



# Members Brief

An informational brief prepared by the LSC staff for members and staff of the Ohio General Assembly

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## Chartered Nonpublic Schools\*

A chartered nonpublic school is a private school that holds a valid charter issued by the State Board of Education. These schools are generally required to follow the State Board's minimum operating standards and are eligible for administrative cost reimbursement, Auxiliary Services funding, and transportation services. A chartered nonpublic school also may enroll students who have been awarded state scholarships. Additionally, chartered nonpublic schools are required to comply with specific laws regarding a variety of topics, including student access to advanced standing programs, school safety plans, teacher qualifications, and, generally, high school assessments, curriculum, graduation, and diploma requirements.

The table below lists state statutory provisions related to chartered nonpublic schools.

Revised Code Reference	Description
109.64, 109.65, 2901.30, and 3313.96	Requirements for missing children reporting and student fingerprinting.
125.04	Participation in state contracts for the purchase of supplies and services.
149.433	Exemption from Public Records Law of security or infrastructure records of chartered nonpublic schools kept by a public office.
311.29	Authority for the county sheriff to contract with a chartered nonpublic school for police services.
955.43	Accommodations for an impaired person or an assistance dog trainer accompanied by an assistance dog.
1733.04	Credit unions operating student branches for in-school services and financial education.

\*Chartered nonpublic schools should not be confused with community schools (see the 2021 LSC Members Brief, "[Education Laws and Community Schools](#)" (PDF), available on LSC's website, [lsc.ohio.gov](http://lsc.ohio.gov)). Community schools are often called "charter schools" but are part of the public school system, operate under a contract (or "charter") with a public or private sponsor, and receive state operating funding.

Revised Code Reference	Description
2151.14 and 2151.141	Requirements relating to providing student records upon order of a juvenile court.
2151.421	Child abuse reporting requirements.
2313.19	Employment protection for employees on jury duty.
2915.092	Holding of raffles without a license to raise money for the school.
2923.1212	Requirement to post signs prohibiting deadly weapons and dangerous ordnance.
2950.13(A)(9)	Compliance with the Attorney General's rules regarding the proper use and administration of information received relevant to an offender or delinquent child who has committed a sexually oriented offense or a child-victim oriented offense.
3109.051(J)	Access of a child's nonresidential parent to any student activity, unless provided with a copy of an order that limits the terms and conditions of the nonresidential parent's access.
3301.07(D)	State Board minimum operating standards for all elementary and secondary schools in Ohio, which generally apply to chartered nonpublic schools. The State Board must consider the "particular needs, methods, and objectives" of nonpublic schools when formulating standards for them.
3301.071	Standards for teacher certification for nontax-supported schools. (However, nonpublic school teachers may hold licenses for teaching in public schools.)
3301.0715(F)	Administration of the kindergarten readiness assessment.
3301.14	Annual report to the State Board.
3301.16; see also Ohio Administrative Code (O.A.C.) 3301-35-09	<p>School chartering requirements (applies to school districts and chartered nonpublic schools).</p> <p>The administrative rule requires that a chartered nonpublic school either (1) be accredited by an approved accrediting organization, or (2) show compliance with the State Board's minimum operating standards, with specified exceptions.</p>
3301.162	Notification of specified entities if the school is to close and requirement to deposit its records with specified entities once the school closes.

Revised Code Reference	Description
3301.163(A)	Third grade reading guarantee retention provisions for students attending a chartered nonpublic school with an Educational Choice (EdChoice) Scholarship or Pilot Project School District (Cleveland) Scholarship.
3301.163(B) and (C)	Policies and procedures for the annual assessment of reading skills of students in any grades K-3 with an EdChoice or Cleveland Scholarship and reporting to the Department the number of students identified as reading at grade level or below.
3301.164	Requirement to publish on its website the number of students enrolled in the school by the last day of October of the current school year and the school's policy regarding background checks for teaching and nonteaching employees and for volunteers who have direct contact with students.
3301.52 to 3301.59	Requirements related to preschool programs.
3302.07	Authority to submit to the State Board an application proposing an innovative education pilot program in exchange for a waiver from certain requirements.
3302.10(M)	Qualification for an academic performance bonus if the school meets academic accountability standards and enrolls students residing in a school district subject to an academic distress commission.
3302.41	Use of a blended learning model.
3310.01 to 3310.17, 3310.41 to 3310.42, 3310.51 to 3310.64, and 3313.974 to 3313.979	State scholarship programs.
3313.41(C)	Purchase of real or personal property owned by a board of education if that board has offered the property at public auction at least once.
Chapter 3312	Participation in the Educational Regional Service System.
3313.48	Standards for minimum school year and minimum school day.
3313.48(F)	Consultation with each school district that transports students to the school prior to changing the hours or days the school is open.
3313.482	Authority to make up calamity days using online and paper "blizzard bag" take-home lessons.

