

U.S. DEPARTMENT OF EDUCATION

# State Regulation of Private Schools

# **State Regulation of Private Schools**

**U.S. Department of Education  
Office of Innovation and Improvement  
Office of Non-Public Education**

**2009**

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Special thanks to Erin McHugh of the Office of Non-Public Education for managing this project, contacting the states, and editing this document.

Our readers are cautioned that in reviewing any particular legal questions, the underlying state constitutions, laws and relevant court decisions should be consulted. Nothing in this study reflects the position of the U.S. Department of Education as to the meaning or effect of any state legal requirement.

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# Introduction

*State Regulation of Private Schools* provides a brief description for each state of state legal requirements that apply to K–12 private schools in the United States. This document is intended to serve as a reference for public and nonpublic school officials, state policy-makers, researchers, and others. This report is an update of the 2000 publication by the Office of Non-Public Education (ONPE), *State Regulation of Private Schools*, which in turn was an update of the 1993 publication by the (then) Office of Private Education, *The Regulation of Private Schools in America: A State by State Analysis*.

To ensure the accuracy of each state summary, ONPE first updated the information published in the 2000 report for that state, using information from the state's Web site. Then, the update was submitted to appropriate state officials for their consideration, revision, and approval. The individuals in each state who reviewed these summaries were critical to ensure timely and accurate updates. ONPE appreciates their participation, cooperation, and expertise. The end of each chapter includes the date when the state last provided comment. As this report is an electronic publication, chapters will be revised and updated as new information becomes available from the states.

The report includes information in several areas of state regulation of private schools. The topics include: Accreditation/Registration/Licensing/Approval, Teacher Certification, Length of School Year/Days, Curriculum, Recordkeeping/Reports, Health and Safety Requirements, Transportation, Textbooks, Testing, Special Education, Nursing and Health, Technology, Professional Development, Reimbursement for Performing State/Local Functions, Tax Exemption, Public Aid for Private Education, Homeschooling, and Information Resources. Charts are included at the end of the state-by-state chapters that summarize key information from the report.

The contents illustrate the nation's ability to approach similar areas of education in a variety of ways. Not one of the states regulates private schools in exactly the same way as another. Rather, the statutes reflect the unique circumstances, concerns, and policy perspectives in each state.

The goal of the ONPE in publishing this document is to provide concise summaries of relevant state laws in an accessible format. It is our hope that this report will serve the needs of state and federal legislators, public and private school administrators, and the general public.

***This document is for informational purposes only. It creates no new rights or responsibilities. Nothing in this report reflects the position of the U.S. Department of Education as to the meaning or effect of any state legal requirement. Readers are encouraged to consult state constitutions and the full text of relevant case law, statutes, and regulations. In addition, readers should be aware that this document is not intended to offer information about the requirements of federal law.***



# ALABAMA

## **Accreditation/Registration/Licensing/Approval**

- No requirements for *Accreditation*.
- *Registration* is mandatory.
  - All private schools, except church schools (for definition, see *Homeschooling*), must register annually on or before October 10 with the Alabama Department of Education and report on the number of students and instructors, enrollment, attendance, course of study, length of term, cost of tuition, funds, value of property, and the general condition of the school. *Code of Alabama 1975 §16-1-11*.
  - The state superintendent of education furnishes the necessary forms for reporting. *Code of Alabama 1975 §16-4-16*.
- No requirements for *Licensing*.
- No requirements for *Approval*.
- By definition, a private school, but not a church school, holds a certificate issued by the state superintendent of education showing that the school conforms to the following requirements: (1) instruction is given by persons holding certificates issued by the state superintendent of education; (2) instruction is given in the several branches of study required to be taught in the public schools; (3) the English language is used in giving instruction; (4) a register of attendance is kept indicating every absence of each child from school for a half day or more. *Code of Alabama 1975 §16-28-1(1)*.

## **Teacher Certification**

- Teachers instructing in private schools, but not church schools, must hold certificates issued by the state superintendent of education. *Code of Alabama 1975 §16-28-1(1)a, (2)*.

## **Length of School Year/Days**

- Every child between the ages of 7 and 16 is required to attend a public school, private school, church school, or be instructed by a private tutor certified by the state of Alabama, for the entire length of the school term in every scholastic subject under the compulsory attendance law. *Code of Alabama 1975 §16-28-3*.

## **Curriculum**

- Each private school's purpose and objectives shall be stated in the catalog, bulletin, or brochure of the institution. *Ala. Admin. Code r. 290-030-050-.05*.
- Private schools, but not church schools, are required to use the English language in giving instruction. *Code of Alabama 1975 §16-28-1(1)*.
- Private schools, but not church schools, are required to offer instruction in "the several branches of study required to be taught in the public schools." *Code of Alabama 1975 §16-28-1(1)*.

## State Regulation of Private Schools—Alabama

- Private schools, but not church schools, must provide a physical education program that conforms to the program outlined by the Alabama Department of Education. *Code of Alabama 1975 §16-40-1.*

### Recordkeeping/Reports

- At the end of the fifth day from the opening of the public school, the principal teacher of each private school, but not church school, must report to the local superintendent the names and addresses of all children age 7–16 enrolled; and thereafter, at least weekly the names of students absent without excuse. *Code of Alabama 1975 §16-28-7.*
- The principal teacher of private and church schools must keep an attendance register showing the enrollment of the school and every absence of each enrolled child from school for a half-day or more. *Code of Alabama 1975 §16-28-8.* The registry is admissible as evidence in compulsory attendance hearings. *Code of Alabama 1975 §16-28-23.*
- Private schools, *i.e.*, a profit or nonprofit entity as opposed to publicly owned or operated schools, which cease operations shall place student academic attendance and financial aid records in the following repository: (1) if merged, consolidated, or change of ownership, in the continuing school; (2) if part of a system, organization, franchise, or church ministry, in the administrative office; (3) if without system support, with the local superintendent of the public county or city. *Code of Alabama 1975 §16-46-3(e).*
- At church schools, enrollment and attendance must be reported to the local public school superintendent by the parent or guardian on a form provided by the superintendent. The administrator of the church school countersigns the enrollment form. If a child leaves the church school, the church school will notify the local public school superintendent, by prior consent of the parent or guardian. *Code of Alabama 1975 §16-28-7.*

### Health and Safety Requirements

- A certificate of immunization or testing (as designated by the state health officer) is required prior to admittance to a private school. *Code of Alabama 1975 §16-30-4.*
- No teacher or school administrator employed by a nonpublic school is excluded from participating in in-service teacher education institutes or curriculum development programs for drug abuse prevention provided under Chapter 41, Drug Abuse Education. *Code of Alabama 1975 §16-41-5.*
- An additional penalty of five years incarceration, with no provision for probation, is imposed for the unlawful sale of a controlled substance on the campus of a private school or within a three-mile radius of the campus. *Code of Alabama 1975 §13a-12-250.*
- Alabama requires all private schools to conduct monthly fire drills and to have all doors and exits open out, and that all such doors and exits be unlocked during school hours. *Code of Alabama 1975 §36-19-10.*
- Private school employers must check the sex crime records of job applicants or volunteers for positions having supervisory or disciplinary power over minors less than 18 years of age. The Department of Public Safety will furnish the information to

## State Regulation of Private Schools—Alabama

the requesting employer and may charge the employer a fee for the actual cost. *Code of Alabama 1975 §26-20-1.*

- Private schools must fully meet the building code requirements unless the building was used for that purpose prior to the effective date of the code. *Code of Alabama 1975 §41-9-163(c).*

### **Transportation**

- A license tax or registration fee of \$13.00 is imposed on motor buses owned by a church or a private school that are used only for the purposes of the institution. *Code of Alabama 1975 §40-12-246(d).*

### **Textbooks**

- There is no state policy at this time.

### **Testing**

- There is no state policy at this time.

### **Special Education**

- There is no state policy at this time.

### **Nursing and Health**

- There is no state policy at this time.

### **Technology**

- There is no state policy at this time.

### **Professional Development**

- No teacher or school administrator employed by a nonpublic school is excluded from participating in in-service teacher education institutes or curriculum development programs for drug abuse prevention provided under Chapter 41, Drug Abuse Education. *Code of Alabama 1975 §16-41-5.*

### **Reimbursement for Performing State/Local Functions**

- There is no state policy at this time.

### **Tax Exemption**

- The Alabama state legislature is prohibited from taxing school property, real or personal. *Alabama Constitution, Article 4, Section 91.*

### **Public Aid for Private Education**

- **Constitutional provisions:** No money raised for the support of the public schools can be appropriated to or used for the support of any sectarian or denomination school. *Alabama Constitution, Article 14, Section 263.*
- **Programs for financial assistance for attendance at private schools:** There are no such programs at this time.

### **Homeschooling**

- Parents who want to instruct their child at home must either do so through a certified tutor or must qualify as a church school.
- A church school is includes only such schools that offer instruction in grades K–12, or any combination thereof, including the kindergarten, elementary, or secondary level and are operated as a ministry of a local church, group of churches, denomination, and/or association of churches on a nonprofit basis which do not receive any state or federal funding. *Code of Alabama 1975 §16-28-1*.
- Documentation of the enrollment and attendance of a child in a church school must be filed with the local public school superintendent by the parent or guardian on a form provided by the superintendent or his agent. *Code of Alabama 1975 §16-28-7*.
- Individuals who choose to homeschool, and do not qualify as a church school, fall under the option of school attendance through a private tutor. Instruction by a private tutor means and includes only instruction by a person who holds a certificate issued by the state superintendent of education and who offers instruction in the several branches of study required to be taught in the public schools of this state; for at least three hours a day for 140 days each calendar year, between the hours of 8:00 A.M. and 4:00 P.M., and who uses English language in giving instruction. Tutors shall keep a register of work, showing daily the hours used for instruction and the presence or absence of any child being instructed and shall make such reports as the State Board of Education may require. *Code of Alabama 1975 §16-28-5*.
- Prior to beginning the instruction of any child, it is mandatory to file with the county superintendent of education, where the place of instruction is in territory under the control and supervision of the county board of education, or the city superintendent of schools, where the place of instruction is in territory under the control and supervision of a city board of education, a statement showing the child or children to be instructed, the subjects to be taught, and the period of time such instruction is proposed to be given.

### **Information resources**

- [Alabama State Department of Education: Private School Licensure in Alabama](http://ftp.alsde.edu/documents/89/state_law_for_lic.PDF)  
<ftp://ftp.alsde.edu/documents/89/state\_law\_for\_lic.PDF>
- [Alabama State Department of Education: Application for License to Operate a Private School in Alabama](http://ftp.alsde.edu/documents/89/Ps1.pdf) <ftp://ftp.alsde.edu/documents/89/Ps1.pdf>
- [Alabama Legislative Information System Online](http://alisondb.legislature.state.al.us/acas/ACASLogin.asp)  
<http://alisondb.legislature.state.al.us/acas/ACASLogin.asp>
- [HB227: Autism Scholarship Act](http://www.legislature.state.al.us/SearchableInstruments/2008RS/Bills/HB227.htm)  
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State Regulation of Private Schools—Alabama

- U.S. Department of Education, [Alabama](#)

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# ALASKA

## Accreditation/Registration/Licensing/Approval

- Accreditation is optional.
  - The Alaska Department of Education and Early Development has a duty to accredit private schools that request accreditation and meet accreditation standards as prescribed by regulation. (In practice, Alaska does not accredit schools and has not adopted accreditation regulations but has an informal agreement with the Northwest Association of Schools and Colleges to provide accreditation to public and private schools that request accreditation.) *Alaska Stat.* §14.07.020(10).
- No requirements for Registration.
- No requirements for Licensing.
  - The Alaska Department of Education and Early Development is not authorized to require the licensing of religious or other private schools. *Alaska Stat.* §14.07.020(10).
- No requirements for Approval.
  - Private schools that elect to comply with *Alaska Stat.* §§14.45.100–130 are considered "exempt schools", i.e. exempt from other state education requirements. However, health and safety provisions apply equally to "exempt" and "non-exempt" private schools. *Alaska Stat.* §14.45.100.
  - "Non-exempt schools" are religious or other private schools not operated in compliance with *Alaska Stat.* §§14.45.100–130 and are not exempt from education laws and regulations. *Alaska Stat.* §14.45.030.

## Teacher Certification

- Teacher certification is required for non-exempt private schools, but not required for exempt private schools.

## Length of School Year/Days

- "Exempt" schools must operate on a regular schedule excluding reasonable holidays and vacations during at least 180 days of the year. *Alaska Stat.* §14.45.110(b).
- Non-exempt private schools must comply with the laws and regulations relating to education. *Alaska Stat.* §14.45.030.
- A public school term must include not less than 180 days, unless approved by the commissioner. *Alaska Stat.* §14.03.030.

## Curriculum

- Private education satisfies the Alaska compulsory school attendance law if the academic education provided is comparable to that offered by the public schools in the area. *Alaska Stat.* §14.30.010(b)(1).

### **Recordkeeping/Reports**

- Both "exempt" and non-exempt private schools are required to submit a Corporal Punishment Policy to the State of Alaska Department of Education and Early Development. The policy must be written and explain the details of its use (who may administer, what instrument is used, privacy issues). Private schools must gain written consent before administering corporal punishment. *4 AAC 42.200*.
- Non-exempt schools must submit regular monthly attendance reports and annual reports to the commissioner in the same manner as teachers and superintendents in the public schools. *Alaska Stat. §14.45.030*.
- An "exempt" school must maintain monthly attendance records for each student enrolled. *Alaska Stat. §14.45.110(b)*.
- By October 15 each year, "exempt" schools must make an annual report to the commissioner of education of the number of students in each grade and the school calendar. *Alaska Stat. §14.45.110(b)*.
- "Exempt" schools must maintain permanent student records reflecting immunizations, physical examinations, standardized testing, academic achievement, and courses taken. The chief administrative officer must certify that the records are being maintained. *Alaska Stat. §14.45.130*.
- Parents or guardians of children attending "exempt" schools must file an annual notice of enrollment with the local public school superintendent. The form must be signed by the parent or guardian and chief administrative officer of the exempt school and then submitted to the local public school superintendent by the parent. If the child withdraws, the "exempt" school must notify the public school superintendent within a reasonable time. *Alaska Stat. §14.45.110(a)*.

### **Health and Safety Requirements**

- The Alaska Department of Education and Early Development has a duty to prescribe by regulation standards to assure healthful and safe conditions in the private schools. Standards for private schools may not be more stringent than those for public schools. *Alaska Stat. §14.07.020(7)*.
- Private schools must instruct pupils by means of drills to safely exit school buildings in an emergency. Drills must be conducted once each month during the school term, weather permitting. *Alaska Stat. §14.03.140*.
- School teachers and school administrative staff members of private schools who in the performance of their occupational duties have reasonable cause to suspect that a child has suffered harm as a result of child abuse or neglect must immediately report the harm to the Alaska Department of Education. A person required to report child abuse or neglect to the Department is not relieved of the obligation by notifying his supervisor of the harm. If the alleged abuse occurred at a private school and was caused by a school employee, the law enforcement agency will notify the chief administrator of the school. In the event the allegation of abuse is against the chief administrator or his immediate family, the agency will notify the commissioner of education. The notification must set out the factual determination of the law enforcement agency. *Alaska Stat. §47.17.020(a)(2), (f), (g)*.
- Private school officials have the authority to search school lockers as provided in *Alaska Stat. §14.03.105*. *Alaska Stat. §14.45.190*.

**Transportation**

- The Alaska Department of Education and Early Development provides transportation for nonpublic school students who travel comparable distances and the same routes as public school students. *Alaska Stat.* §14.09.020.

**Textbooks**

- There is no state policy at this time.

**Testing**

- "Exempt" schools must administer a nationally standardized test selected by the chief administrative officer of the school to all students enrolled in grades four, six, and eight at least once each school year. The test must measure achievement in English grammar, reading, spelling and mathematics. The school must maintain records of the results and make them available to parents or guardians. Composite test results for the school must be made available annually to the Alaska Department of Education and Early Development. These results are not public information unless the public school is also required to release identical information. *Alaska Stat.* §14.45.120.

**Special Education**

- There is no state policy at this time.

**Nursing and Health**

- There is no state policy at this time.

**Technology**

- There is no state policy at this time.

**Professional Development**

- There is no state policy at this time.

**Reimbursement for Performing State/Local Functions**

- There is no state policy at this time.

**Tax Exemption**

- The Alaska Constitution exempts property used exclusively for nonprofit religious, charitable, or educational purposes from taxation. *Alaska Constitution*, Finance and Taxation Art. IX, Sec. 1.

**Public Aid for Private Education**

- **Constitutional provisions:** The Alaska Constitution provides "No money shall be paid from public funds for the direct benefit of any religious or other private educational institution." *Alaska Constitution*, Education, and Welfare, Art. VII, Sec. 1.
- **Programs for financial assistance for attendance at private schools:** There is no such program at this time.

### **Homeschooling**

- Children receiving home instruction are exempt from the Compulsory School Attendance Law. *Alaska Stat.* §14.30.010(b)(12).
- Parents intending to homeschool their children are not required to register with the state or their local school district. *Alaska Stat.* §14.30.010(b)(12).
- If the parent chooses to homeschool through the use of a private tutor that individual must have a teacher certification. *Alaska Stat.* §14.30.010 and *Alaska Stat.* §14.20.020.
- Homeschools are legal under five options: 1) If "the child is being educated in the child's home by a parent or legal guardian," the child is exempt from compulsory attendance; 2) tutoring by a certified teacher; 3) enrollment in "a full-time program of correspondence study approved by the department;" 4) the child "is equally well-served by an educational experience approved by the school board," after a written request for excuse from school attendance; 5) a homeschool may qualify as a "religious or other private school" as long as it meets the requirements. *Alaska Stat.* §§14.30.010(b)(12), 14.30.010(b).
- No testing requirements are set for homeschools unless operating as a private or religious school. If this is the case, then the parent must administer a nationally standardized test selected to student in grades four, six, and eight at least once each school year. *Alaska Stat.* §14.45.120.
- Homeschools are exempt from fire, safety, and asbestos regulations as well as developing a corporal punishment policy. State of Alaska Department of Education and Early Development's *Guide for Establishing a Private or Religious School*.

### **Information resources**

- [State of Alaska Department of Education and Early Development: Guide for Establishing an Exempt, Religious or Other Private School](#)  
<<http://www.eed.state.ak.us/forms/PrivateSchools/05-01-019.doc>>
- [State of Alaska Department of Education and Early Development: Alternative Schooling Options](#)  
<[http://www.eed.state.ak.us/Alaskan\\_Schools/schooloptions.html](http://www.eed.state.ak.us/Alaskan_Schools/schooloptions.html)>
- [State of Alaska Department of Education and Early Development: Alaska Statewide Correspondence Schools Directory](#)  
<[http://www.eed.state.ak.us/Alaskan\\_Schools/corres/Directory.cfm](http://www.eed.state.ak.us/Alaskan_Schools/corres/Directory.cfm)>
- *Alaska Statues*  
[Title 14 Chapter 7](#)  
<<http://www.touchngo.com/lglctrntr/akstats/Statutes/Title14/Chapter07.htm>>  
[Title 14 Chapter 45](#)  
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- U.S. Department of Education, [Alaska](#)

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# ARIZONA

## **Accreditation/Registration/Licensing/Approval**

- No requirements for *Accreditation*.
- No requirements for *Registration*.
- No requirements for *Licensing*.
- No requirements for *Approval*.
- "Private school" is defined as "a nonpublic institution, other than the child's home, where academic instruction is provided for at least the same number of days and hours each year as a public school." *Ariz. Rev. Stat. Ann.* §15-802F.2.
- "Nothing in this title shall be construed to provide the state board of education or the governing boards of school districts control or supervision over private schools." *Ariz. Rev. Stat. Ann.* §15-161.

## **Teacher Certification**

- Teacher certification is not required.

## **Length of School Year/Days**

- To comply with the Arizona compulsory school attendance statute, private school students must attend school for the full time school is in session in the local school district. *Ariz. Rev. Stat. Ann.* §15-802B.2.

## **Curriculum**

- "Every child between the ages of six and sixteen years shall attend a school and shall be provided instruction in at least the subjects of reading, grammar, mathematics, social studies and science. The person who has custody of the child shall choose a public, private, charter or homeschooled as defined in this section to provide instruction." *Ariz. Rev. Stat. Ann.* §15-802A.
- If a student transfers from a private school to a public school then the public school must provide the student with a list that indicates which credits are accepted and denied by the school district. The student is allowed to take an examination in each course denied credit. If the student earns a passing score on a test designated by the school district that was evaluated by a teacher in the school district then that student will receive credit for the course. The governing board of the school district may recommend requirements regarding the acceptance of the credits of private school students transferring to public school. *Ariz. Rev. Stat. Ann.* §15-701.01G.

## **Recordkeeping/Reports**

- On enrollment, private schools must maintain a copy of reliable proof of the pupil's identity and age, e.g. birth certificate or baptismal certificate, in the pupil's file. Any inaccurate or suspicious affidavit must be reported to the local law enforcement agency. *Ariz. Rev. Stat. Ann.* §15-828A, C, E.

## State Regulation of Private Schools—Arizona

- Within five school days after enrollment of a transfer, a school must request directly from the pupil's previous school a certified copy of the transcript's record with "due diligence." Any school requested to forward a copy of a student's record must forward it within 10 days unless financial debt is owed or the record has been flagged pursuant to section 15-829. If the record is flagged, the requested school must not notify the local law enforcement agency of the request and not forward the copy of the record. *Ariz. Rev. Stat. Ann.* §15-828 F.
- By November 30 of each school year, private schools must report the following to the health department and the department of health services on forms provided: 1) the number of pupils immunized or who have submitted laboratory evidence of immunity; 2) the number of students with incomplete immunization; 3) the number of students exempt from immunization. *Ariz. Rev. Stat. Ann.* §15-874 D.
- Parents enrolling students in private schools must file an affidavit with the county superintendent stating that the student is attending a school for the fulltime that the schools in the school district are in session and the name and address of the school that the child is attending. *Ariz. Rev. Stat. Ann.* §15-802B.2.
- Before January 15 each year, the superintendent of public instruction must make an annual report to the governor and state legislature of the number of children attending private schools. *Ariz. Rev. Stat. Ann.* §15-255.

### **Health and Safety Requirements**

- Children are not allowed to attend school without submitting documentary proof of immunization to the school administrator, unless they are exempt under §15-873, or in the process of immunization. *Ariz. Rev. Stat. Ann.* §15-872.
- The fire marshal is responsible for establishing programs for evacuating school buildings and instructing students in private schools on the importance of fire preventions and control. *Ariz. Rev. Stat. Ann.* §§41-2165; 2163A.4.
- Arizona requires students, teachers, and visitors in private schools to wear eye protective ware while participating or observing certain educational activities in vocational, technical, industrial arts, art or laboratory science. Private or parochial schools must equip their schools with the appropriate eye protective ware. *Ariz. Rev. Stat. Ann.* §15-151.
- Arizona places additional criminal penalties on persons convicted of selling illegal drugs in a drug-free school zone. The administrative officer of a nonpublic school shall place and maintain signs identifying the school and its grounds as a drug-free school zone. Illegal drug transactions observed by school personnel must be reported. School records of alleged student violations must be made available to the peace officer upon written request. *Ariz. Rev. Stat. Ann.* §13-3411.

### **Transportation**

- There is no state policy at this time.

### **Textbooks**

- There is no state policy at this time.

**Testing**

- There is no state policy at this time.

**Special Education**

- School districts or county school superintendents may contract with private schools to provide education and related services for public school students with disabilities. *Ariz. Rev. Stat. Ann.* §15-765D.
- Arizona provides special education residential vouchers for special education students publicly placed in private special education facilities providing 24-hour residential care. Private schools accepting vouchers may not discriminate on the basis of race, religion, creed, color, national origin or disability. *Ariz. Rev. Stat. Ann.* §15-1184. See *Public Aid for Private Education* for Arizona Scholarship for Pupils with Disabilities Program.

**Nursing and Health**

- Private schools may participate in school meal programs offered by the state and through federal assistance programs. *Ariz. Rev. Stat. Ann.* §15-1151.

**Technology**

- There is no state policy at this time

**Professional Development**

- There is no state policy at this time

**Reimbursement for Performing State/Local Functions**

- There is no state policy at this time

**Tax Exemption**

- No tax may be laid or appropriation of public money made in aid of any private or sectarian school. *Arizona Constitution*, Art. 9, Sec. 7.
- Property of educational, charitable and religious associations or institutions not used or held for profit may be exempt from taxation by law. *Arizona Constitution*, Art. 9, Sec. 2.

**Public Aid for Private Education**

- **Constitutional provisions:** No public money or property may be appropriated or applied to any religious instruction or support of any religious establishment. *Arizona Constitution*, Art. 2, Sec. 12.  
The state school fund may only be apportioned for public education. *Arizona Constitution*, Art. 11, Sec. 8.
- **Programs for financial assistance for attendance at private schools:**  
Arizona has four such programs.  
1) Individual School Tuition Organization Tax Credit was enacted in 1997 and implemented in 1998. This program provides tax credits to individual taxpayers for contributions made to school tuition organizations (STOs). An STO is defined as a 501(c)(3) organization that "allocates at least 90 percent of its annual revenue for

education scholarships or tuition grants to children" to allow them to attend the school of their choice, including private and/or parochial schools. The amount of the credit is equal to the amount contributed, with a maximum credit of \$500 to a single taxpayer and \$1,000 for a married couple filing jointly. STOs determine the amount of the scholarship and student eligibility. *Ariz. Rev. Stat. Ann.* §43-1089. This program's constitutionality was upheld by the Arizona Supreme Court in *Kotterman v. Killian* (1999).

2) Corporate School Tuition Organization Tax Credit became law in 2006 and allows corporations to receive a tax credit for contributing to a school tuition organization. The amount of the credit is equal to the amount contributed. The maximum aggregate amount of tax credits is \$10 million, which increases by 20 percent annually. Tax credits are awarded on a first-come, first-served basis. The scholarships have maximum limits of \$4,200 and \$5,500 for students, grades K–8 and 9–12 respectively. A student is eligible if his or her family's income does not exceed 185 percent of the income limit required for students to qualify for the federal free or reduced-price lunch program. *Ariz. Rev. Stat. Ann.* §43-1183.

3) Arizona Scholarships for Pupils with Disabilities Program was implemented in the 2006–07 school year and provides special needs children with the option of attending another public school or receiving a scholarship for attendance at a qualified private school. In order to be a state-qualified school, the school may not discriminate on the basis of race, color, disability, familial status or national origin. An eligible student must have an Individualized Education Program and attended a public school in the prior year. The amount of assistance is the school's tuition and fees or actual cost per pupil, whichever is greater, but may not exceed the amount of funding the student would have generated had he or she remained in a public school. *Ariz. Rev. Stat. Ann.* §§15-891–891.06.

