

Guide for Nonpublic Schools Plan of Compliance



Office of Nonpublic Educational
Options

December 2023



Department of
Education &
Workforce

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Introduction

Ohio law permits two types of nonpublic schools to operate in Ohio. Nonchartered (nontax) nonpublic schools choose to not be chartered by the state of Ohio due to “deeply held religious beliefs.” Chartered nonpublic schools meet state laws and administrative rules necessary to meet and maintain a charter issued by the Ohio Department of Education. The applicable administrative rules are referred to the Ohio Operating Standards for Schools and Districts or the Standards for Kindergarten through Twelfth Grade. These rules are attached to this guide and can also be found [here](#) in the Ohio Administrative Code. Ohio Administrative Code (3301-35-09) provides nonpublic schools with two avenues for meeting requirements to receive a charter from the Department of Education:

1. Demonstrating compliance with rules 3301-35-01 through 3301-35-07 of the Administrative Code or
2. Earning and maintaining accreditation by an organization whose standards have been reviewed meet all requirements by the State Superintendent’s Advisory Committee on Chartered Nonpublic Schools and determined to have met all requirements by the Department of Education.

This guide is designed to assist schools with understanding applicable requirements and how they can demonstrate compliance with all requirements.

Ohio Administrative Code (Rules 3301-35-01 to 3301-35-07) are included in Appendix B. While most references in these administrative rules apply to both public and nonpublic schools, others do not apply. Ohio Administrative Code 3301-35-09 identifies requirements in the Operating Standards which do not apply to nonpublic schools.

All schools seeking a charter must provide a plan and applicable evidence to document how the school intends to meet the requirements. This guide offers questions for discussion to help you understand requirements and provide examples of evidence that may be used to demonstrate meeting each requirement. This guide will also indicate where evidentiary documents may be uploaded into the Department’s online application system.

After each section, you will be asked to check a box acknowledging that you have read and understand the requirements.

Helpful Tips for Submitting Your Plan of Compliance (POC) include:

- Please date the first page at minimum
- Number all pages of the POC
- Address all administrative regulations included in 3301-35-01 through 3301-35-07 and 3301-35-09
- Additional information regarding the Operating Standards can be found [on the Department’s website](#).
- Please be as detailed and consistent as possible. Sufficient detail will reduce the need for revisions to your school’s POC.
- If information necessary to demonstrate compliance is included in one of your handbooks, you may reference the page number of the handbook where the information can be found to avoid having to enter duplicate information.
- Documents to upload with your school’s POC:

- A roster of the school’s board members and their contact information (Upload in POC under the Application tab)
- The name of the school’s principal (Enter in the Staff tab)
- Parent/Student handbook (Upload under the Docs tab)
- Employee/Staff handbook or School’s curriculum which must provide scope and sequence (Upload under the Docs tab)
- School hours (if not in Parent/Student Handbook, include with school calendar)
- School calendar of student days (Upload under the Docs tab)
 - Identify dates for parent/teacher conferences and
 - professional development/in-service dates.

CHARTERING PURPOSE AND DEFINITIONS

1. How is the school governed?
2. What is the structure and scope of the school’s governing authority?
3. What are the roles of key positions and the dynamics among these relationships?
4. How do you know that those who have positions in the school’s governance structure understand their roles and how they relate to other roles?
5. How are stakeholders engaged?
6. How is the performance of the school monitored? What are the key factors?

GOVERNANCE AND LEADERSHIP

1. What is the school’s:
 - a. Vision?
 - b. Mission?
 - c. Guiding principles?
 - d. Priorities?
 - e. Strategies?
2. How do the vision, mission, guiding principles, priorities, and strategies address the student and stakeholder needs?
3. How are the vision, mission, guiding principles, priorities, and strategies established?
4. How is progress on the vision, mission, guiding principles, priorities, and strategies measured?
5. How are the vision, mission, guiding principles, priorities, and strategies communicated?
6. What is the school’s process for strategic planning?
7. How is strategic planning used to guide the organization, administration, and supervision of the school?
8. How does the school develop, implement, review, assess, revise, and improve its strategic planning process?
9. How does the school measure performance on vision, mission, guiding principles, priorities, and strategies? How does the school ensure the strategic plan addresses any gaps between the vision, mission, guiding principles, priorities, and strategies and the school’s performance?
10. Does the strategic plan identify short and long-range goals and strategies necessary to achieve them?
11. How do the school and the key stakeholders use the plan to measure progress on strategic goals and objectives?
12. What are the roles of the governing authority, the chief administrative officer, and other key stakeholders in the strategic planning process?

What evidence supports the standard?

Documents must be uploaded under Question Two. Documentation for this section may include:

- The school's mission, vision, and strategies
- How the school's governing board will be established and operated, and
- The policies and procedures regarding student health and safety that comply with applicable local, state, and federal laws.

BLENDED LEARNING

1. What needs to be considered when thinking about personalization for each student?
2. What devices (computer, tablets, laptops) will be made available for student use? Will each student have access to an individual device that can be used in and out of school, or will they be shared devices in a designated space?
3. When considering an online curriculum, what should be considered?
 - a. Does it meet state and local learning standards?
 - b. Is the curriculum adaptable to meet the needs of all students?
 - c. Is it accessible from the computers or tablets provided for student use?
4. How will educators be trained to teach the curriculum and demonstrate the use of the technology made available to the students?
5. How many educators will need to be available to instruct and work students through the curriculum?
6. What filters and security features can be used to avoid access to inappropriate websites and content for students?

