Members Brief

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

Author: Lauren Hunsinger, Attorney
Reviewer: Hannah Wann, Division Chief

Volume 136
October 23, 2026

Chartered Nonpublic Schools

A chartered nonpublic school is a private school that holds a valid charter issued by the Director of Education and Workforce.[1] 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.[2] A chartered nonpublic school also may enroll students who have been awarded state scholarships.[3] 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.[4]

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 primarily lists education laws that apply to chartered nonpublic schools. It has been prepared for legislators as an overview of state policy. It is not intended to constitute legal advice to chartered nonpublic schools.

[1] Chartered nonpublic schools should not be confused with community schools (see the 2026 LSC *Members Brief*, Education Laws and Community Schools (PDF)). 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.

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

[3] R.C. 3310.01 to3310.17, 3310.41, 3301.51 to 3301.64, and 3313.974 to 3313.979.

[4] 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[5]
3301.0711(K)	Requirement to administer the elementary state assessments to *all* 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 EdChoice 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 licensed individuals have a validation to provide instruction in financial literacy in high school (does not apply to any chartered nonpublic schools that do not accept scholarship students)

[5] 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) and 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

Revised Code Reference	Description
	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.)
3301.0712(B)(1)(b)	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.[6]
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
3301.52 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

[6] See O.A.C. 3301-35-09.

Revised Code Reference	Description
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
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 before 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 Behavioral Health
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

Revised Code Reference	Description
3313.604	Authority to offer courses in American Sign Language and requirement to grant credit for completed courses, if offered
3313.6013	Requirement to provide annually 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
3313.6016	Authority to participate annually in the pilot program that requires daily physical activity for students
3313.6026 (see also R.C. 3333.30)	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
3313.6029	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
3313.6031	Requirement to adopt a policy for the grading and calculation of class standing for career-technical courses that is consistent with its policy for courses taken under advanced standing programs
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

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
3313.71	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,[7] and 3313.7117	Provisions regarding metered dose inhalers or dry powder inhalers, automated external defibrillators, epinephrine delivery systems, 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
3313.7118	Requirement to distribute informational materials on Type 1 diabetes to each student's parent or guardian upon the student's enrollment in elementary school
3313.7120	Requirement for a school that elects to procure overdose reversal drugs for emergency situations to adopt a policy governing their maintenance and use in accordance with specified criteria
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

[7] See also R.C. 4729.513 and 4729.541.

Revised Code Reference	Description
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
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 (RAPBACK)
3319.313, 3319.314, 3319.317, and 3319.40[8]	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[9]
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,

[8] See also R.C. 109.57 and 109.572.

[9] 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
	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
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

Revised Code Reference	Description
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
4511.63, 4511.76 to 4511.764, and 4511.77 to 4511.772[10]	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

[10] See also O.A.C. Chapter 3301-83.