



Members Brief

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

Author: Holly Gilman, Attorney
Reviewer: Hannah Wann, Division Chief

Volume 136
February 18, 2025

Chartered Nonpublic Schools*

A chartered nonpublic school is a private school that holds a valid charter issued by the Director of Education and Workforce. These schools are not supported by local or state tax dollars; thus, students are required to pay tuition. These schools generally are required to follow the minimum education standards for nonpublic schools and elect to seek a charter. They are eligible for administrative cost reimbursement, Auxiliary Services funding, and transportation services.¹ A chartered nonpublic school also may enroll students who have been awarded state scholarships.² Additionally, all chartered nonpublic schools are required to comply with specific laws regarding a variety of topics, including school safety plans, teacher qualifications, and, generally, high school assessments, curriculum, graduation, and diploma requirements.³

Chartered nonpublic schools that accept students who have been awarded state scholarships are required to comply with additional statutes, from which other schools that do not accept scholarship students may be exempt. (The scholarship programs are the Educational Choice (EdChoice), Autism, Jon Peterson Special Needs, and Pilot Project (Cleveland) scholarship programs.)

This brief lists education laws that apply to chartered nonpublic schools.

*Chartered nonpublic schools should not be confused with community schools (see the 2025 LSC *Members Brief*, [Education Laws and Community Schools \(PDF\)](#), available on LSC's website, 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.

¹ R.C. 3317.06, 3317.062, 3317.063, and 3327.01; Ohio Administrative Code (O.A.C.) 3301-35-09.

² R.C. 3310.01 to 3301.17, 3310.41, 3301.51 to 3301.64, and 3313.974 to 3313.979.

³ R.C. 3301.071, 3301.0711, 3313.603, 3313.612, 3313.617, 3313.618, 3313.619, and 5502.262.

Table 1. Provisions that apply to chartered nonpublic schools that accept scholarship students

Revised Code Reference	Description
3310.03(D), 3310.14, 3310.41, 3310.42, 3310.522, and 3313.976 (see also R.C. 3301.0711 (K) and 3313.612	Requirement to administer elementary and high school state assessments to each student enrolled in the school with a state scholarship. ⁴
3301.0711(K)	Requirement to administer the elementary state assessments to <i>all</i> students enrolled in the school (whether or not they attend with a state scholarship), if at least 65% of its total enrollment is made up of scholarship students.
3301.0711(K)(2)	Authority of a chartered nonpublic school for which at least 65% of total enrollment is made up of state scholarship students to submit a request for a waiver from administering the elementary assessments if the school meets specified conditions.
3301.163	Third Grade Reading Guarantee assessment, interventions, and retention provisions for scholarship students (applies only for students participating in the Ed Choice and Cleveland Scholarship programs).
3313.602(D)	Requirement to devote time to Veterans' Day observance (applies only to schools participating in the Cleveland Scholarship Program).
3313.603(C)(9)	Completion of one-half unit of financial literacy instruction required for chartered nonpublic high school students attending the school on a state scholarship, beginning with students in the class of 2026 (does not apply to any student who is not a state scholarship student).
3319.238 and 3319.239	Requirement that individuals have a license validation in financial literacy to provide high school instruction in that subject (does not apply to any chartered nonpublic schools that do not accept scholarship students).

⁴ Any chartered nonpublic school that does accept scholarship students may participate in the state assessment system if it chooses to do so (R.C 3301.0711(K)(3)).

Table 2. Provisions that apply to all 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.
2151.14 and 2151.141	Requirements relating to the provision of certain student records upon order of a juvenile court.
2151.421	Child abuse reporting requirements.
2313.19	Employment protection for employees on jury duty.
2903.31(C)(2), 2903.311	Anti-hazing provisions.
2915.092	Authority to hold raffles without a license or tax-exempt status 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 nonresidential parent of a child to any student activity, unless provided with a copy of an order that limits the terms and conditions under which the nonresidential parent is to have access.
3301.07(D)	Director of Education and Workforce minimum education standards for all elementary and secondary schools in Ohio, which generally apply to chartered nonpublic schools. The Director must consider the "particular needs, methods, and objectives" of nonpublic schools when formulating standards for them.