What evidence supports the standard?

Documents must be uploaded under Question Three. Documentation for this section must clearly demonstrate how the school will meet all blended learning requirements contained in OAC 3301-35-03.

****Please note: Chartered nonpublic schools may not operate fully online programs either schoolwide or for selected students. Chartered nonpublic schools can utilize a blended learning model that meets all requirements in law and administrative rules. State law requires that schools provide notice to the Ohio Department of Education of the use of a blended learning model no later than July 1 the first year of operation. Schools planning to use blended learning are urged to contact the Department to review their plan to use a blended learning model prior to implementation.**

STUDENT AND OTHER STAKEHOLDER FOCUS

1. What documents describe the school curriculum?
2. Verify that all subjects are included in the curriculum?
3. Verify that the curriculum provides a balanced presentation on the contributions of various racial and ethnic groups as described in Ohio Revised Code 3313.60 (A)(2).
4. Verify that the curriculum includes study of all subjects described in 3313.60 of the revised code.
5. How does the school ensure the curriculum is implemented?
6. What is the school's process for ensuring systematic curricular and instructional planning?

7. What is the school's process for ensuring systematic evaluation of the curriculum and instructional program?
8. How was the school's curriculum developed?
9. What process was used for obtaining input from parents and stakeholders regarding curriculum?
10. Describe the school's assessment system.
11. How does the school ensure that the assessment system aligns with courses of study?
12. What assessments of student performance are carried out on a regular basis?
13. How does the school determine the number and appropriateness of the assessments it uses to measure student progress?
14. How does the school determine its timetable for assessments that are carried out?
15. What are the school's guidelines for using assessment results for each of the following:
 - a. Instruction
 - b. Evaluation
 - c. Intervention
 - d. Guidance, and
 - e. Grade promotion decision?
16. How are these guidelines made known to staff, students, and parents?
17. How do school leaders know how well the guidelines are working?
18. What are the school's written policies and procedures regarding the participation of students with disabilities?
19. What Assessment does the school use to qualify students for graduation, promotion and special programs or services?
20. How does the school determine validity and reliability of each of these assessments?

What evidence supports the standard?

1. Document that the school offers students the opportunity to obtain all credits needed to graduate.
2. How is this documented?

What evidence supports the standard? Documentation may include:

- Communications to parents and other stakeholders
- Attendance and conduct policies and procedures
- Student handbooks

FACULTY AND STAFF FOCUS

1. Demonstrate how the school will ensure that staff will be properly credentialed?
2. How will staff be recruited?
3. How will professional development be determined, planned, and provided?
4. How staff will be evaluated? How frequently?
5. How are the evaluation results discussed with the classified staff in evaluation conferences?
6. How is the effectiveness of the school's evaluation system determined?
7. How will the school climate be monitored and addressed to encourage staff growth and retention?
8. Document that the school conducts criminal record checks on applicants as part of the employment process.

9. What changes or improvements have been made in professional development to align it with school's goals and objectives?
10. Have all staff members had required background checks?

What evidence supports the standard? Documentation may include:

- School policies and procedures
- Evaluation instruments
- Climate surveys
- Strategic plans
- Staff handbook

EDUCATIONAL PROGRAM AND SUPPORT

1. What programs and experiences are available?
2. How does the instructional model and options ensure the school is providing a high quality education?
3. How does the school address and support students differing educational needs?
4. What educational options are available to students?
5. How is credit awarded? (Carnegie units, competency-based, mastery-based)
6. What community, business and civic partnerships does the school utilize? How do these partnerships inform educational programming?
7. How are instructional materials selected?
8. What is the basis for providing reading instruction?

What evidence supports the standard? Documentation may include:

- Description of education programs
- Description of intervention programs and services
- Description of how educational delivery is personalized based on student needs
- Description of evidenced-based strategies
- Policies for awarding credit
- Policies and procedures for selecting instructional materials

ASSESSMENTS

State law requires assessment of all Cleveland and EdChoice Scholarship students are assessed annually as a condition of continuing to receive a scholarship. State law also requires assessments related to graduation requirements.

Please indicate which assessment(s) your school will utilize.

Please note that chartered nonpublic schools may choose to utilize state assessments.

DATA-DRIVEN IMPROVEMENT

1. What are the school's key areas of school operation?
2. How were these identified?
3. What areas of needed improvement are identified in the school's strategic plan?

4. What information does the school collect on key areas of school operation, educational performance, and opportunities for improvement?
5. How is that information analyzed?
 1. How does the school evaluate its system of information collection?
 2. How does the school determine appropriateness of the information it collects?
 3. How does the school ensure that the way in which it collects information complies with applicable state and federal laws protecting student privacy?
4. What information collected by the school is shared with each of the following:
 - a. Parents
 - b. Students
 - c. Stakeholders
5. If the school uses the analysis of performance data to communicate student performance results to staff, parents, and stakeholders, what has been communicated to each of these groups? For what purpose(s)?
6. What areas of school performance have been improved by using information that the school collects?
7. How does the school determine the extent to which the information it collects is helping improve the school's performance?