4) Displaced Pupils Choice Grant Program became law in 2006 and began in the 2007–08 academic year. A student is eligible to receive this voucher if he or she has been in the foster care system any time before high school graduation. Vouchers are distributed on a first-come, first-served basis and can be used to pay tuition at any private school in the state of Arizona. Participating schools may not discriminate on the basis of race, color, disability, familial status or national origin. *Ariz. Rev. Stat. Ann.* §§15-817–817.07.

### **Homeschooling**

- "Home school"<sup>1</sup> is defined as "a school conducted primarily by the parent, guardian or other person who has custody of the child or instruction provided in the child's home." *Ariz. Rev. Stat. Ann.* §15-802F.1.
- Each county has jurisdiction over home schooling within its borders. *Ariz. Rev. Stat. Ann.* §15-802, 15-802.01.
- Parents or guardians are required to complete, notarize, and file an affidavit of home schooling with the county school superintendent in the county in which they live within 30 days of beginning to home school their child. If a child returns to a public school, the parent is again obligated to report this change of placement to the county school superintendent within 30 days. *Ariz. Rev. Stat. Ann.* §§15-802, 15-802.01.

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<sup>1</sup> "Home school" is the term written in state law.

## State Regulation of Private Schools—Arizona

- The parent must also submit to the county school superintendent within 30 days of the start of home instruction at least one of the following: a birth certificate, reliable proof of the child's identity and age, a letter from the authorized agency with custody of the child. *Ariz. Rev. Stat. Ann.* §15-828 B.
- If the parent does not comply with the notification requirements then, the school, school district or county school superintendent will notify the parents in writing and if the parent does not comply within ten days, the case will be referred to the local law enforcement agency for investigation. *Ariz. Rev. Stat. Ann.* §15-828 D.
- There are no annual testing requirements. *Ariz. Rev. Stat. Ann.* §§15-802, 15-802.1.

### Information resources

- [Arizona Department of Education: Parents & Families, Home Schooling Information](http://www.ade.az.gov/resources/hs.asp)  
<http://www.ade.az.gov/resources/hs.asp>
- Arizona State Legislature  
*Arizona Revised Statutes Annotated*  
[Title 15, Education](http://www.azleg.gov/ArizonaRevisedStatutes.asp?Title=15) <http://www.azleg.gov/ArizonaRevisedStatutes.asp?Title=15>
- [Arizona Department of Education: Exceptional Student Services, State and Federal Initiatives, Arizona Scholarship for Pupils with Disabilities Program](http://www.azed.gov/ess/StateFedInitiatives/AZScholarship.asp)  
<http://www.azed.gov/ess/StateFedInitiatives/AZScholarship.asp>
- [Arizona Department of Education: Special Projects and Constituent Services, Displaced Pupils Choice Grant Program](http://www.azed.gov/DisplacedPupilGrants/)  
<http://www.azed.gov/DisplacedPupilGrants/>
- Arizona Department of Education  
1535 West Jefferson Street  
Phoenix, AZ 85007  
Phone: 602-542-4361  
Toll-Free: 800-352-4558  
Fax: 602-542-5440  
E-mail: [ADEINBOX@azed.gov](mailto:ADEINBOX@azed.gov)  
Web site: <http://www.ade.az.gov/>
- U.S. Department of Education, [Arizona](#)

Updated November 24, 2008

# ARKANSAS

## **Accreditation/Registration/Licensing/Approval**

- No requirements for *Accreditation*.
  - There are no requirements for accreditation, registration, licensing, or approval from the state for private schools in Arkansas. Private schools may be accredited through other organizations such as the Arkansas Nonpublic School Accrediting Association.
- No requirements for *Registration*.
  - In order to found an institution of learning it must be incorporated under the name listed in the institution's articles of association. "Any number of persons, the multiple of three (3), not less than six (6) nor more than thirty-three (33)," must be on the board to incorporate. *Ark. Code Ann.* §6-2-102.
- No requirements for *Licensing*.
- No requirements for *Approval*.

## **Teacher Certification**

- Teacher certification is not required for private school teachers.

## **Length of School Year/Days**

- A full school day is six hours of instruction. *Ark. Code Ann.* §6-16-102. This statute is not applicable to private schools in Arkansas. However, *Ark. Code Ann.* §6-18-201(a) requires that all children between the ages of five (5) and seventeen (17) shall be enrolled in a public, private, parochial, or home school.

## **Curriculum**

- The basic language of instruction in the public school branches in all the schools of the state, public and private, shall be the English language only. Any person violating the provisions of this section shall be guilty of a violation and upon conviction shall be fined not to exceed twenty-five dollars (\$25.00), payable into the general school fund of the county. Each day this violation occurs shall be considered a separate offense. *Ark. Code Ann.* §6-16-104.
- Private school authorities are required to procure a suitable U.S. flag and flagstaff and to display the flag properly upon, near, or in the school buildings during the hours school is in session and at other times as school authorities direct. *Ark. Code Ann.* §6-16-105(b).

## **Recordkeeping/Reports**

- The Arkansas Department of Education's Statewide Information System (SIS) collects private school information including: (1) name of the private school; (2) the private school administrator's name and contact information; (3) mailing addresses; (4) grade levels taught in the private school; (5) number of students enrolled; and (6) whether the private school wishes to participate in Title I federal programs, Title II

federal programs, Title VI federal programs (Drug-Free Schools), and Title V federal programs. SIS also collects the number of private school students receiving Title I services in reading, language arts, and mathematics.

### **Health and Safety Requirements**

- Prior to admission to a private school, a child must be immunized from poliomyelitis, diphtheria, tetanus, pertussis, red (rubeola) measles, rubella and other diseases as designated by the State Board of Health. Children whose parents or legal guardians object on the grounds that immunization conflicts with their religious or philosophical beliefs shall complete an annual application process developed in the rules and regulations of the Department of Health for medical, religious, and philosophical exemptions. *Ark. Code Ann.* §6-18-702(a), (f).
- Private schools must institute as soon as possible a continuing scoliosis screening program in accordance with State Board of Health regulations. *Ark. Code Ann.* §20-15-802.
- Private schools are required to have one fire drill each month and to keep all doors and exits unlocked during school hours. *Ark. Code Ann.* §12-13-109.
- Private school teachers who have reasonable cause to suspect that a child has been subjected to child maltreatment or has died as a result of child maltreatment, or observe a child being subjected to conditions or circumstances that would reasonably result in child maltreatment, shall immediately notify the child abuse hotline by telephone call, facsimile transmission, or online reporting. *Ark. Code Ann.* §12-12-507.
- Persons loitering on or near private school grounds during school hours or at any school-sponsored activities after regular school hours without any lawful purpose are guilty of a violation and upon conviction shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250). *Ark. Code Ann.* §6-21-607.
- Persons disturbing private schools by their conduct or trespassing on school grounds during recess or while school is in session are guilty of a violation and upon conviction shall be fined in any sum not exceeding one hundred dollars (\$100) payable into the general school fund of the county. *Ark. Code Ann.* §6-21-606.

### **Transportation**

- *Ark. Code Ann.* §6-19-102(a), (b) and *Ark. Code Ann.* §6-13-620(13) grants public schools wide discretion in arranging transportation for their students. While there is no Arkansas statute on point, an Arkansas Attorney General's Opinion appears to indicate that a contract between a public school district and a parochial school to transport the parochial school's students may be permissible. See Op. Att. Gen. No. 98-207. The validity and legality of such contracts must be determined on a case-by-case basis. *Id.*

### **Textbooks**

- There is no state policy at this time.

### **Testing**

- There is no state policy at this time.

### **Special Education**

- Children attending private schools may voluntarily submit to tests and evaluations for suspected disabilities and assessments for individualized education programs but are not required. *Ark. Code Ann.* §6-41-219.
- The responsibility of school districts and the state to provide free public education for children with disabilities is not diminished by the availability of private schools and services. Whenever private schools and services are utilized, it continues to be the responsibility of the appropriate local school district and the State Board of Education to assure an appropriate quantity and quality of instructional and related services, to assure the protection of all other rights, and to ascertain that all children with disabilities receive the educational and related services and rights to which the law of this state entitles them. *Ark. Code Ann.* §6-41-206.
- Prior to expending funding for new programs for children with disabilities in nonpublic schools, the Department of Workforce Education shall publish a notice of intent and invite proposals from special service providers. *Ark. Code Ann.* §6-41-101.
- Home schools authorized under the laws of the State of Arkansas are not entitled to local, state, or federal funds allocated to a public school district. Eligible children with disabilities identified under the *Individuals with Disabilities Education Act*, 20 U.S.C. §1400 et seq., in home school settings shall be given the same consideration afforded to students in private school settings for special education services as provided for in that act. *Ark. Code Ann.* §6-15-507.

### **Nursing and Health**

- There is no state policy at this time. However, nurses who assist private schools with health related screenings may attend training through Arkansas Education Cooperatives.

### **Technology**

- Private school students may participate and receive credit for completing a distance-learning course as part of the Arkansas Distance Learning Development Program. *Ark. Code Ann.* §6-47-404.

### **Professional Development**

- Professional development is provided to all licensed teachers, regardless of employer. If private school teachers hold an Arkansas teaching license, they are eligible for professional development services. *Ark. Code Ann.* §6-17-707 and the Arkansas Rules Governing Professional Development.
- Private school teachers may receive professional development services through the Arkansas Online Professional Development Initiative. *Ark. Code Ann.* §6-17-707.

### **Reimbursement for Performing State/Local Functions**

- There is no state policy at this time.

### Tax Exemption

- Arkansas exempts "school buildings and apparatus; libraries and grounds used exclusively for all real and tangible personal school purposes" from all real and tangible personal property taxes. This exemption applies to private schools as well as public schools. *Philips Co. v. Sister Estelle*, 42 Ark. 536 (1884).

### Public Aid for Private Education

- **Constitutional provisions:** The Arkansas Constitution prohibits the use of money or property belonging to the public school fund or to the State for the benefit of schools or universities to be used for any other purpose. *Arkansas Constitution*, Art. 14, Sec. 2.
- **Programs for financial assistance for attendance at private schools:** There is no such program at this time.

### Homeschooling

- A "home school"<sup>2</sup> is defined as "a school provided by a parent or legal guardian for his or her own child."
- Parents or guardians desiring to provide a home school for their children must give written notice at the beginning of each school year, but no later than August 15 (or by December 15 for parents who decide to start home schooling at the beginning of the spring semester) to the superintendent of their local school district of their intent to provide a home school for their children and sign a waiver acknowledging that the State of Arkansas is not liable for the education of their children during the time that the parents choose to home school. Within thirty (30) calendar days of establishing residency within the school district, parents or guardians moving into the school district during the school year must give written notice to the superintendent of their local school district of their intent to provide a home school for their children and sign a waiver acknowledging that the State of Arkansas is not liable for the education of their children during the time that the parents choose to home school. The notice must include: the name, date of birth, grade level, and name and address of the school last attended, if any, of each student involved; the location of the home school; the basic core curriculum to be offered; the proposed schedule of instruction; and the qualifications of the parent-teacher. *Ark. Code Ann.* §6-15-503.
- The first time a parent submits the notice to the local superintendent, he or she must do it in person. *Ark. Code Ann.* §6-15-503(4).
- Each student enrolled in a home school program who is considered to be at grade level or no more than two (2) years beyond the normal age for the appropriate grade for which the state mandates norm-referenced tests for public school students shall be tested using a nationally recognized norm-referenced achievement test selected by the State Board of Education. Test results for home school students will be used for reporting purposes only. *Ark. Code Ann.* §6-15-504.
- The "directors of the education service cooperatives established under §6-13-1001 et seq. or as otherwise designated by the Department of Education" will administer the test of home-schooled students. "The administration shall include purchasing the test

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<sup>2</sup> "Home school" is the term written in state law.

materials, giving the tests, scoring and interpreting the tests, and reporting test results.” *Ark. Code Ann.* §6-15-504(b).

- The parent or guardian may request for an alternative testing procedure to be approved by the director of the education services cooperative, but any cost associated to the alternative testing procedure is at the expense of the parent or guardian. *Ark. Code Ann.* §6-15-504(d).
- If a parent or guardian does not participate in a testing program or the alternative testing procedure then Arkansas laws regarding truancy will apply. *Ark. Code Ann.* §6-15-504(e).
- The State Board of Education policy is that school districts provide a genuine opportunity to home school students with disabilities to access special education and related services from the district where they reside. This policy is not to be construed as conferring the procedural protections and rights under Part B of the *Individuals with Disabilities Education Act* to such students and their parents or legal guardians. Home schools authorized under the laws of the State of Arkansas are not entitled to local, state, or federal funds allocated to a public school district. Eligible children with disabilities identified under the *Individuals with Disabilities Education Act*, 20 U.S.C. §1400 et seq., in home school settings shall be given the same consideration afforded to students in private school settings for special education services as provided for in that act. *Ark. Code Ann.* §6-15-507.

### Information resources

- [Arkansas Department of Education: Home Schools](http://arkansased.org/schools/schools_home.html)  
<http://arkansased.org/schools/schools\_home.html>
- [Arkansas Department of Education: Rules Governing Home Schools, August 2007](http://arkansased.org/rules/pdf/current/ade_262_homesch_0807_current.pdf)  
<http://arkansased.org/rules/pdf/current/ade\_262\_homesch\_0807\_current.pdf>
- [Arkansas Department of Education: Fact Sheet on Home Schooling in Arkansas](http://www.arkansased.org/schools/pdf/hs_fact_050108.pdf)  
<http://www.arkansased.org/schools/pdf/hs\_fact\_050108.pdf>
- Arkansas State Legislature  
[Arkansas Code](http://www.arkleg.state.ar.us/SearchCenter/Pages/arkansascode.aspx)  
<http://www.arkleg.state.ar.us/SearchCenter/Pages/arkansascode.aspx>
- Arkansas Department of Education  
Four State Capitol Mall  
Little Rock, AR 72201-1071  
Phone: 501-682-4204  
Fax: 501-682-1079  
Web site: <http://ArkansasEd.org/>
- U.S. Department of Education, [Arkansas](#)

Updated December 18, 2008

# CALIFORNIA

## **Accreditation/Registration/Licensing/Approval**

- *Accreditation* is optional.
  - The Western Association of Schools and Colleges, one of six regional accrediting agencies in the United States, conducts a comprehensive accreditation of public and private schools and maintains a directory of accredited California schools.
- *Registration* is mandatory.
  - Private schools are required to file an affidavit with the Superintendent of Public Instruction between the first and fifteenth day of October of each year. *Calif. Educ. Code §33190*. See *Recordkeeping/Reports*.
- No requirements for *Licensing*.
- *Approval* is optional.
  - California does not approve private schools. However, nonpublic, nonsectarian special education schools enroll both privately enrolled and public school-placed students and therefore are considered a type of private school. These schools are certified by the California Department of Education to provide special education services. See *Special Education. Calif. Educ. Code §56836.2*.
  - Under California law, private schools may not be converted to charter schools. *Calif. Educ. Code §47602(b)*.

## **Teacher Certification**

- Teacher certification is optional. Children instructed in private full-time day schools by "persons capable of teaching" are exempt from public school attendance under the compulsory education law. *Calif. Educ. Code §48222*.
- The California Commission on Teacher Credentialing must forward to private schools on a monthly basis a list of all teachers who have had their state teaching credential revoked or suspended. The Commission must also send on a quarterly basis a complete and updated list of all teachers who have had their teaching credentials revoked or suspended, excluding teachers who have had their credentials reinstated, or who are deceased. *Calif. Educ. Code §44237(g)*.
- Private schools may request information regarding the fitness of any applicant for a teaching position from the commission. *Calif. Educ. Code §44341(d)*.
- English is the basic language of instruction in all schools. The governing board of any private school may determine when and under what circumstances instruction may be given bilingually. Pupils proficient in English and fluent in a foreign language may be instructed in classes conducted in that foreign language. *Calif. Educ. Code §§48222, 30*.

### **Length of School Year/Days**

- Children exempt from compulsory public school attendance under the Private School Affidavit must attend “full-time school.” The length of the private school year and school day is set by the private school officials who oversee the operation of the private school.

### **Curriculum**

- Students attending private schools are exempt from California’s compulsory attendance law if the schools offer instruction in the several branches of study required in the public schools of the state. Private schools are not required to follow the state’s adopted *Content Standards*. The exemption from California’s compulsory attendance law under which students attend private schools includes the requirement that the private school offers instruction in the several branches of study required in the public schools of the state. *Calif. Educ. Code* §48222.
- County superintendents of schools may enter into agreements with nonpublic private schools to provide programs and classes in outdoor science education and conservation education for private school students. The private school must pay for the actual cost of providing the programs or classes. *Calif. Educ. Code* §§8763, 8766–67.
- District superintendents may designate private school officials at private schools located within the district’s boundaries to issue work permits to students in accordance with state provisions governing the employment of minors. *Calif. Educ. Code* §49110.1.

### **Recordkeeping/Reports**

- Private schools are required to file an affidavit with the Superintendent of Public Instruction between the first and fifteenth day of October of each year. The affidavit must contain the following information: 1) all names under which it has done and is doing business; 2) address of every place of business in California; 3) location of records and custodian of records; 4) names and addresses of directors and principal officers; 5) school enrollment by grades, number of teachers, coeducational or enrollment limited to boys or girls and boarding facilities; 6) that school attendance records, courses of study, and faculty information records maintained by the school are true and accurate; and 7) that criminal record summary information for employees has been obtained pursuant to Section 44237. *Calif. Educ. Code* §33190. Where the instructor also serves as the school administrator, the affidavit must be made available upon request to the parents or guardians of students or prospective students. *Calif. Educ. Code* §33191.
- Private schools are required to maintain a record of attendance for students. Every absence for a half-day or more must be documented. *Calif. Educ. Code* §48222.
- Private school parents have an absolute right to access any and all pupil records related to their children that are maintained by the school. *Calif. Educ. Code* §49069.
- Whenever a pupil transfers from a public school district to private school, or transfers from a private school to a school district, the pupil’s permanent record or a copy thereof must be transferred by the former district or private school upon request of the

school or district. Parents have a right to receive a copy of the record and to challenge the content of the record at a hearing. *Calif. Educ. Code* §49068.

- When a private school pupil transfers from a private school to a public school, pupil records shall not be withheld from the requesting district because of any charges or fees owed by the pupil or his parent. *Calif. Code of Regulations*, Title 5, S. 438 (c).
- Private schools may withhold grades, diplomas, or transcripts based on a minor's willful misconduct that results in personal injury or property damage until reparations are made. The school must afford the student his due process rights and notify the parents in writing before taking any action. *Calif. Educ. Code* §48904(b).
- Private schools must maintain for one year a record of the school bus safety instruction provided by the school. The record must indicate the name and location of school, date of instruction, supervising adults, number of participating students, grade levels, subjects covered, time taken for instruction, bus driver's name, and bus number. The record is subject to inspection by the Department of the California Highway Patrol. *Calif. Educ. Code* §39831.5. See *Transportation*.
- County boards of education may require private schools to report the withdrawal of any student, whether by severance, expulsion, exclusion, exemption, transfer, or suspension beyond 10 school days. The report must include names, ages, last known address and the reason for withdrawal. *Calif. Educ. Code* §48202(a). Private schools are required to report the withdrawal (as defined above) or denial of admission of physically handicapped, mentally retarded, or multiple handicapped students to the county superintendent. *Calif. Educ. Code* §48203.

### **Health and Safety Requirements**

- California provides financial assistance to private and parochial schools under the Child Nutrition Program. The funding reimburses the school cafeteria accounts based upon the number of qualifying meals served to students. *Calif. Educ. Code* §§41311, 49530.5, 49531.
- Private elementary and secondary schools cannot unconditionally admit a student unless he has been fully immunized for: diphtheria, haemophilus influenzae type b, measles, mumps and pertussis (except for students who have reached 7 years), poliomyelitis, rubella, tetanus and any other disease deemed appropriate by the State Department of Health Services. *Calif. Health and Safety Code* §120325.
- Prior to employment at a private or parochial elementary or secondary school, individuals must present a certificate showing that they have been examined within the last 60 days found to be free of communicable tuberculosis. Additional testing is required at least once each four years or more if directed by the school. The private school is responsible for maintaining up-to-date certificates for each person covered. Private schools have the discretion to waive this requirement for employees who are employed less than a school year and who do not have frequent or prolonged contact with pupils. Employees transporting students must provide a certificate unless they transport students on an infrequent basis not to exceed once a month. *Calif. Health & Safety Code* §121525.
- Volunteers must also present a certificate that they have been found free of communicable tuberculosis within the last four years. At the discretion of the governing authority of a private school, this section shall not apply to volunteers

- whose functions do not necessitate frequent or prolonged contact with pupils. *Calif. Health & Safety Code* §121545.
- Private school buildings are subject to an annual inspection through the State Fire Marshall's office. *Calif. Health & Safety Code* §13146.3.
  - Private schools entirely enclosed (except for building walls) by fences or walls must maintain gates of sufficient size to permit the entrance of ambulances, police equipment, and fire fighting apparatus. Locking devices must be designed to permit ready entrance by chain or bolt cutting devices *Calif. Educ. Code* §32020.
  - The local sheriff or chief of police will immediately notify a private school if any of the school employees are arrested for controlled substance offenses. *Calif. Health & Safety Code* §11591(c).
  - California requires new noncertified employees at private elementary and high schools having contact with minor pupils to obtain criminal record summaries from the Department of Justice (DOJ) and the Federal Bureau of Investigation. DOJ will provide the records to the designated private school employers to be maintained in a secured file separate from personnel files. The criminal record summary will include only arrests resulting in conviction or pending final adjudication for any sex offense, controlled substance offense, or crime of violence. *Calif. Educ. Code* §44237(a), (b), (c).
  - Private schools have a duty to equip schools with eye protective devices for students, teachers and visitors and to require eye protective devices to be worn when observing or participating in an activity where the use of hazardous substances are likely to cause injury to the eyes. *Calif. Educ. Code* §§32030-32032.
  - Private schools are required to equip the school with a first aid kit to accompany pupils whenever they are taken on school-sponsored field trips. *Calif. Educ. Code* §32040. When field trips are taken into areas commonly known to be infested by poisonous snakes, the first aid kit must contain medically accepted snakebite remedies. The field trip must be accompanied by an agent of the school who has completed a course in first aid certified by the American Red Cross that emphasizes the treatment of snakebites. *Calif. Educ. Code* §32043.
  - Art and craft materials deemed to contain a toxic substance by the Office of Environmental Health Hazard Assessment or a toxic substance causing chronic illness are prohibited for use by students in K–6 grade private schools. Materials containing toxic substances causing chronic illness may not be used by students in 7–12 grade private schools unless it meets labeling standards *Calif. Educ. Code* §§32064-66.
  - Private schools are subject to the provisions of the *Private Schools Building Safety Act of 1986* to ensure that children attending private schools are afforded equivalent earthquake safety as afforded public school students. The act regulates the design and structure of private schools and provides for inspections by an enforcement agency. The act defines "private school structure" as "any building used for educational purposes through the 12th grade by 50 or more persons for more than 12 hours per week or 4 hours in any one day." Certain structures 2,000 square feet or less in floor area are exempt. *Calif. Educ. Code* §17320 *et seq.*
  - Persons 18 years of age or over who unlawfully sell heroin, cocaine, cocaine base or any analog of these substances, within 1,000 feet of private school grounds when

- minors are using the facility, will receive additional imprisonment in the state prison for two years. *Calif. Health & Safety Code* §11353, 11353.1(a)(2).
- The governing board of each private school must establish an earthquake emergency procedure system in every private school building having an occupant capacity of 50 or more pupils or more than one classroom. The earthquake emergency procedure system must include: 1) a school building disaster plan; b) a drop procedure; 3) protective measures to be taken before, during, and following an earthquake; and 4) a program to ensure students and staff are trained in the earthquake emergency procedure system. *Calif. Educ. Code* §§35295-35297.
  - Persons in charge of private schools may not allow any cup or glass to be used in common for drinking purposes. *Calif. Health & Safety Code* §118375.

### **Transportation**

- County superintendents may provide transportation to pupils attending private schools upon the same terms, in the same manner and over the same routes as provided for pupils attending public schools. The authorization is limited to actual transportation and not transportation payments of money. *Calif. Educ. Code* §39808.
- State subsidized transportation for children attending parochial schools is proper under the California Constitution in view of the broad police powers of the state to promote educational welfare and safety of the children. *Bowker v. Baker*, 167 P.2d 256 (1946).
- California distinguishes between school buses, school pupil activity buses, and youth buses in the applicable provisions of the vehicle code. *Calif. Vehicle Code* §§492, 545, 546, 680, 2808, and 12517; *Calif. Educ. Code* §39830, 39831.
- Private schools are subject to the same statutes, rules, and regulations relating to construction, design, operation, equipment, and color of school buses that apply to public schools unless exempt by the commissioner of the California Highway Patrol by rule or regulation. *Calif. Veh. Code* §§2808.
- Private schools are required to provide instruction in school bus emergency procedures and passenger safety for students transported in a school bus or school pupil activity bus. The instruction must be given at least once a year to all transported pupils prekindergarten through grade 8. In addition, safety instruction must be given prior to departures on a school activity trip including instruction on the location of emergency exits and location and use of emergency equipment. The school must maintain a record for one year documenting the details of the instruction. *Calif. Educ. Code* §39831.5.

### **Textbooks**

- The lending of textbooks, without charge, to students attending nonprofit, nonpublic schools violates the California Constitution prohibiting appropriations for the support of sectarian schools. *Calif. Teachers Assoc. v. Riles*, 632 P.2d 953 (1981).
- Nonpublic schools, i.e. schools satisfying attendance recordkeeping requirements and exempt from taxation, may order instructional materials from the state board. *Calif. Educ. Code* §60310.

### **Testing**

- Private schools students do not participate nor may they have access to STAR system.

### **Special Education**

- California places students with exceptional needs in a range of settings appropriate to the individual's needs. One option is placement in nonpublic, nonsectarian schools. Individual education program team members and or parents may request a private school placement based on the educational needs of the child. *Calif. Educ. Code §§ 6342, 56365, 56365.5, 56730.6.*
- Nonpublic, nonsectarian schools are certified by the California Department of Education. Certification requirements and procedures and statutory guidelines are administered by the Special Education Division of the California Department of Education. (See Information Resources for California Web resources, below.) *Calif. Educ. Code §§56365, 56366.*
- Individuals with disabilities are entitled to full and equal access as other members of the general public to private schools. *Calif. Civ. Code §54.1.*
- California's Community Mental Health Services publicly place students with serious emotional disturbances in private schools. *Calif. Welf. & Inst. Code §§5852.5, 5864, 5865, 5877.*
- Private schools serving exceptional need students under a state contract must comply with state provisions governing the suspension of pupils with previously identified exceptional needs and the use of behavioral interventions with exceptional need students. *Calif. Educ. Code §48911, 48911.5.*

### **Nursing and Health**

- Child Abuse Prevention Coordinating Councils funded by the state shall encourage inclusion of private school representatives. *Calif. Welf. & Inst. Code §18982.1.*

### **Technology**

- County superintendents of schools may enter into agreements with nonpublic private schools to provide for the use of audiovisual curriculum materials, including equipment and apparatus. The agreement must provide for an amount of payment equal to the cost incurred in connection with the handling, loss, destruction, or damage to the audiovisual curriculum materials. Such agreements may only be entered into when such materials are not needed by the public schools or the county superintendent. *Calif. Educ. Code §1251.*

### **Professional Development**

- State agencies have the authority to enter into vocational education contracts with approved private schools to provide training and retraining programs for students. *Calif. Educ. Code §§8090-92.*

### **Reimbursement for Performing State/Local Functions**

- There is no state policy at this time.

