



Ohio Administrative Code Rule 3301-35-09 Chartered nonpublic schools.

Effective: May 24, 2021

(A) A new chartered nonpublic school may be established and operated for a specified period in accordance with sections 3301.16 and 3313.48 of the Revised Code, Chapter 3301-39 of the Administrative Code, and the following procedures, provided the school has at least three grade levels or fifteen students:

(1) The principal or superintendent of the school contacts the Ohio department of education about beginning a school and participates in the "beginning a chartered nonpublic school" training conducted by the department;

(2) The department provides these operating standards and procedures for beginning a school;

(3) The principal or superintendent submits to the department a plan for meeting the operating standards that includes:

(a) Objectives related to the operating standards; and

(b) A timeline for meeting the operating standards and the procedures in rule 3301-39-03 of the Administrative Code; and

(4) The state superintendent of public instruction may recommend that the state board of education grant a charter when a site visit indicates that a school is meeting operating standards and the procedures in rule 3301-39-03 of the Administrative Code.

(B) A school shall report a change in location, ownership, or name; a merger; or the addition of an annex location of any school to the department no later than five business days after the change or addition has occurred. These types of changes or additions render the existing charter null and void. Upon notice of the change or addition and if the school complies with all requirements, the department shall issue a new charter to the school that incorporates the change or addition.



(C) A change in grade levels shall be reported to the department at least thirty days prior to the start of the school year in which the school intends to implement the change in grade levels, and, if a school intends to serve additional grades, the information described in paragraph (A)(3) of this rule.

(D) Notwithstanding paragraphs (B) and (C) of this rule, the closing of a location shall be reported to the department at least thirty days prior to the closing of the school.

(E) The department may require a school to submit a corrective action plan if the school fails to notify the department of changes in accordance with this rule or if the school fails to comply with the requirements in this rule. If the school fails to submit a corrective action plan that fully addresses the issues identified by the department or fails to comply with the requirements in this rule, the department may act to revoke the school's charter in accordance with rule 3301-39-04 of the Administrative Code.

(F) A nonpublic school chartered by the state board of education shall assure that its students are provided a general education of high quality by either:

(1) Being accredited by an association whose standards have been reviewed by the state superintendent's advisory committee on chartered nonpublic schools and approved by the state board of education; or

(2) Showing compliance with rules 3301-35-01 to 3301-35-07 of the Administrative Code except that:

(a) Notwithstanding paragraph (A) of rule 3301-35-05 of the Administrative Code, chartered nonpublic schools may consider religious affiliation in hiring and employment decisions to the extent permitted by law;

(b) Paragraphs (A)(2) and (A)(3) of rule 3301-35-05 of the Administrative Code regarding student-teacher ratios and educational service personnel does not apply;

(c) Paragraph (D)(2) of rule 3301-35-04 of the Administrative Code regarding a requirement to offer



credit flexibility does not apply;

(d) Paragraph (B) of rule 3301-35-06 of the Administrative Code regarding stakeholder partnerships does not apply, except for the requirement that chartered nonpublic schools work with their key stakeholders;

(e) Paragraph (C)(3) of rule 3301-35-06 of the Administrative Code regarding a requirement to communicate information and procedures related to credit flexibility and educational options does not apply; and

(f) Notwithstanding paragraph (F)(2) of rule 3301-35-07 of the Administrative Code regarding site visit, chartered nonpublic schools are not required to hold a public meeting to discuss a report of the results of the site visit or to notify their parents and stakeholders of such a meeting. Chartered nonpublic schools shall notify their parents and stakeholders of the report issued by the department of education and make the report available to them.

(G) A chartered nonpublic school that does not meet the requirements set forth in paragraph (F) of this rule is subject to the provisions of paragraphs (H) and (I) of rule 3301-35-07 of the Administrative Code.

(H) The superintendent of public instruction shall establish an advisory committee on chartered nonpublic schools to make recommendations to the state board of education concerning development and administration of regulations for chartered nonpublic schools. Committee membership shall represent chartered nonpublic school constituency groups including the "Association of Christian Schools International"; the "Catholic Conference of Ohio"; the "Government Affairs Committee of Ohio Jewish Communities, Inc."; the "Lutheran Schools of Ohio"; the "Ohio Association of Independent Schools"; the "Seventh Day Adventist Schools, Ohio Conference"; and any other chartered nonpublic constituency approved by the existing advisory committee. Each group will have representation on the committee, and these groups will constitute no less than two-thirds of the committee's membership.