



**Department
of Education**

Mike DeWine, Governor
Dr. Stephanie K. Siddens, Interim Superintendent of Public Instruction

December 17, 2021

The Honorable Mike DeWine
Riffe Center, 30th Floor
77 South High Street
Columbus, Ohio 43215

Dear Governor DeWine:

Following significant media attention in September and in response to a request from former Superintendent DeMaria, the Ohio Department of Education conducted an investigation regarding Bishop Sycamore High School. Enclosed is a copy of the investigation report for your review.

Bishop Sycamore High School filed for registration with the Department as a non-chartered, non-tax supported school for the 2020-2021 and 2021-2022 school years. As a non-chartered, non-tax supported school, Bishop Sycamore does not have a charter issued by the State Board of Education and does not need approval from the State Board or the Department to operate. However, as noted in the enclosed report, the Department's investigation did not find evidence that the school has met the minimum standards for non-chartered, non-tax supported schools.

The enclosed investigation report includes several recommendations for consideration. Some of these recommendations can be implemented by the Department under our existing statutory authority and others would require legislative action to implement. I have reviewed the recommendations and I intend to implement those recommendations that are within the Department's authority.

I share your aim to ensure that each child in Ohio receives a high-quality education and I stand ready to help in any way to achieve that goal.

Sincerely,

Stephanie K. Siddens, Ph.D.
Interim Superintendent of Public Instruction



Mike DeWine, Governor
Dr. Stephanie K. Siddens, Interim Superintendent of Public Instruction

MEMORANDUM

Date: December 17, 2021

From: Tony Palmer, Deputy Chief Legal Counsel

To: Dr. Stephanie K. Siddens, Interim Superintendent of Public Instruction

Cc: Immy Singh, Chief Legal Counsel
Sue Cosmo, Director, Office of Nonpublic Educational Options
Marjorie Yano, Director, Office of Policy and Legislative Affairs

Re: Investigation of Bishop Sycamore High School

I. Executive Summary

This report details the Ohio Department of Education's investigation of the facts regarding Bishop Sycamore High School.

In both the 2020-2021 and 2021-2022 school years, Bishop Sycamore High School filed paperwork with the Department indicating that it is a non-chartered, non-tax supported school. As a non-chartered, non-tax supported school, Bishop Sycamore does not have a charter issued by the State Board of Education and does not need approval from the State Board or the Department to operate. Similarly, such a school is not eligible to receive public funding. There are certain minimum standards that the school must meet, but those minimum standards are less stringent than the standards for nonpublic schools that are chartered.

Non-chartered, non-tax supported schools present an exception to the requirement to follow the minimum standards applicable to chartered nonpublic schools. This exception is intended for schools that do not seek a charter due to their truly held religious beliefs.

The Department was unable to identify with specificity Bishop Sycamore High School's religious beliefs and determine whether its religious beliefs were truly held. This investigation also concludes that there is no evidence that Bishop Sycamore High School is meeting the minimum standards for non-chartered, non-tax supported schools.

This report begins with an overview of the investigation and background information about non-chartered, non-tax supported schools. The report also includes a summary

of the facts surrounding Bishop Sycamore High School's operation. The investigation report concludes with several recommendations for consideration. Many of these recommendations would require legislative changes and cannot be implemented by the Department alone. The recommendations are as follows:

- *Recommendation No. 1:* Do not include Bishop Sycamore High School on the list of non-chartered, non-tax supported schools for the 2021-2022 school year.
- *Recommendation No. 2:* Consult with the Attorney General regarding potential legal action against Bishop Sycamore High School.
- *Recommendation No. 3:* Require non-chartered, non-tax supported schools to submit a copy of their annual report, as required by OAC 3301-35-08, to the Department by July 31 (instead of September 30). In moving up the deadline, the Department would have an opportunity to try to address suspected issues of noncompliance before the first day of school. Additionally, moving up the deadline helps parents in making decisions about their children's education before school begins.
- *Recommendation No. 4:* Amend the Revised Code to authorize the Department to monitor and enforce non-chartered, non-tax supported schools' compliance with the minimum standards of OAC 3301-35-08 and require such schools to comply with the Department's investigation and any corrective action required by the Department.
- *Recommendation No. 5:* Require the Department to publish a list of non-chartered, non-tax supported schools that registered with the Department by filing the report required by OAC 3301-35-08 and allow the Department to remove schools from the list for failure to comply with the minimum standards and relevant law. Requiring the Department to prepare and maintain such a list provides another measure of accountability and transparency, and the list can assure parents when evaluating schools and making decisions about their children's education.
- *Recommendation No. 6:* Clarify that a non-chartered, non-tax supported school is prohibited from operating unless the school is registered with the Department and included on the Department's list of non-chartered, non-tax supported schools for that school year.
- *Recommendation No. 7:* For schools that have been removed from the list and seek to register in a future school year, authorize the Department to verify the schools' ability to comply with the minimum standards before registering.

The report includes these recommendations with the goal of addressing not only the present situation involving Bishop Sycamore High School, but also future circumstances to prevent the continued operation of non-chartered, non-tax supported schools that fail to meet the minimum standards.

II. Scope of the Investigation

On September 2, 2021, former Superintendent of Public Instruction Paolo DeMaria directed the Department's Chief Legal Counsel and the Director of Nonpublic Educational Options to conduct an investigation of the facts relative to Bishop Sycamore High School. The investigation arose out of a request by Governor Mike DeWine after various media outlets reported concerns about the school complying with state law. Former Superintendent DeMaria instructed that the investigation focus on ascertaining the facts about the school's operations, including its operations during the 2020-2021 school year as well as at the present time.

Specifically, former Superintendent DeMaria directed that the investigation include:

- A. **Truly held religious beliefs:** What are the truly held religious beliefs that form the school's foundation and hence its alleged non-chartered, non-tax supported status?
- B. **School year:** Has the school previously operated in a manner to ensure the requisite hours open for instruction with pupils in attendance?
- C. **Pupil attendance:** To what extent has the school enabled parental reporting of students' enrollment or withdrawal in the school to the treasurer of the respective school districts of residence?
- D. **Teacher and administrator qualification:** To what extent are the requirements for teacher and administrator qualifications verified?
- E. **Courses of study:** To what extent are the required courses of study offered?
- F. **Pupil promotion:** What are the criteria used to support pupil promotion from grade to grade?
- G. **Public health and safety:** Is the school ensuring compliance with appropriate state and local health, fire, and safety laws?

II. Non-chartered, Non-tax Supported Schools

Before presenting a report of the factual findings, it is necessary to understand the type of school that Bishop Sycamore High School purports to be – a non-chartered, non-tax supported school. Generally, every parent of a child of compulsory school age is required by Ohio law to send his or her child to a school that conforms to the minimum standards prescribed by the State Board of Education.¹ The minimum standards prescribed by the State Board apply to “all elementary and secondary schools in Ohio for the purpose of providing children access to a general education of high quality according to the learning needs of each individual.”² Further, the State Board issues charters for school districts and nonpublic schools, and the charters must be revoked if the school district or school fails to meet the minimum standards established by the State Board.³

But there is an exception to the requirement that nonpublic schools be chartered. The exception, based on religious liberties of parents, was established in a 1976 case before the Supreme Court of Ohio. In *State v. Whisner*,⁴ the Supreme Court reviewed the convictions of 12 parents for failing to send their children to a school that met the State Board of Education’s minimum standards for schools. The parents were sending their children to the Tabernacle Christian School. The parents and the school asserted that the State Board’s minimum standards infringed upon their rights to the free exercise of religion. Their religious beliefs involved a life of separation from sin and, by extension, of separation from the world. The minimum standards, the school and parents maintained, were so comprehensive that the line between public and private schools was eliminated and that, therefore, the private school’s compliance with the minimum standards would infringe on the parents’ right to the free exercise of their religious beliefs. The state did not contest that the parents’ religious beliefs were truly held. Because of the state’s alleged infringement on their right to the free exercise of religion, the parents argued that their convictions should be overturned.

The Court agreed with the parents. Because there was no challenge to whether the parents’ religious beliefs were truly held, the Supreme Court focused its analysis on the State Board’s minimum standards for schools. With respect to the minimum standards, the Court held that “the compendium of ‘minimum standards’ promulgated

¹ [Ohio Revised Code Section 3321.04](#).

² [Ohio Revised Code Section 3301.07\(D\)\(2\)](#).

³ [Ohio Revised Code Section 3301.16](#).

⁴ 47 Ohio St.2d 181, 351 N.E.2d 750 (1976).

by the State Board of Education, taken as a whole, 'unduly burdens the free exercise of (appellants') religion.'"⁵ The Court reasoned further, "To begin with, although admittedly an admirable effort to extol the secular aims of the state in assuring that each child educated in this state obtains a quality education, we believe these 'minimum standards' overstep the boundary of reasonable regulation as applied to a non-public school."⁶ After a thorough review of the specific standards to which the school and parents objected, the Court concluded that, "these standards are so pervasive and all-encompassing that total compliance with each and every standard by a nonpublic school would effectively eradicate the distinction between public and non-public education, and thereby deprive these [parents] of their traditional interest as parents to direct the upbringing and education of their children."⁷

Four years later, the Supreme Court of Ohio again adjudicated an appeal of a conviction of a parent for violating the compulsory education law by not sending his child to a school conforming to the State Board's minimum standards.⁸ Like in *Whisner*, the Court overturned the conviction on the same grounds of its decision four years earlier. The Court reflected, "Despite our holding [in *Whisner*], the State Board of Education has not adopted new standards for application to non-public schools which, while adequate to assure the provision of 'a general education of high quality,' do not simultaneously suffocate 'independent thought and educational policy,' or abrogate parents' liberty to direct the education of their children."⁹ The Court posited that "a set of less-restrictive standards could be adopted" such that the standards would be "designed to assure achievement by students in a wide range of subject areas."¹⁰ The Court concluded its decision by admonishing that "until such time as the State Board of Education adopts minimum standards which go no further than necessary to assure the state's legitimate interests in the education of children in private elementary schools, the balance is weighted, ab initio, in favor of a First Amendment claim to religious freedom."¹¹

Hence the State Board of Education's adoption of administrative rule 3301-35-08 of the Ohio Administrative Code. The opening sentence of the administrative rule makes clear that the rule applies to a school that is not chartered or seeking a charter from

⁵ Quoting *Wisconsin v. Yoder* (1972), 406 U.S. 205, 92 S.Ct. 1526, 32 L.Ed.2d 15.

⁶ 47 Ohio St.2d at 204.

⁷ 47 Ohio St.2d at 211-212.

⁸ *State ex rel. Nagle v. Olin* (1980), 64 Ohio St.2d 341, 415 N.E.2d 279.

⁹ 64 Ohio St.2d at 353.

¹⁰ 64 Ohio St.2d at 353-354.

¹¹ 64 Ohio St.2d at 354-355.

the State Board of Education “because of truly held religious beliefs.” The rule includes certain minimum standards for these non-chartered, non-tax supported schools. The minimum requirements address the following topics: school year, pupil attendance, teacher and administrator qualifications, courses of study, pupil promotion, and pupil health and safety. Additionally, non-chartered, non-tax supported schools are required under the rule to certify annually in a report to the parents of its students that the school meets the minimum standards in the rule. The rule requires further that the school file a copy of the report with the Department by September 30 of each school year.

For the 2021-2022 school year, the Department’s website includes an electronic submission option for schools to complete and submit the report certifying compliance with the minimum standards. Schools also have the option of printing, completing, and either emailing or mailing the form to the Department. The Department’s website specifies that an acknowledgment letter is emailed to the school upon receipt of the materials. The rule does not require or authorize the Department to approve the annual report.

For the convenience of parents and students, the Department maintains a list of non-chartered, non-tax supported schools that file a copy of the report with the Department. The number of such schools has grown exponentially over the course of nearly 40 years. According to the Department’s records, there were 38 non-chartered, non-tax supported schools on the list for the 1983-1984 school year. For the 2020-2021 school year, there were nearly 400 such schools on the Department’s list. The Department’s preparation of a list of schools is neither mentioned nor required in the rule.

On the statutory side, the Revised Code includes several references to non-chartered, non-tax supported schools. For example, [R.C. 3301.071](#) provides for certification of teachers in non-chartered, non-tax supported schools. [Section 3313.539](#) of the Revised Code addresses, among other things, the obligations of the governing authority of non-chartered, non-tax supported schools with respect to student athletes, coaches, and referees in interscholastic athletics. Under [R.C. 3313.6110](#), a person who graduates from a non-chartered nonpublic school and who successfully completes the school’s high school curriculum may be granted a high school diploma by the governing authority of that school. And sections [3313.7111](#), [3313.7114](#), and [3313.7116](#) of the Revised Code authorize non-chartered nonpublic schools to procure epinephrine autoinjectors, inhalers, and injectable or nasally administered glucagon for students. But the Revised Code does not appear to contain any express provisions

for the Department's approval or oversight of non-chartered, non-tax supported schools.¹²

III. Bishop Sycamore High School

A. *The Beginning*

"Shock the world!!!!!" This April 22, 2019 proclamation on a Twitter account attributed to the Bishop Sycamore High School football team announced a game against Daytona Mainland High School from Daytona Beach, Florida. According to the promotional schedule, the game was one of six matchups between what were described as 12 high school "national powerhouse programs" competing for the Freedom Bowl Championships at Milton High School in Alpharetta, Georgia.¹³ The game was scheduled for August 31, 2019, at 10:30 a.m.

According to reports, Bishop Sycamore was headed toward game day on a high note after having defeated Harlan, Indiana's Tri-State Crusaders on August 24, 2019.¹⁴ Yet, days prior to the scheduled August 31, 2019, matchup, Bishop Sycamore's game against Daytona Mainland was canceled. According to a report by The Daytona Beach News-Journal, the Freedom Bowl canceled the game due to a "breach of contract" by Bishop Sycamore High School. The News-Journal reported further that the school "failed to provide a full roster ahead of an August 10 deadline and did not book its hotel accommodations within the 30-day window after signing the contract." The article noted that Bishop Sycamore was a new private school that was not a member of the Ohio High School Athletic Association. Bishop Sycamore Coach Andre Peterson reportedly represented that his football program had between 47 and 50 athletes.¹⁵

¹² Several of the statutes refer to the schools as "non-chartered nonpublic schools," which are the same type of schools as non-chartered, non-tax supported schools. This report refers to these schools as "non-chartered, non-tax supported schools" for consistency.

¹³ One other Ohio high school was featured in the promotion: Pickerington Central High School, which won a Division I state championship in football in 2017. The Tigers defeated Winter Park High School (Winter Park, Florida).

¹⁴ According to MaxPreps, Bishop Sycamore High School defeated the Tri-State Crusaders 66-6 on August 24, 2019. <https://www.maxpreps.com/high-schools/tri-state-crusaders-crusaders-harlan,in/football-fall-19/schedule.htm> (last accessed Nov. 9, 2021).