### Tax Exemption

- The state legislature has provided that property used exclusively for school purposes of less than collegiate grade is exempt from taxation if the school meets certain requirements. *Calif. Rev. & T. Code* §214.
- Tax exempt status for parochial K–12 schools under §214 is constitutional since a nonprofit school has a charitable purpose. *Lundberg v. County of Alameda*, 298 P.2d 1 (1956).
- The California legislature may exempt property used exclusively for religious purposes and held by a nonprofit corporation from property tax under the California Constitution. *California Constitution*, Art. XIII. Section 4. Church-related schools may be required to file factual statements to qualify for the exemption. 62 Ops. Att. Gen. 690, 11-9-79.
- Private schools and nonprofit parent-teacher associations are "consumers" rather than "retailers" for sales tax purposes with respect to 1) yearbooks and catalogs prepared for distribution to students by the school and 2) tangible personal property sold by the parent-teacher organization if the profits are used exclusively for the organization. *Calif. Rev. & T. Code* §6361.5, 6370.
- School meals provided to students by private schools are exempt from sales tax. The exemption does not apply if the food is sold for consumption within a place subject to an admission charge, except for national and state parks and monuments. *Calif. Rev. & T. Code* §6363.
- Private schools are exempt from state park fees for school field trips arranged through the Department of Parks and Monuments. The exemption extends to pupils K–12, their escorts, teachers, supervisory personnel, and bus drivers. (Hearst San Simeon State Historic Monument excluded.) *Calif. Pub. Res. Code* §5010.2.

### Public Aid for Private Education

- **Constitutional provisions:** The California Constitution prohibits the appropriation of public money for the support of sectarian or denominational schools or any other school not under the exclusive control of the officers of the public schools. *California Constitution*, Art. IX. Section 8.  
In addition, Art. XVI. Section 5. prohibits any public support for a school controlled by any religious creed, church, or sectarian denomination, including any grant of personal property or real estate.
- **Programs for financial assistance for attendance at private schools:** There are no such programs at this time.

### Homeschooling

- California parents have access to three approaches to schooling their children at home: public school independent or home-based study programs; public charter independent study schools; and homeschooling under the Private School Affidavit.
- The first option: Public school home-based or independent study programs require enrollment in public school and use the public school curriculum. If this option is selected, then the child is considered a public school student and subject to the rules and policies of the public school, including participation in State testing. *Calif. Educ. Code* §51745.

## State Regulation of Private Schools—California

- The second option: Parents may also enroll a child in a public charter school that offers independent study. These California charter schools allow enrollment to students living either in the county in which the charter school is located or in any contiguous county. Computer access to curriculum is common; State testing is required. *Calif. Educ. Code* §47600 et seq.
- The third option: Parents may submit annually the Private School Affidavit. Under this provision, a child being taught by "persons capable of teaching" is exempt from compulsory public school attendance, is not enrolled in a public school, and does not have access to State curriculum, materials or testing. *Calif. Educ. Code* §§33190,48222.
- A related exemption allows schooling at home without filing the affidavit. Under this exemption, a child must receive at least three hours of instruction, between the hours of 8 a.m. and 4 p.m. a day for 175 days each calendar year by a tutor with a clear California teaching credential, "in the several branches of study required to be taught in the public schools of this state and in the English language." *Calif. Educ. Code* §48224.
- A parent or guardian may legally homeschool their child without a teacher certification in the state of California. On Aug. 8, 2008, the Court of Appeals for the Second Appellate District in California unanimously reversed their previous decision made on Feb. 28, 2008, to require parents to possess a teaching certification in order to provide home instruction.
- No California statute requires testing for homeschooled students.

### Information resources

- [California Department of Education: Selected California Education Codes](http://www.cde.ca.gov/sp/ps/rq/psaffedcode.asp)  
<<http://www.cde.ca.gov/sp/ps/rq/psaffedcode.asp>>
- [California Department of Education: Private School Frequently Asked Questions](http://www.cde.ca.gov/sp/ps/rq/psfaq.asp)  
<<http://www.cde.ca.gov/sp/ps/rq/psfaq.asp>>
- [California Department of Education: Private School Affidavit](http://www.cde.ca.gov/sp/ps/rq/)  
<<http://www.cde.ca.gov/sp/ps/rq/>>
- [California Law](http://www.leginfo.ca.gov/calaw.html) <<http://www.leginfo.ca.gov/calaw.html>>
- California Department of Education  
1430 N Street  
Sacramento, CA 95814-5901  
Phone: 916-319-0800  
Fax: 916-319-0100  
E-mail: [superintendent@cde.ca.gov](mailto:superintendent@cde.ca.gov)  
Web site: <http://www.cde.ca.gov/>
- U.S. Department of Education, [California](#)

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# COLORADO

## **Accreditation/Registration/Licensing/Approval**

- *Accreditation* is optional.
  - The Colorado State Board of Education does not require private schools to acquire accreditation, but allows private schools to voluntarily choose to seek accreditation by one of the state-approved private agencies. *C.R.S. 22-2-107.*
  - The Colorado Department of Education (CDE) provides contact information for some accrediting agencies as a courtesy to those interested in private schools; however, it does not endorse any particular group or organization.
- No requirements for *Registration*.
- *Licensing* is mandatory.
  - Nonpublic schools (private, non-state independent and parochial) are considered to be small businesses in the state of Colorado. School owners must obtain a license from the secretary of state's office to operate. *C.R.S. 24-48.5-101.*
  - Neither the State Board of Education nor any local board of education has jurisdiction over the internal workings of a nonpublic school since these schools are considered to be small businesses. However, there are legal requirements all Colorado schools must follow, including nonpublic schools.
- No requirements for *Approval*.

## **Teacher Certification**

- Certification of teachers in private schools is not required. A nonpublic institution may request the state board to review the content of its teacher preparation program to determine if it meets the state's specifications for licensure endorsement. *C.R.S. 22-2-109.*
- For employment purposes nonpublic schools may make an inquiry to the Colorado Department of Education regarding a potential employee's past unlawful conduct i.e. whether an individual has been dismissed or resigned from a school district as a result of an allegation of unlawful behavior involving a child that was supported by a preponderance of the evidence. To facilitate the inquiry, the governing board of the nonpublic school shall require an applicant or employee to submit to the governing board a complete set of his or her fingerprints taken by a qualified law enforcement agency or an authorized school employee. *C.R.S. 22-1-121.*

## **Length of School Year/Days**

- Every child who has attained the age of six years on or before August 1 of each year and is under the age of seventeen years shall attend public school. However, compulsory school attendance law is satisfied if at an independent, private or parochial school a child is enrolled for a minimum of one hundred seventy-two (172) days and is provided with a basic academic education (sequential program of instruction). *C.R.S. 22-33-104.*

### **Curriculum**

- The basic academic educational program at the private school shall include, but not be limited to, communication skills of reading, writing, and speaking, mathematics, history, civics, literature, and science. *C.R.S. 22-33-104 (2)(b)*.
- All teachers in the grade and high schools in the state of Colorado shall be provided the necessary instruction and information to teach pupils the proper respect of the flag of the United States, to honor and properly salute the flag, and to properly use the flag in decorating and displaying. *C.R.S. 22-1-106*.
- It is the duty of each teacher in such schools to see that pupils receive such instruction and information on the use of the United States flag. *C.R.S. 22-1-107*.
- All public and private schools located within the state of Colorado shall give regular courses of instruction in the Constitution of the United States. *C.R.S. 22-1-108*.
- Instruction in the constitution of the United States shall begin not later than the opening of the junior high schools or seventh grade and shall continue through high school courses. *C.R.S. 22-1-109*.

### **Recordkeeping/Reports**

- Colorado Department of Education (CDE) annually posts on its Web site a nonpublic schools directory as a courtesy to those interested in private schools. Private schools can voluntarily submit their contact information to CDE, but are under no obligation to notify CDE when they open, if their address changes or if they close.
- Whenever requested by the board of education of the school district in which the private school is located, the person or corporation in charge and control of any school other than a public school shall certify in writing a statement containing the name, age, place of residence, and number of days of attendance of all children of school age, during the preceding month, who are or have been attending the school. *C.R.S. 22-1-114*.
- Private schools are required to maintain a file of the official certificates of immunization for every enrolled student. The Department of Health may examine, audit or verify the records of immunizations. *C.R.S. 25-4-906(2), (3)*.

### **Health& Safety Requirements**

- The Department of Health is under a duty to establish and enforce sanitary standards for the operation and maintenance of schools; all schools must meet health standards. Contact the Consumer Protection Division of the Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South, Denver, CO 80222; phone: 303-692-3620. NOTE: If a nonpublic school exists in some county other than Denver County, the county office of the Colorado Department of Health should be contacted. *C.R.S. 25-1-107(1)(m)*.
- Private school students must receive immunizations as specified by the State Board of Health. Exemptions are allowed based on religious belief, endangerment to life, or sound medical practice. *C.R.S. 24-4-901; 25-4-902; 25-4-904*.
- Transfer students have 60 days in which to submit an official certificate of immunization provided by the Department of Health. *C.R.S. 25-4-903*.
- Private schools are obligated to suspend or expel any student failing to obtain the proper school entry immunizations unless the student is otherwise exempt. Prior to

suspension or expulsion, the appropriate school authority must give direct personal notification to the student's parent or guardian, the emancipated student, or the student eighteen years of age, and inform them of the student's rights. *C.R.S. 25-4-902; 25-4-902.5; 25-4-903 and 25-4-907.*

- Private and nonpublic school officials have the responsibility of ensuring the buildings used meet local building codes, zoning requirements, and fire safety standards. School officials have the responsibility to check with the local city and/or county on these matters.
- Private schools are prohibited from using toxic fire extinguishing agents in any fire extinguisher device. *C.R.S. 9-3-101.*
- Any person, firm, or organization maintaining any private schools must provide eye protective devices for the use of all students, teachers, and visitors when participating in courses, substances and activities dangerous to eyes. *C.R.S. 22-3-101.*
- Private schools providing food services are required to obtain an annual certificate of inspection for food service establishments. Parochial and private schools are granted certificates without incurring fees. *C.R.S. 12-44-201; 12-44-207(2); 12-44-208.*
- Private school officials and employees are required to report suspected child abuse or neglect to the county department or local law enforcement agency. *C.R.S. 19-3-304.*

### **Transportation**

- There is no state policy at this time.

### **Textbooks**

- The board of education of a school district has in its discretion to provide library resources for the benefit of children and the use of teachers to benefit children in the nonpublic schools out of federal grants made for this purpose. The provision of resources must be made without discrimination on the basis of race, color, religion, sex or national origin. *C.R.S. 2-32-110(dd).*

### **Testing**

- A child enrolled in a nonpublic school is not required to take the CSAP, which is the Colorado Student Assessment Program test. *C.R.S. 22-7-409(III).*
- A nonpublic school shall be permitted to administer the assessments and shall be provided with the results. The nonpublic school shall be required to pay all costs associated with administering and providing results for such assessments. *C.R.S. 22-7-409(1.3)(a).*

### **Special Education**

- The board of education of a school district has in its discretion to provide special educational services and arrangements for the benefit of educationally deprived children in the district who attend nonpublic schools out of federal grants designated for that purpose. The provision of services must be made without discrimination on the basis of race, color, religion, sex, or national origin. *C.R.S. 22-32-110(cc).*

### **Nursing and Health**

- There is no state policy at this time.

### **Technology**

- There is no state policy at this time.

### **Professional Development**

- Teachers, school nurses, or school administrators employed by a nonpublic school may participate as students in in-service education institutes or curriculum development programs conducted by school districts or boards of cooperative services (BOCES). At the discretion of the school district or BOCES such participants may be required to pay the pro rata share for the cost of participation. *C.R.S. 22-25-108.*
- Colorado law provides for cooperative ventures in teacher education programs between public and private schools and institutions of higher education. *C.R.S. 22-62-102.*

### **Reimbursement for Performing State/Local Functions**

- There is no state policy at this time.

### **Tax Exemption**

- Real and personal property used solely for religious worship or schools is exempt from taxation unless otherwise provided by general law. *Colorado Constitution, Art. X, Section 5.*
- Nonprofit private schools are exempt from real and personal property tax. 8 *Colorado Code Regs. §1304-2.*

### **Public Aid for Private Education**

- **Constitutional provisions:** Public aid, *i.e.* aid from the general assembly, any county, city, town, township, school district or public corporation, to sectarian schools is expressly prohibited. *Colorado Constitution, Art. IX, Section 7.*  
The state legislature is expressly prohibited from appropriating money for education purposes to any person, corporation, or community not under the absolute control of the state, or to any denominational, or sectarian institution or association. *Colorado Constitution, Art V, Section 34.*  
The state legislature is expressly prohibited from appropriating money for educational purposes to any person, corporation, or community not under the absolute control of the state, or to any denominational, or sectarian institution or association.
- **Programs for financial assistance for attendance at private schools:** There is no such program at this time.

### **Homeschooling**

- Home-based education is a legitimate alternative to classroom attendance for the instruction of children. It is permissible under Colorado law and is distinguished from private and nonpublic schools. *C.R.S. 22-33-104.5.*
- The parent or guardian must provide a written notification to the local school district office 14 days in advance, explaining his or her intent to homeschool. Written notification is to be given for each child, for each year the program is maintained. *C.R.S. 22-33-104.5.*

## State Regulations of Private Schools—Colorado

- All costs of home education are assumed by the parents. *C.R.S. 22-33-104.5.*
- The instructor of a child being homeschooled must be a parent, guardian, or adult relative. The parent must keep records of attendance, test and evaluation results, and immunization records. *C.R.S. 22-33-104.5.*
- The nonpublic, home-based educational program must be a minimum of 172 days, averaging four instructional contact hours per day, and shall include, but not be limited to, communication skills of reading, writing, and speaking, mathematics, history, civics, literature, science, and regular courses of instruction in the Constitution of the United States. *C.R.S. 22-33-104.5.*
- Each child participating in a nonpublic home-based educational program shall be evaluated when such child reaches grades three, five, seven, nine, and eleven. Each child shall be given a nationally standardized achievement test to evaluate the child's academic progress, or a qualified person shall evaluate the child's academic progress. Testing is administered at the parent's expense. *C.R.S. 22-33-104.5.*
- A district diploma is issued only to students who complete a public education school program. There is no state diploma issued to home-schooled students; however, parents may issue a diploma when the student completes the home-based program. Homeschooled children have the option of taking the GED. *C.R.S. 22-33-104.5.*

### Information resources

- [Colorado Department of Education - Colorado Non-Public Schools](http://www.cde.state.co.us/choice/nonpublic_index.htm)  
<http://www.cde.state.co.us/choice/nonpublic\_index.htm>
- [Colorado Department of Education – Colorado Legal Requirements for Non-Public Schools](http://www.cde.state.co.us/choice/nonpublic_law.htm)  
< http://www.cde.state.co.us/choice/nonpublic\_law.htm>
- Colorado Department of Education - [Colorado Private School Resources](http://www.cde.state.co.us/choice/nonpublic_resources.htm)  
< http://www.cde.state.co.us/choice/nonpublic\_resources.htm>
- [Colorado Department of Education - Homeschooling](http://www.cde.state.co.us/cdeedserv/homeschool.htm)  
< http://www.cde.state.co.us/cdeedserv/homeschool.htm>
- [Colorado Revised Statues](http://www.state.co.us/gov_dir/leg_dir/olls/colorado_revised_statutes.htm)  
<http://www.state.co.us/gov\_dir/leg\_dir/olls/colorado\_revised\_statutes.htm>
- [Colorado Regulations](http://www.cde.state.co.us/index_law.htm) <http://www.cde.state.co.us/index\_law.htm>
- [Colorado School Laws 2008](#) (book)  
To purchase a copy, contact the Deputy Commissioner's Office of Learning Service and Results at (303) 866-6678.
- Colorado Department of Education  
Schools of Choice Office  
201 East Colfax Avenue, Room 300  
Denver, CO 80203-1704  
Contact: Pahmela Hines  
E-mail: [hines\\_p@cde.state.co.us](mailto:hines_p@cde.state.co.us)  
Phone: 303-866-6771  
Fax: 303-866-4739
- Web site: <http://www.cde.state.co.us/>
- U.S. Department of Education, [Colorado](#)

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# CONNECTICUT

## **Accreditation/Registration/Licensing/Approval**

- *Accreditation* is optional.
  - Accreditation is required in order to receive state approval.
- No requirements for *Registration*.
- No requirements for *Licensing*.
  - A private school that is not state approved (that is not accredited by a state approved accrediting agency) and has students under the age of 5 must obtain a daycare license from the Department of Public Health.
- *Approval* is optional.
  - In order to obtain state approval, nonpublic schools must be accredited by a state approved accrediting agency. Each accrediting agency has its own criteria for accrediting schools.
  - Although nonpublic schools may operate in Connecticut without state approval, nonpublic schools are required to submit an attendance report with the commissioner of education in order to comply with the compulsory school attendance law. *Conn. Gen. Stat.* §10-188.
  - By filing an attendance form in accordance with *Conn. Gen. Stat.* §10-188, the private school is considered “recognized” as a private school in Connecticut.

## **Teacher Certification**

- Although teaching certificates are not required for nonpublic school teachers, teachers at nonpublic schools approved by the State Board of Education may obtain Provisional and Professional Educator Certificates. *Conn. Gen. Stat.* §10-145b.

## **Length of School Year/Days**

- There is no state requirement for private schools’ length of the school year.

## **Curriculum**

- Connecticut parents have the duty to instruct their children or cause them to be instructed in reading, writing, spelling, English grammar, geography, arithmetic, and United States history and citizenship. Instruction may occur outside the public school if the parent or person having control of the child is able to show that "the child is elsewhere receiving equivalent instruction in the studies taught in the public schools." *Conn. Gen. Stat.* §10-184.
- Private elementary and high schools, whose property is tax exempt, must provide instruction in United States history, government, and the duties and responsibilities of citizenship. Graduation from such schools is contingent on familiarity with these subjects. The state board of education will make available samples of appropriate educational materials. *Conn. Gen. Stat.* §10-18.
- The English language is to be the medium of instruction in private elementary schools except in bilingual or bicultural programs for pupils who by reason of foreign birth,

ancestry or otherwise, experience difficulty in reading and understanding English. *Conn. Gen. Stat.* §10-17.

- Private schools may with the approval of the state board of education establish bilingual and bicultural programs of study in which language other than English are predominately spoken to enable children to become efficient in English. *Conn. Gen. Stat.* §10-17a.
- Private secondary schools may contract with licensed driving schools approved by the commissioner of motor vehicles for behind-the-wheel instruction in driver education programs. *Conn. Gen. Stat.* §14-36f.

### **Recordkeeping/Reports**

- Private schools must file student attendance reports and "such reports and returns concerning the school . . . as are required from boards of education concerning the public schools. . . ." No report concerning finances is required. *Conn. Gen. Stat.* §10-188.
- Nonpublic schools must implement a policy for reporting complaints related to school transportation safety and maintain a written record of complaints received. Within 30 days after the end of the school year nonpublic schools must provide a copy of the written record of complaints to the commissioner of motor vehicles. Nonpublic schools must also make written reports to the commissioner of any accident involving a motor vehicle and a student pedestrian near a designated school bus stop within 10 days of the incident. *Conn. Gen. Stat.* §10-221c.
- Noncustodial parents have a right to student academic records unless otherwise ordered by the court. *Conn. Gen. Stat.* §46b-56(e).

### **Health and Safety Requirements**

- Children enrolled in nonpublic schools must be protected by adequate immunizations against diphtheria, pertussis, tetanus, polioeyelitis, measles, mumps, rubella, and hemophilus influenza and any other vaccine required by the schedule for active immunization adopted pursuant to section 19a-7f before being permitted to enroll in any program operated by the nonpublic school. Certain exemptions apply, e.g. a child whose parents object to immunizations on religious grounds is exempt. *Conn. Gen. Stat.* §10-204a.
- A school nurse, other licensed nurse, principal or teacher of a school may administer medicine to any student in accordance with the written order of a licensed physician or dentist and the written authorization of the child's parent or guardian. *Conn. Gen. Stat.* §10-212a.
- Every private and parochial school must maintain toilet accommodations, water supply drinking cups, washing facilities, heating, lighting and ventilation in sanitary condition. *Public Health Code Regulation* §19-13-830.
- Communications made by a student to a professional employee at a nonpublic primary or secondary school concerning alcohol or drug abuse is privileged communication if the employee chooses to make it so. An employee who acts in good faith is immune from any criminal or civil liability. *Conn. Gen. Stat.* §10-154a.
- Buildings and facilities of public service are required to be inspected by the local fire marshal at least once a year and as necessary. *Conn. Gen. Stat.* §29-305.

## State Regulation of Private Schools—Connecticut

- Each story above the first story of a schoolhouse building must have at least two remote means of free and unobstructed egress by enclosed stairways, properly segregated from the corridors at all floor levels, or approved fire escapes outside. Stairways, fire escapes and passageways must be constructed and maintained in accordance with the fire safety regulations. New school buildings, conversions, and additions to school buildings must be made in conformity with the fire safety code. *Conn. Gen. Stat.* §29-389.
- No person shall apply a lawn care pesticide on the grounds of any public or private preschool or public or private elementary school, except pursuant to an integrated pest management plan consistent with the model pest control management plan developed by the commissioner of environmental protection or to eliminate a threat to human health as determined by the local health director, the commissioner of public health, or the commissioner of environmental protection. *Conn. Gen. Stat.* §10-231b; § 22a-661.
- Nonpublic school teachers, principals, and guidance counselors are required to report suspected child abuse. If a school employee is suspected of the abuse, the supervisory agent of the nonpublic school is responsible for notifying the parents and making the necessary report with the appropriate authorities. Conviction of abuse may lead to revocation of an individual's teacher certification. *Conn. Gen. Stat.* §17a-10(b), (c), (f).
- All private elementary and secondary schools must comply with state regulations concerning eye protection devices in laboratories and workshops. *Conn. Gen. Stat.* §§10-214a-1 through 10-214a-3.
- Connecticut law outlines when physical force, otherwise criminal, is justifiable when exercised by a teacher or other person entrusted with the care and supervision of a minor for school purposes. For example, a teacher's physical force is justifiable to protect him- or herself or others from immediate physical injury or to obtain possession of a dangerous instrument but not to merely maintain discipline. *Conn. Gen. Stat.* §17a-101.
- Professional employees of a nonpublic school are required to turn over physical evidence indicating a crime has been or is being committed to school officials or law enforcement officials. The employee is not required to disclose the name of the student from whom the evidence was obtained. *Conn. Gen. Stat.* §10-154a.

### Transportation

- When a majority of students attending a nonpublic school are residents of Connecticut, the municipality or school district must provide the nonpublic school students the same transportation services provided to K-12 students attending public schools. *Conn. Gen. Stat.* 10-281. Transportation services for pupils attending private schools outside the school district is optional. *Conn. Gen. Stat.* §§10-280a; 10-277. See *Recordkeeping/Reports*.

### Textbooks

- Connecticut law permits local or regional boards of education to loan textbooks to students attending nonpublic schools within the district. Parents or guardians or

nonpublic school students may borrow textbooks currently in use in the public school free of charge. *Conn. Gen. Stat.* §10-228a.

**Testing**

- Testing is not required for students attending nonpublic schools.

**Special Education**

- Local boards of education publicly places children with special education needs in approved private schools when the educational needs of the child cannot be met by public school arrangements. *Conn. Gen. Stat.* §10-76d(d), (g); § 10-76b(a). The local or regional boards of education also provide transportation to and from the residence of the special needs child. *Conn. Gen. Stat.* §10-76d(e).

**Nursing and Health**

- Nonpublic schools may participate in the school breakfast, lunch, and other feeding programs as regulated by the state board of education and governed by federal laws. *Conn. Gen. Stat.* §10-215a and b.
- Nonpublic school students are eligible for health services that are currently offered to public school students by the local district. "Health services" include the services of a school physician, school nurse, and dental hygienist. *Conn. Gen. Stat.* §10-217a.

**Technology**

- There is no state policy at this time.

**Professional Development**

- All Connecticut educators are eligible to participate in programs of professional development offered by the Connecticut Department of Education in cooperation with the regional education service centers. Participation fees are charged. *Conn. Gen. Stat.* §10-220a(c).
- Certified teachers at private special education facilities approved by the commissioner of education may receive training to supervise, train, and evaluate student teachers and serve as mentors for beginning teachers. *Conn. Gen. Stat.* §10-220a(d).
- Nonpublic schools may participate in the programs and services offered by the regional education centers. *Conn. Gen. Stat.* §10-66d.
- Nonpublic schools pay a prorated share of the costs of any program or service to which they subscribe. *Conn. Gen. Stat.* §10-66e.

**Reimbursement for Performing State/Local Functions**

- There is no state policy at this time.

**Tax Exemption**

- Information is not available.

### **Public Aid for Private Education**

- **Constitutional provisions:** The "School Fund," established to provide a perpetual fund for the support of public schools, cannot be diverted to any other use. *Connecticut Constitution*, Art. 8, Sec. 4.  
Municipalities may lend money to nonpublic schools located within the municipality for the construction or renovation of physical facilities used exclusively for educational purposes. *Conn. Gen. Stat.* §§7-121a; 10-289f.  
Private high schools receiving state funds must provide the same directory information and on-campus recruiting opportunities to representatives of the national armed forces and state armed services as offered to nonmilitary recruiters or commercial concerns. Governing boards of these private schools must establish a written uniform policy for the treatment of all recruiters. *Conn. Gen. Stat.* §10-221b.
- **Programs for financial assistance for attendance at private schools:**  
Connecticut passed a demonstration scholarship program to provide parents or guardians an opportunity to enroll their children in public or private schools in 1972. Participating schools needed to meet all educational, fiscal, health and safety standards required by law and other specified criteria including nondiscrimination based on race, color or economic status. *Conn. Gen. Stat.* §10-239a-b. However, the initiative was never funded.

