



## Home School Legal Defense Association

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Dear Chair Mathews and members of the Public Health Policy Committee:

Thank you for the opportunity to provide testimony in support of House Bill 602. My name is Darren Jones, and I am Senior Counsel and Director of Group Services here at the Home School Legal Defense Association. HSLDA is a national public interest nonprofit with over 100,000 member families, including roughly 4,500 member families in Ohio. For over 40 years, our mission has been to make homeschooling possible by defending homeschool freedom around the country and the world. We offer support for every stage of a family’s homeschool journey—from personalized legal advice to practical educational resources and even financial hardship grants.

Research shows that many homeschool families participate in at least one homeschool group, and often several. These groups are traditionally called either “co-ops,” which focus on classes and educational opportunities for students, or “support groups,” which are often more socially focused. Support groups and co-ops have existed for decades. When I was homeschooled, from 1989 to 1991, I went to a co-op every Monday and Wednesday afternoon, where we participated in classes on computers, geography, algebra, and public speaking. There were seven families involved, and usually there would be 3 or 4 parents present teaching the afternoon classes. Because we were all in the same church, we didn’t see this as any sort of daycare arrangement—co-op afternoons weren’t too much different from going over to our friend’s house to play.

With the educational disruptions of 2020 and 2021, new terms entered the homeschool lexicon along with “co-op” and “support group,” including “education pod” and “microschool.” HSLDA counseled many parents who were dissatisfied with the efforts of their local public school to provide remote instruction and who decided to try “homeschooling.” Homeschooling often looked different, with families mixing and matching elements of private tutoring and homeschooling. But these educational models may unnecessarily appear to conflict with state or local daycare and zoning regulations.



This has caused problems for homeschool groups across the country. In my work as director of group services for HSLDA, I have talked with co-ops from New York to Florida to California to Minnesota, and often the main problem when they are contacted by state or local authorities is that no one knows what legal “box” to put them in. Daycare inspectors are convinced that the co-op is an unlicensed daycare, school truancy officers see them as unregistered schools, county revenue offices insist they are a business, and zoning officials try to shut them down as a nonpermitted use of property. Meanwhile, the children are barred from the educational and social benefits of the homeschool co-op.

As just one all too common example, last year a homeschool co-op in Virginia was told that it had to obtain a license as a daycare in order to keep operating. The co-op had been running for years with the same format: families would gather 1 day a week for about 3 hours at a local church. Some parents stayed for the co-op activities, while others left. The county zoning office viewed this activity with suspicion, and the church was served with a cease-and-desist letter. Thankfully, it was able to appeal the decision to county authorities who recognized the co-op for what it was: a fine educational activity that was homeschooling, not a daycare.

**HSLDA supports House Bill 602.** We see it as protecting the efforts of homeschool and other families to choose the best educational option for their children, without placing unnecessary restrictions on those co-ops and groups. This bill would clarify a place in the law to protect parents’ constitutional right to freedom of association, while also protecting the state’s interest in ensuring that children are educated as required by the compulsory attendance law.

HB 602 is in keeping with other states that have recently taken action to recognize pods and other flexible educational alternatives.

- Texas was the first state to specifically define and protect learning pods in 2021.
  - A “learning pod” is a “group of children who, based on the voluntary association of the children's parents, meet together at various times and places to participate in or enhance the children's primary or secondary academic studies, including participation in an activity or service provided to the children in exchange for payment.” V.T.C.A. Education Code § 27.001.
  - Learning pods are exempt from “any ordinance, rule, regulation, policy, or guideline adopted by a local governmental entity that applies to a school district campus or child-care facility,

including any requirements regarding staff-to-child ratios, staff certification, background checks, physical accommodations, or building or fire codes.” V.T.C.A. Education Code § 27.002.

- Georgia passed a law protecting learning pods in 2022:
  - “Learning pod’ means a voluntary association of parents choosing to group their children in kindergarten through grade 12 together at various times, to include traditional before and after school hours, or places to participate in or enhance a remote learning option offered by their primary educational program. Payment for services by parents of children who participate in a learning pod does not alter this definition of a learning pod.” Ga. Code Ann. § 20-2-690.
  - The Georgia law does not establish learning pods as a separate means of complying with compulsory attendance.
  - Learning pods are generally exempt from school laws such as certification and fire codes, daycare laws, and building codes that would not apply if not for the presence of the learning pod.
  
- West Virginia’s law establishing learning pods was also passed in 2022.
  - “Learning pod” means a voluntary association of parents choosing to group their children together to participate in their elementary or secondary academic studies as an alternative to enrolling in a public school, private school, homeschool, or microschool, including participation in an activity or service provided to the children in exchange for payment. W. Va. Code § 18-8-1(n)(1).
  - The West Virginia law establishes learning pods as a separate means of complying with compulsory attendance, different from home instruction.
  - Learning pods are exempt from all other provisions of law “relating to education,” but there is no exemption in the law from zoning or daycare laws. W. Va. Code § 18-8-1(n)(8).
  
- Utah just passed SB 13 protecting home-based microschools.
  - A “home-based microschool” means an individual or association of individuals that:
    - registers as a business entity in accordance with state and local laws; and
    - for compensation, provides kindergarten through grade 12 education services to 16 or fewer students from an individual's residential dwelling, accessory dwelling unit, or residential property. U.C.A. 1953 § 53G-6-201.

- A home-based microschool is not a separate means of complying with compulsory attendance.
- A home-based microschool is explicitly not a daycare. A home-based microschool “shall be considered a permitted use in all zoning districts within a municipality.” U.C.A. 1953 § 17-27a-305.

These statutory examples demonstrate the progress Texas, Georgia, West Virginia, and Utah have made in protecting homeschool co-op options available to their families. So far, there have been no notable problems in the implementation of these policies, but they have allowed greater freedom for homeschooling families.

In light of this progress, HSLDA strongly recommends that Ohio pass this HB 602 to assist parents with creating more flexibility in their educational choices. We believe that HB 602 will protect homeschool co-ops from accidentally running afoul of daycare and zoning laws that really don't apply to their situation. HSLDA asks that this legislature stand beside its constituent families by supporting diversity of educational opportunities for those who choose to homeschool.



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