¹⁵ Chris Boyle, *Mainland's Trip to Georgia's Freedom Bowl Canceled after Opponent Drops Ball*, The Daytona Beach News-Journal, Aug. 27, 2019, <https://www.news-journalonline.com/sports/20190827/mainlands-trip-to-georgias-freedom-bowl-canceled-after-opponent-drops-ball> (last accessed Nov. 9, 2021).

The News-Journal submitted a media inquiry to the Ohio Department of Education on the morning of August 27, 2019, seeking information from the Department about Bishop Sycamore High School. At that time, however, Bishop Sycamore High School was not a chartered nonpublic school, and it was not listed as a non-chartered, non-tax supported school.

Prompted by this inquiry, Sue Cosmo, Director of the Department's Office of Nonpublic Educational Options, directed her staff to attempt to contact the school and identify its address. Staff reported back that there was no phone number or address on the school's website, only a vague representation that the school was located between Bexley and Columbus. Staff found that under the "Students" tab on the school's website to enroll, the user was directed to the Ed Options Virtual School. Department staff contacted Ed Options but was informed that Bishop Sycamore was not a client of the virtual school.

Staff found Bishop Sycamore's football team on the high school sports website MaxPreps, which listed an address of 2759 Winchester Pike in Columbus. After searching the address online, staff reported that the Google Street view for the address was a parking lot and a strip mall. With little more information to go on at the time, staff did not review any further.

In its August 27 article, The News-Journal reported that Bishop Sycamore's next scheduled game would be held on September 7 against Peddie School in Highstown, New Jersey. MaxPreps, however, does not show that the Peddie School Falcons played Bishop Sycamore on September 7, or anytime in the 2019 season; instead, there is a week break between Peddie School's first game on August 24 and its second game on September 14.¹⁶

The Washington Post reported that during the same year, Bishop Sycamore tried partnering with YouthBuild Columbus Community School,¹⁷ such that Bishop Sycamore would provide to the public community school football-playing students and the school would educate Bishop Sycamore's students. According to the report, a memorandum of understanding between the two schools was drafted before the 2019-2020 school year but ultimately went unsigned by the community school. YouthBuild reportedly ended the relationship with Bishop Sycamore after the community school learned that Bishop Sycamore players had been evicted from where they had been staying and after the school received an invoice for roughly \$6,000 for football

¹⁶ [https://www.maxpreps.com/high-schools/peddie-falcons-\(hightstown,nj\)/football-fall-19/schedule.htm](https://www.maxpreps.com/high-schools/peddie-falcons-(hightstown,nj)/football-fall-19/schedule.htm) (last accessed Nov. 9, 2021).

¹⁷ The school's contract with its sponsor shows the school's name as "YB Columbus Community School" and is displayed accordingly on the Department's online directory of community schools. For the ease of the reader, the school is referred to as YouthBuild.

uniforms and equipment that had not been approved by the community school's governing board. The Post reported that YouthBuild sent a cease-and-desist letter to Bishop Sycamore after Bishop Sycamore continued referencing an affiliation with YouthBuild, including on the MaxPreps website.¹⁸ And in fact, the website for YouthBuild Columbus Community School continues to include a disclaimer to readers: "YBCCS is in no way affiliated with Bishop Sycamore."¹⁹

Despite the fallout with YouthBuild, the Bishop Sycamore football team reportedly continued to play, mostly with "an out-of-state schedule" in the fall of 2019.²⁰ A schedule on joeitel.com, which includes information about Ohio high school football, shows that Bishop Sycamore finished the 2019 football season at 4-5, playing away games against schools from Indiana, Connecticut, Kentucky, Pennsylvania, Tennessee, Virginia, and Florida.²¹

B. The 2020-2021 School Year

On June 9, 2020, Bishop Sycamore High School contacted the Department's Office of Nonpublic Educational Options to learn about the necessary requirements for inclusion on the list of non-chartered, non-tax supported schools for the 2020-2021 school year.²² Staff responded that the window to submit the information was between July 1 and September 30. After the school asked if it should submit the information in the meantime, staff advised the school to provide the assurances that the school met the requirements of OAC 3301-35-08, as well as a form that would be posted for the 2020-2021 school year that includes general information about the school.

On July 7, 2020, Bishop Sycamore High School submitted the requested information to Department staff. The school listed its name and an address of 303 S. Grant

¹⁸ Ben Strauss, *Bishop Sycamore, IMG and the High School Football Game that Duped ESPN*, The Washington Post, Aug. 31, 2021, <https://www.washingtonpost.com/sports/2021/08/31/bishop-sycamore-espn-img/> (last accessed Nov. 9, 2021).

¹⁹ <https://www.ybccs.org/> (last accessed Nov. 9, 2021).

²⁰ Andrew King, *Field of Schemes*, Columbus Monthly, Nov. 2021.

²¹ <http://www.joeitel.com/hsfoot/teams.jsp?teamID=9920&year=2019> (last accessed Nov. 9, 2021).

²² This report refers to communications from the school, rather than a specified individual at the school, largely because communications from the school's email account were unsigned and did not otherwise indicate who was sending the emails.

Avenue, Columbus, Ohio 43215.²³ The school also represented that it served grades nine through 12 and that it would “meet all the requirements of the Ohio Revised Code [sic] 3301-35-08.” Additionally, the school attached a copy of what it indicated was sent to each of the school’s students and parents (attached as Appendix A).

The cover page of the notice includes a logo of what appear to be two lions supporting a seal that includes the name Bishop Sycamore High School. The seal also includes the following names: Peterson, Smith, Hall, Marling, Moline, Phillips, McClescky, Harris, and Richardson. At the center of the seal is a gold cross and an open book.

On the second page, the school describes itself as “a [sic] innovative academically accredited school.” The school represented that it was partnering with Advancing Sciences Worldwide and Innovation Science and Education. The school proclaims further: “With ISE [sic] innovative education platform and ASW the Bishop Sycamore partnership makes this High School one of the best academic institutions in the country.”

Beginning on the fifth page is what is described as the school’s annual report, which largely includes a restatement of the minimum operating requirements of non-chartered, non-tax supported schools in OAC 3301-35-08. Within the report is a statement that the school operates on a 41-week calendar for 162 days. The report also includes a bell schedule, which begins at period 0 at 7:10 and ends at the conclusion of period 8 at 3:05.

As for the school’s enrollment report to the treasurer of the school district where the students reside, the school asserted, “BSHS will report before the required timeline set by the Ohio Department of Education.” Under the heading “Pupil Attendance” on page 9 of the document, the school indicated that a child’s enrollment or withdrawal “will be reported on behalf of the parent/guardian.”

On page 11 of the document is the school’s calendar for the 2019-2020 (not the 2020-2021) school year. The first item listed is a board meeting on Tuesday, August 13, followed by parent orientation on August 14.²⁴ The document reflects that the first day for students was August 15. May 28 was listed as the last day for students.

The staff and advisory board were listed on page 12 of the report. Those listed were: Carinne Blackwell, Katrina Jarrett, Jill Collins, Tim Dewberry, Andre Peterson, Deryck Richardson, and Joshua Harris. Across from each name are what appear to be acronyms of universities (i.e., ODU, OSU, YSU, and BGSU).

²³ A search of the Franklin County Auditor’s property search database shows that the listed property is owned by Franklin University.

²⁴ The days listed in the schedule align with the days in the 2019 calendar year.

The final page of the document includes a statement regarding the school's operation during the COVID-19 pandemic. The statement reads, in relevant part:

The first day on the above mentioned calendar has been changed to Tuesday September 8th. Bishop Sycamore student body will be using the blended attendance & learning model for this upcoming year. With the Freshmen and Sophomore student body rotating with the junior [sic] and Senior. This will allow for social distancing in the classroom. Online and traditional learning will be used.

The statement also indicated that the school would follow the state guidelines for student attendance.

On July 9, 2020, Bishop Sycamore emailed the Department and asked if there was "anything prohibiting" the school from being listed as a non-chartered, non-tax supported school. The school also asked if it would receive any email verification or documentation to provide to parents. The Department responded on July 20 and asked the school to complete the non-chartered, non-tax supported school list form for the 2020-2021 school year.

The school returned the completed form (attached as Appendix B), combined with the annual report, the following day. The school reiterated in the form that its mailing address was at 303 S. Grant Avenue in Columbus. The school did not provide a response to the prompt asking for the school district where the school is located. The school also did not respond to the prompt asking about the number of students identified according to IDEA (the Individuals with Disabilities Education Act). While the school did not include a physical address, the prompt indicated that a physical address should be listed only if it was different from the mailing address.

The school represented that it was not chartered or seeking a charter due to truly held religious beliefs. The school indicated further that it had given written statements of its beliefs to parents. As for the number of students currently enrolled in the school, Bishop Sycamore listed three. The school checked both options for reporting student enrollment such that both the parents and the school were submitting attendance reports to the respective school district treasurer.

Further, the school indicated that all required courses of study would be provided to students, although it did not list the teachers assigned to the courses. The form was signed by Andre Peterson, as the school administrator, with an "R." in front of Andre. Included with the form was a fire inspection acknowledgement from the City of Columbus, Division of Fire for the building at 303 S. Grant Avenue. The acknowledgement form was accompanied by a Fire System Testing and Inspections

document for Franklin University. Shortly thereafter, Bishop Sycamore submitted an inquiry to the Department asking where to direct parents to verify “certification” for Bishop Sycamore High School.

At that time, however, the Department would not have been able to generate a complete list of non-chartered, non-tax supported schools (to which Bishop Sycamore could direct parents) until after the September 30, 2020 submission deadline; nevertheless, the school began its football season on September 4 in a 35-0 loss to Washington High School at Paul Brown Tiger Stadium in Massillon.

Next, Bishop Sycamore notified the Department on September 8 that the building it had been leasing would not be available due to the COVID-19 pandemic. The school asked if it could use an alternate address for the “district HQ” because “all of [its] students will be completely online following the Columbus City Schools pandemic education response model.” Department staff asked whether the school was planning on providing remote learning for the entire school year. The school indicated only that it intended to have a new address by the time students returned to in-person learning.

Bishop Sycamore returned to the football field on Saturday, September 12 in a 33-6 loss to the St. Ignatius Wildcats. A report of the game was published on Cleveland.com, in which the Bishop Sycamore Centurions were described as a “unique opponent, a new school that has some loose ties to the defunct COF Academy.”²⁵

The acronym COF refers to Christians of Faith Academy, a former non-chartered, non-tax supported school that had similar strategies, goals, and leaders as Bishop Sycamore. Given these commonalities, it’s useful at this point to interject a brief history of the rise and fall of COF Academy and how its story informed the creation of Bishop Sycamore.

In 2018, COF Academy used the non-chartered, non-tax supported school route to field a football team that played an ambitious schedule against other high schools. But the school closed after the Department removed COF Academy from the list of non-chartered, non-tax supported schools for not meeting the minimum standards. In fact, a hearing was held on the matter which resulted in a hearing officer affirming that the Department’s removal of COF Academy was warranted.²⁶

²⁵ Matt Goul, *No. 10 St. Ignatius Storms Past Bishop Sycamore, 33-6, in Football Opener*, Cleveland.com, published Sept. 12, 2020, updated Sept. 13, 2020, <https://www.cleveland.com/highschoolsports/2020/09/no-10-st-ignatius-storms-past-bishop-sycamore-33-6-in-football-opener.html> (last accessed Nov. 9, 2021).

²⁶ Report and Recommendation of Hearing Officer, *In Re: Appeal of Revocation of Christians of Faith Academy Registration as a Non-chartered, Non-tax Supported School*, Mar. 29, 2019 (attached as Appendix E).

In a report and recommendation, the hearing officer documented the facts of the school's origin. As reflected in the report, Roy Johnson began communicating with the Department in November 2017 about establishing a non-chartered, non-tax supported school. In his communications with the Department, Johnson identified himself as the school's "Director of Athletics," "Director," and "Assistant Director."

But after media requests to the Department about COF Academy's football team and the school's status, the Department conducted unannounced site visits of the school. Department staff found an old church and a newer community center, but the reverend of the church denied knowing about COF Academy or of Johnson being at the location. Similarly, there was no signage at the location indicating COF Academy was located there.

Following the visit, the Department issued a notice dated October 18, 2018, to COF Academy that the school would be removed from the 2018-2019 list of non-chartered, non-tax supported schools. The hearing officer concluded that the school was "not open for instruction and had no pupils in attendance" and, therefore, failed to meet the minimum standards for non-chartered, non-tax supported schools.

Despite COF Academy's short-lived experience, local media took notice of the new school. ThisWeek Community News reported in August 2018 about COF Academy's "ambitious [football] schedule and the financial backing of a national organization" to create an immediate high school football power. The national organization the news article alluded to was the Richard Allen Group, which the article reported was "the financial arm of the African Methodist Episcopal Church, a nationwide organization with millions of members." Johnson reportedly said that COF Academy was "a new model for AME. It's a school that doesn't receive tax funds from the state and can play by its own rules while still providing a 'Christian education.'" Johnson also reportedly represented that roughly 500 students would be enrolled in the school and that the school would be open to only male students. Further, Johnson reportedly claimed to have hired about 50 teachers. The article concluded with Johnson's acknowledgment that "everything we do will be under the microscope."²⁷

And indeed, everything was under the microscope. ThisWeek Community News continued its coverage of COF Academy. In a March 2019 article, ThisWeek documented its findings. In the previous September, the AME church had disavowed

²⁷ Andrew King, *Out of Thin Air: COF Academy Has Football Schedule, Little Else*, ThisWeek Community News, Aug. 6, 2018, <https://www.thisweeknews.com/news/20180806/out-of-thin-air-cof-academy-has-football-schedule-little-else> (last accessed Nov. 9, 2021).

any association with COF Academy. The article described in detail the events in the unravelling of the representations that served as the foundation of the school.²⁸

The article then pivoted to the students and parents caught in the middle. One parent identified in the article was Andre Peterson. The article reported that Peterson was a former youth and high school coach and an ordained minister. Peterson was reported to have said that he “liked the concept of [the school]” and that he wanted his son “to get the opportunity to play against some of the best competition – not just in Ohio but around the country.”

Peterson apparently liked the concept so much that he reportedly decided to take the next step on a new project. ThisWeek shared what it learned about the new project:

Bishop Sycamore is, according to [its] website, bishopsycamore.org, similar to the early days of COF Academy. According to Andre Peterson, it’s a project led by some parents involved with COF Academy who want to give the idea another shot.

‘I liked the concept of what Roy was trying to do,’ Andre Peterson said. ‘Me and some of the other parents and some of the people that were involved decided to continue that.’

According to both men, Johnson only has answered some questions for the new group and helped set up its website. Johnson confirmed his name is attached to the domain because he helped establish the site, but he said his attorneys have told him he ‘can’t really be involved’ – and he doesn’t want to be.

Few details about Bishop Sycamore are available.

Andre Peterson said stakeholders are meeting to determine a direction soon, and more information will be shared this spring. He said the school is planning to begin classes as early as this summer, and [Peterson’s son] is expected to be part of the first class of students and will play for the school’s football team.