### **Homeschooling**

- Connecticut places the duty to instruct a child or cause him to be instructed on the parents *Conn. Gen. Stat.* §10-184.
- The State Board of Education acknowledges the right of parents to instruct their children at home as an alternative to public school attendance, and advises local and regional boards of education where such child would otherwise be attending public school to acknowledge home instruction when the parent or person having control of a child between the ages of seven and 16 is able to show that the child is receiving equivalent instruction in the studies taught in the public schools. *Conn. Gen. Stat.* §10-184.
- Local boards must determine whether or not such a child is receiving equivalent instruction as required under *Conn. Gen. Stat.* §10-220.
- In making the decision as to whether or not the child is receiving equivalent instruction, it is *recommended* that the local board of education adopt board policies that require the following procedures: The parent should file within 10 days of beginning home instruction and for each subsequent year, a notice of intent to homeschool. A complete notice of intent provides basic program information including name of teacher, subjects to be taught, days of instruction, and teacher's methods of assessment. By filing the notice of intent, the parent assumes the full responsibility for the education of their child. An annual portfolio review will be held with parents and school officials to determine if instruction in the required courses has been given. Connecticut State Department of Education, "Revised Procedures Concerning Requests From Parents to Educate Their Child at Home," 1990.

**Information resources**

- [Connecticut State Department of Education: Private Schools](http://www.sde.ct.gov/sde/cwp/view.asp?a=2683&q=320342)  
<http://www.sde.ct.gov/sde/cwp/view.asp?a=2683&q=320342>
- [Connecticut State Department of Education: Procedures for Application as an Approved Nonpublic School](http://www.sde.ct.gov/sde/cwp/view.asp?a=2683&Q=321764)  
<http://www.sde.ct.gov/sde/cwp/view.asp?a=2683&Q=321764>
- [http://www.sde.ct.gov/](http://www.cga.ct.gov/2007/pub>Title 10, Education and Culture</a> <http://www.cga.ct.gov/2007/pub>Title10.htm></li><li>▪ Connecticut State Department of Education<br/>State Office Building<br/>165 Capitol Avenue<br/>Hartford, CT 06106-1630<br/>Phone: 860-713-6548<br/>Toll-Free: 800-465-4014<br/>Fax: 860-713-7001<br/>Web site: <a href=)
- U.S. Department of Education, [Connecticut](#)

*Updated November 28, 2008*

# DELAWARE

## **Accreditation/Registration/Licensing/Approval**

- No requirements for *Accreditation*.
- *Registration* is mandatory.
  - All nonpublic schools must register with the state. *Del. Code Ann., Title 14, §2704.*
- No requirements for *Licensing*.
- No requirements for *Approval*.

## **Teacher Certification**

- Teacher certification is optional. The Delaware Department of Education has the authority to implement a “voluntary licensing and certification” system for nonpublic school teachers, specialists, and administers. *Del. Code Ann., Title 14, §121(b)*.

## **Length of School Year/Days**

- There is no state requirement for nonpublic schools’ length of school year.

## **Curriculum**

- Under the Compulsory Education Statute, nonpublic schools must provide regular and thorough instruction in the subjects prescribed for the public schools of the state. *Del. Code Ann., Title 14, §2703(a)*.
- Delaware requires all nonpublic schools to provide regular courses in the United States Constitution, the Delaware Constitution and government, and the free enterprise system in grades eight through high school. The extent and content of courses is determined by the State Board of Education. *Del. Code Ann., Title 14, §4103*.
- Delaware provides driver education instruction for students attending nonpublic high schools. The State Department of Education, with the consent of the State Board of Education, regulates and supervises the program including the qualifications of drivers education teachers, their salary, and school assignments. *Del. Code Ann., Title 14, §127*.
- The governor may request private schools to observe Arbor and Bird Day as designed to advance the study of Arbor culture, the spirit of protection to birds and trees and appreciation for them. *Del. Code Ann., Title 29, §4107*.

## **Recordkeeping/Reports**

- Disclosure of student records to non-school personnel is prohibited except in limited circumstances e.g. as required by law upon request of the pupil if over 14 years of age for the purpose of transfer, or at the request of the parent or guardian. Standard release forms may be prescribed by the Department of Public Instruction. *Del. Code Ann., Title 14, §4111*.

## State Regulation of Private Schools—Delaware

- Nonpublic schools are required to report their enrollment, age of pupils and attendance to the State Board of Education annually before July 31. In addition, private schools must submit annually a statement of enrollment as of the last day in September on forms prescribed by the State Board of Education. *Del. Code Ann., Title 14, §2704.*
- Nonpublic schools are required to maintain records as required by the child labor laws. *Del. Code Ann., Title 14, §3506.*

### Health and Safety Requirements

- All private schools are required to have at least one fire drill each month when school is in session and to keep all doors and exits unlocked during school hours. The State Fire Marshal, or his deputies, must inspect all schools as to fire exits and reasonable safety standards. *Del. Code Ann., Title 16, §6607(d)(e).*
- Private schools must set dates for fingerprinting students (grades K–9) and provide school facilities and personnel. The superintendent of state police will provide training for volunteers who are nominated to assist by the private schools for this purpose. Private school officials must notify parents or guardians of the date set for fingerprinting. Only pupils with signed authorization by parents or guardians may participate. Private schools must cooperate in setting up the program, but the fingerprinting of students is not mandated. *Del. Code Ann., Title 11, §8526.*
- Eye protection devices must be used in private schools by teachers, students, employees, and visitors for activities taking place in eye protection areas, i.e. industrial arts classes, etc. *Del. Code Ann., Title 14, §§8301, 8302.*

### Transportation

- The Delaware Constitution expressly allows the General Assembly to provide transportation for students of nonpublic, nonprofit elementary and high schools. *Delaware Constitution, Art X, §5.*
- The State Board of Education is charged with regulating nonpublic school transportation as public school transportation and limited to within the described boundaries of a public school district. *Del. Code Ann., Title 14, §2905.*
- Parochial and private school buses must be inspected twice yearly to determine if they are safe, fit for operation and properly equipped in accordance with regulations adopted by the Department of Motor Vehicles. *Del. Code Ann., Title 21, §2145.*
- Parochial and private schools may not permit any person to drive a school bus within the state without a valid school bus driver's license. *Del. Code Ann., Title 21, §2708(a).*

### Textbooks

- There is no state policy at this time.

### Testing

- There is no state policy at this time.

### **Special Education**

- The Delaware State Department of Education, with the consent of the State Board of Education, promulgates rules providing for the placement of "exceptional persons," i.e. "handicapped or gifted persons" in private schools. *Del. Code Ann., Title 14, §§3101, 3110(b).*
- The Mental Hygiene Clinic Department of Health and Social Services will examine private school children who are 2 or more years retarded when requested by the executive head of the school. *Del. Code Ann., Title 16, §5142(a).*

### **Nursing and Health**

- There is not an explicit law or regulation requiring a private school to have a school nurse. Title 24, Chapter 19, Section 1921 refers to "Educators who assist students with medications that are self-administered during school field trips that have completed a Board of Nursing approved training course developed by the Delaware Department of Education." The corresponding regulation is 14 *DE Admin. Code 817.*

### **Technology**

- There is no state policy at this time.

### **Professional Development**

- There is no state policy at this time.

### **Reimbursement for Performing State/Local Functions**

- There is no state policy at this time.

### **Tax Exemption**

- All real or personal property used for school purposes where the tuition is free shall be exempt from taxation and assessment for public purposes. *Delaware Constitution, Art X, §3.*

### **Public Aid for Private Education**

- **Constitutional provisions:** No state funds raised for educational purposes can be used to aid any sectarian, church or denominational school. *Delaware Constitution, Art X, §3.*
- **Programs for financial assistance for attendance at private schools:** There is no such program at this time.

### **Homeschooling**

- A homeschool is defined as a nonpublic school. Delaware Code lists three types of homeschools: "multi-family homeschool," "single family homeschool," and "single family homeschool coordinated with the local school district." A child who is homeschooled in affiliation with a homeschool association or organization registered with the Department of Education complies with the compulsory attendance laws of the Delaware. *Del. Code Ann., Title 14, §2703.*
- All persons conducting private schools and/or homeschools shall report to the Department of Education the attendance on or before July 31 of each year. All

## State Regulation of Private Schools—Delaware

persons conducting private schools or homeschools must also submit a statement annually of enrollment on the last school day in September on such forms and in such manner as may be prescribed by the Department of Education. *Del. Code Ann., Title 14, §2704.*

### Information resources

- [Delaware Department of Education: Nonpublic School Information](http://www.doe.state.de.us/Nonpublicwebpages/npindex.shtml)  
<http://www.doe.state.de.us/Nonpublicwebpages/npindex.shtml>
- [Delaware Department of Education: Nonpublic School Information Forms](http://www.doe.state.de.us/Nonpublicwebpages/formspage.shtml)  
<http://www.doe.state.de.us/Nonpublicwebpages/formspage.shtml>
- Delaware Code  
[Title 14 Education](http://delcode.delaware.gov/title14/index.shtml#TopOfPage) <http://delcode.delaware.gov/title14/index.shtml#TopOfPage>
- Delaware Department of Education  
Suite Two  
401 Federal Street  
Dover, DE 19901-3639  
Phone: 302-735-4000  
Fax: 302-739-4654  
Web site: <http://www.doe.state.de.us/>
- U.S. Department of Education, [Delaware](#)

*Updated November 25, 2008*

# DISTRICT OF COLUMBIA

## Accreditation/Registration/Licensing/Approval

- *Accreditation* is optional.
  - Institutions that submit proof of accreditation or that they are undergoing the process of accreditation by an accrediting body approved by the board will be deemed to have presented satisfactory evidence that the amount of instruction, character of instruction, qualifications of staff and other conditions, such as class size, facilities, counseling services, and attendance record-keeping are acceptable to the Board. *D.C. Municipal Regulations* 2100.3.
- No requirements for *Registration*.
- No requirements for *Licensing*.
- *Approval* is mandatory.
  - The District of Columbia Board of Education is responsible for establishing requirements to govern acceptable credit for studies at independent or private schools. *D.C. Code Ann.* 38-202(d).
  - Schools must provide satisfactory evidence to the superintendent of schools that the amount of instruction, character of instruction, qualifications of staff and other conditions, such as class size, facilities, counseling services, and attendance record-keeping are acceptable to the Board. *D.C. Municipal Regulations* 2100.2.
  - The parochial nature of an educational institution or sectarian nature of instruction cannot be a factor for the board's determination. *D.C. Municipal Regulations* 2100.5.

## Teacher Certification

- A District of Columbia teaching certificate is not required. Schools must provide satisfactory evidence to the superintendent of schools that the qualifications of staff, *i.e.* the training and educational requirements for teaching and supervisory staff, are acceptable to the Board. *D.C. Regulations* 2100.2.

## Length of School Year/Days

- Schools must provide satisfactory evidence to the superintendent of schools that the amount of instruction, *i.e.* the number of hours per day, days per week, and weeks per year, is acceptable to the Board. The instruction need not be given at the same time as the equivalent D.C. Public School program. *D.C. Regulations* 2100.2.

## Curriculum

- Schools must provide satisfactory evidence to the Superintendent of Schools that the character of instruction includes acceptable subject matter and time devoted to the subjects. *D.C. Municipal Regulations* 2100.2.

### **Recordkeeping/Reports**

- School approval for attendance purpose is contingent on the maintenance and submission of attendance records to the D.C. Board of Education. *D.C. Municipal Regulations* 2100.6.
- Independent, private or parochial school teachers must keep an accurate daily record of attendance of all enrolled students legally required to attend school. These records must be open for inspection at all times by persons authorized to enforce the District's compulsory school attendance law. *D.C. Code Ann.* 38-203.
- Principals have a duty to report to the District of Columbia Board of Education a student's absence for more than two full-day sessions or four half-day sessions in any school month and the reasons for the absence. *D.C. Code Ann.* 38-203.
- Principals must report to the Board of Education the name, address, sex, and date of birth of each minor who resides permanently or temporarily in the District who transfers between schools or who enrolls in or withdraws from his or her school. *D.C. Code Ann.* 38-205.
- Anyone who willfully neglects or refuses to provide information regarding attendance, absence, and enrollment records, or knowingly makes any false statement, is guilty of a misdemeanor. *D.C. Code Ann.* 38-206.
- Elementary and secondary private schools must maintain health files for each student. Each file must contain all health-related documents, including the certificates of health and dental-health. *D.C. Code Ann.* 38-607. See *Health and Safety Requirements*.
- Private schools, and their employees are neither civilly or criminally liable for failing to recognize or communicate the need for medical treatment based on the information contained in the student's health file. *D.C. Code Ann.* 38-609.

### **Health and Safety Requirements**

- Private school students are required to submit certificates of health at the pre-kindergarten, 1st, 2nd, 3rd, 5th, 7th, 9th, and 11th grades. The certificates of health must be signed by a physician or nurse practitioner upon examination not more than 150 calendar days before the first day of school. In addition, the mayor establishes requirements for periodic dental examinations and the submission of certificates of dental health. No student will be excluded from school for failure to submit a certificate. *D.C. Code Ann.* 38-602(a).
- The mayor is responsible for developing and providing the standard forms for certificates of health and dental health. *D.C. Code Ann.* 38-602(c).
- If physical or dental examinations violate the established tenets and practices of a parent's or guardian's or student's church or religious denomination, then certificates of health shall not be required of the student upon receipt of a written notarized statement to that effect. *D.C. Code Ann.* 38-603.
- The District's criminal code gives a mandatory sentence of 1–10 years for any male over 21 serving as a superintendent, tutor, or teacher at a private school who engages in sexual intercourse with consent with a female student who is under 21 years old. *D.C. Code Ann.* 22-3002.

**Transportation**

- The Mayor may enter into agreements with the Washington Metropolitan Area Transit Authority to provide transportation at reduced fares for students traveling to private and parochial schools and related educational activities in the District. *D.C. Code Ann.* 35-232.
- The reduced fare is one-half of the peak bus/rail fare. *D.C. Code Ann* 35-233.

**Textbooks**

- Textbooks services are not provided to students attending private schools. Textbooks are issued to free of charge to students attending public elementary and secondary schools. *D.C. Code Ann.* 38-701(a).

**Testing**

- There is no state policy at this time.

**Special Education**

- DCPS shall be responsible for the placement and funding of a student with a disability in a nonpublic special education school or program when: DCPS cannot implement the student's IEP or provide an appropriate placement in conformity with DCPS rules, the IDEA, and any other applicable laws or regulations; and the nonpublic special education school or program to which the student has been referred: is approved by the SEA in accordance with *D.C. Code Ann.* 38-2561.07; can implement the student's IEP; and represents the least restrictive environment for the student. *D.C. Code Ann.* 38-2561.03(a).
- The ayor, or his or her designee, shall administer and implement a rate-setting process for the payment of tuition and related services to nonpublic special education schools and programs that provide special education and related services to students with disabilities funded by the District of Columbia. *D.C. Code Ann.* 38-2561.12(a).

**Nursing and Health**

- The District's Family and Medical Leave laws apply equally to public school employees and private school employees. Special provisions are made for individuals employed in instructional capacities. Private school policies and practices control restoration of employment determinations. *D.C. Code Ann.* 32-506.

**Technology**

- There is no state policy at this time.

**Professional Development**

- There is no state policy at this time.

**Reimbursement for Performing State/Local Functions**

- There is no state policy at this time.

**Tax Exemption**

- There is no state policy at this time.

### **Public Aid for Private Education**

- **Constitutional provisions:** "Religious societies" maintaining private schools for religious purposes are subject to the incorporation statutes set out at *D.C. Code Ann.* 29-712.
- **Programs for financial assistance for attendance at private schools:** The *Opportunity Scholarship Program*, also known as the D.C. School Choice Incentive Program, provides scholarships to students for attendance at private schools in the District of Columbia. This is a federally funded program. To be eligible, students must be from families who reside in the District and whose household income does not exceed 185 percent of the federal poverty level. If the number of new scholarships in any year is less than the number of eligible applicants, selection of recipients follows a lottery method. Priority is given to students attending schools identified for improvement, corrective action, or restructuring under the Title I of the *No Child Left Behind Act of 2001*. The Washington Scholarship Fund (WSF), a local nonprofit scholarship organization administers the Opportunity Scholarship Program under a grant from the U.S. Department of Education.

The *Omnibus Appropriations Act, 2009* (Public Law 111-8), signed by President Barack Obama on March 11, 2009, provided \$14 million in funding for the D.C. School Choice Incentive Program. However, the *Omnibus Appropriations Act, 2009* also provided that funds shall only be available beyond the 2009–2010 school year “upon enactment of reauthorization of that program by Congress and the adoption of legislation by the District of Columbia approving such reauthorization.” The Conference Report accompanying the *Omnibus Appropriations Act, 2009* clearly stated that funds should not be used for new scholarships. As of July 2009, Congress has not authorized continuation of the D.C. School Choice Incentive Program beyond the 2009–2010 school year.

### **Homeschooling**

- There is no specific statute dealing with homeschooling. In 1991, the D.C. school district drafted a policy that would have required unannounced home visits and teacher certification, but later D.C. school district personnel rescinded the policy. No policy, rule, or regulation has been adopted to date. As a result, homeschooling is considered “private instruction.”
- Each teacher who gives private instruction shall report to the District of Columbia Board of Education the name, address, sex, and date of birth of each minor who resides permanently or temporarily in the District, who transfers between schools, or who enrolls in or withdraws from his or her school. The District of Columbia Board of Education has never adopted any rules to implement this statute. Since the report referred to is to be submitted “in accordance with the rules adopted by the Board” and since no rules have been adopted, no report is presently required. *D.C. Code Ann.* 38-205.
- Every teacher who gives instruction privately shall keep an accurate daily record of attendance of all minors. These records shall be open for inspection at all times. *D.C. Code Ann.* 38-203.
- Standardized testing is not required for homeschool students.
- Teacher qualification requirements are not applied to home instruction.

**Information resources**

- [District of Columbia: Education Center](http://educationcenter.dc.gov/ec/site/default.asp)  
<http://educationcenter.dc.gov/ec/site/default.asp>
- [District of Columbia State Superintendent of Education: Homeschooling](http://osse.dc.gov/seo/cwp/view,a,1222,q,561620,seoNav,|31195|.asp)  
<http://osse.dc.gov/seo/cwp/view,a,1222,q,561620,seoNav,|31195|.asp>
- [District of Columbia Official Code](http://government.westlaw.com/linkedslice/default.asp?RS=GVT1.0&VR=2.0&SP=DCC-1000&Action=Welcome)  
<http://government.westlaw.com/linkedslice/default.asp?RS=GVT1.0&VR=2.0&SP=DCC-1000&Action=Welcome>
- [District of Columbia Municipal Regulation](http://os.dc.gov/os/cwp/view,a,1207,q,522392.asp)  
<http://os.dc.gov/os/cwp/view,a,1207,q,522392.asp>
- Office of the State Superintendent of Education (District of Columbia)  
441 Fourth Street, NW  
Washington, DC 20001  
Phone: 202-727-6436  
Fax: 202-727-7656  
E-mail: [osse@dc.gov](mailto:osse@dc.gov)  
Web site: <http://www.seo.dc.gov/seo/site/default.asp>
- District of Columbia Public Schools  
825 North Capitol Street, NE  
Washington, DC 20002  
Phone: 202-442-5885  
Fax: 202-442-5026  
E-mail: [ContactDCPS@k12.dc.us](mailto>ContactDCPS@k12.dc.us)  
Web site: <http://www.k12.dc.us/>
- [U.S. Department of Education: District of Columbia School Choice Incentive Program](http://www.ed.gov/programs/dcchoice/legislation.html) <http://www.ed.gov/programs/dcchoice/legislation.html>
- U.S. Department of Education, [District of Columbia](#)

*Updated December 2, 2008*

# FLORIDA

## **Accreditation/Registration/Licensing/Approval**

- No requirement for *Accreditation*.
- *Registration* is mandatory.
  - All private schools are required to register with the Department of Education. S. 1002.42, *F.S.*
- No requirement for *Licensing*.
- No requirement for *Approval*.

## **Teacher Certification**

- Teacher certification is not required for instructional personnel in private schools. However, an owner of a private school may require school employees to file a complete set of fingerprints with the Department of Law Enforcement for processing and criminal records checking. Findings from such processing and checking shall be reported to the owner for use in employment decisions. S. 1002.42(2)(c)3, *F.S.*

## **Length of School Year/Days**

- Attendance at a private school satisfies the compulsory school attendance law if the child maintains regular attendance during the school term of either 180 actual school days or a minimum of 170 actual school days and the hourly equivalent of 180 actual school days, (i.e. Kindergarten, 540 net instructional hours; Grade 1 through 3, 720 net instructional hours; and, Grades 4 through 12, 900 net instructional hours). Rule 6A-1.09512, *F.A.C.*

## **Curriculum**

- The state and local school district do not have the authority to oversee or control the curriculum or academic programs of private schools or home instruction programs. S. 1002.42(2)(h), *F.S.*
- Florida regulates biological experiments performed on living subjects conducted in grades K–12. For example, no dissection may be performed on any living mammalian vertebrate or bird. Students can be excused upon written request by parent or guardian from dissection of nonliving mammals or birds. Private schools keeping live animals on the premises must house in a humane and safe manner. Teachers failing to comply with these provisions may be disciplined by the school authorities. S. 1003.47, *F.S.*
- Private school students are eligible to participate in Florida's Bright Future Scholarship Program established to reward Florida high school graduates who merit recognition of high academic achievement. S. 1009.531, *F.S.*
- A private secondary school may participate in athletic competition with public secondary schools in accordance with S. 1006.20(1) and 1002.42(8), *F.S.*

## **Recordkeeping/Reports**

- Parochial, denominational, and private schools must keep a register of student enrollment and daily attendance in a manner prescribed by the state and open for inspection by the local superintendent or attendance assistant (S. 1003.23, *F.S.*). The register may be used as evidence in a court procedure for the enforcement of the Florida compulsory education statute. S. 1003.27(5), *F.S.*
- Prior to admission to pre-kindergarten or kindergarten, a private school principal must require that the child provide evidence of age such as a transcript of the child's birth record or certificate of baptism. S. 1003.21(4), *F.S.*
- An Immunization Annual Report of Compliance must be completed for private schools that enroll kindergarten or 7th grade students. Private schools may collect the necessary form (Department of Health Form 684) from Florida county health departments. S. 1002.42(6) and 1003.22 (8), *F.S.*
- Private schools which become defunct must arrange for the transfer of student records to the local public school superintendent, or if a member, the principal office of a private school system or association. Notice of transfer must be given to the Department of Education. S. 1002.42(3)(b) and (c), *F.S.*
- Private schools serving K–12 students must file a database survey form with the Florida Department of Education indicating the name of the institution, address, telephone number, type, administrative officers, enrollment by grade or special group, number of graduates, number of instructional and administrative personnel, number of school days, and other data as needed under S. 1002.42(2), *F.S.*

## **Health and Safety Requirements**

- Private schools must require each student, upon his initial entrance into school, to present a certification of school-entry health examination performed within one year of enrollment. Students are exempt if parents or guardians object on religious grounds in a written statement. S. 1002.42(5), *F.S.*
- Prior to admittance to a private school, children must submit a certification of immunization (Department of Health Form 680) for the prevention of communicable diseases as required by the Department of Health and Rehabilitative Services, including immunizations for poliomyelitis, diphtheria, rubeola, rubella, pertussis, mumps, and tetanus. Private schools must also provide appropriate screening for its pupils for scoliosis at the proper age. Students are exempt if their parents or guardians object in writing based on a conflict with religious tenets or practices. S. 1002.42(6), *F.S.*
- Private schools that prepare food intended for individual portion service must comply with the minimum sanitation standards promulgated by the Department of Health. S. 381.0072 (1)(b), *F.S.*
- Chief administrative officers of private schools must file a complete set of fingerprints for state processing and checking for criminal background. The cost must be borne by the applicant or private school. Persons convicted of crimes involving moral turpitude are prohibited from owning or operating a private school. The chief administrative officer may also require school employees to file a complete set of fingerprints. S. 1002.42(2)(c)1., *F.S.*

- Private school teachers, officials, and other personnel, who know or have reasonable cause to suspect that a child is abused or neglected must report the information to the Department of Children and Families' central abuse registry and tracking system. S. 39.201, *F.S.*

### **Transportation**

- Private schools operating school buses with a seating capacity of 24 or more pupils must comply with state requirements outlined in S. 1006 and 316.615(1), *F.S.*
- Private schools operating school buses seating less than 24 students must comply with state requirements regarding inspections, equipment, liability insurance, and driver physical examination requirements. S. 316.615(2)(a), *F.S.*
- District school boards may make available, by contract, bus driver training programs to private school bus drivers. S. 1002.42(14).and 1012.45(4), *F.S.*
- Florida private schools with racially nondiscriminatory student admission policies may purchase school buses through the state pool purchase program. S. 1002.42(15)(a), *F.S.*
- School crossing guard training programs administered by local government entities may provide training to private schools by contract. S. 316.75, *F.S.*

### **Textbooks**

- Florida Department of Education is authorized to sell at cost educational materials and products developed by or under its direction to private schools and the general public. S. 1002.42(9) and 1006.39(2), *F.S.*
- Local district school boards may give private schools instructional materials when they become surplus, unserviceable, or no longer on state contact, in accordance with S.1006.41(1)(a) and 1002.42(10), *F.S.*

### **Testing**

- No statutory requirement for student assessment. The owners of private elementary and secondary schools in Florida are solely responsible for all aspects of their educational programs, including student assessment. S. 1002.42(2)(h), *F.S.*

### **Special Education**

- Diagnostic and resource centers are authorized to provide testing and evaluation services to private school students. S. 1002.42(11) and 1006.03(3), *F.S.*
- The local district school boards may provide instruction for exceptional students through contractual arrangements with approved private schools at a cost determined by the board. S. 1002.42(12) and 1003.57(1)(b), *F.S.* Rule 6A-6.0361, *F.A.C.*

### **Nursing and Health**

- Each county health department shall develop, jointly with the district school board and the local school health advisory committee, a school health services plan. The plan must include notification to the local private schools of the school health services program and the opportunity for representatives of the local private schools to participate in the development of the cooperative health services plan. A private school may request to participate in the school health services program. A private

school voluntarily participating in the school health services program shall fulfill certain requirements. S. 381.0056(5)(a)18., and 381.0056(6), *F.S.*

### **Technology**

- There is no state policy at this time.

### **Professional Development**

- Private school teachers and administrators may participate in in-service teacher education programs on comprehensive health education and substance abuse prevention, provided they assume the prorated share of the cost. S. 1012.985(1)(h) and 1012.98(6), *F.S.*
- “An organization of private schools that has no fewer than 10 member schools in this state may develop a professional development system to be filed with the Department of Education in accordance with the provisions of S. 1012.98(6), *F.S.*” This plan may be used for extension of a certificate or a new endorsement. S. 1012.585(3)(a) and 1002.42(13), *F.S.*

### **Reimbursement for Performing State/Local Functions**

- There is no state policy at this time.