What evidence supports this standard? Documentation may include:

- Performance benchmarks and progress reports
- Annual reports
- Strategic plans and implementation plans
- Example of student progress supports (no personally identifiable information)
- School policies and procedures

EXCEPTIONS FOR CHARTERED NONPUBLIC SCHOOLS

Please read OAC 3301-35-09. Should you have any questions, please include those in the comment box.

CHANGES OF OWNERSHIP

Chartered nonpublic schools must report a change in location, ownership, or name; a merger; or the addition of an annex location of any school to the department no later than five business days after the change or addition has occurred. These types of changes or additions render the existing charter null and void. Upon notice of the change or addition and if the school complies with all requirements, the department shall issue a new charter to the school that incorporates the change or addition.

Please read OAC 3301-39-03. Should you have any questions, please include those comment box.

CURRICULUM SCOPE AND SEQUENCE

Please indicate which content areas are covered in your school's curriculum scope and sequence. Schools must provide curriculum information for all grade levels for each content area.

Appendix A

Ohio Administrative Code 3301-39: Approval of [Chartering] Nonpublic Schools

Rule 3301-39-01 | Definitions.

- (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) "Department" - the Ohio department of education.
- (C) "Nonpublic school" - any school, other than a public school, providing instruction for pupils of compulsory school age.
- (D) "Accrediting association" an organization whose standards have been reviewed by the state superintendents nonpublic advisory committee and approved by the Ohio department of education.

Rule 3301-39-03 | Procedures.

- (A) Nonpublic schools seeking a charter or reissue of a charter, shall submit an application 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 first.
 - (2) Applications for schools seeking an initial charter shall be submitted between November first and December thirty-first prior to the school year in which the school plans to operate under a charter. Schools may delay finalizing their charter for up to one year.
 - (3) 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.
- (B) Nonpublic schools seeking an initial charter shall complete and submit the form entitled "Report of Nonpublic School" not less than fourteen days prior to the first day of school for students.
- (C) 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 thirtieth for nonpublic schools whose applications and supporting documentation is completed and submitted by July first. Nonpublic schools completing all application requirements after July first will receive an initial site visit within ninety days of completion of the application.
- (D) The state board of education shall approve and issue an initial charter to a nonpublic school 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. 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.
- (E) 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.

(F) Nonpublic schools that submitted an application for an initial charter prior to the effective date of this rule must complete submission of all required documents no later than December 31, 2023. The department will work to complete any remaining site visits for these schools by March 31, 2024.

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, including 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 rule 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 rule 3301-35-09 of the Administrative Code, the nonpublic school is required to notify the department within thirty days and provide evidence that they are continuing to meet the requirements of rule 3301-35-09 of the Administrative Code.

(C) Should any dispute or complaint arise regarding a schools compliance with rule 3301-35-09 of the Administrative Code 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 schools governing authority;
- (b) Consider any evidence from the accrediting organization 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 rule 3301-35-04 of the Administrative Code.

(D) If a chartered nonpublic school ceases K-12 operations, it shall notify the department within thirty days and may request a one year suspension of its charter with the intention of re-opening within twelve months. If the school does not resume K-12 operations within one 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.

Appendix B

Ohio Administrative Code 3301-35: Ohio's Operating Standards for Schools and Districts

Rule 3301-35-01 | Purpose and definitions.

(A) The purpose for adopting the rules in this chapter, which comprise the operating standards for Ohio school districts and elementary and secondary schools, is to assure that all students are provided a general education of high quality. The rules in this chapter establish specific expectations for school districts and schools, as those terms are defined in paragraph (B) of this rule, to use in creating the best learning conditions for meeting the personalized and individualized needs of each student and achieving state and local educational goals and objectives. The operating standards focus on the most critical expectations for school districts and schools in order to foster a regulatory system that focuses on improving outputs and student outcomes.

(B) The following terms are defined as they are used in this chapter:

- (1) "Assessment" means the measuring of student achievement of performance goals and objectives.
- (2) "Blended learning" has the same meaning as in section [3301.079](#) of the Revised Code. For purposes of that definition, "primarily" means over the course of the school year, a student works more than fifty per cent of the time from a supervised physical location away from home.
- (3) "Board of education" means a board of education as described in Chapter 3313. of the Revised Code.
- (4) "Classified staff" means nonteaching school personnel who are assigned to positions that do not require a certificate, license, permit or other credentialing document issued by the state board of education and that are listed in accordance with section [3317.12](#) of the Revised Code.
- (5) "Competency-based learning model" means any system of academic instruction, assessment, grading, and reporting where students receive credit based on demonstrations and assessments of their learning rather than the amount of time they spend studying a subject. A competency-based learning model encourages accelerated learning among students who master academic materials quickly while providing additional instructional support time for students who need it.
- (6) "Computer as instructor" means instruction provided by a computer with no instruction or assessment of mastery of content of any kind provided by a teacher, either in-person or from a remote location. A teacher monitoring a student in a computer as instructor course is not involved in developing, adapting or modifying lessons and/or clarifying subject content. A teacher monitoring a student(s) receiving instruction via this delivery method may assign the grade for the course provided the assignments and/or evaluations are scored by the computer program.
- (7) "Credentialed staff" means faculty or staff who hold a certificate, license, permit or other document issued by the state board of education under section [3301.071](#) or Chapter 3319. of the Revised Code. Credentialed staff includes, but is not limited to, teachers, principals, superintendents, treasurers, school business managers, related service personnel, administrative specialists, educational aides, and pupil activity providers.
- (8) "Credit flexibility" means the method by which students may meet curriculum requirements or earn units of high school credit by demonstrating subject area competency through the completion of traditional coursework, testing out or otherwise demonstrating mastery of course content through the pursuit of an approved educational option pursuant to the plan for credit