‘Every issue that COF had, we’re doing what’s necessary to not have that issue,’ Andre Peterson said. ‘One of the biggest things is we’re not relying on one entity to supply us with our funding. We’ll have a school

²⁸ Andrew King, *Students Became Collateral Damage in COF Academy-AME Church Saga*, ThisWeek Community News, Mar. 11, 2019, <https://www.thisweeknews.com/news/20190311/students-became-collateral-damage-in-cof-academy-ame-church-saga> (last accessed Nov. 9, 2021).

building. We'll have teachers. It'll still be online with Edmentum, but some of those things are going to be different. That's how much I believe in that vision.'

Despite Peterson's efforts to draw distinctions between COF Academy and Bishop Sycamore, it is apparent that, after the demise of COF Academy, Andre Peterson and Roy Johnson partnered to form Bishop Sycamore, another non-chartered, non-tax supported school focused on a very ambitious football schedule.

Given this history, Department staff began looking into the ties between COF Academy and Bishop Sycamore High School. Department staff forwarded concerns about Bishop Sycamore to the Ohio High School Athletic Association. As part of the notification to the Association, Cosmo asked that staff relay that while Bishop Sycamore was not listed as a school with the Department, the Department believed that the school was in the process of supplying the necessary information to be officially listed as such.

In the meantime, on September 17, 2020, the Reynoldsburg City School District reached out to Department staff with questions about how to serve students who were withdrawing from the district to attend a non-chartered, non-tax supported school. In particular, the district reportedly had "several students who are attending and competing athletically for a [non-chartered, non-tax supported] school." The district claimed it was having trouble withdrawing one student because the information provided was not accurate." Department staff confirmed with the district that Bishop Sycamore was the school with which the district was encountering challenges. Cosmo replied to the district that Bishop Sycamore High School was not, at the time, listed with the Department as a non-chartered, non-tax supported school. Nevertheless, Cosmo clarified that it was possible that the school intended to be listed as a non-chartered, non-tax supported school, but that the process would not be complete until September 30. Cosmo advised that because there was no confirmation at the time Bishop Sycamore was a private school, the district should consider asking parents to submit a home education notification to the district superintendent so that the students were not deemed truant.

Understanding that Bishop Sycamore was not listed with the Department as a non-chartered, non-tax supported school, Reynoldsburg City School District staff followed up with the Department on September 22, 2020, to report that several students had submitted record requests and indicated they would be attending Bishop Sycamore High School. That same day Department staff responded to Bishop Sycamore's inquiry about its status on the non-chartered, non-tax supported schools list by informing the school that it would need to submit its new address before the Department would process the school's notification.

By late October of 2020, having not received updated information from Bishop Sycamore, the Department had yet to add the school's name to the 2020-2021 list of non-chartered, non-tax supported schools. Nevertheless, on October 26, 2020, Andre Peterson posted on his Twitter account, @CoachAndrePete1, that "2021 Bishop Sycamore is going to be Epic!!!!" Peterson's Coach Andre Peterson Twitter profile includes that he is "Director," "Coach Bishop Sycamore Centurions," and "Preacher of the Gospel."

It should be noted that Peterson did contact Department staff via email in early November, asking to speak with someone there about the school's status. However, emails from staff show they were reluctant to speak with Peterson while a decision about the school's inclusion on the list was still pending.

The school followed up with Department staff on December 26, 2020, and January 4, 2021, asking what actions the school needed to take to be included on the list of schools. Staff from the Office of Nonpublic Educational Options informed Cosmo that they spoke with Roy Johnson, formerly of COF Academy, who explained that he was now affiliated with Bishop Sycamore. Johnson – reportedly, the head coach of the Bishop Sycamore football team – told staff that Bishop Sycamore students were taking classes through APEX, an online learning platform. While staff members continued to express concerns about the school's legitimacy, they also questioned whether the Department had authority to take any action since the school was representing in its filings that it was following the minimum standards for non-chartered, non-tax supported schools.

The school finally provided a new address on January 19, 2021, which was a post office box in Columbus. Staff responded by asking for the physical location of the school where students attend. Bishop Sycamore provided an address of 3599 Chiller Lane, Columbus, Ohio 43219, which is the address of the Resolute Athletic Complex, which is described on its website as "central Ohio's premier sports center for lacrosse, indoor soccer, athletic training, and more."²⁹ Despite providing a physical address, the school expressed that its preference was to have the post office box listed as its address on the list of non-chartered, non-tax supported schools. Staff identified the athletic complex as the building that Bishop Sycamore represented as the location of the school. Staff also received an email from Andre Peterson asking for a call at staff's "earliest convenience." He asked staff to provide the date and time of the call. Peterson reiterated that Bishop Sycamore had a physical address, and, in support of the preference to list a post office box, he mentioned that several schools were included on the list with a post office box for the address of the schools.

²⁹ <http://resoluteac.com> (last accessed Nov. 9, 2021).

During the review of the school's address, another inquiry about Bishop Sycamore came to the Department. The email inquiry asked whether Bishop Sycamore High School was accredited or recognized by the Department. At this point, Department staff had yet to make a final determination about whether to include the school on the list of non-chartered, non-tax supported schools.

After several additional requests from the school for a status update, Department staff next asked the school to clarify its policy for notifying a student's local public school district of the student's attendance at Bishop Sycamore. The school replied that the students' parents were responsible to notify the local districts and that Bishop Sycamore would follow up with those districts to ensure they had been informed.

Having received a new address and this clarifying information, on February 10, 2021, the Department issued a letter acknowledging that Bishop Sycamore High School would be included on the list of non-chartered, non-tax supported schools for the 2020-2021 school year and that the list on the website would be updated to reflect the school's addition.

In response to this notification and despite its persistence in seeking inclusion on the list, the school next asked the Department if it was necessary for its name to be listed publicly on the Department's website. Staff responded that the Department would continue to list the school because employers and post-secondary institutions use the list to verify the school's operation.

C. National Spotlight

Bishop Sycamore's 2021 football season ended ignominiously on Sunday, August 29, 2021, on national television. The school's team lost 58-0 to high school football powerhouse IMG Academy from Bradenton, Florida, and, in the lopsided loss, ignited a national discussion about how such a mismatched contest came to be and whether it was safe for teams of such different calibers to compete. These discussions also led to questions about whether Bishop Sycamore had accurately portrayed itself to game organizers and to ESPN in the lead up to the network's decision to broadcast the game. In fact, reports began to emerge that the school had played another football game in a suburb of Pittsburgh as recently as Friday, August 27 – less than 48 hours before the game on Sunday against IMG Academy – an action that raised concerns about whether Bishop Sycamore's players had been afforded sufficient time to rest and recover between games.³⁰

³⁰ Bill Bush, 'As Far as I Know, None of the Kids Did Any School.' *Questions Mount Over Legitimacy of Bishop Sycamore*, The Columbus Dispatch, published Aug. 31, 2021, updated Sept. 7, 2021 <https://www.dispatch.com/story/news/education/2021/08/31/bishop-sycamore-team-duped-espn-lacking-state-documents/5667470001/> (last accessed Nov. 9, 2021).

Among those expressing concerns was Ohio Governor Mike DeWine who asked the Department of Education to investigate Bishop Sycamore. He asked the Department to look into whether the school was complying with Ohio's minimum standards and "providing the educational opportunities Ohio students deserve."

As for the school's action after the game, Bishop Sycamore parted ways with head coach Roy Johnson. Reported to be taking over head coaching duties was Tyren Jackson. One of Jackson's first acts as head coach would be to sit for an interview with WCMH-TV in Columbus and declare: "We do not offer curriculum. We are not a school. That's not what Bishop Sycamore is, and I think that's what the biggest misconception about us was, and that was our fault. Because that was a mistake on paperwork." Jackson denied any knowledge of the school's address and bell schedule. As for the required filing for non-chartered, non-tax supported schools, Jackson was reported to have said that the school would not be submitting the filing for the 2021-2022 school year. Nevertheless, he maintained Bishop Sycamore would continue operations as a "post-grad football academy."³¹

For his part, Peterson defended the school, telling USA Today that the school was "not a scam." Peterson reportedly claimed that there were between 75 and 80 students at Bishop Sycamore and that the school's tuition was \$2,000. As for the courses, Peterson reportedly said, "We have to make sure that website also includes the academic part of it."³² As of the date of this report, a search of the school's website, bishopsycamore.org, reveals that the website is "parked free, courtesy of GoDaddy.com" and includes an option for the user to obtain the domain.

Despite Jackson's representation that the school would not file paperwork with the Department of Education for the 2021-2022 school year, Bishop Sycamore submitted its notice to the Department on September 30, 2021. The notice is like the notice the school submitted to the Department for the previous (e.g., 2020-2021) school year but omits: the page that describes the school; references to Advancing Science Worldwide and the ISE Foundation; the school year calendar; the listing of staff and advisory board members; and the school's COVID-19 statement.

³¹ Jamie Ostroff, *Bishop Sycamore Football Coach: Next Team to Play Us Will Make 'National News'*, NBC4i.com, posted Sept. 6, 2021, updated Sept. 7, 2021, <https://www.nbc4i.com/news/investigates/bishop-sycamore-football-coach-next-team-to-play-us-will-make-national-news/> (last accessed Nov. 9, 2021).

³² Tom Schad, *New Bishop Sycamore Coach: 'We Are Not a School. That's Not What Bishop Sycamore Is'*, USA Today, Sept. 6, 2021, <https://www.usatoday.com/story/sports/highschool/2021/09/06/bishop-sycamores-new-football-coach-not-actual-school/5749219001/> (last accessed Nov. 9, 2021).

The school also submitted to the Department its annual certification report to parents for the 2021-2022 school year. The school's physical address was changed to 7637 Swindon Street in Blacklick, which is listed as a residence on the Franklin County Auditor's online property search database. The Columbus City School District is listed as the public school district where students would attend. The first day of school was recorded as September 7. Only one student was indicated as being enrolled in the school.

The Department did not receive any documents from Bishop Sycamore High School or Andre Peterson in response to Director Cosmo's September 3, 2021, and September 17, 2021, letters. On November 16, 2021 – over two months after the Department's first letter was sent – the Department heard from the school through an email from Andre Peterson and Roy Johnson. Peterson and Johnson thanked the Department for looking into its "program" – not *school* – but the email did not include any of the documents requested by the Department. They instead wanted to talk with Cosmo to address their concerns. During a call on November 16, 2021, with Roy Johnson and Andre Peterson, Cosmo received confirmation that only one student was enrolled in Bishop Sycamore High School, and the student's enrollment in the school had not been reported to the student's resident district by either the school or the parent.

IV. The Investigation

In response to the governor's request, on September 2, 2021, former Superintendent of Public Instruction Paolo DeMaria directed the Department's Chief Legal Counsel and the Director of Nonpublic Educational Options to conduct an investigation of the facts relative to Bishop Sycamore High School. On September 3, 2021, Sue Cosmo, Director of the Office of Nonpublic Educational Options, sent a letter via certified mail and email to the school. The letter was sent to the attention of Andre Peterson, the administrator of the school, at the address provided by the school for the 2020-2021 school year: 3599 Chiller Lane, Columbus, Ohio 43219.³³ The letter was also sent to the agent/registrant listed in corporate filings, Brandy Porter, and the address on file with the Ohio Secretary of State for B.S.F. Bishop Sycamore Foundation, at 1333 Orchard Park Drive, Columbus, Ohio 43232.³⁴

³³ The letter specified that the initial address given for the school was 303 S. Grant Avenue, Columbus, Ohio 43215, and that the Department was later notified that the school had been relocated to the Chiller Lane address.

³⁴ According to the Initial Articles of Incorporation on file with the Ohio Secretary of State, Ronald Peterson is listed as an incorporator for B.S.F. Bishop Sycamore Foundation. Based on records submitted to the Department for the school that show Andre Peterson's signature as "R. Andre Peterson," the Department has reason to believe that Peterson's first name is Ronald.

The September 3 letter directed the school to submit the following documents to the Department:

- A statement of the school's truly held religious beliefs that form the school's foundation and its non-chartered, non-tax supported status, and supporting documentation, including the written statements of the school's beliefs that the school gives to parents;
- Documents verifying each address at which the school operated for the 2020-2021 school year, including the beginning and end dates;
- Documents verifying each address at which the school operated for the 2021-2022 school year;
- A copy of the 2020-2021 and 2021-2022 school calendars and verification the school was or will be open for instruction and the required hours with pupils in attendance;
- A copy of the 2020-2021 and 2021-2022 pupil attendance, enrollment, and withdrawal report submitted to the treasurer of the Columbus City School District, or any other district, including the method and date of submission for each school year;
- A 2020-2021 and 2021-2022 list of teachers and administrators for Bishop Sycamore High School and documentation verifying that each holds a bachelor's degree or equivalent from a recognized college or university;
- A list of each course of study, the assigned teacher and dates and times the courses were offered to students and the number of students enrolled in each course for the 2020-2021 and 2021-2022 school years;
- A document detailing Bishop Sycamore's pupil promotion procedures; and
- Copies of health, fire, and safety permits or reports for each location where the school offered courses to students for the 2020-2021 and 2021-2022 school years.

The Department requested that the documents be provided by September 17, 2021. The letter specified that failing to timely submit the documentation would be cause for removal of Bishop Sycamore High School from the 2020-2021 non-chartered, non-tax supported school list and exclusion from the school list for the 2021-2022 school year.

In response, the Department received a September 9 letter from attorney Byron L. Potts, who informed the Department that he represented B.S.F. Bishop Sycamore Foundation and Damond and Brandy Porter.³⁵ Mr. Potts explained that his clients have “no affiliation with B.S.F. Bishop Sycamore High School.”³⁶ Nevertheless, Mr. Potts requested “all of the records pertaining to Bishop Sycamore High School.” Mr. Potts concluded his letter by advising that his clients “have no intention to submit the documents that you requested in your letter for inclusion on the non-chartered, non-tax supported school list for [the 2021-2022 school year] or any other year.”

On September 17, 2021, the Department sent a second notice to the school, to the attention of R. Andre Peterson, at 7637 Swindon Street, Blacklick, Ohio 43004, which the Department has reason to believe is Peterson’s residence. The letter requested the same documents as requested in the September 3 letters. The school’s deadline to submit the documents in response to the second notice was September 24, 2021.

The Department did not receive the requested documents by the September 24 deadline. In fact, as of the date of this report, the school has not submitted the requested documents to the Department. But on September 30, 2021, at 12:59 a.m., the school emailed the Department its annual certification materials for inclusion on the non-chartered, non-tax supported schools list for the 2021-2022 school year (attached as Appendix C), as well as a seven-page annual report for the school (attached as Appendix D).

For the 2021-2022 school year, Bishop Sycamore High School listed its physical street address as 7637 Swindon Street, Blacklick, Ohio 43004. The public school district included for the school is “Columbus.” No students were listed as being identified for special education services according to the Individuals with Disabilities Education Act. The school indicated that the only grade it served was twelfth grade. Only one student was listed as being enrolled.