### **Tax Exemption**

- Educational institutions, including parochial church or private schools and their property are exempt from taxation. S. 196.198 and 196.012(5), *F.S.*
- Educational institutions, including church and nonprofit private schools meeting certain requirements, are also exempt from tax on the sale and use of tangible personal property, annual and nonrecurring tax on intangible personal property and local occupational license tax. S. 212.08 and 199.183, *F.S.*
- Motor fuel taxes paid by private schools for operating school buses will be returned to the schools to be used for transportation related purposes. S. 206.41(4)(e), *F.S.*

### **Public Aid for Private Education**

- **Constitutional provisions:** "No revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution." *Fla. Const. Art. 1, §3.*
- **Programs for financial assistance for attendance at private schools:**  
Florida has two such programs.  
1) The John M. McKay Scholarships for Students with Disabilities Program was created in 1999 and provides students with disabilities, for whom an individual educational plan has been written in accordance with the rules of the State Board of Education, the option to attend a public school other than the one he or she is assigned to or a scholarship to attend a participating private school of choice. The amount of the annual scholarship is the estimated calculation of the amount the student has generated in the assigned public school, or the private school's tuition and fees, whichever is less. S. 1002.39, *F.S.*

2) The Corporate Tax Credit Scholarship Program was signed into law in 2001. The Corporate Tax Credit (CTC) Scholarship Program was established to encourage private, voluntary contributions from corporate donors to non-profit scholarship funding organizations that award scholarships to children from low-income families. A corporation can receive a dollar-for-dollar tax credit up to 75 percent of its state income tax liability, and the maximum the state may award has been increased from \$88 million to \$118 million in tax credits for the 2008–09 fiscal year. The CTC Scholarship Program expands educational opportunities and school choice for children of families that have limited financial resources.

### **Homeschooling**

- Home education is defined as “the sequentially progressive instruction of a student directed by his or her parent or guardian, in order to satisfy the requirement for compulsory attendance as defined in Section 1002.20, *F.S.*” S. 1002.01, *F.S.*
- The parent or legal guardian must notify the superintendent of schools of the county in which the parent or guardian resides of his or her intent to establish a home education program. The notice must be in writing, signed by the parent or guardian, and must include the names, addresses, and birth dates of the children being homeschooled. The parent or guardian is not required to hold a valid regular Florida certificate to teach. S. 1002.41(1), *F.S.*
- Home education programs must maintain a portfolio of educational records. Florida Statute defines a portfolio as “A log of educational activities which is made contemporaneously with the instruction and which designates by title any reading materials used, and samples of any writings, worksheets, workbooks or creative materials used or developed by the student.” The portfolio of education records must be available for inspection by the superintendent upon a 15-day written notice. S. 1002.41(1)(b), *F.S.*
- Home education programs must provide an annual evaluation of the student's educational progress to the superintendent. The evaluation must include one of the following options: a Florida certified teacher evaluation of the child's progress based on a review of the portfolio and discussion with the student, the student may participate in a national norm student achievement test administered by a certified teacher, the student may participate in a state student assessment test at a location and under testing conditions approved by the school district, the student may be evaluated by a psychologist holding a valid, active license pursuant to S. 490.003(7) or (8), *F.S.*, or the student may be evaluated with any other valid measurement tool as mutually agreed upon by the parent and the superintendent. S. 1002.41(1)(c), *F.S.*
- The student's portfolio must be preserved for a minimum of two years. S. 1002.41(1)(b), *F.S.*
- The requirements of the school day do not apply to home education programs.
- If the home education program is closed, the parent or guardian must submit a letter of termination to the school district superintendent. S. 1002.41(1)(a), *F.S.*

### **Information resources**

- [Florida Department of Education: Office of Independent Education and Parental Choice - Private School Information for Administrators](#)

- <[http://www.floridaschoolchoice.org/Information/Private\\_Schools/default.asp?whichView=administrator](http://www.floridaschoolchoice.org/Information/Private_Schools/default.asp?whichView=administrator)>
- [Florida Department of Education: Office of Independent Education and Parental Choice - Home Education](#)  
<[http://www.floridaschoolchoice.org/information/home\\_education/](http://www.floridaschoolchoice.org/information/home_education/)>
  - [Florida Department of Education: Office of Independent Education and Parental Choice – Opportunity Scholarship Program](#)  
<<http://www.floridaschoolchoice.org/Information/OSP/>>
  - [Florida Department of Education: Office of Independent Education and Parental Choice – McKay Scholarships](#)  
<<http://www.floridaschoolchoice.org/Information/McKay/>>
  - [Florida Department of Education: Office of Independent Education and Parental Choice – Corporate Tax Credit Scholarship Program](#)  
<<http://www.floridaschoolchoice.org/Information/ctc/>>
  - [Florida Statutes](#) <<http://www.flsenate.gov/Statutes/>>
  - Florida Department of Education  
Turlington Building  
Suite 1514  
325 West Gaines Street  
Tallahassee, FL 32399-0400  
Phone: 850-245-0505  
Fax: 850-245-9667  
E-mail: [commissioner@fldoe.org](mailto:commissioner@fldoe.org)  
Web site: <http://www.fl DOE.org/>
  - Florida Department of Education  
Office of Independent Education and Parental Choice  
Turlington Building  
Suite 522  
325 West Gaines Street  
Tallahassee, FL 32399-0400  
Phone: 850-245-0502  
Fax: 850-245-0868  
Web site: <http://www.floridaschoolchoice.org>
  - U.S. Department of Education, [Florida](#)

*Updated December 10, 2008*

# GEORGIA

## **Accreditation/Registration/Licensing/Approval**

- No requirements for *Accreditation*.
  - To qualify for participation in the *Georgia Special Needs Scholarship (GSNS)* or *Georgia Private School Tax Credit* programs a private school must be accredited by a state-approved agency. See *Public Aid for Private Education: Programs*, below.
- No requirements for *Registration*.
- No requirements for *Licensing*.
- No requirements for *Approval*.
- The Georgia Professional Standards Commission allows for the participation of one private school teacher from an accredited private school on the 18-member board. *O.C.GA §20-2-983 (b)(1)*.

## **Teacher Certification**

- Teacher certification is not required.
- However, a participating private school that enrolls students under the *Georgia Special Needs Scholarship (GSNS)* program must employ or contract with teachers who hold a bachelor's degree or higher degree or have at least three years of experience in education or health. See *Public Aid for Private Education: Programs*, below.

## **Length of School Year/Days**

- Private schools must provide 180 days of instruction each twelve months, with each school day consisting of four and one-half school hours. *O.C.GA §20-2-690(b)(3), (d)*.
- Children between their 7th and 16th birthdays excused from attendance at private schools for sickness, emergencies, or other reasons authorized by board policy for public schools, are exempt from compulsory attendance. *O.C.GA §20-2-693(b)*.
- The local school superintendent will report truants to the appropriate court after written notice to the parent or guardian. *O.C.GA §20-2-701*.

## **Curriculum**

- Private schools must provide a basic academic educational program that includes reading, language arts, mathematics, social studies, and science. *O.C.GA §20-2-690(b)(4), (d)*.
- The Georgia Department of Technical and Adult Education is authorized to contract with private schools to provide program or services deemed necessary. *O.C.GA §20-4-14 (c)(5)*.

### **Recordkeeping/Reports**

- Private school administrators must report their enrollment to the local public school superintendent where the student resides within 30 days of the beginning of each school year. The reports must include the name, age and residence of each student. Notice must be given monthly of any student's admission or withdrawal from the school. *O.C.GA §20-2-690(b), (5), (d).*
- The State Board of Education makes available through the local school superintendent printed forms necessary to comply with the reporting requirements.
- The principal administrative officer or his designee is responsible for issuing employment certificates for students between 12 and 16 years old. The certificate must verify the true age of the student and the physical fitness of the student to engage in the particular employment. Students between 16 and 18 years of age also need a certificate that must be maintained in the minor's school file. *O.C.GA §39-2-11.*

### **Health and Safety Requirements**

- Private school buildings must meet all health and safety standards established under state law and local ordinances. *O.C.GA §20-2-690(b)(6), (d).*
- A parent's religious beliefs concerning vaccinations is not a valid excuse for the parent's failure to have a child vaccinated, preventing a child from attending school. 1950–51 Op. Attorney General p. 47. See also *Anderson v. State*, 65 S.E.2d 848 (1951).
- Loitering on private school property is unlawful. Private school principals have the authority to exercise control over the school buildings and grounds. Failure to remove oneself at the request of the principal is a misdemeanor. *O.C.GA §20-2-1180.*
- Georgia's criminal code makes it a felony to manufacture, distribute, dispense, or possess with intent to distribute a controlled substance or marijuana within 1,000 feet of a private elementary or secondary school. An affirmative defense lies if the violation occurred entirely within a private residence, no person 17 or younger was present, and the conduct was not intended for financial gain. *O.C.GA §16-13-32.4(a), (b), (g).*
- The commissioner of public safety makes available to the private schools an alcohol and drug course and instructors where necessary. *O.C.GA §20-2-142.b(3).*
- Private school teachers, administrators, guidance counselors and social workers are required to report instances of suspected child abuse to the person in charge of the school or his designee. The person so notified must report the abuse to the designated child welfare agency, police authority, or district attorney. Persons participating in the making of a report are immune from any civil or criminal liability if acting in good faith. *O.C.GA §19-7-5(a), (c), (f).*

### **Transportation**

- The Department of Motor Vehicles and Traffic will furnish without charge to private schools a driver's record abstract for any current employee or applicant for a school bus driver position. The employee/applicant must agree in writing to permit the release. *O.C.GA §40-5-2.*

## State Regulation of Private Schools—Georgia

- Private schools are required to meet equipment, color, and marking requirements set out in the Motor Vehicle and Traffic Code. *O.C.GA §§40-8-110–112; 40-8-114.*

### **Textbooks**

- There is no state policy at this time.

### **Testing**

- Parents of participating students in *Georgia Special Needs Scholarship (GSNS)* program may request participation in state testing opportunities. *O.C.GA §20-2-2114(d).*

### **Special Education**

- Local school systems may provide special education programs to eligible students by contracting with qualified private institutions. The State Board of Education will fund placements in private institutions provided professionals meet the certification or licensing standards of their profession. *O.C.GA §20-2-152(b), (c).*
- According to the Attorney General's Office, there is no statutory impediment to providing psychological services to private school children but the degree to be served is a matter of policy at the discretion of the state and local boards of education. 1976 Office of the Attorney General No. *O.C.GA §76-118.*

### **Nursing and Health**

- There is no state policy at this time.

### **Technology**

- There is no state policy at this time.

### **Professional Development**

- There is no state policy at this time.

### **Reimbursement for performing state/local function**

- There is no state policy at this time.

### **Tax Exemption**

- Sales of tangible personal property and services used exclusively for educational purposes by bona fide private schools that have been approved by tax exemption are exempt from taxation.
- Sales of tangible personal property, concessions or tickets for admission to a school event or function are tax exempt, provided the net proceeds are used solely for the benefit of the school or its students.

### **Public Aid for Private Education**

- **Constitutional provisions:** The Georgia Constitution prohibits any money from the public treasury to be used directly or indirectly in aid of any sectarian institution. *Georgia Constitution Article I, § II, Paragraph VII.*

## State Regulation of Private Schools—Georgia

The Attorney General's Office has interpreted this prohibition to apply to transportation services, 1945–47 Op. Attorney General p. 222 and to contracts for goods and services, 1969 Op. Attorney General Number 69-125. Programs wholly financed by the federal government are lawful even though it contemplates the provision of library resources, textbooks and instructional materials. 1965–66 Op. attorney General Number 65-4.

Private schools may sublease buildings or facilities of the Georgia Education Authority through county or city boards of education. *O.C.GA* §20-2-553 (a)(5). 1954 Op. Attorney General p. 224.

State and local school funds may not be used for school programs in nonpublic schools. 1974 Op. Attorney General Number 155.

- **Programs for financial assistance for attendance at private schools:**

Georgia has two such programs.

1) The Georgia Special Needs Scholarship (GSNS) program provides eligible special education students with the opportunity to attend another public or private school. To be eligible to enroll a scholarship student, a private school must: Have a physical location in Georgia where the scholarship students attend classes and are taught by teachers who are physically present; be an elementary, middle or secondary school accredited by or in the process of becoming accredited by one of the entities per *O.C.GA* §20-2-2112 and *O.C.GA* §20-3-519; demonstrate fiscal soundness; comply with the antidiscrimination provisions of 42 U.S.C. Section 2000d; comply with all health and safety laws or codes that apply to private schools; comply with all provisions of *O.C.GA* §20-2-690 and any other state law applicable to private schools; provide the Georgia Department of Education (GaDOE) with a quarterly roster of the Special Needs Scholarship students enrolled at their school, in accordance with GaDOE guidelines; regularly report to the parent and GaDOE on the student's academic progress, including the results of pre-academic and post-academic assessments given to the student, in accordance with GaDOE guidelines; and employ or contract with teachers who hold a bachelor's degree or higher degree or have at least three years of experience in education or health and annually provide to the parents the relevant credentials of the teachers who will be teaching their students.

2) The Georgia Private School Tax Credit law allows eligible private citizens and corporations to receive tax credits for donations to Georgia Student Scholarship Organizations (SSOs). SSOs will provide student scholarships to parents that will help cover the cost of a private school education for their children in the state of Georgia. Private schools that meet the following criteria are considered qualified: accredited by a state-approved accreditation agency, physically located in Georgia, adheres to provisions of the federal *Civil Rights Act of 1964*, and satisfied the private school requirements prescribed in Georgia state law.

## Homeschooling

- Parents or guardians must submit within 30 days after the establishment of a home student program and by September 1 annually thereafter a declaration of intent to utilize home study to the superintendent of schools of the local district in which the home study program is located. *O.C.GA* §20-2-690.

## State Regulation of Private Schools—Georgia

- The submission must include in the declaration a list of the names and ages of the students who are enrolled, the address where the home study program is located, and a statement of the 12-month period being considered the school year for this program. *O.C.GA §20-2-690.*
- Parents may teach their own children if they hold at least a high school diploma or GED, but may employ a tutor who holds at least a high school diploma or GED. *O.C.GA §20-2-690.*
- The home study program must include, but is not limited to, reading, language arts, mathematics, social studies, and science. *O.C.GA §20-2-690.*
- The home study program must provide instruction each 12 months equivalent to 180 school days that consist of at least four and one-half school hours. *O.C.GA §20-2-690.*
- Monthly attendance reports must be sent to the local superintendent at the end of each month. The local school superintendent will, upon request, provide the reporting forms. *O.C.GA §20-2-690.*
- Students in home study programs must take an appropriate nationally standardized test administered in consultation with a person specifically trained in administration and interpretation of norm reference tests, at least every three years beginning at the end of third grade and the program must retain the results of these tests, although they are not required to be submitted to the local superintendent. *O.C.GA §20-2-690.*
- The home study program instructor must write an annual progress assessment report to include the instructor's individualized assessment of the student's academic progress in each required subject area and retain the reports for a period of at least three years. *O.C.GA §20-2-690.*

### Information resources

- [Georgia Department of Education: State Education Rules](http://public.doe.k12.ga.us/pea_board.aspx?PageReq=PEABoardRules)  
<http://public.doe.k12.ga.us/pea\_board.aspx?PageReq=PEABoardRules>
- [Georgia Department of Education: Georgia Special Needs Scholarship Program](http://public.doe.k12.ga.us/sb10.aspx)  
<http://public.doe.k12.ga.us/sb10.aspx>
- [Georgia Department of Education: Georgia Special Needs Scholarship Program, Private Schools Responsibilities](http://public.doe.k12.ga.us/DMGetDocument.aspx/010808%20Georgia%20GSNS%20Private%20School%20Responsibilities%20to%20post.pdf?p=6CC6799F8C1371F68ECD17D75DC08CF5932DC8247A27C58E7299C97D23FFFA52&Type=D)  
<http://public.doe.k12.ga.us/DMGetDocument.aspx/010808%20Georgia%20GSNS%20Private%20School%20Responsibilities%20to%20post.pdf?p=6CC6799F8C1371F68ECD17D75DC08CF5932DC8247A27C58E7299C97D23FFFA52&Type=D>
- [Georgia Department of Education: Georgia Tax Credit for Private School Costs and Scholarship Donations](http://public.doe.k12.ga.us/pea_policy.aspx?PageReq=PEAHB1133)  
<http://public.doe.k12.ga.us/pea\_policy.aspx?PageReq=PEAHB1133>
- [Georgia Department of Education: Home School](http://www.doe.k12.ga.us/askdoe.aspx?PageReq=ASKHome)  
<http://www.doe.k12.ga.us/askdoe.aspx?PageReq=ASKHome>
- [Georgia Department of Education: Home School Frequently Asked Questions](http://www.doe.k12.ga.us/askdoe.aspx?PageReq=ASKHSFAQ)  
<http://www.doe.k12.ga.us/askdoe.aspx?PageReq=ASKHSFAQ>
- [Georgia Department of Education: Home School Resources](http://www.doe.k12.ga.us/askdoe.aspx?PageReq=ASKHSResources)  
<http://www.doe.k12.ga.us/askdoe.aspx?PageReq=ASKHSResources>
- [Official Code of Georgia](http://w3.lexis-nexis.com/hottopics/gacode/default.asp)  
<http://w3.lexis-nexis.com/hottopics/gacode/default.asp>

## State Regulation of Private Schools—Georgia

- Georgia Department of Education: AskDOE  
2054 Twin Tower East  
205 Jesse Hill Jr. Drive SE  
Atlanta, GA 30334  
Phone: 404-656-2800  
Fax: 404-651-6867  
Web site: <http://www.doe.k12.ga.us/index.aspx>
- U.S. Department of Education, [Georgia](#)

*Updated January 22, 2009*

# HAWAII

## **Accreditation/Registration/Licensing/Approval**

- *Accreditation* is optional.
  - The accreditation standard of approval can be met through accreditation with the Hawaii Association of Independent Schools (HAIS), the Hawaii Board of Education's accrediting agency designee Western Association of Schools and Colleges (WASC), and/or other accrediting associations that meet the requirements established by the Hawaii Council of Private Schools for accrediting schools offering preschool through grade 12.
- *Registration* is mandatory.
  - A school shall obtain a charter from the State of Hawaii Department of Consumer Affairs and an excise tax license.
- *Licensing* is optional.
  - Although it is not mandatory, licensing is strongly recommended by the state. The Hawaii Council of Private Schools performs the functions and assumes the responsibilities of the Hawaii Department of Education (HDOE) for the licensing of all private schools in Hawaii. *Memorandum of Understanding The Hawaii Council of Private Schools, HDOE, Hawaii Association of Independent Schools (HAIS)*, pursuant to *Hawaii Sessions Law*, ACT 188.
- No requirements for *Approval*.

## **Teacher Certification**

- Licensing organization sets teacher certification requirements. Hawaii Council of Private Schools, "Standards and Procedures for the Approval of Hawaii Private Schools." *Memorandum of Understanding The Hawaii Council of Private Schools, HDOE, Hawaii Association of Independent Schools (HAIS)*, pursuant to *Hawaii Sessions Law*, ACT 188.
- Schools licensed by the Hawaii Council of Private Schools must meet the following requirements: "The administration, faculty, and staff shall be qualified for their position and responsibilities by education and/or experience. While it is the responsibility of the head of the school to determine the school's needs and the qualifications needed in personnel, regular teachers, not working exclusively under the direct supervision of another faculty member, shall be expected to have at least a baccalaureate degree from an established college or university, or a professional certificate from a national or state teacher certification agency, or some other means of indicating the talents and/or skills (such as technological, foreign language competency) for their position. In general, there should be a preference for faculty with degrees from established colleges or universities." Hawaii Council of Private Schools, "Standards and Procedures for the Approval of Hawaii Private Schools, 1996."

### **Length of School Year/Days**

- Licensing organization sets length of school year or day requirements. Hawaii Council of Private Schools, “Standards and Procedures for the Approval of Hawaii Private Schools.” *Memorandum of Understanding The Hawaii Council of Private Schools, HDOE, Hawaii Association of Independent Schools (HAIS)*, pursuant to *Hawaii Sessions Law*, ACT 188.
- The length of the school day and the length of the school year shall be determined by the private school in accord with its stated mission, provided that the amount of instruction offered is at least 880 hours in a given school year. Hawaii Council of Private Schools, “Standards and Procedures for the Approval of Hawaii Private Schools, 1996.”

### **Curriculum**

- Licensing organization sets the curriculum requirements. Hawaii Council of Private Schools, “Standards and Procedures for the Approval of Hawaii Private Schools.” *Memorandum of Understanding The Hawaii Council of Private Schools, HDOE, Hawaii Association of Independent Schools (HAIS)*, pursuant to *Hawaii Sessions Law*, ACT 188.
- Schools licensed by the Hawaii Council of Private Schools must meet the following requirements: “The curriculum for each private school shall include a cumulative and sequential educational program which provides a range of knowledge and skills necessary for success at the next appropriate level of education or work, and which takes into account the unique interests, needs, and abilities of each student. Unless the school exclusively serves students with special needs or disabilities, the program shall include such areas as reading, writing, speech, mathematics, social studies, science, art, music, and health and physical education, to be offered at the appropriate developmental state of each individual”. Hawaii Council of Private Schools, “Standards and Procedures for the Approval of Hawaii Private Schools, 1996.”

### **Recordkeeping/Reports**

- As the licensing entity, the Hawaii Council of Private Schools is responsible for the publication of an annual directory of licensed private schools, annual enrollment report, keeping of permanent records for all schools, and handling of complaints.
- “The Hawaii Council of Private Schools will require the submission of an annual report from approved schools reporting on enrollment and other data required to maintain a database for the private school community. Every effort will be made to avoid duplication of effort by the school with respect to other reporting requirements of the school by other organizations.” Hawaii Council of Private Schools, “Standards and Procedures for the Approval of Hawaii Private Schools, 1996.”

### **Health and Safety Requirements**

- No person who has contracted tuberculosis shall, while afflicted with the disease, be allowed to teach in any public or private school. *HRS §302A-612*.
- Each student must present a report of a physical examination, a certificate of tuberculosis examination, and a record of immunizations before first attending school. A student who has not completed the physical exam or all of the required

## State Regulation of Private Schools—Hawaii

immunizations may attend school on a provisional basis *only with* written documentation showing that appointments have been made to complete the missing requirements. *HRS §11-157-6.1.*

- Private school employees and officers have a duty to report suspected child abuse or neglect that is based upon a reasonable belief. Individuals should immediately make their reports orally to the Department of Social Services or to the police department. *HRS §350-1.1.*
- Private schools are required to conduct criminal history record checks on all new employees hired after July 1, 2000, for positions that place the employee in close proximity to children. This includes nonteaching staff who work in close proximity to children. *HRS §302-C1.*
- Schools licensed by the Hawaii Council of Private Schools must meet the following requirements: “The school shall maintain physical facilities, playgrounds, equipment and materials of sufficient quality and quantity to support the program of the school. The school shall comply with applicable health, fire, safety, and sanitary standards.” Hawaii Council of Private Schools, “Standards and Procedures for the Approval of Hawaii Private Schools, 1996.”

### **Transportation**

- “The department of transportation shall grant exemptions for the use of vehicles other than school vehicles when the department finds that compliance with this section is: 1) Impractical due to the unavailability of school vehicles; or 2) Impractical due to economic factors.” Exemptions are granted to “1) a board of independent schools, which is registered with the Department of Commerce and Consumer Affairs (Hawaii Association of Independent Schools), to administer to private schools utilizing criteria developed by the Departments of Transportation and Education at the end of each school year on the extent to which these exemptions were utilized; 2) only for the transport of pupils to and from school functions or school-related activities but not for transportation to and from a school; 3) only when each pupil being transported has obtained a written statement from the pupil's parent or legal guardian waiving the State's liability; and 4) in accordance with the procedures and criteria established by rules of the Department of Transportation.” *HRS §286-181.*
- “The Department of Transportation may grant exemptions for the use of vehicles other than school vehicles for the transportation of students requiring special education and services when the Department finds that compliance with this section is impossible or impractical.” *HRS §286-181.*

### **Textbooks**

- There is no state policy at this time.

### **Testing**

- Private schools determine their own assessment policies.

### **Special Education**

- The development of the Private School Participation Project is mandated by *Individuals with Disabilities Education Act (IDEA)* and Chapter 56 of the Hawaii

## State Regulation of Private Schools—Hawaii

Administrative Rules. See Hawaii Department of Education Web site at [http://doe.k12.hi.us/specialeducation/sped\\_in\\_privateschools.htm](http://doe.k12.hi.us/specialeducation/sped_in_privateschools.htm).

- There are students enrolled by their parents in private schools who are disabled and eligible to receive special education services. These private school students were determined to be eligible for special education services based on the Department of Education (DOE) evaluation and offered a free appropriate public education (FAPE). Some parents decline the offer of FAPE and elect to place their child in a private school. When parents place their child in a private school, their child no longer has the same rights as students attending public schools. No private school student with a disability has an individual right to receive some or all of the special education and related services that the student would receive if enrolled in a public school. See Hawaii Department of Education Web site at [http://doe.k12.hi.us/specialeducation/sped\\_in\\_privateschools.htm](http://doe.k12.hi.us/specialeducation/sped_in_privateschools.htm).
- However, the DOE is obligated to use some federal funds to meet the needs of students with disabilities who are enrolled in a private school by their parents. The services can be a different amount compared to students in the public schools. To meet the needs of this group of students the Private School Participation Project is developed. See Hawaii Department of Education Web site at [http://doe.k12.hi.us/specialeducation/sped\\_in\\_privateschools.htm](http://doe.k12.hi.us/specialeducation/sped_in_privateschools.htm).
- On an annual basis the DOE surveys representatives of these students (schools and parents) and reviews statewide evaluation data. Based on the information received, the DOE determines which group of students has the greatest special education needs. Taking into consideration the needs of this group, the project is developed to address the following: which students receive services, types of services to be provided; and where services are to be provided. See Hawaii Department of Education Web site at [http://doe.k12.hi.us/specialeducation/sped\\_in\\_privateschools.htm](http://doe.k12.hi.us/specialeducation/sped_in_privateschools.htm).
- Federal and state law requires that the DOE annually update the Private School Participation Project to meet the current needs of students who have been voluntarily placed by their parents in private schools. Therefore, it must not be assumed that a student who received services during one school year can automatically receive services the following year. See Hawaii Department of Education Web site at [http://doe.k12.hi.us/specialeducation/sped\\_in\\_privateschools.htm](http://doe.k12.hi.us/specialeducation/sped_in_privateschools.htm).

### Nursing and Health

- There is no state policy at this time.

### Technology

- There is no state policy at this time.

### Professional Development

- There is no state policy at this time.

### Reimbursement for Performing State/Local Functions

- There is no state policy at this time.

### Tax Exemption

- The State of Hawaii honors the federal tax-exempt status of schools, but does not have a state policy.