Table 2. Provisions that apply to all chartered nonpublic schools

Revised Code Reference	Description
3301.071	Standards for teacher certification for nontax-supported schools. (However, nonpublic school teachers may hold licenses for teaching in public schools.)
3301.0712(B)(1)(b)	Beginning with students who enter 9 th grade for the first time in the 2022-2023 school year (Class of 2026), permits the parent or guardian of a student to choose not to have a nationally standardized assessment (ACT or SAT) administered to that student.
3301.0715(F)	Authority to administer the kindergarten readiness assessment to all kindergarten students enrolled in the school.
3301.16	School chartering requirements (applies to school districts and chartered nonpublic schools). The administrative rules require that a chartered nonpublic school either (1) be accredited by an approved accrediting organization, or (2) show compliance with the Director's minimum operating standards, with specified exceptions. ⁵
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.
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.
3301.28	Requirements related to voluntary participation in tutoring and remedial education services education program
3301.52 to 3301.59	Requirements related to preschool programs.
3302.07	Authority to submit 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.
Chapter 3312	Participation in the Educational Regional Service System.
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.

⁵ See O.A.C. 3301-35-09.

Table 2. Provisions that apply to all chartered nonpublic schools

Revised Code Reference	Description
3313.48 and 3313.481	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 in which the school is open.
3313.482	Requirement to adopt a plan to provide instruction through a virtual education delivery model during school closure.
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	Participation in extracurricular activity at district school if the chartered nonpublic school does not offer that activity.
3313.5314	Participation in interscholastic athletics cannot be denied to a chartered nonpublic school student solely due to the student participating in the College Credit Plus Program.
3313.5315	Participation in interscholastic athletics by certain international students.
3313.5317	Prohibition on creating any obstruction to wearing religious apparel when competing or participating in interscholastic athletics.
3313.5318	Prohibition against coaching an athletic activity unless the individual has completed a student mental health training course approved by the Department of Mental Health and Addiction Services.
3313.5319	Requirement to accept cash payments for tickets and concessions at school-affiliated events and prohibition on requiring different ticket prices based on method of payment.
3313.5320	Requirement that each school that participates in athletic competitions or events administered by an organization that regulates interscholastic athletic conferences or events designate athletic teams based on the sex of participants.
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 enrolled in grades 9-12 with the opportunity to participate in an advanced standing program, which may include participation in the College Credit Plus Program.

Table 2. Provisions that apply to all chartered nonpublic schools

Revised Code Reference	Description
3313.6016	Authority to annually participate in the pilot program that requires daily physical activity for students.
3313.6026 ⁶	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. ⁷
3313.6029	Requirement to provide parents via mail, email, or posting on web site a student's score on state assessments by June 30 of each school year.
3313.612 (See also R.C. 3301.0711(L)(2) and (4))	Requirement to administer high school state assessments, except for schools accredited by the Independent Schools Association of the Central States (ISACS) or certain schools serving students with disabilities. However, ISACS schools must administer high school state assessments to its scholarship students.
3313.612, 3313.614, 3313.618, 3313.619, 3313.6111, 3313.6112, and 3313.6114	High school diploma provisions, 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.
3313.6413	Requirement that high schools provide free feminine hygiene products to girls in grades 6-12.
3313.671	Student immunization requirements.
3313.672	Requirement to request records from a child's previous school.

⁶ See also R.C. 3333.301.

⁷ This provision reinstates law that was eliminated by S.B. 1 of the 134th General Assembly, thus continuing the integration of the study of economics and financial literacy into social studies or other classes for students through the Class of 2025, because they are not subject to the new half-unit financial literacy requirement in R.C. 3313.603(C)(9).

