

Philosophy and Policy Statements Affecting Education

The following policy statements identify the stand of the Buckeye Christian School Association (BCSA) on issues of significance to the work and ministry of that association. Agreement with these policy positions is required of those who desire membership in the BCSA. The Christian Schools of Ohio (CSO) share these views.

1. We encourage and promote scriptural standards of excellence and outstanding quality in the operation of Christian schools and other religious ministries.
2. We oppose the state control of Christian schools through a chartering or licensure process. We oppose the state licensure of church-operated child-care ministries and other ministries of the local church. The state does not properly control the internal affairs of churches or other religious organizations accountable to local churches.
3. We believe that the leaders of local churches are directly responsible to God, and not to the state, and that they will be held accountable according to the commandments, principles, and penalties imposed by the Scriptures.
4. We believe that parents have a primary responsibility in the approval of education ministries, and that this responsibility is vested in them by the Scriptures. The education and training of children is primarily a parental responsibility and secondarily a church responsibility.
5. We believe that as non-chartered schools in the present legal setting, we should not seek governmental aid such as general funding, services, equipment, or vouchers.

“Creating a World-Class Education System in Ohio”

One of the final recommendations of the report entitled “Creating a World Class Education System in Ohio,” commissioned by the Ohio State Board of Education (2006) and conducted by the bi-partisan, nonprofit organization Achieve, Inc., is worded as follows: “5. Actively encourage the best education providers in the U.S. and around the world to come to Ohio” (p.74). The “08” option already has facilitated this by encouraging “the best education providers,” that is, parents and churches, to educate in Ohio!

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for Buckeye Christian School Association
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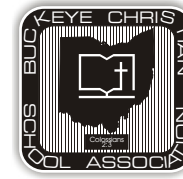
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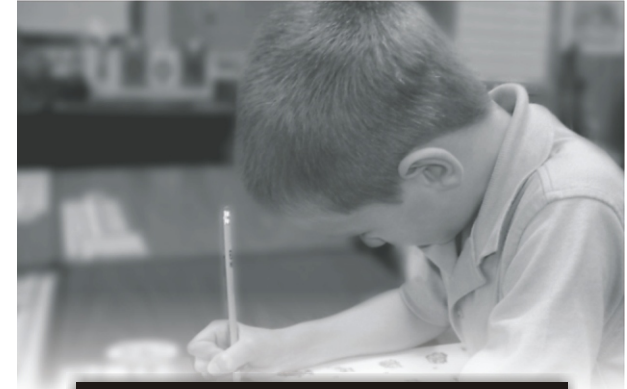


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BUCKEYE CHRISTIAN SCHOOL ASSOCIATION



*A Brief History of
“Non-Chartered,
Non-Tax Supported”
Schools*

CHRISTIAN SCHOOLS OF OHIO

