

OFFICE OF SCHOOL CHOICE

Guidelines for Public Notice of Nondiscriminatory Policies

Schools seeking *Brumfield vs. Dodd* approval, and thus eligibility for state and federal funding and 501(c)(3) status, are required to publish their racially nondiscriminatory policy to all segments of the general community served by the school. If the notice is published in a newspaper of general circulation, it must appear in a section that will be read by prospective students and their families. The notice should be published in the same newspaper(s) in which the school advertises to attract students. Where more than one community is served by a school, the school may publish its notice in those newspapers that are reasonably likely to be read by all racial segments of the communities that it serves.

(1) The Notice of Nondiscriminatory Policy:

- Must be published in the ABOUT SECTION on social media and/or on its website at least once annually during the period of solicitation for students or in the absence of a solicitation program, during the school's registration period;
- Must occupy at least three column inches (vertically or horizontally) and be captioned in at least 12 point boldface type as a: Notice of Nondiscriminatory Policy as to Students (text must be printed in at least 8 point type);
- May be combined with an advertisement for enrollment;
- Must identify the school - if the name of the school appearing in its Articles of Incorporation and the name under which the school operates are different, both should be identified in the notice;
- Must also be published in all brochures and catalogs dealing with admissions, programs, and scholarships for the school, as well as written advertising recruiting students. (This statement should read as follows:

“YOUR SCHOOL'S NAME HERE admits students of any race, color, national and ethnic origin to all the rights, privileges, programs, and activities generally accorded or made available to students of the organization. It does not discriminate on the basis of race, color, national and

ethnic origin in administration of its educational policies, admissions policies, scholarship programs, and other organization-administered programs.”)

(2) Exceptions to Public Notice Requirement

While all private schools are encouraged to publish the Notice of Discriminatory Policy as to students, regulations permit the following exceptions:

I. Church-related Schools

If for the preceding three years at least 75% of a school’s enrollment are members of the sponsoring religious denomination or unit, the school may make its racially nondiscriminatory policy known in church newsletters or newspapers the religious denomination utilizes in the communities from which the students are drawn. However, if the school advertises in newspapers of general circulation during its enrollment or registration period, it must also publish its notice of racially nondiscriminatory policy in the same newspapers.

II. Schools Drawing Students from a Large Geographic Area

If the school draws a substantial percentage of its students nationwide, worldwide, or from one or more large geographic areas within the United States, and it provides evidence that it follows a racially nondiscriminatory policy, it may satisfy the publicity requirement by(i) including a statement of nondiscriminatory policy in all brochures and catalogs dealing with student admissions, programs, and scholarships, and (ii) including reference to its racially nondiscriminatory policy in other written advertisements informing prospective students of its program. Such a school may demonstrate it follows a racially nondiscriminatory policy by showing that it currently enrolls a meaningful number of minority students, or that its promotional activities and recruiting efforts are reasonably designed to inform students of all racial segments in the general communities served by the school.

III. Clearly Operates a School on a Racially Nondiscriminatory Basis

Based upon the facts and circumstances, a school that clearly operates on a racially nondiscriminatory basis may satisfy the publicity requirements by: showing it currently enrolls students of racial minority groups in meaningful numbers and by showing the school’s promotional activities and recruiting efforts are reasonably designed to inform students of all racial segments within the service area of the school.

Revised on 1/17/2024