Table 2. Provisions that apply to all chartered nonpublic schools

Revised Code Reference	Description
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.
3313.71	Health examination provisions.
3313.713	Requirement to adopt a policy on the administration of prescription and over-the-counter drugs to students.
3313.716, 3313.717, 3313.718, 3313.719, 3313.7111, 3313.7112, 3313.7114, 3313.7116, ⁸ and 3313.7117	Provisions regarding metered dose inhalers or dry powder inhalers, automated external defibrillators, epinephrine auto-injectors, and nasally administered glucagon and policies with respect to protecting students with peanut or other food allergies, care for students with diabetes, individualized seizure action plans, and procedures related to administration of prescribed seizure drugs.
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.
3313.819 and 3301.91	Requirement to provide free breakfast and lunch to students eligible for a reduced-price meal.
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	Auxiliary services funding.
3317.063	Reimbursements to chartered nonpublic schools for administrative and clerical costs of preparing, maintaining, and filing required reports.
3319.0812	Requirements for obtaining a pre-service teacher permit to participate in any student classroom teaching or other training experience.
3319.102	Authority to hire a substitute teacher who does not hold a post-secondary degree, if the teacher is of good moral character, meets the school's educational requirements, and passes a background check.
3319.22	Requirements for local teacher professional development committees.

⁸ See also R.C. 4729.513 and 4729.541.

Table 2. Provisions that apply to all chartered nonpublic schools

Revised Code Reference	Description
3301.541, 3319.316, 3319.39, 3319.391, and 3319.392	Requirements for criminal records checks of school employees and enrollment in the Retained Applicant Fingerprint Database.
3319.313, 3319.314, 3319.317, and 3319.40 ⁹	Requirements for reports of employee misconduct, including a requirement to file a report when a licensed employee is removed from the list of eligible substitute teachers for committing an act unbecoming to the teaching profession.
3319.321 (see also the federal Family Educational Rights and Privacy Act (FERPA), 20 United States Code 1232g))	Student records privacy law. It is unclear whether the state statute (R.C. 3319.321) applies to nonpublic schools but any school that receives any federal funding must comply with FERPA.
3319.324	Requirement to transmit a transferred students records within five days of receiving a request unless there is \$2,500 or more of debt attributed to the student.
3319.41(B)	Authorization for reasonable corporal punishment in nonpublic schools. ¹⁰
3319.47	Authority to provide counseling to any victim of sexual harassment or sexually related conduct.
3319.90	Requirement to designate specified facilities for the exclusive use of students of either the male or female biological sex and prohibition against permitting members of one biological sex to use a restroom, locker room, changing room, or shower that is designated for the other biological sex or to share overnight accommodations.
3321.12	Reporting of student attendance information to school district treasurer.
3322.20 and 3322.24	Requirements related to participation in the Ohio Computer Science Promise Program if a chartered nonpublic school chooses to participate in the program.
3326.03, 3326.032, 3326.04, and 3326.09	Provisions 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.

⁹ See also R.C. 109.57 and 109.572.

¹⁰ 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.

Table 2. Provisions that apply to all chartered nonpublic schools

Revised Code Reference	Description
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.
3501.22	Authority of chartered nonpublic school administrator, in conjunction with a county board of elections, to establish a program permitting certain high school students to apply and serve as precinct officers at a primary, special, or general election.
3701.136	Requirements for chartered nonpublic schools that choose to participate in a school-based fluoride mouth rinse 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.
Chapter 3742	Requirements to take actions to prevent lead poisoning and to control lead hazard in schools.
3781.106	Requirement to provide staff members in-service training on the use of devices preventing ingress and egress through school doors during emergencies.
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.

Table 2. Provisions that apply to all chartered nonpublic schools

Revised Code Reference	Description
4511.63, 4511.76 to 4511.764, and 4511.77 to 4511.772 ¹¹	Requirements regarding vehicles used for school transportation.
Chapter 5104	Requirements regarding child care facilities for before and after-school programs.
5101.11 and 5160.12	Authority to seek federal financial assistance through the Departments of Job and Family Services, Children and Youth, or 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.)
5502.01, 5502.70, 5502.701, and 5502.703	Firearms and school safety training provisions.

¹¹ See also O.A.C. Chapter 3301-83.