

TO BE RESCINDED

3301-39-02 **Regulations.**

- (A) Any nonpublic school which is chartered by the state board of education or which is in receipt of an approval to operate from the Ohio department of education shall demonstrate consistent with the criteria and procedures set forth in rules 3301-39-03 and 3301-39-04 of the Administrative Code that it has adopted and implemented racially nondiscriminatory policies in recruitment, admissions, employment, scholarships/loans/fee waivers, educational programs, and athletics/extracurricular activities and that it is not an alternative to court or administrative agency ordered, or public school district initiated, desegregation.
- (B) Any nonpublic school which requests either an approval to operate or a charter must demonstrate consistent with the criteria and procedures set forth in rules 3301-39-03 and 3301-39-04 of the Administrative Code that it has adopted and implemented racially nondiscriminatory policies in recruitment, admissions, employment, scholarships/loans/fee waivers, educational programs, and athletics/extracurricular activities and that it is not an alternative to court or administrative agency ordered, or public school district initiated, desegregation.
- (C) The superintendent of public instruction shall provide either an approval to operate or recommend to the state board of education the granting of a charter to a nonpublic school only upon a determination that the nonpublic school has either an approved plan to comply, or has complied, with the minimum standards, respectively, and that its policies and practices are consistent with Chapter 3301-39 of the Administrative Code.
- (D) Pupils attending nonpublic schools operating without an approval to operate are not entitled to pupil transportation as provided pursuant to section 3327.01 of the Revised Code, and pupils attending nonpublic schools operating without a charter are not entitled to auxiliary services as provided pursuant to section 3317.07 of the Revised Code. Nonpublic schools operating without a charter are not entitled to nonpublic administrative cost reimbursement provided pursuant to section 3317.063 of the Revised Code. Schools without either an approval to operate or a charter may, independent of this rule, request a determination of compliance with minimum standards from the state department of education for the purpose of permitting pupils and their parents to comply with the compulsory attendance laws as set forth in Chapter 3321. of the Revised Code.
- (E) Any determination made under the criteria and procedures set forth by the superintendent of public instruction which may adversely affect a nonpublic school shall be appealable to the state board of education, which will consider such appeal pursuant to Chapter 119. of the Revised Code.

- (F) Any nonpublic school, which is chartered by the state board of education or which is in receipt of an approval to operate from the Ohio department of education, which fails to demonstrate consistent with the criteria and procedures set forth in rules 3301-39-03 and 3301-39-04 of the Administrative Code that it has adopted and implemented racially nondiscriminatory policies in recruitment, admissions, employment, scholarships/loans/fee waivers, educational programs, and athletics/extracurricular activities and that it is not an alternative to court or administrative agency ordered, or public school district initiated, desegregation shall have such charter revoked or approval to operate withdrawn. Such revocation or withdrawal shall be pursuant to the provisions of Chapter 119. of the Revised Code.

Effective: 03/27/2011

R.C. 119.032 review dates: 01/07/2011

CERTIFIED ELECTRONICALLY

Certification

03/17/2011

Date

Promulgated Under: 119.03
Statutory Authority: 3301.07 (D)(2) and (M)
Rule Amplifies: 3301.07 (D)(2), 3317.024 (I), 3317.06, 3327.01
Prior Effective Dates: 10/1/82