### Public Aid for Private Education

- **Constitutional provisions:** The Hawaiian Constitution prohibits the appropriation of public funds for the support or benefit of any sectarian or private educational institution. *Hawaii Constitution*, Art. X, §1.  
Exception: Proceeds of special purpose revenue bonds authorized or issued under Section 12 of Article VII may be appropriated to finance or assist: not-for-profit corporations that provide early childhood education and care facilities serving the general public; and not-for-profit private nonsectarian and sectarian elementary schools, secondary schools, colleges and universities.
- **Programs for financial assistance for attendance at private schools:** There are no such programs at this time, except in the case of court-ordered situations for children requiring special education. See *Special Education*, above.

### Homeschooling

- The parent shall provide the local public school principal with a notice of intent to home educate the child before initiating homeschooling. The notice of intent may be submitted on a department developed form (Form OIS-4140) or in a letter containing the following items: name, address, and telephone number of the child; birthdate and grade level of the child; and signature of the parent. *HRS §§296-12, 298-9*.
- The notice of intent shall be acknowledged by the principal and the district superintendent. The notice of intent is for recordkeeping purposes and to protect families from unfounded accusations of educational neglect or truancy. *HRS §§296-12, 298-9*.
- The parent(s) submitting a notice to homeschool a child shall be responsible for the child's total educational program including athletics and other co-curricular activities. *HRS §§296-12, 298-9*.
- All educational and related services statutorily mandated shall be made available at the home public school site to home-schooled children who have been evaluated and certified as needing educational and related services and who request the services. *HRS §§296-12, 298-9*.
- The parent submitting a notice of intent to homeschool shall keep a record of the planned curriculum for the child. The record of the planned curriculum shall include the following: the commencement date and ending date of the program; a record of the number of hours per week the child spends in instruction; the subject areas to be covered in the planned curriculum: an elementary school curriculum may include the areas of language arts, mathematics, social studies, science, art, music, health and physical education to be offered at the appropriate development stage of the child; a secondary school curriculum may include the subject areas of social studies, English, mathematics, science, health, physical education and guidance; the method used to determine mastery of materials and subjects in the curriculum; and a list of textbooks or other instructional materials which will be used. The list shall be in standard bibliographical format. For books, the author, title, publisher and date of

- publication shall be indicated. For magazines, the author, article title, magazine, date, volume number and pages shall be indicated. *HRS §§296-12, 298-9.*
- The parent shall notify the principal if homeschooling is terminated. A child shall be reenrolled in the local public school or licensed private school unless a new alternative educational program is presented within five school days after the termination of homeschooling. *HRS §§296-12, 298-9.*
  - A parent teaching the parent's child at home shall be deemed a qualified instructor. *HRS §§296-12, 298-9.*
  - Test scores are required for grades identified in the Statewide Testing Program, grades 3, 5, 8, and 10. The child may participate in the testing program through the local public school or through private testing at the parent's expense. Other means of evaluation may be approved if requested by the parent. *HRS §§296-12, 298-9.*
  - No course credits (Carnegie units) are granted for time spent being home-schooled. *HRS §§296-12, 298-9.*
  - A home-schooled child who wants to earn a high school diploma from the local public high school shall attend high school for a minimum of three full years to meet the 22 credit requirement for graduation. A home-schooled child who wants to earn a high school diploma from the community school for adults shall meet the following requirements: be at least 17 years of age, have been home-schooled for at least one semester under Hawaii's home-school procedures, take and achieve a satisfactory score on the GED. *HRS §§296-12, 298-9.*
  - A child who is being home-schooled may participate in any college entrance examination made available to all other students through a request to the local public high school principal. *HRS §§296-12, 298-9.*

### **Information resources**

- [Hawaii Department of Education: Private Schools](http://doe.k12.hi.us/myschool/privateschools.htm)  
<http://doe.k12.hi.us/myschool/privateschools.htm>
- [Hawaii Department of Education: Homeschooling](http://doe.k12.hi.us/myschool/homeschool/index.htm)  
<http://doe.k12.hi.us/myschool/homeschool/index.htm>
- [Hawaii Board of Education: Chapter 12, Compulsory Attendance Exceptions](http://lilinote.k12.hi.us/PUBLIC/ADMINR1.NSF/85255a0a0010ae82852555340060479d/a49d572fb0811e390a25675a00750641?OpenDocument)  
<http://lilinote.k12.hi.us/PUBLIC/ADMINR1.NSF/85255a0a0010ae82852555340060479d/a49d572fb0811e390a25675a00750641?OpenDocument>
- [Hawaii Association of Independent Schools](http://www.hais.org/) <http://www.hais.org/>
- [Hawaii Council of Private Schools: Standards and Procedures for the Approval of Hawaii Private Schools 1996](http://www.hais.org/lic_hcpsmanual.pdf) <http://www.hais.org/lic\_hcpsmanual.pdf>
- [Hawaii Revised Statutes](http://www.capitol.hawaii.gov/site1/hrs/default.asp)  
<http://www.capitol.hawaii.gov/site1/hrs/default.asp>
- Hawaii Department of Education  
Systems Accountability Office  
Room 411  
1390 Miller Street  
Honolulu, HI 96804  
Phone: 808-586-3283  
Fax: 808-586-3440  
Web site: <http://doe.k12.hi.us/>

State Regulation of Private Schools—Hawaii

- U.S. Department of Education, [Hawaii](#)

*Updated December 18, 2008*

# IDAHO

## **Accreditation/Registration/Licensing/Approval**

- *Accreditation* is optional.
  - Nonpublic schools may choose to seek accreditation with the Northwest Association of Schools and Colleges. *Idaho Code §33-119.*
- No requirements for *Registration*.
- No requirements for *Licensing*.
- No requirements for *Approval*.

## **Teacher Certification**

- Teacher certification is mandatory for nonpublic schools accredited by the Northwest Association of Schools and Colleges. Every person who is employed to serve in any elementary or secondary school in the capacity of teacher, supervisor, administrator, education specialist, and school nurse or school librarian shall be required to have and to hold a certificate issued under authority of the state board of education, valid for the service being rendered; except that the state board of education may authorize endorsement for use in Idaho, for not more than five (5) years, certificates valid in other states when the qualifications therefore are not lower than those required for an Idaho certificate. *Idaho Code §33-1201.*

## **Length of School Year/Days**

- To comply with the Idaho compulsory attendance statute, attendance at a private or parochial school must be during a period equal to that in which public schools are in session. *Idaho Code §33-202.*

## **Curriculum**

- The Idaho compulsory school attendance statute provides that parents or guardians must cause their school-age children to be instructed in the subjects commonly taught in the public schools. *Idaho Code §33-202.*
- The State Board of Education prescribes the minimum courses to be taught in all elementary and secondary schools. In addition, the Board issues syllabi, study guides and instructional aids as needed. *Idaho Code §33-118.*
- All elementary and secondary schools are required to provide instruction in the Constitution of the United States. The State Board of Education adopts materials and determines the grades in which instruction must be given. Instruction must also be given in the proper use of the American flag, the recitation of the pledge of allegiance, the national anthem, and "America." *Idaho Code §33-1602.*
- Private or parochial school students may enroll in driver training courses offered by the local school district. Fees cannot be assessed that are not required for public school students *Idaho Code §33-1703.*

### **Recordkeeping/Reports**

- Upon enrollment, a private elementary or secondary school must notify the parent or guardian in writing that he must provide reliable proof of the student's identity and birth date within 30 days. If the parent or guardian fails to comply, the private school must immediately notify the local law enforcement agency and inform the parent or guardian in writing that he has 10 additional days to comply. The private school must immediately report to the local law enforcement agency any documentation provided that appears inaccurate or suspicious. *Idaho Code §18-4511.2.*
- Within 14 days after enrollment, the private school must request a certified copy of the student's record from the student's previous school. A private school must comply with the request for records within 10 days of receipt unless the student was flagged as a missing or runaway child. In that event, the school should notify the local law enforcement agency of the request. Nonetheless, a private school can withhold a transferred student's records for nonpayment of tuition or fees pursuant to prior agreement. *Idaho Code §18-4511.*
- Private schools are required to flag the records of any student reported missing or runaway by the Department of Law Enforcement. The school must report any subsequent request for the records to the local law enforcement agency. *Idaho Code §18-4511.1.*
- Confidential communications by a private school student to any certificated counselor, psychologist or psychological examiner employed by a private school are privileged and protected against disclosure in any civil or criminal action to which the student is a party. *Idaho Code §9-203.*
- Idaho's Superintendent of Public Instruction shall notify a school district or private school regarding the enrollment of a registered juvenile sex offender. *Idaho Code §18-8408.*

### **Health and Safety Requirements**

- Private or parochial school students must provide a statement of the child's immunity to certain childhood diseases upon admission to the school. The statement must document that the child has received or is in the process of receiving the immunizations, or is immune through prior contraction of the disease. The Idaho Board of Health and Welfare is charged with specifying the requisite immunizations and the school reporting requirements. *Idaho Code §39-4801.*
- The State Board of Education, in cooperation with the State Board of Health and Welfare, regulates school building sanitation, sewage disposal, and water supply. If a school building is believed deficient, the board may require an examination by an engineer. The engineer's report will be transmitted to the school, maintained for public inspection there, and published in a local newspaper. *Idaho Code §33-122.*
- Private school governing boards may choose to maintain and supervise a school safety patrol to assist children crossing public streets or highways. *Idaho Code §33-1801.*
- It is unlawful to carry a concealed weapon in a private school. It is a misdemeanor for any person under 21 to carry a concealed firearm, dirk knife, bowie knife, dagger, metal knuckles or other deadly weapon while on the property of a private elementary or secondary school. *Idaho Code §§18-3302C(1); 18-3302D.*

## State Regulation of Private Schools—Idaho

- Any person who owns, operates or is employed by a private school for educational purposes for children four (4) through six (6) years of age or a private kindergarten shall comply with Idaho's criminal history check requirements. *Idaho Code §39-1105(3)*.

### **Transportation**

- Public school districts may transport nonpublic school students, where practicable, when the full costs for providing the transportation are recovered. Idaho Code §33-1501. Idaho Supreme Court held public funding of transportation of private school pupils unconstitutional in *Epeldi v. Engelking*, 488 P.2d 860 (1971), cert. denied, 406 U.S. 957 (1972).
- “For all school buses operated either by a nonprofit, nonpublic school or operated pursuant to a service contract with a school district for transporting children to or from school or in connection with school approved activities, the annual fee shall be twenty-four dollars (\$24.00).” *Idaho Code §49-402(2)*.

### **Textbooks**

- There is no state policy at this time.

### **Testing**

- There is no state policy at this time.

### **Special Education**

- Chapter 9 of the Idaho Special Education Manual 2007 describes both the *Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004)* and Idaho Administrative Code policy regarding special education services for students attending private schools. Rules of the Board Governing Education, *Idaho Administrative Procedures Act (IDAPA 08.02.03.109.05)*.

### **Nursing and Health**

- Idaho Child Nutrition programs provide cash assistance and commodity foods to ensure children are adequately fed in public, private, and charter schools, residential child care institutions, preschools, and child and adult care centers and homes. The Idaho Child Nutrition Department follows the guidelines of the U.S. Department of Agriculture.

### **Technology**

- There is no state policy at this time.

### **Professional Development**

- There is no state policy at this time.

### **Reimbursement for Performing State/Local Functions**

- There is no state policy at this time.

### Tax Exemption

- The sale of meals by private schools under the federal school lunch program is exempt from Idaho sales tax. *Idaho Code §63-3622J*.

### Public Aid for Private Education

- **Constitutional Provisions:** The Idaho Constitution prohibits public appropriations to support sectarian schools. *Idaho Constitution*, Art. IX, 5.
- **Programs for financial assistance for attendance at private schools:** There are no such programs at this time.

### Homeschooling

- A nonpublic student is any student who received educational instruction outside of a public school classroom and can include, but is not limited to, a private school or a homeschool. As such, a homeschool student must be *comparably instructed* to students in the public school during the compulsory attendance ages of 7 through 16 years of age. *Idaho Code §33-202*.
- Idaho does not regulate or monitor homeschool instruction. It is the sole responsibility of the parent or guardian to monitor their child's progress and attendance in the homeschool.
- The parent or guardian of a homeschooled child is allowed to enroll the student in the public school for dual enrollment purposes. Dual enrollment allows the student to enter into any program, including public school classes and extracurricular activities, in the public school that are available to other students subject to compliance with the same rules and regulations as other students. *Idaho Code §33-203*
- Homeschool students may participate in statewide testing and assessment. A homeschool student may be able to receive a diploma from a high school or can take the General Education Development (GED) test and, upon successful completion of all requirements, may apply for an Idaho High School Equivalency Certificate. Administrative Rules of the Idaho State Board of Education.

### Information resources

- [Idaho State Department of Education: Accreditation](http://www.sde.idaho.gov/site/accreditation/)  
<http://www.sde.idaho.gov/site/accreditation/>
- [Idaho State Department of Education: Home School](http://www.sde.idaho.gov/site/home_school/)  
<http://www.sde.idaho.gov/site/home\_school/>
- [Idaho State Department of Education: Home Schools in Idaho](http://www.sde.idaho.gov/site/home_school/docs/Home%20School%20Pkt.doc)  
<http://www.sde.idaho.gov/site/home\_school/docs/Home%20School%20Pkt.doc>
- [Idaho State Department of Education: Special Education Manual 2007](http://www.sde.idaho.gov/site/special_edu/manual_page.htm)  
<http://www.sde.idaho.gov/site/special\_edu/manual\_page.htm>
- [Idaho Statues, Constitution, and Legislative Session Data](http://www3.state.id.us/) <http://www3.state.id.us/>  
[Title 33 Education](http://www3.state.id.us/idstat/TOC/33FTOC.html) <http://www3.state.id.us/idstat/TOC/33FTOC.html>
- Idaho State Department of Education  
Len B. Jordan Office Building  
650 West State Street  
P.O. Box 83720  
Boise, ID 83720-0027

## State Regulation of Private Schools—Idaho

Phone: 208-332-6800

Toll-Free: 800-432-4601

Fax: 208-334-2228

Web site: <http://www.sde.idaho.gov/>

- U.S. Department of Education, [Idaho](#)

*Updated December 17, 2008*

# ILLINOIS

## Accreditation/Registration/Licensing/Approval

- Accreditation is optional.
  - Nonpublic schools that gain accreditation through a nonpublic, state-approved accrediting agency may qualify as state-recognized schools. *Policy and Guidelines for Registration and Recognition of Nonpublic Elementary and Secondary Schools*, February 2004.
- Registration is optional.
  - Nonpublic schools in Illinois may register with the state Board of Education. 105 ILCS 5/2-3.25o(e).
  - A school is registered when it has filed with the Board a "Nonpublic School Registration, Enrollment, and Staff Report," which must be filed between October 1 and December 31 each year. This form furnishes such evidence as required to assure compliance with federal and state laws regarding health examination and immunization, attendance, length of term, nondiscrimination, and applicable fire and health safety requirements. 105 ILCS 5/2-3.25o(b) and *Nonpublic School Registration Information Sheet*, Revised February 2008.
- No requirements for Licensing.
- Approval is optional.
  - Nonpublic schools in Illinois may pursue *recognition* through the State Board of Education. 105 ILCS 5/2-3.25o(e).
  - After one year of being a registered school, a nonpublic school may submit an application for recognition. A team comprised of representatives from the Illinois State Board of Education, the Regional Office of Education, a public school, and a nonpublic school will visit the school. The Illinois State Board of Education will then review and determine if these school will be granted: "full recognition," "probationary recognition," or "nonrecognition." *Policy and Guidelines for Registration and Recognition of Nonpublic Elementary and Secondary Schools*, February 2004.
  - Minimum requirements for the recognition of nonpublic schools cover the organization, administration, instructional programs, extra-classroom activities, pupil services, school facilities, school food services, and personnel. *Policy and Guidelines for Registration and Recognition of Nonpublic Elementary and Secondary Schools*, February 2004.

## Teacher Certification

- Teacher certification is not required for teachers at recognized nonpublic schools unless the school governance chooses to require it as a condition of employment.
- The Illinois State Board of Education (ISBE) encourages all teachers at nonpublic schools to have at least a baccalaureate degree in the subject they are teaching. If the nonpublic teacher does not have his or her baccalaureate degree, then ISBE encourages the teacher to develop a timeline on how he or she plans to finish his or

her education. If an individual with less than a baccalaureate degree is teaching, ISBE will note it in a report. This policy does not vary depending on the school's recognition status.

- Nonpublic schools may employ public school employees part-time or on a temporary basis provided the employment is in no way connected or subsidized by their public school employment, or conflicts with an employee's public school duties. 105 *ILCS 5/24-1.1*.

### **Length of School Year/Days**

- Illinois state law does not set a minimum requirement for length of the academic year.
- For registered and recognized schools, the length of the school year will not be less than 176 days of at least five hours of instruction, or a total of 880 hours of instruction per year. *Policy and Guidelines for Registration and Recognition of Nonpublic Elementary and Secondary Schools*, February 2004.

### **Curriculum**

- Attendance at a nonpublic or a parochial school satisfies the Illinois compulsory attendance statute if the children are taught the branches of education taught to children of corresponding age and grade in the public schools. 105 *ILCS 5/26-1*.
- Attendance at a nonpublic or parochial school satisfies the Illinois compulsory attendance statute if instruction in the branches of education is in the English language. 105 *ILCS 5/26-1.1*.
- Illinois has adopted the *Critical Health Problems and Comprehensive Health Education Act* for all elementary and secondary schools in the state. The curricula includes studies in human growth and development, family life instruction, AIDS education (grades 6–12), alcohol, tobacco and drug abuse. Pupils are not required to study AIDS or family life instruction if the parent or guardian submits a written objection. The State Board of Education establishes the minimum amount of instruction time to be devoted to the program at all grade levels and makes available instructional materials and guidelines to assist schools. 105 *ILCS 110/3-4*.
- Nonpublic school students are eligible to enroll in driver education courses provided through the public schools. 105 *ILCS 5/27-24.2, 4*. Nonpublic school principals may arrange for the part-time attendance of their students at a public school in the school district where the student resides if there is sufficient space. 105 *ILCS 5/10-20.24*.
- Recognized schools must provide a program of instruction to the State Board of Education and meet additional curriculum requirements. *Policy and Guidelines for Registration and Recognition of Nonpublic Elementary and Secondary Schools*, February 2004.
- Recognized nonpublic schools must have the same minimum curriculum and graduation requirements as public schools in Illinois.

### **Recordkeeping/Reports**

- The State Board of Education includes in its annual report to the governor and General Assembly the number of men and women teachers and total enrollment of nonpublic schools. 105 *ILCS 5/2-3.11*.

## State Regulation of Private Schools—Illinois

- Every school shall report to the State Board of Education by October 15, the number of children who have received immunizations and health examinations, the number of children who have not complied, and the number of children exempt on religious or medical grounds. 105 ILCS 5/ 27-8.1.
- Illinois gives parents a statutory right to school conference and activity leave (8 hours), with certain qualifications. Nonpublic schools must notify parents of their school visitation rights. In addition, it is the responsibility of the school administrator to verify the parent or guardian's school visitation for employers. 820 ILCS 147/30.
- Nonpublic schools may conceal the location or address of an individual covered by an order of protection issued by the courts under the *Illinois Domestic Violence Act of 1986*. The school must maintain a certified copy of the order in the student's records. 750 ILCS 60/222.

### Health and Safety Requirements

- Nonpublic school students are required to have a health examination, including a tuberculosis skin test if residing in designated areas, within one year prior to entering kindergarten or first grade, upon entering the fifth and ninth grade, and, irrespective of grade, immediately prior to entrance, each child must present proof of an examination as required. Students must present proof of immunizations against preventable communicable diseases as required by the Department of Public Health. Children may be exempt based on the religious objections of the parents or due to medical contraindications. Every school must report to the State Board of Education by October 15, the number of children who have received immunizations and health examinations, the number of children who have not complied, and the number of children exempt on religious or medical grounds. 105 ILCS 5/27-8.1; 410 ILCS 235/6.
- Nonpublic schools are required to conduct at least three fire evacuation drills during the regular school term; at least one fire evacuation drill must be held with the participation of the local fire department. 105 ILCS 120/ 1, 2; 5/10-128/20.22.(a)(3).
- Nonpublic schools are required to conduct at least one bus evacuation drill during the regular school term 105 ILCS 128/20 (b).
- Nonpublic schools are required to conduct at least one severe weather or shelter in place drill during the regular school term. 105 ILCS 128/20 (d).
- Nonpublic schools are strongly encouraged to conduct law enforcement drills for such scenarios as bomb threats, active shooters, etc. 105 ILCS 128/20 (c).
- Under the *Missing Children Records Act*, nonpublic schools must obtain a birth certificate or other reliable proof (as recognized by the Illinois State Police) of age and verification of the child's identity. 325 ILCS 50/5(b).
- Under the Illinois Missing Child Program, nonpublic school administrators are provided periodic information bulletins from the Department of Enforcement apprising them of missing children. If the school determines that a missing child is attending the school, the administrator shall immediately notify the authorities. 105 ILCS 5/2-3.73.
- Nonpublic school students, teachers and visitors must wear industrial quality eye protective devices when participating in harmful specified courses. 105 ILCS 115/1.
- Liquor licenses are not issued to retailers within 100 feet of any elementary or secondary school, with some exceptions. 235 ILCS. 5/6-11.

### **Transportation**

- District school boards may provide transportation to and from local public schools and must provide transportation, without cost, for students attending nonpublic schools. If the student resides at least 1 1/2 miles from the school and along the regular route of the public school bus, the transportation will extend from a point on the route nearest or most easily accessible to the home and the school. If the student resides within 1 1/2 miles from the school, transportation will be afforded on the same basis as provided for public school students. Separate bus routes for nonpublic school students are permitted if it is safer, more economical, and more efficient. 105 *ILCS 5/29-4*. State reimbursement for public school transportation may be withheld for failure to furnish transportation to nonpublic school students. *People ex rel. Bd. of Educ. v. State Bd. of Educ.*, 344 N.E.2d 5 (1976).
- The school board of any school district may agree to provide transportation for students attending nonpublic school activities, if the buses are not needed for public school activities. A charge must be assessed in an amount not less than the cost, including a reasonable allowance for depreciation of the vehicle. 105 *ILCS 5/29-3.2*.
- The Chicago Transit Board is authorized to provide free transportation, or transportation at reduced fares, to pupils in attendance at nonpublic schools offering grades of instruction comparable to those offered in public schools. 70 *ILCS 3605/30*.
- Nonpublic school bus drivers must be over 21 years of age, have at least one year of driving experience, and hold a valid school bus driver permit. 625 *ILCS 5/6-104(b), (d)*.

### **Textbooks**

- The State Board of Education is under a statutory duty to provide the loan of secular textbooks listed for use by the board free of charge to any student in the state enrolled at a public school or at a school other than a public school which is in compliance with the compulsory attendance laws and the federal nondiscrimination statute, Title VI of the *Civil Rights Act of 1964*, 42 U.S.C. 2000d et seq. *ILCS 105/18-17*. See also *Ill. Admin. Code*, title 23, §350.10-.30.

### **Testing**

- The Illinois State Board of Education (ISBE) encourages recognized nonpublic schools to participate in local assessment testing; however, ISBE does not require it by law and the schools do not have to share their test scores with ISBE. Nonpublic school students do not take the ISAT or Prairie State exams.

### **Special Education**

- Illinois publicly places children with disabilities in nonpublic schools complying with state regulations if the special education program of a district is unable to meet the needs of the child. 105 *ILCS 5/14-7.02*.
- Students with disabilities attending nonpublic schools are eligible to receive special education services through part-time attendance at a public school. Transportation shall be provided if required in the child's individualized education plan. 105 *ILCS 5/14-6.01*.

### **Nursing and Health**

- Nonpublic schools are eligible to participate in the Illinois school lunch and breakfast programs. Applications are provided by the State Board of Education and must be filed through the regional superintendent of schools. 105 *ILCS* 125/5.
- Nonpublic schools are eligible for state grants under the Asbestos Abatement Act. Any recovery by the nonpublic school through litigation, must be used to reimburse the state Asbestos Abatement Fund. 105 *ILCS* 105/9c.

### **Technology**

- Nonpublic school students and teachers are entitled to equitable participation in all services and activities provided under computer literacy grants awarded to school districts and educational service regions. 105 *ILCS* 5/2-3.43.
- Nonpublic school students and teachers may benefit from programs and services offered through the state's Regional Offices of Education (ROEs), provided public schools have already been afforded adequate access. The ROEs provide education for gifted children through area service centers, computer technology education, mathematics science and reading resources for teachers including continuing education, in-service training and staff development. 105 *ILCS* 5/2-3.62.

### **Professional Development**

- Professional Development is encouraged but not required for recognition. However, in reviewing a nonpublic school for recognition the Illinois State Board of Education (ISBE) will determine whether or not there are indications the school allows teachers to attend classes, workshops, or seminars for professional development.

### **Reimbursement for Performing State/Local Functions**

- There is no state policy at this time.

### **Tax Exemption**

- The Illinois General Assembly may exempt from taxation property used exclusively for school and religious purposes. *Illinois Constitution*, Art. IX, Sec. 6.
- Tangible personal property purchased by an institution for religious or educational purposes is exempt from Illinois use tax. 105 *ILCS* 3/5
- Nonprofit nonpublic schools conducted by eleemosynary or religious institutions are protected from excessive tort liability costs under the *Tort Liability of Schools Act*. Civil actions for personal or property injury must be commenced within one year, notice given to the school within 6 months, and liability is limited to \$10,000 in each separate cause of action unless otherwise provided by law. 745 *ILCS* 25/5.

### **Public Aid for Private Education**

- **Constitutional Provisions:** No county, city, town, township, school district or other public corporation may make any appropriation to support or sustain any school or academy controlled by any church or sectarian denomination. *Illinois Constitution*, Art. 10 § 3; 105 *ILCS* 5 § 22-10.

- **Programs for financial assistance for attendance at private schools:**

The *Illinois Expense Credit* began with tax years ending after Dec. 31, 1999, and allowed a taxpayer who is the custodian of one or more qualifying pupils to claim a credit against the tax imposed by Illinois for qualified education expenses. The amount of the credit allowed is 25 percent of the amount expended in excess of \$250 and in no event may the total credit claimed by a family exceed \$500. Additionally, the tax credit cannot reduce the taxpayer's liability to less than 0. 35 *ILCS 5/201(m)* as amended by P.A. 91-0009.

