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PAROCHIAL SCHOOL CURRICULUM—CHILD OF COMPULSORY SCHOOL AGE—COMPLETION, FIRST EIGHT GRADES OF SCHOOL—OHIO STATUTES DO NOT REQUIRE ATTENDANCE AT HIGH SCHOOL TO PURSUE CURRICULUM—PROVISO, REGULAR ATTENDANCE AT A VOCATIONAL, COMMERCIAL OR OTHER SPECIAL TYPE OF SCHOOL, PAROCHIAL OR OTHERWISE — INSTRUCTION — TERM AND HOURS EQUIVALENT TO THOSE OF ESTABLISHED HIGH SCHOOLS.

SYLLABUS:

A child of compulsory school age, who has completed the first eight grades of the school curriculum, is not required by the Ohio statutes to attend high school or pursue the curriculum there afforded providing he regularly attends a vocational, commercial or other special type of school, parochial or otherwise, which provides instruction for a term and hours equivalent to those of established high schools.

Columbus, Ohio, September 21, 1944

Hon. Raymond Miller, Acting Prosecuting Attorney  
Millersburg, Ohio

Dear Sir:

I am in receipt of your request for my opinion, as follows:

“A question has arisen as follows:

Where there is a Parochial School in the county in the rural school district and pupils have passed the 8th grade, can the directors of said Parochial School re-assign the children to do the 8th grade over?

This is a Parochial School in the Amish District and neither the parents nor the children want to go to the 9th grade or 1st year high. All agreed to go back to the 8th grade after they have passed the 8th grade.

Please advise if these pupils can be re-assigned to complete the 8th grade after they have once completed it.

This Parochial School covers the first eight grades only and this is a matter that has come up in our Amish Community among the Amish people on the school problem.”

Sections 4849 and 4849-1, General Code, provide in general that all persons between the ages of six and eighteen shall be of compulsory school age.

Section 4849-2, General Code, with certain exceptions not here material, provides that all persons of compulsory school age shall attend a public, private or parochial school. Section 4849-3, General Code, provides for compulsory attendance as therein defined for the school session of not less than thirty-two weeks per school year.

Section 4849-6, General Code, provides as follows:

“If any child shall so attend upon instruction elsewhere than in a public school such instruction shall be equivalent to the instruction given children of like age and advancement in the public schools of the district in which such child resides; and the hours and term of attendance exacted shall be equivalent to the hours and term of attendance required of children in the public schools of the district. But nothing in this section shall be construed to require a child to attend a high school instead of a vocational, commercial or other special type of school, provided the instruction therein is for a term and for hours equivalent to those of the high school, and provided his attendance at such school will not interfere with a continuous program of education for the child to the age of sixteen.”

I am not advised of the exact nature of the course of study taught in the school referred to in your inquiry as a “parochial school in the Amish District”. I am informed by some of the members of the community that their schooling plan is to fit their children to become agriculturists or farmers and that it is their thought that their children will not be benefited as much by pursuing the curriculum prescribed for an ordinary high school as they would by a more detailed and thorough study of some of the subjects taught in the lower eight grades of the public schools and other subjects beneficial to farmers.

In view of the specific exception contained in Section 4849-6, General Code, it would appear that if the people of the Amish Sect of the Christian religion do not desire to attend a high school, but do attend a special type of parochial school in which the instruction is for a term and hours equivalent to that of the high school, whether the education therein be commercial or vocational or other special type, it is their legal right so to do.

It would further seem to me that it is immaterial whether some of the

courses taught consist of a more thorough study in the branches of learning taught in the first eight grades of the state public school system.

Specifically answering your inquiry, it is my opinion that a child of compulsory school age, who has completed the first eight grades of the school curriculum, is not required by the Ohio statutes to attend high school or pursue the curriculum there afforded providing he regularly attends a vocational, commercial or other special type of school, parochial or otherwise, which provides instruction for a term and hours equivalent to those of established high schools.

Respectfully,

THOMAS J. HERBERT

Attorney General