flexibility adopted by the state board of education in accordance with section [3313.603](#) of the Revised Code, and is available on the department of education's website.

(9) "Digital learning" has the same meaning as in section [3301.079](#) of the Revised Code.

(10) "Digital learning tools" means computers, tablets, software, applications, or other technology necessary to access a school's program of digital learning.

(11) "Educational options" means learning experiences or activities that are designed to extend, enhance, supplement, or serve as an alternative to classroom instruction and meet the personalized and individualized needs of each student. Educational options are offered in accordance with the models adopted by the state board of education, local board of education policy, and parental approval.

(12) "Educational service personnel" means individuals who hold appropriate qualifications and who possess the knowledge, skills and expertise to support the educational, instructional, health, mental health and college and career readiness needs for all students.

(a) Educational service personnel that support educational, instructional and college and career readiness programs include, but are not limited to: fine arts, music, and physical education teachers; librarian or media specialists; school counselors; and reading intervention specialists;

(b) Educational service personnel that support the learning needs of the special needs student population include, but are not limited to: gifted intervention specialists, adapted physical education teachers, audiologists, interpreters, speech-language pathologists, physical and occupational therapists, and English-as-a-second-language specialist;

(c) Educational service personnel that support the health and mental health of the student population include, but are not limited to: school nurses, social workers, school psychologists, and school resource officers.

(13) "Evidence-based" has the same meaning as in division (21) of section 8101 of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act, at 20 U.S.C. 7801.

(14) "Harmful to juveniles" has the same meaning as in section [2907.01](#) of the Revised Code.

(15) "Intervention" means alternative or supplemental instruction designed to help students meet performance objectives.

(16) "Obscene" has the same meaning as in division (F) of section [2907.01](#) of the Revised Code as that division has been construed by the supreme court of this state.

(17) "OEDS" means the Ohio educational directory system or a successor system.

(18) "Online learning" has the same meaning as in section [3301.079](#) of the Revised Code. For purposes of that definition, "primarily" means over the course of the school year, a student works more than fifty per cent of the time from their residence on assignments delivered via the internet or other computer-based instructional method.

(19) "Parent" means:

(a) A natural or adoptive parent of a child;

(b) A guardian; or

(c) An individual acting in the place of a natural or adoptive parent, including a grandparent, stepparent, or other relative, with whom the child lives, or an individual who is legally responsible for the child's welfare.

(20) "Policies" means general principles governing the operation of a school and are established and adopted by the district board of education.

(21) "Procedures" means detailed rules, regulations and courses of action, specified in writing, for carrying out school district and school policies.

(22) "School," with the exception of the term "school" as used in rule [3301-35-08](#) of the Administrative Code, means an environment organized for learning and chartered pursuant to this chapter and section [3301.16](#) of the Revised Code to provide a community of students with the opportunity to acquire skills and knowledge necessary to meet state and local performance objectives.

(23) "School district" means a local, exempted village, city or joint vocational school district as defined in Chapter 3311. of the Revised Code.

(24) "School year" has the same meaning as in section [3313.62](#) of the Revised Code.

(25) "Site evaluation" means an evaluation the department of education conducts of a school district or school to determine whether a school district or school meets the operating standards in this chapter.

(26) "Site visit" means an evaluation the department of education conducts of a chartered nonpublic school in accordance with Chapter 3301-39 of the Administrative Code.

(27) "Stakeholder" means those who directly affect or are affected by the educational success of a school district and school. Stakeholders may include, but are not limited to, colleges and universities, school district and school staff, employers, parents, students, and other individuals or groups in the community. For nonpublic schools, the governing authority of the school identifies "stakeholders."

(28) "State performance data" means the data reported to the department of education in accordance with section [3302.03](#) of the Revised Code that reflects the performance of the school district or school.

(29) "Teacher of record" means an educator who is responsible for a significant portion of a students instruction within a subject or a course.

Rule 3301-35-02 | Governance, leadership, and strategic planning.

(A) The board of education of a school district or the governing authority of a chartered nonpublic school, or the boards or authority's designee, shall, in consultation with stakeholders, develop and communicate the school district's or governing authority's vision, mission, guiding principles, priorities, and strategies for addressing stakeholder needs, especially those of students. To assure that the school district or school operates as a successful teaching and learning organization, the board, superintendent, treasurer, faculty, and staff should serve as positive role models, reinforce best practices and provide strong leadership. The board of education or the governing authority of a chartered nonpublic school shall be responsible for developing policies governing the school district or school operations and educational programs, which are consistent with applicable local, state, and federal law and regulations.

