



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Joseph Baker, Director

MEMORANDUM

TO: Brittney Kneisel, Ohio Department of Education

FROM: Jacob Ritzenthaler, Business Advocate

DATE: February 6, 2023

RE: **CSI Review – Approval of Nonpublic Schools (OAC 3301-39-01, 3301-39-03, and 3301-39-04)**

On behalf of Lt. Governor Jon Husted, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Department as provided for in ORC 107.54.

Analysis

This rule package consists of three amended rules proposed by the Ohio Department of Education (ODE). This rule package was submitted to the CSI Office on December 19, 2022, and the public comment period was held open through December 27, 2022. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on December 19, 2022.

Ohio Administrative Code (OAC) Chapter 3301-39 establishes the charter approval process for nonpublic schools. OAC 3301-39-01 lists definitions related to the Chapter and is amended to remove the definition of “conditional charters” and introduce a definition for “accrediting associations.” OAC 3301-39-03 establishes the procedure for nonpublic schools to apply for a charter, including the submission of applications and reports and approval and issuance of a charter by ODE. The rule is amended to include requirements for ODE to conduct at least two site visits during the initial year of operation under a new charter, expand the timeframe in which a charter application may be submitted from two weeks to two months, allow nonpublic schools seeking a reissued charter due to relocation, new ownership or name, a merger, or addition of an annex location

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to request a reissued charter at any point during the year, and require that nonpublic schools that are reissued a charter conduct a site visit within six months. OAC 3301-39-04 concerns ODE oversight and revocation procedures for a charter. Amendments to the rule require notification of ODE when a nonpublic school leaves an accrediting association or suspends K-12 operations and establish dispute and complaint resolution procedures.

During early stakeholder outreach, ODE reviewed the rules during meetings of the Nonpublic Advisory Council and Emerging Issues Committee, as well as requested feedback from industry stakeholders. During that time, stakeholders submitted comments that prompted amendments to a rule that is not included in this rule package. No comments were received during the CSI public comment period.

The business community impacted by these rules includes nonpublic schools applying for a charter. The adverse impact created by the rules includes the time and effort spent to compile information and submit applications and reports to ODE for charter approval or reissue. ODE states that the charter application process can take between one to two years, and that requirements can be met in a shorter amount of time if the school is accredited by a recognized association. ODE states that the adverse impact is necessary to ensure that schools seeking a charter comply with operating standards for schools and that the proposed amendments streamline the process for obtaining a charter.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that ODE should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.