The annual report includes a 45-week, 180-day school calendar, including a schedule of periods. According to the report, period 0 begins at 7:10 and ends at 8:00. The last period of the day, period 8, ends at 3:05. Three of the seven pages of the report are

³⁵ Damond Porter is listed as an incorporator of B.S.F. Bishop Sycamore Foundation in the entity’s Initial Articles of Incorporation on file with the Ohio Secretary of State.

³⁶ The relationship, if any, between the Foundation and the High School is unclear. The Initial Articles of Incorporation for the Foundation state that the nonprofit corporation was formed for the following purpose: “We are a foundation that provides education/sports to student athletes. We help youth/young adults that want to go off to college and have no solid support. Also children and young adults that struggle with education we help give them the support that they need from us.” The stated educational purpose of the entity, the inclusion of Peterson as an incorporator, and the dual use of the enigmatic name “Bishop Sycamore,” seem to suggest some connection between the Foundation and the High School. The articles show the effective date of the corporation as August 16, 2019.

dedicated to largely restating the requirements in [OAC 3301-35-08](#). The sixth page of the report addresses pupil attendance. According to the report, a “[c]hild’s school enrollment or withdrawal will be reported on behalf of the parent/guardian.” This conflicts with the response on Bishop Sycamore’s certification form that parents report students’ enrollment.

On September 8, 2021, Department staff met with representatives from Graduation Alliance after the company alerted the Department that it had information pertaining to Bishop Sycamore. Graduation Alliance provides educational services to state agencies, school districts, community colleges, and workforce boards throughout the United States. It also offers full-service diploma completion programs, which can be provided in a facility, as well as in a fully online or a hybrid setting. Graduation Alliance representatives told Department staff that it had a brief relationship with Bishop Sycamore High School. The school initially reached out to Graduation Alliance in August 2020. At the time, Bishop Sycamore told Graduation Alliance that the school needed to align its curriculum with Ohio’s graduation requirements. Graduation Alliance created the online curriculum for the school and began providing services to the school’s students in October 2020.

Graduation Alliance informed Department staff that Bishop Sycamore High School initially enrolled 19 students. The students’ ages ranged from 15 to 20. The credits remaining toward graduation at the time of students’ enrollment ranged from zero to 20. Many of the school’s students were in the online program for partial months. One student enrolled for one day. By late January 2021, only five students remained enrolled.

The relationship between Graduation Alliance and Bishop Sycamore deteriorated after Bishop Sycamore fell behind on the agreed upon payment plan of \$239 per month (which was prorated by the number of days students were enrolled in the month) for Graduation Alliance’s services. Despite Bishop Sycamore’s nonpayment of service fees, Graduation Alliance continued to provide online access to the school’s students.

Upon termination of its relationship with Bishop Sycamore, Graduation Alliance offered full scholarships for the five students who remained in the program. Four students accepted the scholarships. The fifth student enrolled in a public school district.

On October 26, 2021, Department staff conducted a site visit of the location – an athletic facility – that Bishop Sycamore High School listed as its physical address for the previous school year (2020-2021). Staff observed the areas of the athletic facility, which featured three football fields and a fitness center that the facility rents to schools. The Director of Business Development at the facility told Department staff that Bishop Sycamore did not rent the facility much over the past year, perhaps

monthly based on the weather. She believed the rent paid by Bishop Sycamore was less than \$1,000 for its total use of the facility, which was less than one percent of the facility's annual usage. Bishop Sycamore asked about using the mezzanine of the facility, which includes tables and chairs, for a study area for students' use. The school had also represented that it intended to have a tutor for an hour after workouts, but the school never used the mezzanine for tutoring.

Additionally, Department staff reached out to the Columbus City School District, which Bishop Sycamore High School listed as the district for the school. Staff learned the district maintains a database of records of transfer students who attend nonpublic schools. The district informed staff that the district's report shows no records of students who were attending Bishop Sycamore High School for the 2019-2020, 2020-2021, or 2021-2022 school year.

Despite having never received the documentation it requested from Bishop Sycamore at the outset of its investigation, on Tuesday, November 16, 2021, the Department received an email from Bishop Sycamore's info@bishopsycamore.org email address. The signatures for the email included Roy Johnson and Andre Peterson, followed by "Bishop Sycamore Staff." Johnson and Peterson thanked Cosmo for "taking the time to look into our program," and asked Cosmo for a 30-minute meeting to "address some of our concerns."

Cosmo held a conference call with Andre Peterson and Roy Johnson on November 18, 2021. During the call, Peterson and Johnson answered Cosmo's questions about Bishop Sycamore High School's operations during the school years of 2020-2021 and 2021-2022. Johnson told Cosmo that the school's address for the 2020-2021 school year was at the athletic facility on Chiller Lane and that Bishop Sycamore was going to use the mezzanine area of the facility to complete college applications. Johnson also told Cosmo that Bishop Sycamore's first day of school for the 2020-2021 school year was in February of 2021 and the last day was in June. Johnson indicated that only four or five students were enrolled for the 2020-2021 school year.

Peterson and Johnson told Cosmo that Bishop Sycamore used Graduation Alliance for the 2020-2021 school year and said they verified that the high school teachers had a bachelor's degree or equivalent.³⁷ Peterson said they learned about Graduation

³⁷ On December 13, 2021, Bishop Sycamore emailed to the Department a document the school represented was its contract with Graduation Alliance. The document provided was in fact a master services agreement between Graduation Alliance, Inc., and ISE Foundation – not Bishop Sycamore High School. The contract was signed on September 1, 2020, by Brian Coolidge, who was listed as Treasurer of ISE Foundation in Columbus. In Bishop Sycamore's 2020 paperwork, the school said it partnered with "Innovation Science and Education" and that ISE Foundation provides an "innovative educational platform" for students. The Department

Alliance's services from parents of a Reynoldsburg student. Johnson said it was an affordable option. Graduation Alliance's courses, they said, included core courses of math, history, English, foreign language, and sign language.³⁸ They said all five students were enrolled in each course. When asked whether any courses were provided in-person, Peterson responded that they met once or twice a month to complete college applications. Student promotion to the next grade level was performed by a guidance counselor with Graduation Alliance, according to Johnson.

Peterson and Johnson told Cosmo that for the 2020-2021 school year the resident districts of Bishop Sycamore students were Columbus, Pickerington, Reynoldsburg, and Westerville. Johnson said that they were told that the students' parents were responsible for reporting to the districts that the students had enrolled in Bishop Sycamore High School.

As for the 2021-2022 school year, Johnson said only one student was enrolled in Bishop Sycamore High School due to the "whole nonsense." Peterson confirmed that the school's address for the year is Peterson's residence. The first day of school was in early September and the last day of school would be in June. Peterson told Cosmo that the sole student is using another online education platform. When asked whether the student's enrollment in Bishop Sycamore High School was reported to the resident district of Columbus, Peterson confirmed that he had not reported the enrollment. Cosmo reiterated to Peterson that, as both an administrator of the school and the parent of the student, he was required to do so. Peterson said that the school would report the enrollment of students in the future.

Peterson told Cosmo that the courses of study for the 2021-2022 school year include math, history, science, and foreign language. He said all courses are online and are taught in 50-minute sessions. Peterson said he verified that the teachers for the online platform had bachelor's degrees or the equivalent from a recognized college or university.³⁹

was unable to find a business named Innovation Science and Education or ISE Foundation registered with the Ohio Secretary of State to do business in Ohio.

³⁸ On December 13, 2021, Bishop Sycamore emailed to the Department a copy of a transcript of one of its students. The transcript appears to be issued by Graduation Alliance.

³⁹ To support Peterson's claim that Bishop Sycamore High School verified teachers' qualifications, the school forwarded an email chain between Roy Johnson and an assistant program manager for Graduation Alliance. On November 29, 2021 – 11 days after Johnson's call with Department staff – Johnson emailed Graduation Alliance and said that he was "following up on a [sic] inquiry emails [sic] over the past few weeks." Johnson asked, "Does graduation alliance have licensed teachers?" Graduation Alliance answered affirmatively. The exchange casts doubt on whether Bishop Sycamore staff had been verifying qualifications.

Additionally, Peterson shared that the school provides religious study, but he said the study was not reflected on transcripts. He mentioned that the name of Bishop Sycamore was influenced by a story from the biblical Gospel of Luke where a man named Zacchaeus climbs a sycamore tree in order to be noticed by Jesus, who was passing through the town.⁴⁰ Peterson said it was his favorite story in the Bible. He explained that the title of Bishop was included in the school's name because it means "overseer."

Toward the end of the call, Peterson explained that Bishop Sycamore High School only had four to five kids in the school and 40 kids on the football team. He said further that some of the kids had four years of football and four years of high school but were not being accepted to colleges because of their grades or not being "seen by the right people." Peterson continued, explaining that Bishop Sycamore High School was an attempt at giving students "the right exposure" so that they are seen "by the right people," like Zacchaeus was seen by Jesus after climbing the sycamore tree.

During the last few minutes of the call, Peterson and Johnson reflected on the Bishop Sycamore football team. They complained about the Ohio High School Athletic Association's actions that have kept the team from playing other local high school football teams. They lamented how one football game caused so much damage to their reputation.

Lacking additional information and in the continued absence of requested documentation from the school, this report reflects the limited data available to the Department with which to conduct an investigation.

V. Bishop Sycamore's Religious Beliefs

The minimum standards in OAC 3301-35-08 are intended to apply to schools for which compliance with the minimum operating standards for other chartered nonpublic schools would require the schools to violate their truly held beliefs. The challenge for the Department in this case is that schools are not required to submit any description of their truly held religious beliefs to the Department. On the annual certification report for the 2020-2021 school year, Bishop Sycamore checked the box to indicate that the school was "not chartered or seeking a charter due to truly held religious beliefs." The school also checked the subsequent box to indicate that it had given written statements of its beliefs to parents. The Department's annual certification report form for the 2021-2022 school year does not include the prompts regarding the school's truly held religious beliefs and its written statement to parents about the beliefs.

⁴⁰ Luke 19:1-10.

The Bishop Sycamore High School football team's Twitter page includes the January 24, 2021 statement, "We are a Christian school so we tell no lie." Director/Coach Andre Peterson represents in his Coach Andre Peterson Twitter profile that he is a "Preacher of the Gospel." On his Min. Andre Peterson Twitter profile, Peterson states he is a "Minister of the Gospel." Peterson told Department staff that the school includes religious study, but the study is not reflected on transcripts.⁴¹

This investigation confirmed that Bishop Sycamore High School is not affiliated with the Catholic Diocese of Columbus. Often, a bishop's name on a private school indicates a Catholic school. The Diocese of Columbus confirmed to the Department that the Diocese has no connection to Bishop Sycamore High School.

Peterson's statements suggest that the school has religious beliefs, but the Department is unable to identify with specificity what those religious beliefs are. And without identifying the school's religious beliefs, the Department could not begin to ascertain whether those religious beliefs are truly held.

VII. Analysis of Bishop Sycamore's Compliance with Minimum Standards

A. School Year

*Standard: The school shall be open for instruction with pupils in attendance for not less than . . . one thousand one hours in the case of pupils in grades seven through twelve in each school year according to [section 3313.48](#) of the Revised Code.*⁴²

Finding: The Department finds that Bishop Sycamore was not open for instruction for the requisite hours for the 2020-2021 school year. For the 2021-2022 school year, the Department is unable to confirm whether the school was open for instruction for the requisite hours.

According to the school's annual certification report for the 2020-2021 school year, Bishop Sycamore High School represented it would be open for instruction for three students for 1,001 hours that year. The school's bell schedule reflected that the school

⁴¹ On December 13, 2021, Bishop Sycamore emailed to the Department the school's "Religious Statement." The statement recited several beliefs, which included many of the elements in Christianity's Apostles' Creed. As for the ways in which those beliefs impacted the school, Bishop Sycamore said it motivates its "young men in weekly Bible studies, guest speakers, religious courses and Sunday morning services."

⁴² OAC 3301-35-08(A).

would be open for instruction nearly 8 hours per school day, beginning at 7:10 a.m. and ending at 3:05 p.m.

But there appears to have been a conflict between the bell schedule and the football team's published team workout schedules. For example, on December 6, 2020, the team posted on its Twitter page that team workouts would be held on Monday, Wednesday, and Friday from 9:30 to 11:30. Presuming that the workouts were held in the morning of those days, the workouts would begin in the middle of period 2 (8:59 to 9:47) and end during period 4 (10:45 to 11:33).

Similarly, on January 6, 2021, the team posted an announcement that team workouts would resume January 18. Workouts would be held Monday, Tuesday, and Thursday from 10 a.m. to 12 p.m. each day. Those workouts would begin in the middle of period 3 (9:52 to 10:40) and end in the middle of period 5 (11:38 to 12:26). The team would continue this schedule, as reflected in its February 7 post, which included the phrase "Back to Work."

Students apparently had some academic activity, as the team tweeted and retweeted on February 13 for students to complete their "School Work." Nevertheless, February 14 led to another announcement of team workouts on Monday, Tuesday, and Thursday from 10:00 a.m. to 12:00 p.m. This workout schedule would apparently continue throughout February.

As for attending school for instruction, a revealing Tweet on February 16, 2021, provides insight on where academic activity was expected to occur. The team tweeted that there would be no workouts that day and for students to "stay home" and do their "school work." In other words, football workouts were in person, schoolwork was completed at home, not in person at a school.

Department staff confirmed in a site visit to the athletic facility on October 26, 2021, that Bishop Sycamore High School was not using the facility for instruction. Staff's interview of the facility's Director of Business Development revealed that the school used the athletic facility infrequently. And while the school reportedly inquired about using the facility's mezzanine area for tutoring, the school never used the space for that purpose. This facility was listed as the physical location of the school. Staff's site visit confirms that Bishop Sycamore did not provide instruction to students at the listed address. Based on the information available to the Department, it appears that Bishop Sycamore did not have a school that was open for instruction for the 2020-2021 school year.

As for the 2021-2022 school year, the school stated it would be open for instruction 182 days. The first day of school was September 7 and the last day of school would be June 28. The school day start time was listed in the certification form as 7:00 a.m.,

but the bell schedule in the annual report shows period 0 beginning at 7:10 a.m. The school day end time was 3:05 p.m. on both the certification form and the annual report.

Staff have not conducted a site visit of the address listed for the school for the 2021-2022 school year as it is a private residence. Without further information, the Department is unable to confirm whether the residence is being used as a school and is open for instruction.

B. Attendance Reports

Standard: Pupil attendance shall be reported to facilitate administration of laws relating to compulsory education and the employment of minors. Parents shall be responsible for reporting their child's school enrollment or withdrawal. An individual in charge of the non-chartered, non-tax supported school may, as a matter of convenience, provide the report for the parent.

(1) The attendance report shall include the name, age, and place of residence of each pupil below eighteen years of age.