(B) For the proper governance, leadership, organization, administration, and supervision of a school district or school, a board of education of a school district or the governing authority of a chartered nonpublic school, or the boards or authority's designee, may, in consultation with stakeholders and after engaging in strategic planning, implement a strategic plan that guides the school district or school and key stakeholders in the ongoing measurement of school district or school performance to ensure continuous improvement is being made.

Rule 3301-35-03 | Blended learning.

(A) Each board of education or chartered nonpublic school that operates a school or a classroom as a blended learning environment shall adopt policies and procedures that address the following:

- (1) Means of personalization of student centered learning models to meet the needs of each student.
 - (2) The evaluation and review of the quality of online curriculum delivered to students.
 - (3) Assessment of each participating students progress through the curriculum. Students shall be permitted to advance through each level of the curriculum based on demonstrated competency/mastery of the material.
 - (4) The assignment of a sufficient number of teachers to ensure a student has an appropriate level of interaction to meet the students personal learning goals. Each participating student shall be assigned to at least one teacher of record. A school or classroom that implements blended learning cannot be required to have more than one teacher for every one hundred twenty-five students.
 - (5) The method by which each participating student will have access to the digital learning tools necessary to access the online or digital content.
 - (6) The means by which each school shall use a filtering device or install filtering software that protects against internet access to materials that are obscene or harmful to juveniles on each computer provided to or made available to students for instructional use. The school shall provide such device or software at no cost to any student who uses a device obtained from a source other than the school.
 - (7) The means by which the school will ensure that teachers have appropriate training in the pedagogy of the effective delivery of online or digital instruction.
- (B) Section [3302.41](#) of the Revised Code requires an annual instructional calendar of not less than nine hundred ten hours.
- (C) Students engaged in blended learning shall have the ability to earn credits by demonstrating mastery of knowledge or skills through competency-based learning models. Students shall advance from grade to grade based upon credits earned. Credit shall not be based on a minimum number of days or hours in a classroom or on a digital learning device.
- (D) With respect to the operation of a school or classroom with a blended learning environment, the operating standards in this chapter apply only to the extent that those obligations do not conflict with the provisions in this rule.

Rule 3301-35-04 | Student and other stakeholder focus.

- (A) To ensure that student and other stakeholder needs are understood and addressed, the school district or school shall:
- (1) Establish and communicate clear, high expectations for academic performance, attendance and conduct for all students regardless of gender, race, ethnicity, English proficiency or disability;
 - (2) Diagnose and assess the needs of students and other stakeholders and use assessment results and the value-added progress dimension to make informed decisions about curriculum, instruction, assessment, and goals;
 - (3) Monitor and analyze its performance index score, educational offerings, facilities, services and instructional materials to determine their effectiveness in helping students meet performance objectives;
 - (4) Continually improve programs and policies to better meet student needs by:
 - (a) Considering input from stakeholders;
 - (b) Monitoring and considering the changing needs and expectations of stakeholders;
 - (c) Regularly conducting stakeholder satisfaction evaluations using objective, reliable methods; and

- (d) Comparing the results of stakeholder evaluations to those of benchmark school districts or schools.
- (5) Communicate information about student attendance, conduct, academic performance and progress to parents on a regular basis.
- (B) The school district or school shall implement a curriculum and instructional program that is characterized by systematic planning, articulation, and evaluation. The school district's curriculum shall be developed with input from and dialogue with parents, community members, and other stakeholders.
- (1) In addition to those subjects required by the Revised Code, school districts also shall provide for study of the following:
- (a) Personal safety and assault prevention in grades kindergarten through six;
 - (b) Foreign language;
 - (c) Technology;
 - (d) Family and consumer sciences; and
 - (e) Business education.
- (2) Courses of study shall define the key components of a school district's curriculum and instruction.
- (a) A course of study shall be adopted for each subject taught. Each course of study shall
- (i) Comply with the provisions of section [3313.60](#) of the Revised Code;
 - (ii) Align with the school district vision, mission, philosophy, educational goals, and strategic plan;
 - (iii) Specify learning and performance expectations;
 - (iv) Establish a scope and sequence of knowledge and skills to be learned;
 - (v) Provide a way to assess student progress and the need for intervention;
 - (vi) Address the various developmental needs of early childhood, middle childhood, and adolescent through young adult students;
 - (vii) Use technological tools and emphasize inter-disciplinary, real-world, project-based, and technology-oriented learning experiences;
 - (viii) Be guided by Ohio's state-adopted academic content standards;
 - (ix) For career and technical courses, be guided by state board approved career and technical core standards and performance measures.
- (b) Courses of study shall be reviewed and updated as needed.
- (c) School districts shall provide for an assessment system that aligns with their courses of study and includes:
- (i) Regular assessment of student performance;
 - (ii) A policy governing the provision of academic prevention/intervention services for all grades and all schools through the school district;
 - (iii) Guidelines for using assessment results and the value-added progress dimension for instruction, evaluation, intervention, guidance, and grade-promotion decisions;
 - (iv) Written policies and procedures regarding the participation of students with disabilities;
 - (v) Ongoing professional staff development that teaches accepted standards of practice in the selection, administration, interpretation, and use of assessments;
 - (vi) Multiple and appropriate assessments that shall be used to measure student progress;
 - (vii) Assessment practices that, when used to qualify students for graduation, promotion or special programs or services, conform to current professional standards for validity and reliability; and