### **Homeschooling**

- According to the *Illinois School Code* (105 *ILCS 5/26-1*), the term "private school" in the context used under compulsory education requirements, that is, "any child attending a nonpublic or parochial school where children are taught the branches of education taught to children of corresponding age and grade in the public schools and where the instruction of the child in the branches of education are in English," applies to children schooled at home. *People v. Levisen*, 404 Ill. 574, 90 N.E. 2d 213 (1950).
- The regional superintendent has the responsibility for monitoring compliance with the compulsory attendance law. In so doing, the regional superintendent may expect the parents who seek to educate their children at home to establish that they are providing instruction that is at least commensurate with the standards of the public schools. The burden of proof rests with the parents. The parents may be expected to document the subjects taught which must include "branches of learning" taught in the public school, the time frame in which instruction will be offered, and the competency of the parent or other instructor(s). It is not necessary for the instructor to have a teacher's certificate. The parents may also be expected to establish by written examinations or by some other method that the child's achievement is comparable to that of the child's peers of corresponding age and grade level. *Scoma v. Chicago Board of Education*, 391 F. Supp. 452 (N.D. Ill. 1974).
- Illinois state law does not require a minimum number of hours per day of instruction for students in nonpublic schools. In *Scoma v. Chicago Board of Education* (1974), courts ruled that home instruction must be equivalent to public school standards. *Scoma v. Chicago Board of Education*, 391 F.Supp. 452 (N.D. Ill. 1974).
- Parents are not required to register with the state, but may voluntarily notify the State Board of Education and regional superintendent.
- Illinois does not require homeschool students to participate in standardized testing or reporting of standardized testing scores.
- Homeschool students may attend a public school part-time if there is sufficient space available, the request is submitted to the school principal no later than May 1<sup>st</sup> for the following year school year, and the course requested is part of the school's regular curriculum. 105 *ILCS 5/10-20.24*.
- Homeschool students may take driver's education courses with the local school district if the chief administrator of the homeschool informs the local public school district of the student's name and evidence the student passed a minimum of eight courses during the previous two semesters no later than April 1 for the following school year. 105 *ILCS 5/27-23, 27-24.2 and 27-24.4*.

### Information resources

- [Illinois State Board of Education: Policy and Guidelines for Registration and Recognition of Nonpublic Elementary and Secondary Schools, February 2004](http://www.isbe.net/accountability/pdf/np_guidelines.pdf)  
<http://www.isbe.net/accountability/pdf/np\_guidelines.pdf>
- [Illinois State Board of Education: Nonpublic School Registration Information Sheet](http://www.isbe.net/research/pdfs/np_info_sheet.pdf)  
<http://www.isbe.net/research/pdfs/np\_info\_sheet.pdf>
- [Illinois State Board of Education: Nonpublic Elementary and Secondary School Recognition](http://www.isbe.net/accountability/html/np_recognition.htm) <http://www.isbe.net/accountability/html/np\_recognition.htm>
- [Illinois State Board of Education: Homeschool](http://www.isbe.state.il.us/HomeSchool/default.htm)  
<http://www.isbe.state.il.us/HomeSchool/default.htm>
- [Illinois State Board of Education: Questions you may have on Illinois Homeschooling](http://www.isbe.state.il.us/HomeSchool/faq.pdf) <http://www.isbe.state.il.us/HomeSchool/faq.pdf>
- [Illinois State Board of Education: Parent/Guardian Pupil Transportation Reimbursement](http://www.isbe.net/funding/pdf/54-14_home_school.pdf) <http://www.isbe.net/funding/pdf/54-14\_home\_school.pdf>
- [Illinois Compiled Statutes](http://www.ilga.gov/legislation/ilcs/ilcs.asp)  
<http://www.ilga.gov/legislation/ilcs/ilcs.asp >
- Illinois State Board of Education  
100 North First Street  
Springfield, IL 62777  
Phone: 217-782-4321  
Toll-Free: 866-262-6663  
Fax: 217-524-4928  
E-mail: [statesup@isbe.net](mailto:statesup@isbe.net)  
Web site: <http://www.isbe.net/>
- U.S. Department of Education, [Illinois](#)

*Updated December 29, 2008*

# INDIANA

## Accreditation/Registration/Licensing/Approval

- Accreditation is optional.
  - The Indiana State Board of Education has established a performance-based accreditation system available to nonpublic schools. The standards for accreditation are the same standards required of all public schools. The observance of: (A) *IC 20-31-4*; (B) *IC 20-28-5-2*; (C) *IC 20-28-6-3* through *IC 20-28-6-7*; (D) *IC 20-28-9-7* and *IC 20-28-9-8*; (E) *IC 20-28-11*; and (F) *IC 20-31-3*, *IC 20-32-4*, *IC 20-32-5*, *IC 20-32-6*, and *IC 20-32-8*; is a prerequisite to the accreditation of a school. Compliance with the building and site guidelines adopted by the state board is not a prerequisite of accreditation. *Indiana Code §20-19-2-8* (5).
  - To comply with accreditation standards, a nonpublic school must meet state requirements in the areas of health and safety, time of school activity, staff-student ratio, curriculum, development and implementation of staff evaluation plan under *Indiana Code §20-28-11*, and a completed school improvement plan. *Indiana Code §20-31-4-6*.
  - A school must comply with the following legal standards to be accorded full accreditation status: (A) health and safety requirements; (B) minimum time requirements; (C) staff-student ratio requirements; (D) curriculum offering requirements; (E) instructional staff requirements;<sup>3</sup> (F) ISTEP participation requirements; (G) mandatory annual assessment requirements; (H) accurate and timely submission of all reports required of schools; (I) production of an annual performance and its dissemination to school constituents; (J) strategic and continuous school improvement and achievement planning requirements. 511 *IAC 6.1-1-4*. For additional details, see 511 *IAC 6.1*.
  - A school seeking accreditation must be assigned to one (1) of the following categories of school improvement and performance under 511 *IAC 6.2-6-4*: (A) Exemplary, (B) Commendable; or (C) Academic progress. 511 *IAC 6.1-1-4*.
  - Each accredited school principal shall coordinate the development of the Strategic and Continuous School Achievement and Improvement Plan. The plan must: (1) state objectives for a three-year period; and (2) be annually reviewed and revised to accomplish the achievement objectives of the school. In addition the plan must establish objectives consistent with academic standards and include improvement in at least the following areas: attendance rate; percentage of students meeting academic standards under the ISTEP program (*IC 20-31-3* and *IC 20-32-5*); for a secondary school, graduation rate; address the learning needs of all students, including programs and services for exceptional learners; specify how and to what extent the school expects to

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<sup>3</sup> As of Feb. 13, 2009, the following legal standards were undergoing a repeal process: staff-student ratio requirements; curriculum offering requirements; and instructional staff requirements.

make continuous improvement in all areas of the education system where results are measured by setting benchmarks for progress on an individual school basis; note specific areas where improvement is needed immediately. *Indiana Code §20-31-5-4*. For details, see [511 IAC 6.2](#).

- A nonpublic school may choose to pursue freeway school accreditation under Indiana law by entering into a contract with the State Board of Education. Due to the unique nature of freeway schools, the required components of accreditation (Strategic and Continuous School Achievement and Improvement Plan, Legal Standards Compliance, and Student Achievement) are addressed differently *Indiana Code §20-26-15-5*. For details, see [IC 20-26-15-5](#).
- An attempt to deny accreditation to a school that denies enrollment on the basis of creed is an interference with the free exercise of religion. Opp. of Atty. Gen. 1975, No. 22, p. 74.
- *Registration* is mandatory.
  - Nonpublic schools are required to register with the Indiana Department of Education and be assigned a nonpublic school identification number. They must also submit a pupil enrollment number each fall. *Indiana Code §20-33-2-21*.
- No requirements for *Licensing*.
- *Approval* is optional.
  - Indiana State Board of Education implements a voluntary system of *recognition* for nonpublic school educational programs. The system recognizes the distinguishing characteristics of nonpublic schools and is separate from the accreditation standards available to nonpublic schools. *511 IAC 6.1-9*.
  - A nonpublic school must meet comply with the following requirements standards to be recognized: (A) School mission requirements; (B) Governance requirements; (C) Curriculum requirements; (D) Personnel requirements; and (E) Facility requirements. In addition, the nonpublic school must perform at the expected level in the following areas to be recognized: (A) Student attendance rate; (B) For high schools, graduation rate; (C) ISTEP results; (D) Mathematics proficiencies; and (E) Language arts proficiencies. *511 IAC 6.1-9-3*.
  - The school must inform the department of its intention to seek recognition on or before July 1 of the school year in which the school seeks recognition. A recognized nonpublic school seeking renewal of its recognition must notify the department of its intention to seek renewal on or before July 1 of the year preceding the expiration of its recognition. *511 IAC 6.1-9-4*.
  - If the Indiana Department of Education determines that a recognized school no longer is in compliance with recognition requirements then the department may institute revocation proceedings before the board. A school may appeal the department's decision to the Indiana State Board of Education. *511 IAC 6.1-9-5*; *511 IAC 6.1-9-6*.

### **Teacher Certification**

- Recognized nonpublic schools are required to employ personnel that are “properly licensed under 511 IAC 10. 511 IAC 6.1-9-3.

### **Length of School Year/Days**

- In order to comply with compulsory attendance law in Indiana, a student shall attend school each year for the number of days public schools are in session. *Indiana Code* §20-33-2-5.
- Nonpublic schools that seek accreditation shall conduct at least one hundred eighty (180) student instructional days for all students grades 1 through 12. 511 IAC 6.1-3.1.

### **Curriculum**

- The Indiana Department of Education shall adopt clear, concise, and jargon-free state academic standards that are comparable to national and international academic standards. *Indiana Code* §20-31-3-1.
- Nonpublic schools that voluntarily seek state accreditation shall provide instruction in: (1) the Constitutions of Indiana and the United States in grades 6 through 12; (2) the systems of government in Indiana and the United States, methods of voting, party structures, election laws, and the responsibilities of citizen participation in grades 6 through 12 for five full class periods within the two weeks preceding each general election; (3) morals instruction as outlined by the state superintendent in grades 1–12; (4) safety education for one semester in grade 8; (5) AIDS. *Indiana Code* §20-30-5.
- Nonpublic, nonaccredited, and non-approved schools are not bound by any requirements set forth in *Indiana Code* Titles 20 or 21 with regard to curriculum or the content of educational programs offered by the school. This may not be construed to prohibit a student a nonpublic, nonaccredited, and non-approved school from enrolling in a particular educational program or participating in a particular educational initiative offered by an accredited public, nonpublic, or state board approved nonpublic school if: (1) the governing body or superintendent, in the case of the accredited public school; or (2) the administrative authority, in the case of the accredited or state board approved nonpublic school; approves the enrollment or participation by the student. *Indiana Code* §20-33-2-12.
- Indiana's compulsory education statute requires that students attend either a public school or "some other school which is taught in the English language." *Indiana Code* §20-33-2-4.

### **Recordkeeping/Reports**

- Private schools may require students who initially enroll in the school after July 1, 1988, to provide the name and address of the school last attended and produce reliable proof of the student's date of birth. The school shall request the student's records within 14 days of enrollment. *Indiana Code* §20-33-2-10(A).
- If the proof of a student's date of birth is not provided within 30 days of enrollment or appears to be inaccurate or fraudulent, the school shall notify the Indiana Clearinghouse for Information on Missing Children to determine if the child is reported missing. *Indiana Code* §20-33-2-10(C).

## State Regulation of Private Schools—Indiana

- Private schools must keep an accurate daily record of attendance to verify the enrollment and attendance of any particular child upon request of the State Superintendent of Public Instruction or local Superintendent of the School Corporation. *Indiana Code §20-33-2-20*.
- The principal/school administrator in every nonpublic school must furnish, on request of the state superintendent of public instruction, a list of student's names, addresses, and ages for students attending the school. If a pupil withdraws from the school and the school does not receive a request for records within 15 school days, then the private school must report to the state superintendent of public instruction or the local superintendent of the school corporation the name and address of the pupil and the date he withdrew. *Indiana Code §20-33-2-21*.
- If an Indiana nonpublic school receives a request for records, the records must be promptly sent unless the student's records have been flagged by the Indiana Clearinghouse for Information on Missing Children. In that event, the nonpublic school must immediately notify the clearinghouse and may not send the records without the authorization of the clearinghouse. *Indiana Code §20-33-2-21*.
- A school psychologist may not disclose privileged or confidential communication made by a student if the communication was made to him in his counselor capacity, except under the following circumstances: (1) trials for homicide when the disclosure relates directly to the fact or immediate circumstances of the homicide; (2) proceeding to determine mental competency or in which a defense of mental incompetency is raised; (3) civil or criminal actions against a school psychologist for malpractice; (4) upon an issue as to the validity of a document; (5) if the school psychologist has the express consent of the client or, in the case of a client's death or disability, the express consent of the client's legal representative; or (6) circumstances under which privileged communication is lawfully invalidated. *Indiana Code §20-28-12-5*.

### Health and Safety Requirements

- Accredited nonpublic schools must comply with the rules of the Indiana State Board of Education under 511 IAC 2, the Fire Prevention and Building Safety Commission, the State Board of Health, and the Indiana Occupational Safety and Health Administration. 511 IAC 6.1-1-4 and 511 IAC 6.1-2-1.

### Transportation

- The local school corporation must provide transportation without charge for parochial school students residing along a highway constituting the regular route of a public school bus. *Indiana Code §20-27-11-1*.
- Private schools may contract with an urban mass transportation system for the transportation of pupils to and from school. *Indiana Code §36-9-4-54*; Opp. of Atty. Gen. 1988, No. 6, p.152.
- Private school buses are regulated by the Indiana School Bus Committee that governs the design and operation of all school buses used for the transportation of school children. *Indiana Code §20-27-3-4*.
- Private school bus drivers are required to attend an annual safety meeting or workshop not to exceed two days in any one calendar year. *Indiana Code §20-27-8-9*.

## State Regulation of Private Schools—Indiana

- If a bus driver has less than 30 days experience in the three prior years, he must satisfactorily complete a preservice school bus driver safety education training course. The course is provided by the State Superintendent of Public Instruction and may not exceed 40 hours. *Indiana Code §20-27-8-10*.
- Private school buses are subject to an annual inspection by the Indiana Police Department to determine whether each bus complies with the safety requirements prescribed for school bus construction and equipment. *Indiana Code §20-27-7-1*.

### Textbooks

- Students who attend accredited nonpublic schools and meet financial eligibility standards may receive reimbursement payments from the state for textbooks. The Indiana Department of Education provides each school with application forms; the nonpublic schools assist the parents or emancipated minors in completing the forms and make the determination of financial eligibility. The school's application to the state must be filed before November 1 of a school year. Parents or emancipated minors may be reimbursed for textbooks (20 percent of the cost) and workbooks and consumable textbooks (100 percent of the cost) that have been adopted by the State Board of Education or waived by the board. *Indiana Code §20-33-5-9*.
- The school board may rent these textbooks to students enrolled in any public or nonpublic school that is: (1) in compliance with the minimum certification standards of the state board; and (2) located within the attendance unit served by the governing body. *Indiana Code §20-26-12-2*.

### Testing

- Nonpublic schools that voluntarily seek state accreditation shall administer the Indiana Statewide Testing For Educational Progress (ISTEP) to its students at the same time that school corporations administer the test and make available to the Department of Public Instruction the results. An accredited nonpublic school is entitled to receive the ISTEP program test and the scoring reports used by the Department at no charge. *Indiana Code §20-32-5-17*.
- A nonpublic school seeking recognition must participate in the ISTEP testing program under *IC 20-32-5* and *511 IAC 5-2*. In lieu of participating in the ISTEP testing program, a nonpublic school may request that the board approve use of another test instrument to determine if the school has met its expected performance levels. The nonpublic school must validate the selected test and establish, to the satisfaction of the board, that the test and the minimum performance expectation are appropriate substitutes for ISTEP. *511 IAC 6.1-9-4*.

### Special Education

- Each public agency shall, with regard to any nonpublic school or facility, including any religious school or homeschool, within its boundaries: (1) locate, identify, and evaluate all students with disabilities as specified in *511 IAC 7-40*; (2) consult with nonpublic school representatives and representatives of parents of nonpublic school students with disabilities; (3) provide information to the division of special education related to parentally placed nonpublic school students covered under this rule; and (4)

make available special education and related services to all students with disabilities.  
511 IAC 7-34-1.

### **Nursing and Health**

- There is no state policy at this time.

### **Technology**

- An accredited nonpublic school is required to have “a provision for the coordination of technology initiatives” within their Strategic and Continuous School Improvement and Achievement Plan. *Indiana Code* §20-31-5-6.

### **Professional Development**

- Recognized public schools are required to submit information regarding professional development activities “conducted by the school to promote school restructuring.”  
511 IAC 6.1-6-1.
- Private schools accredited with the Indiana State Board of Education must have professional development programs that: identify the knowledge and training needed by teachers to accomplish the goals within the plan; establish professional development goals that describe expected change in teacher performance and the relationship to improved student performance; include strategies describing how the identified knowledge and training will be attained; include a description of the evaluation process that will be used to determine the impact of the program on student achievement; include an explanation of how the overall program meets the board’s core principles for professional development; include a sign-off by the exclusive representative as indication of support only for the professional development program component of the plan; and include a sign-off by the superintendent that the plan and program of the school aligns with corporation-level improvement initiatives and local board policy. *Indiana Code* §20-20-31.

### **Reimbursement for Performing State/Local Functions**

- There is no state policy at this time.

### **Tax Exemption**

- Sales of food and food ingredients are exempt from the state gross retail tax of parochial school regularly maintained by a recognized religious denomination. In order to obtain the exemption, the taxpayer must file an application for exemption with the Indiana Department of Revenue. *Indiana Code* §6-2.5-5-21.

### **Public Aid for Private Education**

- **Constitutional provisions:** The Indiana Constitution provides that no money shall be drawn from the treasury for the benefit of any religious or theological institution. *Indiana Constitution* Art. 1, § 6.
- **Programs for financial assistance for attendance at private schools:** There is no such program at this time.

### **Homeschooling**

- Homeschools in Indiana are nonpublic, nonaccredited schools. Home educators must teach a minimum of 180 days per calendar year. They choose the days and keep attendance records. Homeschool educators must register by submitting their grade level enrollment to the Indiana Department of Education. *Indiana Code §20-33-2-5*.
- Instruction given in a homeschool must be equivalent to instruction received in a public school. State law does not define equivalency of instruction. *Indiana Code §20-33-2-8*.
- State law exempts homeschooled from the curriculum and program requirements that public schools must follow. *Indiana Code §20-33-2-12 (A)*.
- Home-educated students can participate, with the approval of the superintendent or the school board, in public school educational activities. Participation in elementary or junior high athletics is at the discretion of the public school. Participation in high school athletics is rare because the home-schooled student's educational program must also conform to the bylaws of the Indiana High School Athletic Association. *Indiana Code §20-33-2-12(B)*.
- Homeschool students may not take ISTEP+ or any other public school administered test unless they are enrolled in a public school for at least one period a day. Homeschooled children will not receive a diploma from the local public school or from the state. Seventeen-year-old students may take the examination for the General Equivalency Development (GED) Certificate.

### **Information resources**

- [Indiana Department of Education: Office of Student Services](http://www.doe.in.gov/sservices/hse.html)  
<http://www.doe.in.gov/sservices/hse.html>
- [Indiana Department of Education: Office of Student Services, Private School](http://www.doe.in.gov/sservices/privateeducation.html)  
<http://www.doe.in.gov/sservices/privateeducation.html>
- [Indiana Department of Education: Office of Student Services, Home School](http://www.doe.in.gov/sservices/homeschool.html)  
<http://www.doe.in.gov/sservices/homeschool.html>
- [Indiana Non-Public Education Association](http://www.inpea.org/) <http://www.inpea.org/>
- [Indiana Code](http://www.in.gov/legislative/ic/code/)  
<http://www.in.gov/legislative/ic/code/>
- [511 Indiana Administrative Code](http://www.in.gov/legislative/iac/iac_title?iact=511)  
<http://www.in.gov/legislative/iac/iac\_title?iact=511>
- [Indiana Administrative Code: Non-Public School Recognition \(Rule 9\)](http://www.in.gov/legislative/iac/iac_title?iact=511&iaca=6.1)  
[http://www.in.gov/legislative/iac/iac\\_title?iact=511&iaca=6.1](http://www.in.gov/legislative/iac/iac_title?iact=511&iaca=6.1)
- Indiana Department of Education  
151 West Ohio Street  
Indianapolis, IN 46204-2795  
Phone: 317-232-6610  
Fax: 317-233-6326  
E-mail: [webmaster@doe.in.gov](mailto:webmaster@doe.in.gov)  
Web site: <http://www.doe.in.gov>
- U.S. Department of Education, [Indiana](#)

*Updated February 23, 2009*

# IOWA

## **Accreditation/Registration/Licensing/Approval**

- Accreditation is optional.
  - By definition, "nonpublic school" means any school not directly supported by taxation that is accredited or which uses licensed practitioners as instructors. *Iowa Code* §280.2.
  - Schools seeking accreditation must submit an application in writing to the Director of the Iowa Department of Education by January 1 of the preceding year for which the school seeks accreditation. *Iowa Code* §281.12
  - The Iowa Board of Education has established rules and procedures for accrediting all nonpublic schools offering instruction in levels K–12. *Iowa Code* §256.11. *Iowa Admin. Code* R. 281-12.1 through 12.5, 12.8.
  - The authorities in charge of an accredited nonpublic school must prescribe reasonable rules for the punishment of truants. *Iowa Code* §299.9.
- No requirements for Registration.
- No requirements for Licensing.
- No requirements for Approval.
- By statute, Iowa has established a nonpublic school advisory committee to advise the Iowa Board of Education on matters affecting nonpublic schools including standards for teacher certification and approval of nonpublic schools. *Iowa Code* §256.15.

## **Teacher Certification**

- Teacher certification is required.
- By definition, nonpublic schools that are accredited employ licensed practitioners as instructors. *Iowa Code* §280.2.
- Accredited nonpublic schools must employ certified teachers. *Iowa Admin. Code* R. 281-12.4(8).
- The Iowa Supreme Court has ruled "The state has a clear right to set minimum educational standards [including instruction by a certified teacher] for all its children and a corresponding responsibility to see to it that those standards are honored." *Johnson v. Charles City Community Schools*, 368 N.W.2d 74 (1975).
- An accredited nonpublic school must maintain adequate staffing. *Iowa Code* §280.14.
- A nonpublic school superintendent may serve as an elementary school principal in that school provided that the superintendent holds the proper licensure or certification but cannot also serve as a high school principal in that school. *Iowa Admin. Code* R. 281-12.4(4).

## **Length of School Year/Days**

- Nonpublic schools must prescribe an attendance policy which requires student attendance for at least 180 days. *Iowa Code* §280.3.

### **Curriculum**

- Iowa State Board of Education rules require that a “multicultural, gender fair approach” be used by state accredited nonpublic schools and that global perspectives be incorporated into all levels of the educational program. *Iowa Code* §256.11.
- State accredited nonpublic schools must prescribe a minimum educational program as defined under §256.11 unless otherwise provided by law or granted an exemption by the Iowa Board of Education. The section outlines a comprehensive curriculum for grades K–6, 7–8 and 9–12 from traditional course offerings to instruction in acquired immune deficiency syndrome. *Iowa Code* §§256.11, 280.3.
- As a condition of graduation, state accredited nonpublic schools must require private school students (grades 9–12) to complete one unit of U.S. history and one-half unit of U.S. government which shall include a study of the constitution, and relevant voting statutes and procedures. *Iowa Code* §256.11(5b).
- Nonpublic schools must incorporate career education into the curricular and co-curricular education experience from grades PK-12. The essential elements of career education must include: 1) awareness of self in relation to others and the needs of society; 2) exploration of employment opportunities and experience in personal decision making; and 3) experiences which will help students to integrate work values and work skills into their lives. *Iowa Code* §280.9.
- Nonpublic schools serving grades 9–12 must provide five units of occupational education subjects e.g. business or office occupations, trade and industrial occupations, consumer and family sciences or home economics occupations, agriculture occupations, marketing and health occupations. Instruction must be competency-based, articulated with postsecondary programs of study, and may include field, laboratory, or on-the-job training. *Iowa Code* §256.11b.
- Every public school district makes available an approved driver education course to all resident students, including students attending nonpublic schools. The courses may be offered at the public school or at the nonpublic school facilities. *Iowa Code* §321.178.
- Private schools may participate in Iowa's Community-based Workplace Learning Program (Workstart). Workstart is a voluntary collaborative program between business and Iowa's secondary and postsecondary education system designed to provide high school students the academic and job-specific skills needed to enter the workforce. *Iowa Code* §258.17.
- Eligible students attending Iowa's accredited private schools may enroll in postsecondary institutions for courses not offered at the private school or at the public school district in which the private school is located and receive credit toward their high school diploma. The nonpublic school determines the number of high school credits to be granted upon successful completion of the course. *Iowa Code* §261C.3-5.
- The medium of instruction in all secular subjects taught in nonpublic schools must be the English language except when a foreign language is deemed appropriate or when the student is nonEnglish-speaking. A nonpublic school must provide special instruction for non English-speaking students until the child demonstrates a functional ability to speak, write, read and understand the English language. Nonpublic school

- students may attend transitional bilingual or other special instruction programs supported by state funds that are offered at public schools. *Iowa Code* §280.4.
- Private school students may enroll in public schools for courses not offered at the private school. Private schools may comply with state standards for required courses in this manner. *Iowa Code* §256.12.1. *Iowa Admin. Code* R. 281-14.
  - Nonpublic schools may obtain licenses to conduct games of skill, games of chance, bingo and raffles at bona fide school functions, such as carnivals, fall festivals, bazaars and similar events. *Iowa Code* §99B.7. One or more game nights can be held using play money for student participation without a license if the accredited nonpublic school approves. *Iowa Code* §99B.8.

### **Recordkeeping/Reports**

- The principal of an accredited nonpublic school must furnish, when requested by the secretary of the local public school district, a report of the names, ages, number of days in attendance, and course of study of each pupil at the school. The School District provides the necessary forms. The general request may be made once during each school year and at any time for individual cases. *Iowa Code* §299.3.
- The governing authorities of nonpublic schools must submit the names, addresses, and dates of birth of currently enrolled students who have attained age 18 or will be 18 within six months to the county commissioner of elections. The list must be submitted on September 30 and March 30 of each year. The commissioner may use this list to send voter registration forms to the student. *Iowa Code* §280.9A.2.
- Nonpublic schools may adopt policies regarding valid reasons for excused absences from school. *Iowa Code* §299.1.
- As part of Iowa's uniform school requirements, nonpublic schools must appoint an advisory committee to develop goals and plans to meet the major educational needs of their students and to evaluate and report on the school's progress annually. *Iowa Code* §280.12.
- Nonpublic schools must maintain a suitable flagstaff and raise the United States flag and the Iowa state banner on all school days when weather conditions permit. *Iowa Code* §280.5.

### **Health and Safety Requirements**

- Nonpublic schools cannot require nonadministrative personnel to perform any special health services or intrusive nonemergency medical services for students unless the personnel are licensed or otherwise qualified and have consented to perform the services. *Iowa Code* §280.23.
- It is a misdemeanor to possess or consume alcoholic liquors, wine, or beer while attending a private school-related function. *Iowa Code* §123.46.
- Nonpublic schools must prescribe procedures for handling child abuse reports alleged against an employee or agent of the school in accordance with state guidelines. *Iowa Code* §280.17.
- Private schools must cooperate with investigations of child abuse conducted by the Department of Human Services. The school must provide confidential access to the child alleged to be abused and to other children to obtain relevant information. The investigator may observe the child but a witness must be present. Any child age 10 or

older can terminate contact with the investigator by stating his desire to do so. *Iowa Code* §232.71.6.