(2) The report shall be made to the treasurer of the board of education of the city, exempted village, or local school district in which the pupil resides.

(3) The report shall be made within the first two weeks of the beginning of each school year. In the case of pupil withdrawal or entrance during the school year, notice shall be given to the treasurer of the appropriate board(s) of education.

Such notice shall be given within the first week of the next school month.⁴³

Finding: The Department finds that students' enrollment in Bishop Sycamore High School was not reported to the treasurer of the respective school districts of residence for the 2020-2021 and the 2021-2022 school year.

For the 2020-2021 school year, Bishop Sycamore's annual report stated that "BSHS will report before the required timeline set by the Ohio Department of Education." The document also indicated that enrollment or withdrawal would be reported on behalf of the parent/guardian. But on the annual certification report, the school selected the option that parents were responsible for submitting the attendance report. It also selected the option that the school submits the attendance report on behalf of the parent. When asked for clarification as to how attendance was reported, the school represented in February 2021 that parents were responsible for notifying their resident district and that the school follows up with school districts to ensure the reports were submitted.

⁴³ OAC 3301-35-08(B).

The school's annual certification form for the 2021-2022 school year reflects the expectation that parents are responsible for submitting the attendance report.

The Columbus City School District confirmed to Department staff that the district's database does not show any records of students attending Bishop Sycamore for the 2019-2020, 2020-2021, or 2021-2022 school year. If parents of Bishop Sycamore students were expected to make the report to Columbus, then Columbus has no record of them doing so. The school also did not appear to be following up to ensure the reports were filed. The school did not list any other district of residence for its students in its submissions to the Department.

Graduation Alliance informed the Department that 19 of Bishop Sycamore's students enrolled in Graduation Alliance's online instructional programming during the 2020-2021 school year. Many of these students were enrolled for only a portion of the month, and one student was enrolled for only one day. In late January 2021, only five students remained in Graduation Alliance's online programming, leading four students to accept full scholarships to Graduation Alliance's private institution and one to enroll in a public school district. It is unclear as to whether any students remained enrolled in Bishop Sycamore High School as of February 2021.

It is also concerning that there is uncertainty as to how many students are actually involved in the school. Graduation Alliance confirmed that Bishop Sycamore had up to 19 students during the 2020-2021 school year. The school's certifications to the Department reflect that the school enrolled three students for the 2020-2021 school year and one student for the following year. Yet in both years, the school was able to field a football team. The certifications belie the representation of Andre Peterson to USA Today that Bishop Sycamore had "between 75 and 80 students." Either the certifications were inaccurate, or Peterson's statement was untrue. Possibly both.

In the end, the Department found that attendance reports were not filed as required by the minimum standards for non-chartered, non-tax supported schools.

C. Qualifications of Teachers

Standard: Teachers and administrators shall have received a bachelor's degree or the equivalent thereof from a recognized college or university.⁴⁴

Finding: The Department is unable to confirm that Bishop Sycamore High School verifies that teachers and administrators meet the requirements.

⁴⁴ OAC 3301-35-08(C).

The school did not list any teachers on its annual certification report for the 2020-2021 school year. On the certification for the 2021-2022 school year, the school marked “Yes” to the requirement.

But as has been noted throughout this report, there does not appear to be a school where students attend. If the school employed any teachers, the teachers did not appear to have a school or classroom in which to teach. If any coursework has been provided, it is likely through an online platform or other means at students’ residences, as reflected in the Department’s conversations with Graduation Alliance and the football team’s Twitter postings. There is no evidence to show that Bishop Sycamore High School meets this requirement for qualified teachers.

D. Courses

Standard: Each non-chartered, non-tax supported school shall have courses of study for the following subjects:

- (1) Language arts;*
- (2) Geography, the history of the United States and Ohio, and national, state, and local government;*
- (3) Mathematics;*
- (4) Science;*
- (5) Health;*
- (6) Physical education;*
- (7) The fine arts, including music;*
- (8) First aid, safety, and fire prevention;*
- (9) Other subjects as prescribed by the non-chartered, non-tax supported school.⁴⁵*

Finding: The Department is unable to verify Bishop Sycamore High School’s representation that it has provided the required courses of study for its students.

For both school years, the school selected each required course on the annual certification form. Whether these courses are in fact provided, and by whom, remains a mystery. The documents submitted for the 2020-2021 school year suggest that the school had a connection with Advancing Science Worldwide and Innovation Science and Education. A year later, references to these two entities were removed.

Graduation Alliance notified the Department that Bishop Sycamore’s students had, beginning in October 2020 (after the school year purportedly began), access to online instructional services provided by Graduation Alliance. Furthermore, the company continued to provide instructional services to students despite Bishop Sycamore’s

⁴⁵ OAC 3301-35-08(D).

nonpayment of service fees and offered full scholarships for the five students who remained in the online program at the time of Graduation Alliance's termination of its relationship with Bishop Sycamore.

But from the information provided by Graduation Alliance, students seemed to come and go at Bishop Sycamore, enrolling for partial months and as short as one day. It is unclear whether students merely stopped participating in Graduation Alliance's online program or whether students left Bishop Sycamore entirely.

It is also unclear whether any students remained enrolled in Bishop Sycamore High School at the time of Graduation Alliance's termination of its relationship with the school. If only five students remained in the school in late January 2021, and four of those students enrolled in Graduation Alliance's private institution and one student enrolled in a public school district, there would be no students remaining enrolled in Bishop Sycamore. And if there were any students enrolled in Bishop Sycamore, who was providing instructional services to those students?

In January 2021, Roy Johnson had been telling Department staff that Bishop Sycamore students had been taking classes through the online learning platform APEX, but there is no other evidence to support that representation. And as recently as early September 2021, Andre Peterson told USA Today that the school had to make sure the website includes the academic part of the school. With the website apparently gone, one is only left with more questions about how, and whether, students are provided courses of study. Unfortunately, these questions remain unanswered. Without further information, the Department is unable to verify the school's representation that it has provided the required courses of study for its students. Nevertheless, it appears uncontroverted that students are not in attendance for courses given that the football team's Twitter posts implied that coursework was expected to be completed at home.

E. Grade Promotion

*Standard: Each non-chartered, non-tax supported school shall follow regular procedures for promotion from grade to grade of pupils who have met the school's educational requirements.*⁴⁶

Finding: The Department was unable to identify any criteria used by Bishop Sycamore High School to promote students from grade to grade.

On its annual certification for the 2020-2021 and 2021-2022 school years, the school certified that it follows the regular procedures for promotion from grade to grade of

⁴⁶ OAC 3301-35-08(E).

pupils who have met the school's educational requirements. When prompted to describe the school's promotion policy or procedures, the school represented the following for the 2020-2021 school year:

Bishop Sycamore's academic advancement and promotion protocol guarantees that our students receive the spiritual, academic, and mental health support they need to succeed in the next grade level. Our support system also ensures success when our students leave Bishop Sycamore in whatever post high school ventures they may embark on. With COVID-19 and the State of Ohio suggestions and embracing of social distancing learning, promotion will be based on a holistic evaluation of each student's progress, with compassion and empathy for social distancing learning situations. For grades 9 through 12, Bishop Sycamore will make promotion decisions based on course credits. Graduation standards will align with the Ohio Department of Education documented standard of graduation required credits.

For the following year, the school opted for a less ambitious description: "Follow the standards of the state of Ohio."

Under either year's description, it is unclear what criteria students must meet to be promoted from grade to grade. The rule requires that the school have regular procedures. Both descriptions leave one with the impression that such promotion procedures do not exist. The school also did not provide the Department with the procedures despite being asked to do so. There is therefore no evidence to show that Bishop Sycamore High School complies with this standard.

F. Health and Safety Laws

Standard: Each non-chartered, non-tax supported school shall comply with state and local health, fire, and safety laws.⁴⁷

Finding: The Department was unable to confirm whether Bishop Sycamore High School ensured compliance with appropriate state and local health, fire, and safety laws.

Bishop Sycamore High School represented that for the 2020-2021 school year it was located at a recreational center for football practice, not education. But staff at the facility contradicted the school's assertion, telling the Department that the school used the facility infrequently. When the location of the school cannot be identified with

⁴⁷ OAC 3301-35-08(F).

certainty for the 2020-2021 school year, it is unclear how the school complied with state and local health, fire, and safety laws.

The school's address for the 2021-2022 school year is a residence for at least one student. The school failed to provide any records to demonstrate compliance with this standard. There is thus no evidence to show that Bishop Sycamore High School complied with this standard.

VI. Conclusion and Recommendations

At the outset of this investigation, the former superintendent of public instruction charged the Department's Chief Legal Counsel and the Office of Nonpublic Educational Options with answering several specific questions. Those questions are restated with this investigation's related findings here:

- A. **Truly held religious beliefs:** What are the truly held religious beliefs that form the school's foundation and hence its alleged non-chartered, non-tax supported status?

Finding: The Department is unable to identify with specificity the religious beliefs of Bishop Sycamore High School.

- B. **School year:** Has the school previously operated in a manner to ensure the requisite hours open for instruction with pupils in attendance?

Finding: The Department has confirmed the standard was not met for the 2020-2021 school year. The Department finds that Bishop Sycamore High School was not open for instruction for the requisite hours for the 2020-2021 school year. For the 2021-2022 school year, the Department is unable to confirm whether the school was open for instruction for the requisite hours.

- C. **Pupil attendance:** To what extent has the school enabled parental reporting of students' enrollment or withdrawal in the school to the treasurer of the respective school districts of residence?

Finding: The Department confirmed the standard was not met. The Department finds that students' enrollment in Bishop Sycamore High School was not reported to the treasurer of the respective school districts of residence for the 2020-2021 and the 2021-2022 school year.

- D. **Teacher and administrator qualification:** To what extent are the requirements for teacher and administrator qualifications verified?

Finding: The Department is unable to confirm that Bishop Sycamore High School verifies that teachers and administrators meet the requirements.

- E. **Courses of study:** To what extent are the required courses of study offered?

Finding: The Department is unable to confirm that Bishop Sycamore offers required courses of study to its students.

- F. **Pupil promotion:** What are the criteria used to support pupil promotion from grade to grade?

Finding: The Department is unable to identify any criteria used by Bishop Sycamore High School to promote students from grade to grade.

- G. **Public health and safety:** Is the school ensuring compliance with appropriate state and local health, fire, and safety laws?

Finding: The Department is unable to confirm Bishop Sycamore has complied with appropriate health, fire, and safety laws.

The information available to the Department leads to the conclusion that Bishop Sycamore High School is not complying with the minimum standards for non-chartered, non-tax supported schools. The public statements about the school have been consistently inconsistent. The current head coach denies Bishop Sycamore's status as a school, then the school files another annual certification with the Department. Andre Peterson, the administrator of the school, was quoted as saying there were around 80 students in the school,⁴⁸ yet the school's forms disclose only three students for one year and one student for the following year. This pattern of misdirection leaves one concerned about the truth regarding the school's operations.

Further, Bishop Sycamore officials were given the opportunity to provide additional information to demonstrate the school's legitimacy and compliance. They declined to do so. Without the clarification from the school to prove its compliance, common sense leads one to the most obvious explanation: Bishop Sycamore is not a school as it purports on paper to be.

There is a dearth of information regarding the school's religious beliefs. Without knowing the school's religious beliefs, it is impossible to discern whether those

⁴⁸ Schad, *New Bishop Sycamore Coach: 'We Are Not a School. That's Not What Bishop Sycamore Is,'* USA Today, Sept. 6, 2021.

religious beliefs are truly held. And even in taking advantage of the fewer minimum standards to satisfy for non-chartered, non-tax supported schools, there is no evidence that Bishop Sycamore High School was, or is, meeting them. In sum, it appears that Bishop Sycamore does not have truly held religious beliefs that led the school to pursue a course as a non-chartered, non-tax supported school. It appears instead that Bishop Sycamore took this route because it could become established merely by submitting a form and some accompanying documents. All that was left was to assemble players for the next high school football powerhouse.

While the conclusion is not surprising given the media's reporting on the school, this report turns to address some of the questions that are likely to follow. Included within the answers are considerations and recommendations. Many of these recommendations would require legislative changes and cannot be implemented by the Department alone.

What is the Department's Authority to Sanction Bishop Sycamore High School?

Ohio law does not give the Department authority to sanction or penalize schools like Bishop Sycamore for failure to meet the minimum operating standards contained in OAC 3301-35-08. If the school were a chartered nonpublic school, the State Board of Education could revoke the school's charter for failing to meet the minimum standards for chartered nonpublic schools. As a non-chartered, non-tax supported school, Bishop Sycamore does not hold a charter to revoke. And as a school that does not receive public funds, the Department is unable to withhold funding from the school for failing to comply with the minimum operating standards.

There is no statute that authorizes the Department to approve such schools. Moreover, the rule that governs non-chartered, non-tax supported schools reflects only a requirement for a school to submit a copy of a report certifying its compliance with minimum standards, rather than to complete an approval process. Giving a report to parents and submitting the copy of the report are all that are required under Ohio law.

Ohio law likewise provides no authority for the Department to perform any oversight or enforcement of the minimum requirements for non-chartered, non-tax supported schools. Nevertheless, the Office of Nonpublic Educational Options maintains a list of non-chartered, non-tax supported schools that submitted the copy of their report to the Department. As mentioned earlier, the list is not required under the rule; the list is created merely as a convenience for students and parents to show that the non-chartered, non-tax supported school exists.

Recommendation No. 1: Do not include Bishop Sycamore High School on the list of non-chartered, non-tax supported schools for the 2021-2022 school year.

While Bishop Sycamore High School submitted a report as required under OAC 3301-35-08, the Department should not include the school on its list of non-chartered, non-tax supported schools for the 2021-2022 school year. It is conceded that not including the school on the list would be inconsistent with past practice. After all, the school submitted the paperwork that is required under the rule. But there is no legal requirement for the Department to maintain such a list and there is no clear legal duty for the Department to include a school that the Department believes is not complying with the minimum standards for non-chartered, non-tax supported schools. The reason for including the school on the list would only be to follow the Department's past practice. Nevertheless, maintaining consistency with past practice should not come at the expense of children's education. There is little risk in omitting the school from the 2021-2022 list. There is greater risk in children being denied an education by the school's inclusion on the list, which will give parents the impression that Bishop Sycamore High School complies with the minimum standards for non-chartered, non-tax supported schools.

Can action be taken to prevent Bishop Sycamore from continuing to operate?

There does not appear to be any authority for the Department to unilaterally prevent Bishop Sycamore High School from operating. Again, the school holds no charter to revoke and the rule that governs these types of schools does not provide the Department with authority to prohibit the school from operating.