- (viii) Sharing information with parents, students, and the community regarding assessment purposes and results.
- (C) The school district or school shall provide every student with opportunities to acquire the knowledge and skills required to meet local course of study objectives.
- (D) School districts and chartered nonpublic schools shall provide students with the opportunity to acquire knowledge and skills and earn credits toward graduation through a variety of methods that shall include, but not be limited to, the following:
 - (1) Advanced standing programs;
 - (2) Credit flexibility;
 - (3) Requirements for awarding credit, including credit for study abroad, to students who successfully complete courses in grades nine through twelve or have demonstrated competency through the successful completion of approved credit flexibility options; and
 - (a) Shall specify that a fractional unit of credit be awarded on a proportionate basis for a course that meets less than the minimum one hundred twenty hours required for one credit unit;
 - (b) May permit more than one unit of credit to be awarded on proportionate basis for a course that meets more than one hundred twenty hours;
 - (c) May permit students below the ninth grade to take advanced work for credit; and
 - (d) Shall specify that units earned in English language arts, mathematics, science, and social studies that are delivered through integrated academic and technical instruction are eligible to meet the graduation requirements.
- (E) Student achievement shall be monitored according to established procedures.
 - (1) Student progress reports shall be provided to parents on a regular basis. Parents shall be notified of problems with student achievement, conduct or attendance in a timely manner. Parent-teacher conferences may be one method of providing this information to parents.
 - (2) Student cumulative records shall be maintained, and student records shall be safeguarded according to the Family Educational Rights and Privacy Act (January 2013), 20 USC section 1232g.
 - (3) Criteria for decisions on student promotion and retention shall be established.
 - (4) Student admission, placement, and withdrawal shall be processed according to established procedures, includes policies for:
 - (a) The admission of students to kindergarten and grade one shall be established; and
 - (b) Accepting grade placement and units of credit for students transferring from any school in the state of Ohio and from any out-of-state school approved by a state department of education or the equivalent for schools attended in another country.
 - (5) Diplomas shall be issued to students who complete graduation requirements.

Rule 3301-35-06 | Educational programs and support.

(A) Educational programs and experiences shall be designed and implemented to provide a general education of high quality for all students. Students shall be provided sufficient time and opportunity to achieve local school district performance requirements and objectives measured by required local and state achievement assessments. Instruction shall be focused on the personalized and individualized needs of each student and include intervention that is designed to meet student needs. Instruction shall:

- (1) Be consistent with evidence-based practices;
- (2) Be appropriate to student ages, developmental needs, learning styles, abilities, and English proficiency;

- (3) Be designed to ease the transition of students from one educational environment to another; and
 - (4) Include phonics as a technique to teach reading in kindergarten through third grade in accordance with section [3301.07](#) of the Revised Code.
- (B) Stakeholder partnerships
- (1) The school district or chartered nonpublic school through its board of education or governing authority, superintendent, and staff shall work with key stakeholders, including, but not limited to, the following:
 - (a) Parents, in part through the adoption of a policy on parental involvement in the schools;
 - (b) Business advisory councils;
 - (c) Family and civic engagement teams;
 - (d) School-parent or school-business partnerships; and
 - (e) Other schools, social services, and organizations that impact educational programs for students.
 - (2) In addition to its regular budget process, the school district shall work with key stakeholders to review the school districts allocation of educational resources. This evaluation shall be conducted at least once every three years to ensure that the school districts resources are allocated in an effective and equitable manner. Allocation and expenditure of school district resources must be aligned with the school districts strategic plan and reflect best practices in financial management.
- (C) Educational options
- (1) All educational options shall require:
 - (a) An instructional and performance plan that is based on individual student needs and shall include:
 - (i) Instructional and performance objectives that align with the school districts or school's curriculum requirements;
 - (ii) An outline that specifies instructional activities, materials, and learning environments; and
 - (iii) A description of the criteria and methods for assessing student performance.
 - (b) Parental permission for students under age eighteen;
 - (c) Superintendent approval prior to student participation; and
 - (d) Involvement of a credentialed teacher in reviewing the instructional plan, which may include providing, supervising, or reviewing instruction or learning experiences, and the evaluation of student performance.
 - (2) Credit for approved educational options shall be assigned according to student performance relative to stated objectives of the approved instructional and performance plan and in accordance with local board policy and established procedures.
 - (3) Each school district shall communicate information and procedures related to credit flexibility and educational options available in the school district to students, parents and all interested stakeholders.

Rule 3301-35-07 | Data-driven improvement.

