

TO BE RESCINDED

3301-39-04 **Procedures.**

(A) Nonpublic schools desiring a charter or an approval to operate

- (1) The nonpublic school shall request information from the division of elementary and secondary education, Ohio department of education, concerning the procedures to follow to obtain either an approval to operate or a charter.
- (2) The division of elementary and secondary education shall provide the nonpublic school with a copy of Chapter 3301-39 of the Administrative Code and the "Procedure for a Nonpublic School Requesting Either an Approval to Operate or a Charter."
- (3) To be eligible for technical assistance from the Ohio department of education, the nonpublic school shall sign and return to the division of equal educational opportunities, Ohio department of education, an affidavit of intent not to discriminate and assurance that the nonpublic school is not an alternative to court or administrative agency ordered, or public school district initiated, desegregation.
- (4) Following investigation and approval by the division of equal educational opportunities of the affidavit, the division of elementary and secondary education will be available to provide technical assistance for the purpose of assuring that the nonpublic school develops and implements educational policies and practices consistent with minimum standards. The division of equal educational opportunities will be available to provide technical assistance for the purpose of assuring that the nonpublic school develops and implements nondiscriminatory policies.
- (5) The governing board of the nonpublic school shall adopt racially nondiscriminatory policies on recruitment, admissions, employment, scholarships/loans/fee waivers, educational programs, and athletics/extracurricular activities. Copies of such policies shall be submitted for approval to the division of equal educational opportunities.
- (6) The nonpublic school shall advertise notice of the approved policies required by this rule. Such advertisement shall be:
 - (a) In the form approved by the division of equal educational opportunities,
 - (b) Published within ninety days prior to the annual acceptance of any applications for enrollment or the enrollment of any pupils, and

- (c) Placed once a week for a four-week period in two newspapers of general circulation in those school districts from which the nonpublic school intends to enroll pupils.

Proof of publication of such advertisement shall be submitted to the division of equal educational opportunities.

- (7) If a determination is made that the nonpublic school has not adopted and advertised such policies, the nonpublic school is to be notified in writing, and all technical assistance from the Ohio department of education shall cease. If the nonpublic school is determined to have adopted and advertised such policies, the process of providing technical assistance shall continue.
- (8) The duly authorized representative of the nonpublic school shall complete and submit to the division of equal educational opportunities immediately following the first full week of October in each school year the form entitled "Report of Nonpublic School."
- (9) The division of equal educational opportunities shall determine through an on-site evaluation that the nonpublic school has adopted, advertised, and implemented nondiscriminatory policies and that the nonpublic school is not an alternative to court or administrative agency ordered, or public school district initiated, desegregation.
- (10) The division of elementary and secondary education shall determine that the nonpublic school either has a satisfactory plan to comply, or has complied, with the minimum standards.
- (11) Following the determinations under paragraphs (A)(9) and (A)(10) of this rule, the division of equal educational opportunities will authorize the nonpublic school to advertise for the purpose of soliciting complaints to the division of equal educational opportunities regarding any racial discrimination in the operation of said nonpublic school. Such advertisement shall be:
 - (a) In the form prescribed by the division of equal educational opportunities, and
 - (b) Placed once a week for a four-week period in two newspapers of general circulation in those school districts from which pupils are enrolled or sought to be enrolled.

Proof of publication of such advertisement shall be submitted to the

division of equal educational opportunities ten days after the final date of publication.

- (12) Upon receipt of a complaint of discrimination in response to the advertisement required under paragraph (A)(11) of this rule, the division of equal educational opportunities shall first determine if the facts warrant investigation. If the division's investigation causes it to conclude that the nonpublic school's policies or practices are discriminatory, the nonpublic school shall be notified of the intent not to grant either an approval to operate or a charter to such school and the right of such nonpublic school to a hearing on such matter pursuant to Chapter 119. of the Revised Code.

(B) Chartered schools and schools with approval to operate

- (1) The governing board of the nonpublic school shall adopt and implement nondiscriminatory policies on recruitment, admissions, employment, scholarships/loans/fee waivers, educational programs, and athletics/extracurricular activities and shall assure that the nonpublic school is not an alternative to court or administrative agency ordered, or public school district initiated, desegregation. Copies of such policies shall be submitted for approval to the division of equal educational opportunities.
- (2) The duly authorized representative of the nonpublic school shall complete and submit to the division of equal educational opportunities immediately following the first full week of October in each school year the form entitled "Report of Nonpublic School."
- (3) The division of equal educational opportunities shall determine through an on-site evaluation or other means that the nonpublic school has adopted and implemented nondiscriminatory policies and that the nonpublic school is not an alternative to court or administrative agency ordered, or public school district initiated, desegregation.
- (4) The division of elementary and secondary education shall determine through an on-site evaluation or other means that the nonpublic school maintains compliance with the minimum standards.
- (5) If a determination is made that the nonpublic school has not met the requirements of paragraphs (B)(1) to (B)(4) of this rule, and does not within ninety days of notification of such, the nonpublic school shall be notified of the intent to either withdraw the letter of approval or revoke the charter of the nonpublic school and the right of such nonpublic school to a hearing on such

matter pursuant to Chapter 119. of the Revised Code.

- (6) Upon receipt of a complaint of discrimination by any nonpublic school, the division of equal educational opportunities shall first determine if the facts warrant investigation. If the division's investigation causes it to conclude that the nonpublic school's policies or practices are discriminatory, the nonpublic school shall be notified of the intent to either withdraw the letter of approval or revoke the charter of the nonpublic school and the right of such nonpublic school to a hearing on such matter pursuant to Chapter 119. of the Revised Code.
- (7) Nonpublic schools which possess a charter or approval to operate on the effective date of this rule shall perfect compliance with this rule within two years of its effective date.

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