One may be tempted to pursue legal action and ask a court to issue an injunction that prohibits the school from operating. Around 1960, an attendance officer and a county board of education once initiated such legal action against a religious nonpublic school where the school failed to comply with the state's minimum standards. On appeal, after the injunction had been granted, the Sixth District Court of Appeals held in the case *State ex rel. Chalfin v. Glick* that an injunction against the school was not the proper remedy.⁴⁹ The Court reasoned:

The violation of the law in the instant case, if any, is not the *operation of the schools* under attack, nor in the *subjects taught* therein, nor the attendance of the children of respondents at *such school*, but the failure of the respondent parents to send their children to a school which *meets the standards of education* required by the compulsory education laws of the state. In a proper action this failure by the parents subjects them

⁴⁹ 113 Ohio App. 23, 177 N.E.2d 293 (6th Dist. 1960), affirmed *State ex rel. Chalfin v. Glick*, 172 Ohio St. 249, 175 N.E.2d 249 (1961).

to the penalties provided for violation of the compulsory education and attendance laws of the state.⁵⁰

In other words, an attendance officer or a local board of education cannot obtain a court order to prevent a school from operating merely because the school does not meet the minimum standards. Instead, the Court believed a proper remedy was to prosecute the parents for sending their children to such a school.

The Supreme Court of Ohio reviewed the case and affirmed that a court does not abuse its discretion by refusing to issue an injunction were there was “no irreparable damage to property or impairment of its enjoyment or use, no physical discomfort of plaintiff, and no actionable injury to the health, morals or safety of any person.”⁵¹ Further, the Court noted, in 1961, that the problem of non-chartered public schools was “not new in Ohio and has been before the General Assembly on numerous occasions. The General Assembly has clothed the State Board of Education with authority to withhold state funds under the foundation program from public schools and to revoke charters of high schools which fail to meet the statutory requirements and the minimal standards established by statute and the regulations of the State Board of Education.” Pointedly, the Court concluded, “The General Assembly has established no other statutory law by which the State Board of Education can take action against private schools for failure to meet standards established by the regulations of the State Board of Education, except the compulsory attendance statutes referred to [in this case].”⁵²

Based on the Court’s holding, it appears that for a court order to issue, a litigant would have to prove actionable injury to the health, morals, or safety of a person. Without such a showing, a way to keep children from attending a non-chartered, non-tax supported school that fails to meet the minimum standards is, cruelly, to prosecute their parents.

Recommendation No. 2: Consult with the Attorney General regarding potential legal action against Bishop Sycamore High School.

Consultation with the Attorney General is warranted regarding a potential legal action against Bishop Sycamore High School to prevent the school from continuing to operate without meeting the minimum standards for non-chartered, non-tax supported schools.

⁵⁰ 113 Ohio App. at 29 (emphasis original).

⁵¹ *State ex rel. Chalfin v. Glick*, 172 Ohio St. 249, 175 N.E.2d 68 (1960), paragraph 6 of the syllabus.

⁵² 172 Ohio St. at 255.

Why was Bishop Sycamore High School allowed to operate?

To answer this question, the question's premise must be rejected. Ohio law does not provide the Department with any authority to *allow* such schools to operate or disallow the operation of those that violate the law. Bishop Sycamore High School submitted the paperwork required by rule. The rule does not provide the Department with the authority to review and approve, or disapprove, a form or a school's operation. The most the Department could do with respect to the filing is to not include Bishop Sycamore High School on the 2021-2022 list of non-chartered, non-tax supported schools. But the approval to operate was not within the Department's discretion to give.

Some may question why the Department did not take further action when it received inquiries about the school. Certainly, staff could have raised the issue further to senior leadership at the Department to identify other potential means of addressing the concerns. The Department should review its internal procedures and ensure they address when and how to escalate concerns from an office to senior leadership.

At the same time, Ohio law does not provide for any monitoring or enforcement mechanism for the Department to ensure non-chartered, non-tax supported schools' compliance with the minimum standards. Maybe the omission of Bishop Sycamore from the list is enough to end the school's operation. But if Bishop Sycamore's administrator submits a copy of the attendance report by September 30, 2022, for a *similar school* with a *new name*, by law, the Department is without power to deny the school's report or operation. Should the school not be added to the list of non-chartered, non-tax supported schools merely because staff suspect that the school is not complying with the minimum standards? This case illustrates that Department staff are placed in a difficult position in situations like this. Without further authority under law, the problem will continue to linger. Providing additional oversight and authority will give the Department tools to address these problems and help provide assurance to parents and the public that non-chartered, non-tax supported schools comply with the minimum standards.

What can be done to prevent schools like Bishop Sycamore from operating?

The discussions regarding Bishop Sycamore High School will foreseeably pivot to proactive considerations to mitigate the risk of future non-compliant, non-chartered schools continuing to operate. This investigation has shown that the current regulatory system is insufficient to rectify situations where non-chartered, non-tax supported schools fail to meet minimum standards. This investigation has also shed light on past hesitation or resistance to changing the law to address these situations. Which leaves the present in the frustrating intersection of an interest in reform and a lack of

momentum to change the way things are. What is clear is that to prevent this situation from repeating itself, something in the law must change. This report provides several recommendations for consideration.

Recommendation No. 3: Require non-chartered, non-tax supported schools to submit a copy of their annual report, as required by OAC 3301-35-08, to the Department by July 31.

Currently, non-chartered, non-tax supported schools are required by rule to submit their report to the Department by September 30 of each year. By September 30, students are already in school. Parents have made their school-selection decisions with respect to their children's education. Any action against the school, if such action is authorized, would be taken after school has started, leading to disruption in students' education. In moving up the deadline, the Department would have an opportunity to try to address suspected issues of noncompliance before the first day of school. Additionally, moving up the deadline helps parents in making decisions about their children's education before school begins.

Recommendation No. 4: Amend the Revised Code to authorize the Department to monitor and enforce non-chartered, non-tax supported schools' compliance with the minimum standards of OAC 3301-35-08 and require such schools to comply with the Department's investigation and any corrective action required by the Department.

Expressly authorizing the Department to monitor and enforce non-chartered, non-tax supported schools' compliance with minimum standards would provide a structure of oversight and accountability that is currently lacking. There is no express authority for the Department to monitor and enforce the minimum standards of the rule. This enforcement power should be coupled with an express requirement for schools to comply with any investigation by the Department. Failure to cooperate with the Department's investigation, and any required corrective action, should be cause for removal from the Department's list of schools.

Recommendation No. 5: Require the Department to publish a list of non-chartered, non-tax supported schools that registered with the Department by filing the report required by OAC 3301-35-08 and allow the Department to remove schools from the list for failure to comply with the minimum standards and relevant law.

As mentioned before, the Department maintains a list of non-chartered, non-tax supported schools that file the required report with the Department by September 30. The list is prepared as a courtesy. Requiring the Department to prepare and maintain such a list provides another measure of accountability and transparency, and the list can assure parents when evaluating schools and making decisions about their

children's education. The requirement should be partnered with a clarifying statement about the significance of the list, namely that only the schools included on the list should be considered as registered with the Department.

Moreover, the Department should be authorized to remove schools from the list for noncompliance with the minimum standards and relevant law. Because the list would be taking on additional importance, the Department's removal of a school from the list should be governed by the proceedings in Chapter 119 of the Revised Code.

Recommendation No. 6: Clarify that a non-chartered, non-tax supported school is prohibited from operating unless the school is registered with the Department and included on the Department's list of non-chartered, non-tax supported schools for that school year.

The rule governing non-chartered, non-tax supported schools does not include an express prohibition on operating a school that does not comply with the minimum standards in the rule. While the prohibition is implied from the rule, an express prohibition that is tied to the Department's list of schools provides additional clarity on the impact of noncompliance. The express prohibition would not only serve as a caution to bad actors, but it would also serve to assure parents when making decisions about enrolling their children in non-chartered, non-tax supported schools.

An enforcement mechanism for this provision should also be considered. One consideration is to authorize the Department to refer a non-registered school's continued operation to the Attorney General for civil enforcement proceedings.

Recommendation No. 7: For schools that have been removed from the list and seek to register in a future school year, authorize the Department to verify the schools' ability to comply with the minimum standards before registering the schools.

Oversight reforms should include provisions that address the situation where a non-chartered, non-tax supported school has been removed from the list of schools and seeks to register in a future school year. In such a situation, the school would have been removed for not complying with the minimum standards. It may be worth considering providing an opportunity for such a school to correct its deficiencies and return in a future school year. But registration should be premised on the Department's verification of compliance with the minimum standards.

* * *

The recommendations included in this report are presented to help provide potential solutions to the problems revealed in this investigation. This case demonstrates the systemic weaknesses that allow for the continued operation of non-chartered, non-tax supported schools that are not meeting the minimum standards for such schools. Providing additional structure and oversight for these schools can reduce the risk of harm to students by noncompliant schools, while also providing greater assurance and confidence for schools that diligently adhere to the minimum standards. This oversight also need not be overly burdensome to a group of schools that has historically enjoyed minimum involvement with the state. Further, reforms could serve as another tool in helping parents as they decide where to enroll their children.

While reform in the oversight of these schools may help in the future, the present situation is a result of the actions of the administrators of Bishop Sycamore High School. In his defense of Bishop Sycamore, Andre Peterson reportedly told USA Today: “If it’s a scam and the kids are not going to school and not doing what they’re supposed to do, then I’m literally scamming myself. And more importantly, I’m hurting my own son.” He continued, “So when people say stuff like that ... I would literally be taking my son’s future and throwing it in the trash.”⁵³ Unfortunately, the facts suggest that Bishop Sycamore High School was and is, in fact, a scam. To that end, the head coach of the Bishop Sycamore football team confirmed what has become apparent to everyone: Bishop Sycamore is not a school. Bishop Sycamore was a way for students to play football against high school teams and potentially increase students’ prospects of playing football at the collegiate level. The cost of this dream for those students wasn’t just the tuition charged to attend the school. The price was the education the students were entitled to receive.

Much of the attention in this case began with a focus on a lopsided loss in a nationally televised high school football game. As more details came out, that focus shifted to the students caught up in Bishop Sycamore’s scheme. The incredulous turned to disappointment in Bishop Sycamore’s leaders and sadness for Bishop Sycamore’s students and the education they were supposed to receive. Education provides an opportunity for each child to achieve their personal ambitions and dreams and to contribute to their neighbors and community. Each child in Ohio is entitled to an education of high quality. That includes the children at Bishop Sycamore. Indeed, each child at Bishop Sycamore deserves better.

⁵³ Schad, *New Bishop Sycamore Coach: ‘We Are Not a School. That’s Not What Bishop Sycamore Is,’* USA Today, Sept. 6, 2021.

Appendix A



Bishop Sycamore High School

About Us



Bishop Sycamore High School is a innovative academically accredited school. Partnering with Advancing Sciences Worldwide and Innovation Science and Education.

These two institutions have been in education for a combined 72 years.

With ISE innovative education platform and ASW the Bishop Sycamore partnership makes this High School one of the best academic institutions in the country.

Bishop Sycamore High School is located in Columbus Ohio.

We are encouraged about the future and excited about the present.

Go Centurions!!!!!!!!!!!!

ASW

Co-founders Rithvik Musuku and Zahir Abdul started Advancing Science Worldwide as they believed that all countries should be able to study science and engage with the scientific community. They were appalled by what was essentially a discouraging of science in many developing regions worldwide. In some regions, science funding is extremely low and science can be frowned upon unless it has a short term, practical impact.

On the surface, it may seem like science has no place in regions that are not wealthy. It is commonly argued that these regions should focus on using their money for more practical things. However, there are many long term science problems such as climate change and antibiotic resistance and the world needs as many scientists as it can get to solve such problems.

For instance, many developing regions are constantly ravaged by natural disasters. If scientists in such regions received sufficient funding, they may be able to find creative, innovative solutions to reduce the destruction caused by such events.

They may not be able to receive support from their home region and its citizens and that is the problem ASW hopes to alleviate, not only for professional scientists, but for people of all ages and skill levels. For those that are underprivileged in their availability of scientific knowledge and materials, ASW does as much as possible to provide equipment, books, journals, facilities, and other materials that serve a great use in scientific fields.



The mission of the ISE Foundation is to provide an avenue for underprivileged students to excel in academics and athletics. The ISE Foundation provides an avenue for underprivileged students to excel in academics and athletics. By providing an innovative educational platform, students take advantage of opportunities not readily available to them.

Bishop Sycamore High School



Annual Report

The governing board of Bishop Sycamore High School

This annual report serves as a certified notice to the parents of BSHS Students and the Ohio department of education that the school meets the Ohio minimum standards for non-chartered, non-tax supported schools cited in paragraphs (A) to (G) of the Ohio Revised Code 3301-35-08.

Ohio Revised Code 3301-35-08:

A. School year.

The school shall be open for instruction with pupils in attendance for one thousand one hours in accordance to section 3313.48 of the Revised Code.

41 week schedule

162 days

Bell Schedule:

Period 0 7:10 - 8:00

Period 1 8:05 - 8:54

Period 2 8:59 - 9:47

Period 3 9:52 - 10:40

Period 4 10:45 - 11:33

Period 5 11:38 - 12:26

Period 6 12:31 - 1:19

Period 7 1:24 - 2:12

Period 8 2:17 - 3:05

2 This report shall be made to the treasurer of the board of education of the city, exempted village, or local school district in which the pupil resides.

3 The report shall be made within the first two weeks of the beginning of each school year.

In the case of pupil withdrawal or entrance during the school year, notice shall be given to the treasurer of the appropriate board(s) of education.

Such notice shall be given within the first week of the next school month.

BSHS will report before the required timeline set by the Ohio Department of Education.

C Teacher and administrator qualifications.

Teachers and administrators shall have received a bachelor's degree or the equivalent thereof from a recognized college or university.

All BSHS teachers and administrators will have these credentials.

D Courses of study. Each non-chartered, non-tax supported school shall have courses of study for the following subjects:

- (1) Language arts;
- (2) Geography, the history of the United States and Ohio, and national, state, and local government;
- (3) Mathematics;
- (4) Science;
- (5) Health;
- (6) Physical education;
- (7) The fine arts, including music;
- (8) First aid, safety, and fire prevention;
- (9) Other subjects as prescribed by the non-chartered, non-tax supported school.

The above mentioned courses will be offered by BSHS.

E Pupil promotion. Each non-chartered, non-tax supported school shall follow regular procedures for promotion from grade to grade of pupils who have met the school's educational requirements.

F Pupil health and safety. Each non-chartered, non-tax supported school shall comply with state and local health, fire, and safety laws. Inspections will be held on August 15th, October 24, and May 7th, off campus site inspections will be done by the hosting facility and those dates will be made available to parents immediately upon its receipt by BSHS administration

G Pupils attending a non-chartered, non-tax supported school are not entitled to pupil transportation and pupils attending a non-chartered, non-tax supported school are not entitled to auxiliary services.

Parents should be aware that by attending BSHS they are not entitled to section G of the above documented code. A non-chartered, non-tax supported school is not entitled to nonpublic administrative cost reimbursement.

Thank You,

Bishop Sycamore
Advisory Board



Academic Misconduct

Academic misconduct includes but is not limited to cheating, fabrication, plagiarism, or facilitating academic dishonesty of any sort.

In the event that academic misconduct is suspected there will be an investigation and punishment process.