- (A) To provide a foundation for measuring and improving operational and educational performance, each school district or school shall:
 - (1) Collect and analyze information about key areas of school operations and educational performance and areas of needed improvement identified in its strategic plan, and if applicable,

- in its continuous improvement plan described in section [3302.04](#) of the Revised Code or applicable federal law;
- (2) Ensure that information collected is accessible, valid and reliable; and
 - (3) Monitor, evaluate, improve, and update the information to meet changing educational needs.
- (B) For key operational and educational areas, school districts and schools should determine their baseline performance levels, evaluate and compare their performance levels with similar school districts and schools, and generally accepted best practices. The school district or school shall use where applicable, the comparative information, state performance data, relevant local measures, and other data to promote innovation, improve instruction and learning, improve school district and school performance, and set higher goals for future achievement. The analysis of performance data, including disaggregated data, may be used to:
- (1) Determine progress, identify areas for improvement, and develop corrective action plans;
 - (2) Measure year-to-year improvement of various student populations, including the subgroups listed in division (D)(3) of section [3301.07](#) of the Revised Code; and
 - (3) Communicate student performance results to staff, parents, and other stakeholders.
- (C) The state's education management information system (EMIS) provides an integrated system of statewide collecting, reporting and compiling of school district and school information in a manner that complies with state and federal laws protecting student privacy.
- (1) The performance measures a school district uses shall reflect the major categories of data collected under EMIS relating to students, staff, and financial status.
 - (2) The school district shall work with the department of education to submit timely and accurate data under EMIS, and the school district shall minimize the time it takes to verify the accuracy of its data.
- (D) To ensure continuous improvement of its information system, the school district or school shall regularly evaluate the system to ensure that the information it collects is:
- (1) Appropriate and collected in a manner that complies with state and federal laws protecting student privacy;
 - (2) Shared with parents, staff, students, and other stakeholders in accordance with state and federal laws protecting student privacy; and
 - (3) Used to improve the school district's or school's performance.
- (E) The school district or school shall evaluate organizational effectiveness by analyzing key measures of its systems, operations and support services and use the data to drive improvement.
- (F) The department of education may conduct site evaluations of school districts and schools, or, for chartered nonpublic schools, site visits of schools.
- (1) When the department of education conducts a site evaluation of a school district or school or the site visit of a chartered nonpublic school, the superintendent shall be informed in advance of the site evaluation or site visit dates and procedures.
 - (2) A written report of the results of the school district site evaluation or site visit shall be sent to the superintendent and the president of the board of education or, for a chartered nonpublic school, the principal or building administrator of the chartered nonpublic school. The school district shall schedule a public meeting to be held within ninety days of the reports receipt to discuss the reports recommendations with the public. The superintendent shall notify parents and other stakeholders of the meetings place, date and time.
 - (3) The school district or school shall prepare a written plan for responding to the reports recommendations and submit it to the department of education.
 - (4) The department of education may conduct additional on-site verification to review progress.
- (G) All school districts and schools shall conduct a comprehensive review of their educational programs and organizational effectiveness to determine whether they are aligned with Ohio law, all

applicable federal laws, and the school districts locally defined vision, mission statement, goals, objectives and strategic plan.

- (1) Educational program reviews shall be conducted periodically and scheduled to generate timely data. The department of education may help school districts or schools conduct the review.
 - (2) School districts or schools that have developed and implemented a continuous improvement plan shall use that plan as a framework for conducting the review. School districts or schools shall also be guided by:
 - (a) Where applicable, the most recent school district local report card;
 - (b) The five-year projection of revenue and expenditures; and
 - (c) Other pertinent information as determined by the district.
 - (3) School districts and schools shall incorporate the results of the educational program review within their educational goals, and where applicable, modify their strategic plans or continuous improvement plans accordingly.
- (H) In accordance with section [3301.16](#) of the Revised Code, the department of education may investigate allegations of noncompliance with the rules in this chapter, as it deems necessary.
- (I) In accordance with section [3301.07](#) of the Revised Code, waivers to the provisions of the rules of this chapter, excluding rule [3301-35-08](#) of the Administrative Code, may be granted by the superintendent of public instruction in accordance with standards determined by the state board of education upon evidence of good and sufficient reason and recommendation by the superintendent of public instruction.

Rule 3301-35-09 | Chartered nonpublic schools.

- (A) A new chartered nonpublic school may be established and operated for a specified period in accordance with sections [3301.16](#) and [3313.48](#) of the Revised Code, Chapter 3301-39 of the Administrative Code, and the following procedures, provided the school has at least three grade levels or fifteen students:
- (1) The principal or superintendent of the school contacts the Ohio department of education about beginning a school and participates in the "beginning a chartered nonpublic school" training conducted by the department;
 - (2) The department provides these operating standards and procedures for beginning a school;
 - (3) The principal or superintendent submits to the department a plan for meeting the operating standards that includes:
 - (a) Objectives related to the operating standards; and
 - (b) A timeline for meeting the operating standards and the procedures in rule [3301-39-03](#) of the Administrative Code; and
 - (4) The state superintendent of public instruction may recommend that the state board of education grant a charter when a site visit indicates that a school is meeting operating standards and the procedures in rule [3301-39-03](#) of the Administrative Code.
- (B) A school shall report a change in location, ownership, or name; a merger; or the addition of an annex location of any school to the department no later than five business days after the change or addition has occurred. These types of changes or additions render the existing charter null and void. Upon notice of the change or addition and if the school complies with all requirements, the department shall issue a new charter to the school that incorporates the change or addition.
- (C) A change in grade levels shall be reported to the department at least thirty days prior to the start of the school year in which the school intends to implement the change in grade levels, and, if a school intends to serve additional grades, the information described in paragraph (A)(3) of this rule.

