

## TO BE RESCINDED

3301-39-02            **Regulations.**

- (A) Any nonpublic school that is chartered by the state board of education or that 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 rule 3301-39-03 of the Administrative Code, that it has adopted and implemented policies of nondiscrimination on the basis of race, color, national and ethnic origin in administration of its educational, admission, and employment policies, scholarship and loan programs, and athletic and other school-administered programs.
- (B) Any nonpublic school that requests either an approval to operate or a charter must demonstrate, consistent with the criteria and procedures set forth in rule 3301-39-03 of the Administrative Code, that it has adopted and implemented policies of nondiscrimination on the basis of race, color, national origin, and ethnic origin in administration of its educational, admission, and employment policies, scholarship and loan programs, and athletic and other school-administered programs.
- (C) The superintendent of public instruction shall grant an approval to operate or recommend to the state board of education the issuance of a charter to a nonpublic school only upon the determination that the nonpublic school has an approved plan to comply or has complied with the Operating standards for Ohio's districts and schools including rule 3301-35-12 of the Administrative Code, and that its policies and practices are consistent with the rules in this chapter.
- (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. In addition, 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. In addition, nonpublic schools operating without a charter are not entitled to participate in either the "Ed Choice" or the "Cleveland Scholarship" programs as administered by the department pursuant to sections 3310.01 to 3310.17 and 3313.974 to 3313.975 of the Revised Code.
- (E) Any determination made pursuant to the criteria and procedures as set forth by the superintendent of public instruction that may adversely affect a nonpublic school shall be appealable to the state board of education pursuant to Chapter 119. of the Revised Code.
- (F) Any nonpublic school that is in receipt of an approval to operate from the Ohio department of education that fails to demonstrate compliance with Operating standards for Ohio's districts and schools or criteria and procedures as set forth in

this chapter or that fails to adopt or implement policies of nondiscrimination on the basis of race, color, national and ethnic origin in administration of its educational, admission, and employment policies, scholarship and loan programs, and athletic and other school-administered programs shall not be issued a charter. Revocation shall be subject to appeal pursuant to the provisions of Chapter 119. of the Revised Code.

- (G) Any nonpublic school that is chartered by the state board of education that fails to demonstrate compliance with the Operating standards for Ohio's districts and schools or criteria and procedures set forth in this chapter or that fails to adopt or implement policies of nondiscrimination on the basis of race, color, national and ethnic origin in administration of its educational, admission, and employment policies, scholarship and loan programs, and athletic and other school-administered programs shall have its charter revoked. Revocation shall be subject to appeal pursuant to the provisions of Chapter 119. of the Revised Code.

Effective: 04/27/2017

Five Year Review (FYR) Dates: 02/08/2017

CERTIFIED ELECTRONICALLY

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Certification

04/17/2017

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Date

Promulgated Under: 119.03  
Statutory Authority: 3301.07(D)(2) and (M)  
Rule Amplifies: 3301.07(D)(2), 3317.024, 3317.06, 3327.01  
Prior Effective Dates: 10/1/1982