All staff of BSHS who suspect academic dishonesty should report it to the office of directors.

Process and Consequences:

The process starts with a staff member initiating a meeting with the student, and an administrator. The student will have an opportunity to see the evidence against them as well as hearing the possible punishment can be if found they have violated the conduct rule. If the student refuses to participate in the initial meeting, that shall be reported to an administrator and the student will be immediately withdrawn from BSHS.

Administrators are responsible for enforcing and delegating punishment. Academic sanctions may include reduced scores on assignments(s), a reduced grade in the course or failure of the course.

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Pupil attendance shall be reported to facilitate administration of laws relating to com-pulsory education and the employment of minors.

Child's school enrollment or withdrawal will be reported on behalf of the parent/guardian.

(1) The attendance report shall include the name, age, and place of residence of each pupil below eighteen years of age.

		Type	Exam	Assign	Assign	Exam	Assign	Exam	Exam	Exam												
		Weight	10	10	20	5	10	30	10	5												
		Difficulty	1	2	3	4	5	6	7	8	Overall		Science Inquiry Skills (SIS)			Scientific Understanding (SU)			Communication			
Name	St Code	Criteria	SIS display-interpret data	SU - recall & explanation	SIS - exp design	Comm	SIS - display data	SU - recall, explanation	SU - maths	SIS - exp design, review	Total weighted	Total avg	Overall grade	SIS weighted	SIS avg	SIS grade	SU weighted	SU avg	SU grade	com weighted	Com avg	Com Grade
Student 11	10011		13	12	13	0	12	11	14	4	1120	11	B	530	12	B+	590	12	B+	0	0	E-
Student 19	10019		14	14	11	8	11	10	12	6	1100	11	B	500	11	B	560	11	B	40	8	C
Student 20	10020		14	14	14	5	14	7	12	1	1060	11	B	565	13	A-	470	9	C+	25	5	D
Student 2	10002		11	10	11	14	9	11	6	14	1050	11	B	490	11	B	490	10	B-	70	14	A
Student 22	10022		11	11	9	6	9	11	14	5	1015	10	B-	405	9	C+	580	12	B+	30	6	D+
Student 4	10004		12	12	12	14	11	8	8	6	1010	10	B-	500	11	B	440	9	C+	70	14	A
Student 14	10014		7	12	13	8	12	10	8	3	1005	10	B-	465	10	B-	500	10	B-	40	8	C
Student 21	10021		12	11	11	14	8	9	9	6	990	10	B-	450	10	B-	470	9	C+	70	14	A
Student 15	10015		11	14	9	12	11	8	4	6	910	9	C+	430	10	B-	420	8	C	60	12	B+
Student 7	10007		13	13	9	12	8	6	8	6	870	9	C+	420	9	C+	390	8	C	60	12	B+
Student 1	10001		15	7	11	12	6	7	3	10	850	9	C+	480	11	B	310	6	D+	60	12	B+
Student 13	10013		9	11	7	8	6	8	9	9	815	8	C	335	7	C-	440	9	C+	40	8	C
Student 3	10003		14	6	9	8	8	8	5	6	820	8	C	430	10	B-	350	7	C-	40	8	C
Student 12	10012		11	8	7	15	8	6	5	6	745	7	C-	360	8	C	310	6	D+	75	15	A+
Student 18	10018		11	7	7	12	5	7	6	9	745	7	C-	345	8	C	340	7	C-	60	12	B+
Student 5	10005		10	11	1	12	9	9	6	6	740	7	C-	240	5	D	440	9	C+	60	12	B+
Student 9	10009		9	0	9	6	6	9	5	8	720	7	C-	370	8	C	320	6	D+	30	6	D+
Student 8	10008		6	8	8	8	7	6	7	4	680	7	C-	310	7	C-	330	7	C-	40	8	C
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Student 6	10006		9	5	5	5	4	7	10	6	645	6	D+	260	6	D+	360	7	C-	25	5	D
Student 10	10010		9	3	6	6	3	6	6	5	565	6	D+	265	6	D+	270	5	D	30	6	D+
Student 16	10016		3	2	3	6	6	8	4	3	495	5	D	165	4	D-	300	6	D+	30	6	D+
		Count	22	22	22	22	22	22	22	22	22	22		22	22		22	22		22	22	
		Average	10.55	9.05	8.86	9.05	8.14	8.05	7.50	6.14	846.82	8.45		394.77	8.82		406.82	8.09		45.23	9.05	
		St Dev	2.92	4.01	3.24	3.85	2.83	1.79	3.25	2.71	179.94	1.87		103.37	2.34		98.87	2.09		19.24	3.85	
		Median	11	10.5	9	8	8	8	6.5	6	835	8.5		412.5	9		405	8		40	8	

BSHS HIGH SCHOOL TRANSCRIPT

STUDENT INFORMATION	SCHOOL INFORMATION
FULL NAME: _____	NAME: _____
ADDRESS: _____ _____	ADDRESS: _____ _____
PHONE NUMBER: _____	PHONE NUMBER: _____
E-MAIL ADDRESS: _____	E-MAIL ADDRESS: _____
DATE OF BIRTH: _____	
PARENT/GUARDIAN: _____	

ACADEMIC RECORD

SCHOOL YEAR: _____ GRADE LEVEL: _____				SCHOOL YEAR: _____ GRADE LEVEL: _____			
Course Title	Credit Attempted	Credit Earned	Final Grade	Course Title	Credit Attempted	Credit Earned	Final Grade
Total Credits: _____ GPA: _____ Cumulative GPA: _____				Total Credits: _____ GPA: _____ Cumulative GPA: _____			
SCHOOL YEAR: _____ GRADE LEVEL: _____				SCHOOL YEAR: _____ GRADE LEVEL: _____			
Course Title	Credit Attempted	Credit Earned	Final Grade	Course Title	Credit Attempted	Credit Earned	Final Grade
Total Credits: _____ GPA: _____ Cumulative GPA: _____				Total Credits: _____ GPA: _____ Cumulative GPA: _____			

ACADEMIC SUMMARY CUMULATIVE GPA: _____ CREDITS ATTEMPTED: _____ CREDITS EARNED: _____ DIPLOMA EARNED: _____ GRADUATION DATE: _____	ATTACHMENTS <input type="checkbox"/> Grading scale <input type="checkbox"/> List of other schools attended <input type="checkbox"/> Other: _____ <input type="checkbox"/> Other: _____	<i>I do hereby self-certify and affirm that this is the official transcript and record of _____ in the academic studies of _____.</i> <div style="text-align: center;"><small>(Name of Student)</small></div> <div style="text-align: center;"><small>(Academic Years)</small></div> Signature: _____ Title: _____ Date: _____
--	---	---

BSHS 2019/2020 CALENDAR

- Tue August 13 Board Meeting
- Wed August 14 Parent Orientation
- Thu August 15 First Day for Students
- Mon September 2 No School Labor Day
- Fri October 11 End of first quarter
- Mon October 14 No School Professional Day
- Tues November 5 Voting Day No School
- November 27, 28, 29 Thanksgiving Vacation
- Thu December 19 End of second quarter and first semester
- Fri December 20 No School Students
- December 23 thru January 3 Winter Break 2020
- Mon January 20 No School Students and Staff: Martin Luther King Day
- Mon February 17 No School Students and Staff: Presidents' Day
- Fri March 13 End of third quarter
- March 16 thru March 20 Spring Break
- March 23 No School
- April 10 No School Students
- May 25 No School Memorial Day
- Thu May 28
- Last Day for Students; end of fourth quarter, second semester, and school year
- Fri May 29 Board and Staff Meeting



STAFF AND ADVISORY BOARD LISTING

Carinne Blackwell	ODU
Katrina Jarrett	Seton Hall
Jill Collins	OSU
Tim Dewberry	YSU
Andre Peterson	YSU
Deryck Richardson	ODU
Joshua Harris	BGSU



BISHOP SYCAMORE HIGH SCHOOL

COVID19

Due to the Covid19 pandemic; Bishop Sycamore start date and class schedule will follow the states guideline for student attendance.

The first day on the above mentioned calendar has been changed to Tuesday September 8th. Bishop Sycamore student body will be using the blended attendance & learning model for this upcoming year. With the Freshmen and Sophomore student body rotating with the junior and Senior. This will allow for social distancing in the classroom. Online and traditional learning will be used.

Appendix B

**NON-CHARTERED, NON-TAX SUPPORTED ANNUAL CERTIFICATION REPORT TO PARENTS
2020-2021 ACADEMIC SCHOOL YEAR**

Rule 3301-35-08 of the Ohio Administrative Code (OAC) requires that a school, which is not chartered or seeking a charter from the State Board of Education because of truly held religious beliefs, shall annually certify in a report to the parents of its pupils that the school meets Ohio minimum standards for non-chartered, non-tax supported schools cited in paragraphs (A) to (G) of this rule. A copy of said report shall be filed with the Ohio Department of Education on or before the thirtieth of September of each year.

In accordance with Federal IDEA, Public Law 108-446, 20 USC 1412 (a) (10) each nonpublic school must choose to participate or not participate with the Non-chartered Nonpublic School Participation of IDEA Special Need Form C provided by the Local School System.

SCHOOL INFORMATION

School Name _____ County _____

School Mailing Address _____ IRN _____

City _____ ZIP _____

E-Mail Address _____ Grade Levels Served _____

Local School District _____ District IRN _____

School Phone Number _____ Fax Number _____

Are you using local public school district services?
 Yes NO

Number of students identified according to IDEA _____ Number of Plans _____

School Physical Address *(if different from mailing address)* _____

*The following sections demonstrate the school's compliance with Ohio Administrative Code 3301-35-08. All sections must be completed to be added to the list of registered non-chartered, no-tax supported schools for the upcoming school year. **Number of Hours Required Yearly: Kindergarten =455 Hrs, Gr 1-6 = 910 Hrs, Gr 7-12 =1001 Hrs***

We are not chartered or seeking a charter due to truly held religious beliefs. YES NO

We have given written statements of our beliefs to parents. YES NO

First Day of School _____ Last Day of School _____

Number of Hours a Year _____ Hours of Operation _____ AM to _____ PM

Number of students currently enrolled _____

PLEASE CHECK WHICH ATTENDANCE REPORTING PROCEDURE APPLIES TO THIS SCHOOL:

- Parents are responsible for submitting and do submit their children's school attendance report (s), enrollment or withdrawal, to the treasurer (s) of the board (s) of education of the city, exempted village, or local school district (s) in which the pupils reside within the first two weeks of the beginning of each school year. In case of pupil withdrawal or entrance during the school year, the notice is to be give to the treasurer (s) of the appropriate board (s) of education within the first week of the next school month.
- The school submits all attendance report (s) to the school district treasurer (s) for the parents as a matter of convenience.

Administrator/Teacher Name	Type of Degree	Institution Granting Degree

Note: If your list is larger than the space provided, please attach an extra sheet.

As cited in OAC 3301-35-08, the courses listed below are required. Check courses provided by your school and list any additional courses not included below.

If your list is larger than the space provided, please attach an extra sheet.

Language Arts	Science	Physical Education
Geography, History, Government	Math	Fine Arts/Music
Health	First Aid, Safety, & Fire Prevention	Other

Does the school follow regular procedures for promotion from grade to grade of pupils who have met the school's educational requirements? YES NO *Describe school's promotion policy or procedures below:*

Does the school comply with state and local health, fire and safety laws? YES NO

Providing these dates is optional but preferred. File copies of inspection reports in the main school office.

School Environmental Health Inspection (twice a year)

School Fire and Safety Inspection (once a year)

1st Inspection Date _____

Date _____

2nd Inspection Date _____

NOTE: Pupils attending the school are NOT entitled to pupil transportation as provide pursuant to section 3327.01 of the Ohio Revised Code, (ORC) and they are NOT entitled to auxiliary services pursuant to section 3317.06 of the ORC. The school is NOT entitled to nonpublic administrative cost reimbursement provided pursuant to section 3317.063 of the ORC.

I certify that all of the above information is true, accurate and complete and that the school meets Ohio's minimum standards of non-chartered, non-tax supported schools, as cited in OAC Rule 3301-35-08 (A) to (G).

Print School Administrator Name _____

School Administrator Signature _____

Date 07/20/2020

A report must be issued to parents of students attending this school AND mailed to the Ohio Department of Education from July 1 through September 30th annually to:

Ohio Department of Education
 Nonpublic Educational Options NCNT
 25 S. Front Street, MS 309
 Columbus, Ohio 43215-4183

Appendix C

NonChartered NonTax Annual Certification Report to Parents

2021-2022 Academic School Year

Rule 3301-35-08 of the Ohio Administrative Code (OAC) requires that a school, which is not chartered or seeking a charter from the State Board of Education because of truly held religious beliefs, shall annually certify in a report to the parents of its pupils that the school meets Ohio minimum standards for non-chartered, non-tax supported schools cited in paragraphs (A) to (G) of this rule. A copy of said report shall be filed with the Ohio Department of Education on or before the thirtieth of September of each year.

1. School Name

Bishop Sycamore High School

2. Does your school have an IRN? *

Yes

No

3. If your school has an IRN please list it below

4. School Physical Street Address (example: 341 Main St) *

7637 Swindon St

5. School Suite/Apt/PO BOX (example: Apt 10)

6. School Physical City Address (ex: Columbus) *

Blacklick

7. School Physical Zip Code *

43004

8. School MAILING Address (please enter if different from the school mailing address example: 123 Main St, Columbus, 45213)

9. County *

10. School Phone *

11. School Email

12. Public School District *

13. In accordance with Federal IDEA, Public Law 108-446, 20 USC 1412 (a) (10) each nonpublic school must choose to participate or not participate with the Non-chartered Nonpublic School Participation of IDEA Special Need Form C provided by the Local School System.

Number of students identified according to IDEA (enter 0 if none of your students are identified) *

14. Are you using public school district services? *

- Yes
- No

15. Number of plans if using public district services

16. Grade levels served (please check all that apply) *

- Kindergarten
- First
- Second
- Third
- Fourth
- Fifth
- Sixth
- Seventh
- Eighth
- Ninth
- Tenth
- Eleventh
- Twelfth

17. Charter *

- We are not seeking a charter
- We are in the chartering process or intend to begin the chartering process

18. A Letter to Parents has been sent to all parents or guardians with a student enrolled in the school *

- Yes
- No

19. First Day of School *

September 7

20. Last Day of School *

June 28

21. School Day Start Time *

7:00 am

22. School Day End Time *

3:05 pm

23. Hours /Days Number of Hours Required Yearly (check all that apply) *

- Kindergarten- 455 hours
- Grades 1-6 - 910 hours
- Grades 7-12 1001 hours
- or 182 days

24. Number of students enrolled *

1

25. Attendance (choose one) *

Parents are responsible for submitting and do submit their children's school attendance report (s), enrollment, or withdrawal, to the treasurer (s) of the board (s) of education of the city, exempted village, or local school district (s) in which the pupils reside within the first two weeks of the beginning of each school year. In case of pupil withdrawal or entrance during the school year, the notice is to be given to the treasurer (s) of the appropriate board (s) of education within the first week of the next school month.