(D) Notwithstanding paragraphs (B) and (C) of this rule, the closing of a location shall be reported to the department at least thirty days prior to the closing of the school.

(E) The department may require a school to submit a corrective action plan if the school fails to notify the department of changes in accordance with this rule or if the school fails to comply with the requirements in this rule. If the school fails to submit a corrective action plan that fully addresses the issues identified by the department or fails to comply with the requirements in this rule, the department may act to revoke the schools charter in accordance with rule [3301-39-04](#) of the Administrative Code.

(F) A nonpublic school chartered by the state board of education shall assure that its students are provided a general education of high quality by either:

(1) Being 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; or

(2) Showing compliance with rules [3301-35-01](#) to [3301-35-07](#) of the Administrative Code except that:

(a) Notwithstanding paragraph (A) of rule [3301-35-05](#) of the Administrative Code, chartered nonpublic schools may consider religious affiliation in hiring and employment decisions to the extent permitted by law;

(b) Paragraphs (A)(2) and (A)(3) of rule [3301-35-05](#) of the Administrative Code regarding student-teacher ratios and educational service personnel does not apply;

(c) Paragraph (D)(2) of rule [3301-35-04](#) of the Administrative Code regarding a requirement to offer credit flexibility does not apply;

(d) Paragraph (B) of rule [3301-35-06](#) of the Administrative Code regarding stakeholder partnerships does not apply, except for the requirement that chartered nonpublic schools work with their key stakeholders;

(e) Paragraph (C)(3) of rule [3301-35-06](#) of the Administrative Code regarding a requirement to communicate information and procedures related to credit flexibility and educational options does not apply; and

(f) Notwithstanding paragraph (F)(2) of rule [3301-35-07](#) of the Administrative Code regarding site visit, chartered nonpublic schools are not required to hold a public meeting to discuss a report of the results of the site visit or to notify their parents and stakeholders of such a meeting. Chartered nonpublic schools shall notify their parents and stakeholders of the report issued by the department of education and make the report available to them.

(G) A chartered nonpublic school that does not meet the requirements set forth in paragraph (F) of this rule is subject to the provisions of paragraphs (H) and (I) of rule [3301-35-07](#) of the Administrative Code.

(H) The superintendent of public instruction shall establish an advisory committee on chartered nonpublic schools to make recommendations to the state board of education concerning development and administration of regulations for chartered nonpublic schools. Committee membership shall represent chartered nonpublic school constituency groups including the "Association of Christian Schools International"; the "Catholic Conference of Ohio"; the "Government Affairs Committee of Ohio Jewish Communities, Inc."; the "Lutheran Schools of Ohio"; the "Ohio Association of Independent Schools"; the "Seventh Day Adventist Schools, Ohio Conference"; and any other chartered nonpublic constituency approved by the existing advisory committee. Each group will have representation on the committee, and these groups will constitute no less than two-thirds of the committee's membership.

Approval of [Chartering] Nonpublic Schools

Rule 3301-39-01 | Definitions.

- (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) "Department" - the Ohio department of education.
- (C) "Nonpublic school" - any school, other than a public school, providing instruction for pupils of compulsory school age.
- (D) "Accrediting association" an organization whose standards have been reviewed by the state superintendents nonpublic advisory committee and approved by the Ohio department of education.

Rule 3301-39-03 | Procedures.

- (A) Nonpublic schools seeking a charter or reissue of a charter, shall submit an application 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 first.
 - (2) Applications for schools seeking an initial charter shall be submitted between November first and December thirty-first prior to the school year in which the school plans to operate under a charter. Schools may delay finalizing their charter for up to one year.
 - (3) 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.
- (B) Nonpublic schools seeking an initial charter shall complete and submit the form entitled "Report of Nonpublic School" not less than fourteen days prior to the first day of school for students.
- (C) 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 thirtieth for nonpublic schools whose applications and supporting documentation is completed and submitted by July first. Nonpublic schools completing all application requirements after July first will receive an initial site visit within ninety days of completion of the application.
- (D) The state board of education shall approve and issue an initial charter to a nonpublic school 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. 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.
- (E) 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.
- (F) Nonpublic schools that submitted an application for an initial charter prior to the effective date of this rule must complete submission of all required documents no later than December 31, 2023. The department will work to complete any remaining site visits for these schools by March 31, 2024.

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, including 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 rule 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 rule 3301-35-09 of the Administrative Code, the nonpublic school is required to notify the department within thirty days and provide evidence that they are continuing to meet the requirements of rule 3301-35-09 of the Administrative Code.

(C) Should any dispute or complaint arise regarding a school's compliance with rule 3301-35-09 of the Administrative Code 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 schools governing authority;

(b) Consider any evidence from the accrediting organization 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 of revocation under rule 3301-35-04 of the Administrative Code.

(D) If a chartered nonpublic school ceases K-12 operations, it shall notify the department within thirty days and may request a one year suspension of its charter with the intention of re-opening within twelve months. If the school does not resume K-12 operations within one 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 officer's report and recommendation, the state board may approve or deny the recommendation of the department and revoke the charter of the nonpublic school.