Revised Code Reference	Description
3313.539	Regulations for prevention of concussion and head injuries in school athletics.
3313.5310	Information and training regarding sudden cardiac arrest in school athletics.
3313.5311	Student participation in extracurricular activity at district school if the chartered nonpublic school does not offer that activity.
3313.603	Curriculum requirements for graduation (the state minimum high school curriculum); requirement to comply with the state plans for awarding high school credit based on demonstration of subject area competency.
3313.604	Authority to offer courses in American Sign Language and requirement to grant credit for completed courses, if offered.
3313.6013	Requirement to annually provide students in grades 9-12 with the opportunity to participate in an advanced standing program, which may include participation in the College Credit Plus Program.
3313.6016	Authority to annually participate in the pilot program administered by the Department of Education that requires daily physical activity for students.
3313.6026; see also R.C. 3333.301	Requirement to enter into a data sharing agreement with the Chancellor of Higher Education to operate the Free Application for Federal Student Aid (FAFSA) data system.
3313.6027	Integration of the study of economics and financial literacy for students in the classes of 2014 to 2025.
3313.612, 3313.614, 3313.618, 3313.619, 3313.6111, 3313.6112, and 3313.6114	High school diploma standards, including diploma and transcript seals.
3313.616	Authority to grant a high school diploma to certain veterans.
3313.617	Requirement to adopt a policy regarding students who are at risk of not qualifying for a high school diploma.
3313.62	Authority to be open for instruction with pupils in attendance on any day of the week.
3313.643	Requirement that students and teachers wear industrial eye protection in certain industrial courses or activities.

Revised Code Reference	Description
3313.671	Student immunization requirements.
3313.672	Requirement to request records from a child's previous school.
3313.674	Authority to require students enrolled in grades kindergarten, three, five, and nine to undergo a screening for body mass index and weight status category, according to certain specifications.
3313.713, 3313.716, 3313.717, 3313.718, 3313.719, 3313.7111, 3313.7112, 3313.7114, and 3313.7116	Requirements regarding asthma inhalers, automated external defibrillators, epinephrine auto-injectors, and nasally administered glucagon; policies with respect to protecting students with peanut or other food allergies; and care for students with diabetes.
3313.80	Requirement to display the national flag.
3313.813, 3313.814, 3313.816, and 3313.817	Requirements for school breakfast programs, nutrition standards, and food and beverage options that may be offered on school grounds.
3313.815	Requirement to have an employee trained in the Heimlich maneuver present during periods of food service to students.
3313.86	Requirement of periodic review of policies and procedures to ensure the safety of students, employees, and other persons using a school building from any known hazards that pose an immediate risk to health or safety.
3317.024(E), 3317.06, 3317.062, and 3317.064	State auxiliary services funding.
3317.063	State reimbursements to chartered nonpublic schools for administrative and clerical costs of preparing, maintaining, and filing mandated reports.
3319.22(G)	Requirements for local teacher professional development committees.
3301.541, 3319.313, 3319.314, 3319.317, 3319.39, 3319.391, 3319.392, and 3319.40; see also 109.57 and 109.572	Requirements for criminal records checks of school employees and reporting employee misconduct.
3319.2210	Authority to request and recommend that a substitute pupil services license be issued to an individual with a license from an occupational licensing board.

Revised Code Reference	Description
3319.238 and 3319.239	Requirements for educator license validation to provide financial literacy instruction.
3319.321 (see also 20 United States Code 1232g)	Student records privacy law.
3319.41(B)	Authorization for reasonable corporal punishment in nonpublic schools. <sup>1</sup>
3321.12	Reporting of student attendance information to school district treasurer.
3326.03, 3326.032, 3326.04, and 3326.09	Authorization for a chartered nonpublic school to be a partner in a public STEM school or to be designated as a STEM school equivalent.
3327.016	Requirement to report school start and end times for development of transportation plan by school district responsible for transportation services.
3327.07	Authority of a chartered nonpublic school that transports a student enrolled in the school to and from school and school-sponsored activities to charge a transportation fee.
3327.10	School bus driver qualifications.
3327.13	Contracts with a school district for use of the district's buses.
Chapter 3365	Participation in the College Credit Plus Program.
Chapters 3707 and 3709	Health and sanitary inspections and abatement of nuisances by local boards of health.
3734.62	Prohibition on the purchase of mercury or mercury-added measuring devices for classroom use.
3737.73	Fire, tornado, and school safety drill requirements.
3781.106	Requirement to provide staff members in-service training on the use of devices preventing ingress and egress through school doors during emergencies.
3781.1010; see also Section 305 of O.A.C. 4101:1-3-01 and	Installation of storm shelters in school buildings. (A moratorium on the installation of school storm shelters expires on November 30, 2022.)

<sup>1</sup> R.C. 3319.41(A) prohibits corporal punishment in public schools. See also references in R.C. 3314.03(A)(11)(d) and 3326.11.

Revised Code Reference	Description
Section 432 of O.A.C. 4101:1-4-01	
4104.05	Requirement to employ a licensed boiler operator under certain circumstances.
4111.17	Ohio Equal Pay Law.
Chapter 4112	Ohio Civil Rights Act.
4113.52	Ohio Whistleblower Law.
Chapter 4123	Workers' Compensation Law.
Chapter 4141	Unemployment Compensation Law.
4511.76 to 4511.764 and 4511.77 to 4511.772; see also O.A.C. Chapter 3301-83	Requirements regarding vehicles used for school transportation.
Chapter 5104	Requirements regarding child day care facilities for before- and after-school programs.
5101.11 and 5160.12	Authority to seek federal financial assistance through Department of Job and Family Services or Department of Medicaid for certain programs.
5139.18	Requirements regarding release of records of students placed in the custody of the Department of Youth Services.
5502.262	Requirement to develop and adopt a comprehensive emergency management plan. (See also R.C. 149.433 above.)