- The school submits all attendance report (s) to the school district treasurer (s) for the parents as a matter of convenience.
- The school submits all attendance report (s) to the school district treasurer (s) for the parents as a matter of convenience.

26. As cited in OAC 3301-35-08, the courses listed below are required. Check courses provided by your school and list any additional courses not included below. *

- Language Arts
- Geography, History, Government
- Science
- Physical Education
- Math
- Fine Arts/Music
- First Aid, Safety, and Fire Safety
- Health

Other

27. Teachers and administrators have received a bachelor's degree or the equivalent thereof from a recognized college or university. *

Yes

No

28. Does the school follow regular procedures for promotion from grade to grade of pupils who have met the school's educational requirements? *

Yes

No

29. Describe school's promotional procedures below: *

Follow the standards of the state of Ohio

30. Does the school comply with state and local health, fire, and safety laws? *

Yes

No

31. Date of first School Environmental Health Inspection. Providing this date is optional but preferred. Maintain copies of inspection reports in the main school office.

32. Date of second School Environmental Health Inspection. Providing this date is optional but preferred. Maintain copies of inspection reports in the main school office.

33. Date of Fire Inspection. Providing this date is optional but preferred. Maintain copies of inspection reports in the main school office.

34. By clicking checking the circle below, I acknowledge pupils attending the school are NOT entitled to pupil transportation as provided pursuant to section 3327.01 of the Ohio Revised Code, (ORC) and they are NOT entitled to auxiliary services pursuant to section 3317.06 of the ORC. The school is NOT entitled to nonpublic administrative cost reimbursement provided pursuant to section 3317.063 of the ORC.

35. I certify that all the above information is true, accurate and complete and that the school meets Ohio's minimum standards of non-chartered, non-tax supported schools, as cited in OAC Rule 3301-35-08 (A) to (G). Please sign below. *



Appendix D



Bishop Sycamore High School

Bishop Sycamore High School



Annual Report

The governing board of Bishop Sycamore High School

This annual report serves as a certified notice to the parents of BSHS Students and the Ohio department of education that the school meets the Ohio minimum standards for non-chartered, non-tax supported schools cited in paragraphs (A) to (G) of the Ohio Revised Code 3301-35-08.

Ohio Revised Code 3301-35-08:

A. School year.

The school shall be open for instruction with pupils in attendance for one thousand one hours in accordance to section 3313.48 of the Revised Code.

45 week schedule

180 days

Bell Schedule:

Period 0 7:10 - 8:00

Period 1 8:05 - 8:54

Period 2 8:59 - 9:47

Period 3 9:52 - 10:40

Period 4 10:45 - 11:33

Period 5 11:38 - 12:26

Period 6 12:31 - 1:19

Period 7 1:24 - 2:12

Period 8 2:17 - 3:05

2 This report shall be made to the treasurer of the board of education of the city, exempted village, or local school district in which the pupil resides.

3 The report shall be made within the first two weeks of the beginning of each school year.

In the case of pupil withdrawal or entrance during the school year, notice shall be given to the treasurer of the appropriate board(s) of education.

Such notice shall be given within the first week of the next school month.

BSHS will report before the required timeline set by the Ohio Department of Education.

C Teacher and administrator qualifications.

Teachers shall have received a bachelor's degree or the equivalent thereof from a recognized college or university.

All BSHS teachers and administrators will have these credentials.

D Courses of study. Each non-chartered, non-tax supported school shall have courses of study for the following subjects:

- (1) Language arts;
- (2) Geography, the history of the United States and Ohio, and national, state, and local government;
- (3) Mathematics;
- (4) Science;
- (5) Health;
- (6) Physical education;
- (7) The fine arts, including music;
- (8) First aid, safety, and fire prevention;
- (9) Other subjects as prescribed by the non-chartered, non-tax supported school.

The above mentioned courses will be offered by BSHS.

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Student 19	10019		14	14	11	8	11	10	12	6	1100	11	B	500	11	B	560	11	B	40	8	C
Student 20	10020		14	14	14	5	14	7	12	1	1060	11	B	565	13	A-	470	9	C+	25	5	D
Student 2	10002		11	10	11	14	9	11	6	14	1050	11	B	490	11	B	490	10	B-	70	14	A
Student 22	10022		11	11	9	6	9	11	14	5	1015	10	B-	405	9	C+	580	12	B+	30	6	D+
Student 4	10004		12	12	12	14	11	8	8	6	1010	10	B-	500	11	B	440	9	C+	70	14	A
Student 14	10014		7	12	13	8	12	10	8	3	1005	10	B-	465	10	B-	500	10	B-	40	8	C
Student 21	10021		12	11	11	14	8	9	9	6	990	10	B-	450	10	B-	470	9	C+	70	14	A
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Student 7	10007		13	13	9	12	8	6	8	6	870	9	C+	420	9	C+	390	8	C	60	12	B+
Student 1	10001		15	7	11	12	6	7	3	10	850	9	C+	480	11	B	310	6	D+	60	12	B+
Student 13	10013		9	11	7	8	6	8	9	9	815	8	C	335	7	C-	440	9	C+	40	8	C
Student 3	10003		14	6	9	8	8	8	5	6	820	8	C	430	10	B-	350	7	C-	40	8	C
Student 12	10012		11	8	7	15	8	6	5	6	745	7	C-	360	8	C	310	6	D+	75	15	A+
Student 18	10018		11	7	7	12	5	7	6	9	745	7	C-	345	8	C	340	7	C-	60	12	B+
Student 5	10005		10	11	1	12	9	9	6	6	740	7	C-	240	5	D	440	9	C+	60	12	B+
Student 9	10009		9	0	9	6	6	9	5	8	720	7	C-	370	8	C	320	6	D+	30	6	D+
Student 8	10008		6	8	8	8	7	6	7	4	680	7	C-	310	7	C-	330	7	C-	40	8	C
Student 17	10017		8	8	10	8	6	5	4	6	680	7	C-	370	8	C	270	5	D	40	8	C
Student 6	10006		9	5	5	5	4	7	10	6	645	6	D+	260	6	D+	360	7	C-	25	5	D
Student 10	10010		9	3	6	6	3	6	6	5	565	6	D+	265	6	D+	270	5	D	30	6	D+
Student 16	10016		3	2	3	6	6	8	4	3	495	5	D	165	4	D-	300	6	D+	30	6	D+
		Count	22	22	22	22	22	22	22	22	22	22		22	22		22	22		22	22	
		Average	10.55	9.05	8.86	9.05	8.14	8.05	7.50	6.14	846.82	8.45		394.77	8.82		406.82	8.09		45.23	9.05	
		St Dev	2.92	4.01	3.24	3.85	2.83	1.79	3.25	2.71	179.94	1.87		103.37	2.34		98.87	2.09		19.24	3.85	
		Median	11	10.5	9	8	8	8	6.5	6	835	8.5		412.5	9		405	8		40	8	

BSHS HIGH SCHOOL TRANSCRIPT

STUDENT INFORMATION	SCHOOL INFORMATION
FULL NAME: _____	NAME: _____
ADDRESS: _____ _____	ADDRESS: _____ _____
PHONE NUMBER: _____	PHONE NUMBER: _____
E-MAIL ADDRESS: _____	E-MAIL ADDRESS: _____
DATE OF BIRTH: _____	
PARENT/GUARDIAN: _____	

ACADEMIC RECORD

SCHOOL YEAR: _____ GRADE LEVEL: _____				SCHOOL YEAR: _____ GRADE LEVEL: _____			
Course Title	Credit Attempted	Credit Earned	Final Grade	Course Title	Credit Attempted	Credit Earned	Final Grade
Total Credits: _____ GPA: _____ Cumulative GPA: _____				Total Credits: _____ GPA: _____ Cumulative GPA: _____			
SCHOOL YEAR: _____ GRADE LEVEL: _____				SCHOOL YEAR: _____ GRADE LEVEL: _____			
Course Title	Credit Attempted	Credit Earned	Final Grade	Course Title	Credit Attempted	Credit Earned	Final Grade
Total Credits: _____ GPA: _____ Cumulative GPA: _____				Total Credits: _____ GPA: _____ Cumulative GPA: _____			

ACADEMIC SUMMARY CUMULATIVE GPA: _____ CREDITS ATTEMPTED: _____ CREDITS EARNED: _____ DIPLOMA EARNED: _____ GRADUATION DATE: _____	ATTACHMENTS <input type="checkbox"/> Grading scale <input type="checkbox"/> List of other schools attended <input type="checkbox"/> Other: _____ <input type="checkbox"/> Other: _____	I do hereby self-certify and affirm that this is the official transcript and record of _____ in the academic studies of _____. <div style="text-align: center;"> (Name of Student) (Academic Years) </div> Signature: _____ Title: _____ Date: _____
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Appendix E

BEFORE THE OHIO STATE BOARD OF EDUCATION

In Re:

Appeal of Revocation of Christians of Faith Academy Registration as a Non-Chartered, Non-Tax Supported School

: Hearing Officer Riggins

: **REPORT AND RECOMMENDATION OF
HEARING OFFICER**

:

This matter is now before this Hearing Officer under R.C. Chapter 119 and involves the decision of the Ohio Department of Education (“ODE”) to revoke the registration of Christians of Faith Academy (“COF”) as a Non-Chartered, Non-Tax Supported School.

A hearing was held on March 6, 2019, pursuant to *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 673 N.E.2d 677 (10th Dist.1996).

ODE was represented by Assistant Attorneys General Mia Yaniko and Brittany Sendi. COF was not represented.

A court reporter was present and a record was made of the proceedings.

Sworn testimony was given by Susan Cosmo (“Cosmo”), Director, and Christine Burns (“Burns”), Assistant Director, of ODE’s Office of Nonpublic Educational Options.

ODE’s Exhibits 1-7, including Exhibits 5A and 5B, were admitted without objection.

FINDINGS OF FACT

1. In November 2017, Roy Johnson (“Johnson”) began communicating with ODE regarding procedures to establish a Non-Chartered, Non-Tax Supported School. (Tr. at 11-12; ODE Exh.2)
2. He exchanged several e-mails and phone calls with Beth Lewis (“Lewis”), an Education

Specialist in ODE's Office of Nonpublic Educational Options. (Tr. at 12; ODE Exh. 2)

3. In various e-mails from December 2017 through February 2018, Johnson identified himself as COF's "Director of Athletics," "Director" and "Assistant Director." (ODE Exh. 2)

4. From his March 13, 2018 e-mails on, Johnson did not provide a title. (ODE Exh. 2)

5. The 2018-2019 Annual Report to parents compiled by the governing board of COF, states that COF is located at "112 Jefferson Ave., Columbus, Ohio 43215." (Tr. at 14; ODE Exh. 3)

6. On July 6, 2018, Cosmo sent the "Administrator" of COF a letter stating that COF had met the requirements of a Non-Chartered, Non-Tax Supported School and would be listed as registered with ODE for the 2018-2019 school year. (Tr. at 14-15; ODE Exh. 4)

7. Thereafter, media requests were submitted to ODE regarding COF's football games and wanting to know if COF was operating under ODE's supervision. (Tr. at 16)

8. At that point, ODE determined that a site visit would need to be conducted at 112 Jefferson Ave., Columbus, Ohio 43215. (Tr. at 16)

9. On September 26, 2018, an unannounced site visit was conducted by Cosmo and Burns. (Tr. at 16-17)

10. The building consisted of an old church and a newer community center, which appeared to have classrooms. (Tr. at 17)

11. Cosmo and Burns spoke with two people at the location, including the reverend of the church, who stated they knew nothing about Johnson or COF at that location. (Tr. at 18-19)

12. There was no signage for COF located at the building. (Tr. at 19)

13. Based on their observations and discussions with ODE leadership and its legal office, Cosmo drafted a letter, dated October 18, 2018, to COF revoking its registration as a Non-Chartered,

Non-Tax Supported School. (Tr. at 19; ODE Exh. 5)

14. Said letter was mailed to the Jefferson Avenue address and offered COF an opportunity to request a hearing regarding the revocation of its registration. (Tr. at 19; ODE Exh. 5)

15. The letter was very specific, stating that the request for hearing must be mailed within 30 days of the date of the mailing of ODE's letter. (ODE Exh. 5)

16. Further, in an exchange of e-mails, Johnson was instructed by Lewis on November 14, 2018, to submit a hard copy letter to Cosmo's attention. (Tr. at 21; ODE Exh. 5B)

17. Thirty days from October 18, 2018, was November 17, 2018, which was a Saturday. (ODE Exh. 7)

18. Because of the thirtieth day falling during the weekend, COF had until the following Monday (November 19, 2018) to submit its request for hearing. (ODE Exh. 7)

19. Johnson hand-delivered a request for hearing to Cosmo on November 20, 2018. (Tr. at 22, 30-31, 39; ODE Exh. 6)

20. ODE determined that COF's request for hearing was untimely and mailed a letter to COF/Johnson dated December 5, 2018, via Certified Mail, stating that ODE would not honor COF's request for hearing. (Tr. at 23; ODE Exh. 7)

21. Said letter was mailed to a Dublin address at the request of Johnson. (Tr. at 23)

CONCLUSIONS OF LAW

22. COF failed to timely request a hearing in this matter.

23. OAC 3301-35-08 sets out the requirements for Non-Chartered, Non-Tax Supported Schools. Subsection (A) requires, in part, that "(t)he school shall be open for instruction with pupils in attendance...."

24. Based on the observations of Cosmo and Burns during the unannounced site visit on September 26, 2018, it is clear that COF was not operating at the location it had registered with ODE and that was listed on its Annual Report to parents, to wit: 112 Jefferson Ave., Columbus, Ohio 43215.

25. Further, COF was not open for instruction and had no pupils in attendance.

26. As such, COF has failed to meet the Ohio minimum standards for Non-Chartered, Non-Tax Supported Schools.

CONCLUSION AND RECOMMENDATION

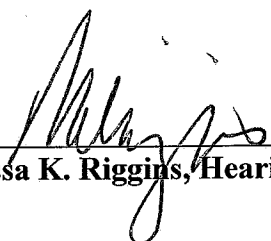
ODE has established by reliable, probative and substantial evidence that COF was not in compliance with OAC 3301-35-08.

It is the recommendation of this Hearing Officer that ODE's determination to revoke the registration of COF as a Non-Chartered, Non-Tax Support School for the 2018-2019 school year be **AFFIRMED**.

It is further recommended that ODE'S determination not to include COF on the list of Non-Chartered, Non-Tax Supported Schools for the 2018-2019 school year also be **AFFIRMED**.

This is a recommendation only. It is not a final Order. Only the Ohio State Board of Education has the authority to enter a final Order in this administrative action. It has the authority to approve, modify or disapprove this Report and Recommendation which shall not be effective until, and unless, approved in the manner provided by law.

Date 3/29/19


Melissa K. Riggins, Hearing Officer