
(A) "Charter" - a document issued by the state board of education to a school or school district pursuant to section 3301.16 of the Revised Code.
(B) "Conditional charter" - a document from the Ohio department of education issued to a nonpublic school indicating that the school has complied with section 3301.16 of the Revised Code and is in the process of complying with rule 3301-35-09 of the Administrative Code.
(C) "Department" - the Ohio department of education.
(D) "Nonpublic school" - any school, other than a public school, providing instruction for pupils of compulsory school age.
(E) "Accrediting association" – an organization whose standards have been reviewed by the State Superintendent’s Nonpublic Advisory Committee and approved by the Department of Education.

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Supplemental Information

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Amplifies: 3301.07(D)(2), 3317.024, 3317.06, 3327.01
Five Year Review Date: 4/27/2022

Rule 3301-39-03 | Procedures.

(A) Nonpublic schools seeking a charter or reissue of a charter, including a conditional charter, shall submit an application in the manner as prescribed by the department.

(1) The application and application process, including a list of required documents and assurances for the upcoming school year, shall be published on the department website (www.education.ohio.gov) no later than October 1.
Applications for schools seeking an initial charter shall be submitted between November 1 and December 31 prior to the school year in which the school plans to operate under a charter. To initiate the process for receiving a charter from the state board of education, an application must be submitted to the department between the thirty-first day of December and the fifteenth day of January each year.

A nonpublic school seeking to have its charter reissued due to relocation, ownership, or name; a merger; or the addition of an annex location of any school may request reissue of a charter at any time during the year.

The department shall issue a conditional charter to a nonpublic school that demonstrates compliance with the divisions (K)(1)(a) and (K)(1)(b) of section 3301.0711 of the Revised Code, as applicable, and section 3313.612 of the Revised Code.

Nonpublic schools seeking an initial charter during each school year that a nonpublic school is educating students under a conditional charter, the nonpublic school shall complete and submit the form entitled "Report of Nonpublic School" (education.ohio.gov) by the deadline established by the department not less than 14 days prior to the first day of school for students. The report may be published on the departments website (education.ohio.gov).

The department will conduct not less than two site visits during the first year of operation under the initial charter, with the initial site visit taking place no later than September 30 for nonpublic schools whose applications and supporting documentation is completed and submitted by July 1. Nonpublic schools completing all application requirements after July 1 will receive an initial site visit within 90 days of completion of the application.

A conditional charter issued by the department of education shall expire in the event the nonpublic school is not approved and issued a charter by the state board of education in accordance with paragraph (E) of this rule or within three years of the issuance of the conditional charter. Upon expiration of its conditional charter, a nonpublic school shall not be prevented from initiating another chartering process.

The state board of education shall approve and issue an initial charter to a nonpublic school upon within thirty days of the satisfactory completion of a site visit by the department in which the department determines the nonpublic school has
complied with rule 3301-35-09 of the Administrative Code, and within three years of the issuance of the conditional charter. In making its determination, the department shall consider evidence provided by an accrediting association if the school is 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 pursuant to paragraph (A)(1) of rule 3301-35-09 of the Administrative Code.

(F) Charters for nonpublic schools requesting reissue of a charter due to relocation, ownership, or name; a merger; or the addition of an annex location shall be issued within thirty days of satisfactory completion and submission of application and supporting documentation. The department will conduct a site visit of nonpublic schools within six months of reissuance of its charter.

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**Rule 3301-39-04 | Oversight/Revocation of Charter.**

(A) A nonpublic school issued a charter by the state board of education shall be subject to monitoring and oversight by the department. Such monitoring and oversight shall include periodic reviews through site-visit, desk audit, investigations of complaints and other means to determine if the nonpublic school is in compliance with rule 3301-35-09 of the Administrative Code and other applicable Ohio laws and rules. In fulfilling its obligation to provide monitoring and oversight, the department shall consider evidence provided by an accrediting association if the school is 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 pursuant to paragraph (A)(1) of 3301-35-09 of the Administrative Code.
(B) If a nonpublic school leaves an accrediting association through which a chartered nonpublic school has received its charter in accordance with OAC 3301-35-09, the nonpublic school is required to notify the department within 30 days and provide evidence that they are continuing to meet the requirements of OAC 3301-35-09.

(C) Should any dispute or complaint arise regarding a school’s compliance with OAC 3301-35-09 or other applicable Ohio laws and rules, the department is the final authority in the resolution of the dispute or complaint.

1. The department will review all complaints, including any evidence supporting the position of the complainant, sent in writing by the aggrieved party to the office of nonpublic education options. Prior to making a determination, the department will do the following:
   (a) Notify the school’s governing authority;
   (b) C and/or the governing authority of the school;
   (c) Review all available evidence and make a final determination.

2. The department may permit the nonpublic school to satisfactorily complete a corrective action in lieu revocation under OAC 3301-35-04.

(D) If a chartered nonpublic school ceases K-12 operations, it shall notify the department within 30 days and may request a 1-year suspension of its charter with the intention of re-opening within 12 months. If the school does not resume K-12 operations within 1 year of being issued the suspension of charter, the chartered nonpublic school is to notify the department that K-12 operations have permanently ceased under that charter.

(E) If a determination is made by the department that a nonpublic school is not in compliance with rule 3301-35-09 of the Administrative Code or other applicable Ohio laws and rules and the nonpublic school does not fully address all compliance issues within the time period specified in a corrective active plan established by the department, the department will notify the chartered nonpublic school of its intent to recommend to the state board of education that its charter be revoked, and of the nonpublic school’s right to a hearing pursuant to Chapter 119. of the Revised Code.

(F) Upon conclusion of the hearing and consideration of a designated hearing officers report and recommendation, the state board may approve or deny the recommendation of the department and revoke the charter of the nonpublic school.

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