- Nonpublic schools must provide eye and ear-protective devices for students and teachers participating in shop or laboratory courses that pose a potential hazard. *Iowa Code* §280.10, 11.
- Private schools must conduct two fire drills and two tornado drills between July 1 and December 31 of each year and again between January 1 and June 30 of each year. Doors and exits of all rooms and buildings must be unlocked when occupied. Fire and tornado warning systems must be installed and first-aid fire extinguishers available. Private schools are inspected by the state fire marshal's office or the local city fire department at least once every two years to assess compliance with the fire safety standards and to identify potential fire hazards. *Iowa Code* §100.31.
- “Nonpublic schools cannot require non-administrative personnel to perform any special health services or intrusive non-emergency medical services for students unless the personnel are licensed or otherwise qualified and have consented to perform the services.” *Iowa Code* §280.23.

### **Transportation**

- Iowa students attending accredited nonpublic schools are entitled to transportation on the same basis as provided public school students. Parents may be reimbursed for some transportation costs. *Iowa Code* §285.1-3, 10.1, 16.
- School bus drivers must meet statutory qualifications, e.g. 18 years of age, physically and mentally competent. Nonpublic schools may immediately suspend a driver, pending a hearing, for the use of nonprescription controlled substances or alcoholic beverages during work hours. (See statute for other grounds for immediate dismissal.) *Iowa Code* §321.375.
- Private school buses are registered without charge upon application to the Department of Motor Vehicles. The Department issues a registration certificate and plates which are imprinted "Private School Bus" to be attached to the front and rear of each bus. *Iowa Code* §321.18.

### **Textbooks**

- School districts may make textbooks available to pupils attending accredited nonpublic schools upon request of the pupil or the pupil's parent. Availability is comparable as to public schools, limited only to the extent funds are appropriated by the general assembly. (The Iowa General Assembly allocated \$664,165 for this purpose in 2007–08 and set a limit of \$20 per pupil.) *Iowa Code* §301.1.

### **Testing**

- School districts and area education agency boards shall provide school testing to children attending nonpublic schools in the same manner and to the same extent provided to public school students. *Iowa Code* §256.12.2.

### **Special Education**

- “Area Education Agencies shall provide educational and special education services to accredited nonpublic schools and may provide other services, at the discretion of the

AEA, and may charge a user fee for the non-mandatory services.” *Iowa Code §§273.2, 273.3(19), 257.37.*

- School districts and area education agency boards shall provide special education services; diagnostic services for speech, hearing and psychological purposes; remedial education programs; and guidance services to children attending nonpublic schools in the same manner and to the same extent provided to public school students. *Iowa Code §256.12.2.*

### **Nursing and Health**

- School districts and area education agency boards shall provide health services to children attending nonpublic schools in the same manner and to the same extent provided to public school students. *Iowa Code §256.12.2.*
- Nonpublic schools may operate school lunch programs with appropriated state funds but are not required. Meals served under the program must be nutritionally adequate. *Iowa Code §283A.10. Iowa Admin. Code R. 281-58.1*

### **Technology**

- State accredited private school students attending school within the local educational agency’s boundaries may be served with media and educational services through Iowa’s area 10 education agencies. *Iowa Code §§ 273.2, 273.3.19, 257.37.*
- Accredited or approved nonpublic schools are included in Iowa’s Board of Education plans for the use of telecommunications as an instructional tool. Representatives of nonpublic schools serve on an advisory committee to make recommendations to the state board. *Iowa Code §256.7.9.*

### **Professional Development**

- Nonpublic schools teachers may be eligible for science and math loan repayment programs run by the College Student Aid Commission. *Iowa Code §261.54.*
- Certain nonpublic schools teachers are eligible for teacher shortage forgivable loan repayment program fund by the College Student Aid Commission. *Iowa Code §261.111.*
- To meet the needs of staff, professional development activities should: align with school achievement goals; be based on student achievement and staff needs; deliver research-based instructional practices; and the board annually budgets specified funds to implement the professional development plan. *Iowa Admin. Code R. 281-12.7(2)(a), (b).*

### **Reimbursement for Performing State/Local Functions**

- There is no state policy at this time.

### **Tax Exemption**

- The sales price of all goods, wares, or merchandise, or services, used for educational purposes sold to any private nonprofit educational institution is tax exempt. For the purpose of this subsection, “educational institution” means an institution which primarily functions as a school, college, or university with students, faculty, and an established curriculum. *Iowa Code §423.3(17).*

### **Public Aid for Private Education**

- **Constitutional provisions:** "The general assembly shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; nor shall any person be compelled to attend any place of worship, pay tithes, taxes, or other rates for building or repairing places of worship, or the maintenance of any minister, or ministry." *Iowa Constitution*, Art. I, § 3.
- **Programs for financial assistance for attendance at private schools:**  
Iowa has two such programs.
  - 1) *Education Tax Credits* allows parents and students in accredited public or private schools in Iowa to receive tax credits for tuition and textbook expenses. This credit does not apply to expenses related to teaching religious tenets, doctrine, or worship. The amount of credit allowed is 25 percent of the amount expended up to \$1,000 per dependent. *Iowa Code* §422.12.
  - 2) *Individualized School Tuition Organization Tax Credit* makes taxpayers that voluntarily contribute to a qualified "school tuition organizations" eligible to receive an individual income tax credit. The credit is 65 percent of the value of the contribution. The contributing taxpayer is not allowed to specify which students receive the scholarships. A "school tuition organization" is qualified if it is a nonprofit organization that supports private school scholarships. A student eligible to receive the scholarship family's annual incomes cannot exceed an amount equal to or three times the most recent published federal poverty guidelines. The statewide aggregate amount of tax credit allowed is \$7.5 million in 2008. *Iowa Code* §701-42.30(422).

### **Homeschooling**

- Home instruction satisfies compulsory attendance requirements as "*Competent private instruction.*" The *Iowa Code* defines this term as "private instruction provided on a daily basis for at least 148 days during a school year, to be met by attendance for at least 37 days each school quarter, by or under the supervision of a licensed practitioner in the manner provided under section 299A.2, or other person under section 299A.3, which results in the student making adequate progress." *Iowa Code* §299A.1.
- If a parent or legal guardian of is providing the private instruction then he or she must submit an annual report including the lesson plans, a portfolio pf the students work, and assessment evaluations to the school district and Iowa Department of by June 30 as well as ensure the instruction is evaluated annually to determine the child is achieving adequate progress. *Iowa Code* §§ 299A.3-4(7).
- A parent or legal guardian must file a report with the resident district by the first day of school or within 14 days of beginning homeschooling if begun mid-school year. The report must include name and address of parent or guardian; name and birth date of the child; number of days of instruction (minimum of 148); name and address of the person providing the instruction and an indication of whether or not the instructor holds a valid Iowa practitioner license or teaching certificate appropriate to the age and grade level of the child; outline of the courses of study; texts to be used; evidence of immunization; indication of whether dual enrollment is being sought; whether or

not the child is currently identified as a child needing special education; and an indication of which form of annual assessment is being administered. *Iowa Code* §281.31.2.1.

- A parent or legal guardian desiring dual enrollment must notify the district of residence not later than September 15. A child under dual enrollment may participate in academic or instructional programs or any extra-curricular activities in the district on the same basis as any regularly enrolled student. *Iowa Code* §281.31.5.
- When a parent or legal guardian provides private instruction without the assistance or supervision of a validly licensed Iowa practitioner, the child is subject to initial baseline testing and an annual evaluation. Standardized testing or portfolio assessment may be chosen. Dual enrolled students may be tested as part of the public school testing program. *Iowa Code* §281.31.7.
- If the results of the evaluations indicate that the student has failed to make adequate progress, the parent or legal guardian must enroll the child in an accredited public or nonpublic school at the beginning of the next school year and shall continue attendance at an accredited public or nonpublic school until adequate progress is achieved. *Iowa Code* §299A.6.
- When a child has been identified as currently requiring special education, the child is eligible to receive home instruction with the written approval of the director of special education of the area education agency of the child's district of residence. *Iowa Code* §281.31.9.

### Information resources

- [Iowa Department of Education: Nonpublic School Accreditation](http://www.iowa.gov/educate/index.php?option=com_content&task=view&id=482&Itemid=1214)  
<http://www.iowa.gov/educate/index.php?option=com\_content&task=view&id=482&Itemid=1214>
- [Iowa Department of Education: Competent Private Instruction \(Homeschooling\)](http://www.iowa.gov/educate/index.php?option=com_content&view=article&id=301:competent-private-instruction-home-schooling&catid=180:options-for-educational-choice&Itemid=1335)  
<http://www.iowa.gov/educate/index.php?option=com\_content&view=article&id=301:competent-private-instruction-home-schooling&catid=180:options-for-educational-choice&Itemid=1335>
- [Iowa General Assembly](http://www.legis.state.ia.us/?inpMulti=SF+2216) <http://www.legis.state.ia.us/?inpMulti=SF+2216>
- [Iowa Department of Education: Iowa Core Curriculum](http://www.corecurriculum.iowa.gov/Home.aspx)  
<http://www.corecurriculum.iowa.gov/Home.aspx>
- [Iowa Department of Education: Nonpublic Textbook Services](http://www.iowa.gov/educate/index.php?option=com_content&view=article&id=1441:nonpublictextbookservices&catid=48:school-business-a-finance&Itemid=2436)  
<http://www.iowa.gov/educate/index.php?option=com\_content&view=article&id=1441:nonpublictextbookservices&catid=48:school-business-a-finance&Itemid=2436>
- Iowa Department of Education  
Grimes State Office Building  
400 East 14th Street  
Des Moines, IA 50319-0146  
Phone: 515-281-3436  
Fax: 515-281-4122  
Web site: <http://www.iowa.gov/educate>
- U.S. Department of Education, [Iowa](#)

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# KANSAS

## **Accreditation/Registration/Licensing/Approval**

- *Accreditation* is optional.
  - The Kansas Board of Education accredits public and nonpublic elementary and secondary schools. *K.S.A.* §72-7513(a)(3).
  - Accreditation regulations can be found at *Kansas Administrative Regulations (K.A.R.)* 91-31-31 et seq.
- *Registration* is mandatory.
  - Registration is mandatory for nonaccredited private schools. The official custodian of every nonaccredited private elementary or secondary school must register the name and address of the private elementary or secondary school with the Kansas Board of Education. The purpose of this provision is to make available the name and location of the school for the request of student records in the event of a student transfer *K.S.A.* §§72-53,101; 72-53,102.
- No requirements for *Licensing*.
- *Approval* is optional.
  - Approval by the Kansas Board of Education is mandatory for the education provided at the high school level by churches or religious denominations to satisfy the Kansas compulsory attendance statute. *K.S.A.* 2007 Supp. §72-1111(f).
  - Approval is granted for a two-year period based on the following criteria: 1) attendance is mandatory in at least five hours of learning activities for each day the public school is in session in the public school district where the child resides; 2) acceptable learning activities may include parent-supervised-projects in agriculture and homemaking, work-study programs or accredited correspondence courses; 3) the program includes at least 15 hours per week of classroom work under the supervision of a competent instructor; 4) regular attendance reports must be filed, and students reported as absent if they do not complete five hours of learning activities; 5) students file written reports that are regularly evaluated by the instructor regarding the activities they have pursued between class meetings; 6) the instructor maintains complete records of the students' work and files the records on a monthly basis with the Kansas State Board of Education and the local board of education. *K.S.A.* 2007 Supp. §72-1111(f).

## **Teacher Certification**

- Teacher certification is not required for teachers and administrators of nonaccredited private schools as long as they are “competent instructors.” *K.S.A.* 2007 Supp. §72-1111(a)(2).
- Teacher certification from the Kansas State Board of Education is required for teachers and administrators employed at accredited nonpublic schools. *K.S.A.* §72-7513(a)(4) and *K.A.R.* § 91-31-32(c)(5).

## State Regulation of Private Schools—Kansas

- Accredited nonpublic schools are under a statutory duty to adopt a written personnel evaluation policy and procedure for certified personnel. The policy must require all evaluations to be in writing and be maintained in a file for at least three years. Every employee must be evaluated at least one time per semester in the first two consecutive school years of employment, but not later than the 60th day. During the third and fourth years of employment, evaluations must occur annually, but not later than February 15. Thereafter, evaluations must occur at least once every three years but not later than February 15. *K.S.A. 2007 Supp. §72-9003.*

### **Length of School Year/Days**

- To satisfy the Kansas compulsory attendance statute, private schools must offer instruction for a period of time which is “substantially equivalent” to the period of time public schools are open (1,116 hours per year for grades 1–11 and 1,086 hours per year for grade 12). *K.S.A. §72-1106(b).*

### **Curriculum**

- Every accredited elementary school must teach reading, writing, arithmetic, geography, spelling, English grammar and composition, history of the United States and of Kansas, civil government and citizenship, health and hygiene, and other subjects as the state board determines. *K.S.A. §72-1101.*
- Accredited private and parochial elementary schools are required to provide a complete course of instruction in civil government, United States history, patriotism and citizenship. Accredited private and parochial high schools must give a course of instruction in the government and institutions of the United States, particularly the Constitution of the United States. No student can graduate from high school without successfully passing such a course. *K.S.A. §72-1103.*
- Private or parochial schools have a duty to display the United States flag and official state flag every school day from a flagstaff or in inclement weather within the school building. *K.S.A. §73-707; K.S.A. §73-712.*
- It is a defense to the criminal act, promoting obscenity, that the obscene material was acquired by the private or parochial school and distributed as part of an approved course of instruction at the school. *K.S.A. §21-4301(d)(3).*
- Accredited schools in Kansas must provide instruction on Kansas history and government to all students graduating from high school. *K.S.A. §72-1117.*
- Every accredited school shall teach the subjects and areas of instruction adopted by the state board of education as of Jan. 1, 2005. *K.S.A. 2007 Supp. §72-1127(a).*

### **Recordkeeping/Reports**

- The governing authority of a nonpublic school must designate an employee to report students who are not regularly attending school as required by law. The designation must be made by September 1 and certified to the secretary of social and rehabilitative services, the county or district attorney, and the commissioner of education, or their designee, within 10 days. If a student is absent without excuse for three consecutive school days, five or more school days in any semester, or seven school days in any school year, the nonpublic school shall notify the parents of their

legal responsibility, and if an appropriate response is not received, file a report of the absences with the above authorities. *K.S.A. 2007 Supp. §72-1113(a).*

- Every nonpublic school operating within Kansas must require proof of identity, preferably a birth certificate or pupil records from a prior school, whenever a child enrolls in a school for the first time. If proof of identity is not presented within 30 days, the governing authority must give written notice to the local law enforcement agency for an investigation into the identity of the child. Persons with custody of the child must not be informed of the investigation while it is being conducted. Nonpublic schools are under a statutory duty to cooperate with the law enforcement agencies conducting the investigation and to provide access to the child. *K.S.A. 2007 Supp. §72-53,106.*
- Accredited nonpublic schools, their governing bodies, and their employees are immune from civil liability for any statement, report, or action taken in assisting or referring a pupil reasonably believed to be abusing or incapacitated by drugs or alcohol unless the report was made in bad faith or with malicious purpose. *K.S.A. 2007 Supp. §72-53,104.*
- The governing authority of a nonpublic school must adopt rules for determining valid excuses for absence from school. *K.S.A. 2007 Supp. §72-1113(c)(2), (g).*

### **Health and Safety Requirements**

- Every pupil up to the age of 9 years who has not been previously enrolled in any Kansas school must present the results of a health assessment prior to admission to or attendance in school. A health assessment includes a health history, physical examination and such screening tests as are medically indicated to determine hearing ability, vision ability, nutrition adequacy and appropriate growth and development. Before the beginning of each school year, nonpublic schools must provide all known incoming students who are subject to this provision with a copy of any governing policy adopted by governing body of the nonpublic school. Parents are exempt if they are opposed to the assessment based on the religious teachings of their denomination and file a signed statement to that effect. Local health departments and clinics may charge a sliding fee for the health assessment, but no pupil can be denied the health assessment due to inability to pay. *K.S.A. §72-5214.*
- Private school students enrolling for the first time must present certification that they have received the tests and inoculations as required by the secretary of the Kansas Department of Health and Environment. Alternatively, a student may present medical certification that the test or inoculation would seriously harm their health or a written statement that the student is an adherent of a religious denomination whose teachings are opposed to such tenets or inoculations. On or before May 15 of each school year, private schools must give a copy of this provision and any relevant school policy to all known pupils who are enrolled or will be enrolling in the school. If a pupil transfers schools, the school must forward the certification or statement with the pupil's transcript to the new school. The area health department will provide tests and inoculations at public expense, to the extent that funds are available, when parent or guardians have not provided for the pupils and are not exempt on religious or medical grounds. *K.S.A. §§72-5209–5210.*

- Parochial and private school principals have a duty to exclude children affected with diseases suspected of being infectious or contagious until the expiration of the prescribed period of isolation for the particular disease. *K.S.A.* §65-122.
- All private schools must provide a basic vision screening without charge to every pupil not less than once every two years. The school board must designate someone to perform the test and notify parents or guardians if an examination by a physician or optometrist is warranted. *K.S.A.* §§72-5204–5205.
- Students enrolled in accredited nonpublic schools are entitled to free basic hearing screenings during the first year of admission and not less than once every three years thereafter. The child must be provided a basic hearing screening by the accredited, nonpublic school or, if requested by the child's parents, by the school district where the child resides. If the parents request the public school district to provide the screening, it will be conducted at the nonpublic school if the nonpublic school is located within the school district where the child resides. However, the screening must be conducted at a public school within the district where the child resides if the accredited, nonpublic school is located outside the school district where the child resides. *K.S.A.* §72-1205. See *Nursing and Health*, below.
- Private and nonpublic schools are subject to annual safety inspections. The state fire marshal will notify the school of any dangerous conditions that require correction. Schools may petition for review in the local district court if they disagree with the fire marshall's assessment. *K.S.A.* §31-144.
- Administrators of private schools are required to conduct at least one fire drill each month at some time during school hours as prescribed by the state fire marshall. In addition, private schools are required to conduct at least three tornado drills during the school year subject to the fire marshall's approval. *K.S.A.* 2007 Supp. §31-133(a)(5), (8).
- Smoking or the use of tobacco products in school buildings is prohibited. *K.S.A.* §72-53,107.
- Private school buildings must comply with applicable building, mechanical, electric and plumbing codes. In addition, the construction of all school buildings must be accessible to persons with a disability to the extent required by the *Americans with Disabilities Act*. All school building construction plans must bear the seal of a licensed architect or engineer and must be submitted to the State Board of Education for approval. *K.S.A.* 2007 Supp. §31-150.
- It is a violation of the Kansas criminal code to possess a firearm on the property of an accredited nonpublic school or to refuse to surrender or immediately remove any firearm when requested to do so by a school employee. *K.S.A.* §21-4204(a)(5) & (6).
- Under Kansas' criminal code, it is a felony for persons over 18 years of age to possess a controlled substance with intent to sell on or within 1,000 feet of any property used for an accredited nonpublic school or extracurricular school activity. *K.S.A.* 2007 Supp. §65-4161(d).
- No liquor retail, microbrewery, or farm winery license may be issued for premises within 200 feet of a parochial school, unless the school was established within 200 feet of the premises after the license had been issued. *K.S.A.* 2007 Supp. §41-710.
- Students and teachers in private schools working in specified activities in vocational, technical or industrial art shops or laboratories or chemical-physical laboratories are

required to wear appropriate industrial quality eye protective devices. *K.S.A.* §72-5207.

### **Transportation**

- Students of accredited private or parochial schools are entitled to transportation along the regular route of the school bus if transportation is provided to public school students. Public school districts may also provide additional transportation for students of accredited private or parochial schools located within the public school district. Such additional transportation is based on the public school district's discretion. The terms and conditions must be the same for public and nonpublic students. *K.S.A.* §72-8306.
- The board of a public school district may contract with the governing body of any nonpublic school for the transportation of the nonpublic school's students to or from interschool or intraschool activities. *K.S.A.* 2007 Supp. §72-8316(a)(2).
- Privately owned school buses operated under contract with a nonpublic school must comply with state rules and regulations adopted by the state board of education which govern the design and operation of school buses. *K.S.A.* §8-2009.

### **Textbooks**

- Public schools are not obligated to make textbooks or academic materials available to nonpublic school students. However, the public school district may allow students attending accredited nonpublic schools to purchase textbooks from the public school district. *K.S.A.* §72-4160.

### **Testing**

- Testing requirements are not placed on nonaccredited private schools.
- Accredited schools must have 95 percent or more of all students and 95 percent or more of each student subgroup take the state assessments. *K.A.R.* 91-31-32(b)(2).

### **Special Education**

- Local school boards education for the public school districts have the authority to contract with any private, nonprofit corporation or public or private institution within or without Kansas, which has proper special education services for exceptional children. The state board of education shall approve the curriculum. *K.S.A.* §72-967(a).
- Upon the request of a parent or guardian, every public school district must provide special education services for exceptional children who reside in the district and attend a private, nonprofit elementary or secondary school. *K.S.A.* §72-5393.
- If such special education services are provided in the public schools they must be provided secondary schools on an equal basis as the same services are provided to public school students. If such special education services are provided at the private, nonprofit school, amounts to be expended do not have to exceed the average cost of providing the same services in the public school for children with the same disability. *K.S.A.* §72-5393.
- Private, nonprofit elementary or secondary schools are defined as organizations regularly offering elementary or secondary education, exempt from federal income

- tax under §501 of the *Internal Revenue Code*, conforming to the *Civil Rights Act of 1964*, and satisfying compulsory school attendance laws. *K.S.A.* §72-5392(c).
- If services for exceptional children must be provided in the public schools, then transportation must be provided by the public school district. *K.S.A.* §72-5392.

### **Nursing and Health**

- Nonpublic schools may participate in the federal food service programs that are administered by the state board of education and receive reimbursement for meals served. *K.S.A.* §72-5112 et seq.
- “Every pupil enrolled in a school district or an accredited nonpublic school shall be provided basic hearing screening without charge during the first year of admission and not less than once every three years thereafter.” *K.S.A.* §72-1205. See *Health and Safety Requirements*.

### **Technology**

- Nonpublic schools may take advantage of computerized information search services provided through the state library and through the state board of education. *K.S.A.* §§72-7527; *K.S.A.* 75-2563.

### **Professional Development**

- Kansas provides for nonpublic school representation on the Teaching and School Administration Professional Standards Advisory Board. By statute, two members of the 21-member board come from accredited, nonpublic schools. *K.S.A.* §72-8502(d)(8)(9).

### **Reimbursement for Performing State/Local Functions**

- Students attending accredited nonpublic schools and enrolled in an approved course in driver training offered at the school may participate in the state safety fund and receive remuneration for their expenses if the student completes the course. *K.S.A.* 2007 Supp. §8-272.

### **Tax Exemption**

- Property used exclusively for educational purposes is exempt from property taxation in Kansas. *Kansas Constitution*, 2007 Supp. Art. 11, Sec. 1.(b); *K.S.A.* 2007 Supp. §79-201.

### **Public Aid for Private Education**

- **Constitutional Provisions:** The Kansas Constitution prohibits any control of the public educational funds by religious sects. *Kansas Constitution*, Art. 6, Sec. 6.
- **Programs for financial assistance for attendance at private schools:** There are no such programs at this time.

### **Homeschooling**

- Kansas does not have a homeschool statute, but the Kansas legislature enacted a *Parental Rights Act* in 1996 stating, “It shall be the public policy of this state that

## State Regulation of Private Schools—Kansas

parents shall retain the fundamental right to exercise primary control over the care and upbringing of their children in their charge. *K.S.A.* §38-141(b).

- Homeschooling falls within the general classification of nonaccredited, private schools and must comply with the provisions for non-accredited, private schools. This requires the school to choose a name and register its name and address with the Kansas State Board of Education. *K.S.A.* §72-53,101.
- In order to satisfy the compulsory attendance statute, a homeschool must have a “competent” instructor and instruction time must be “substantially equivalent” to the public school (1,116 hours per year for grades 1-11 and 1,086 hours per year for 12 graders). *K.S.A.* §72-1106(b); *K.S.A.* 2007 Supp. §72-1111(a)(2).
- As nonaccredited private schools, homeschools must have instruction that is planned and scheduled with periodic testing. When determining if a homeschool satisfies the compulsory attendance statute, Courts will consider the planning, scheduling, and periodic testing that occurs. If a homeschool does not satisfy the compulsory attendance statute, children can be found to be in need of care and subject to the authority of the State. *In Re Sawyer* 234 Kan. 436, 672 P.2d 1093 (1983; Kansas Attorney General Opinion No. 85-159 (1985).

### Information resources

- [Kansas Department of Education: Non-Accredited Private Schools \(Homeschooling\)](http://www.ksde.org/Default.aspx?tabid=1684)  
<<http://www.ksde.org/Default.aspx?tabid=1684>>
- [Kansas Department of Education: QPA Regulations 2005](http://www.ksde.org/Default.aspx?tabid=1787)  
<<http://www.ksde.org/Default.aspx?tabid=1787>>
- [Kansas Legislature: Statues](http://www.kslegislature.org/legsrv-statutes/index.do)  
<<http://www.kslegislature.org/legsrv-statutes/index.do>>
- Kansas Department of Education  
120 South East 10th Avenue  
Topeka, KS 66612-1182  
Phone: 785-296-3201  
Fax: 785-296-7933  
Web site: <http://www.ksde.org/>
- U.S. Department of Education, [Kansas](#)

*Updated December 16, 2008*

# KENTUCKY

## **Accreditation/Registration/Licensing/Approval**

- *Accreditation* is optional.
  - Kentucky does not have an accrediting agency at the state department; however, nonpublic schools can be certified based on the accreditation of a recognized regional or national accrediting agency or by a self-study accreditation process through the Kentucky Nonpublic School Commission. *Ky. Rev. Stat. Ann.* §156.160(3).
- No requirement for *Registration*.
- *Licensing* is optional.
  - Kentucky law provides optional certification for private, parochial, and church schools that comply with curriculum, certification, and textbook standards established by the Kentucky Board of Education. *Ky. Rev. Stat. Ann.* §156.160(3).
  - *Certification* is a form of licensing in Kentucky.
- *Approval* is optional.
  - Pupils completing the prescribed elementary program of studies at any approved private or parochial school are entitled to a certificate of completion signed by his or her teachers. The certificate entitles the pupils to admission into any public high school. *Ky. Rev. Stat. Ann.* §158.140.
  - Approval is synonymous to certification in Kentucky law. See *Licensing*.

## **Teacher Certification**

- Teacher certification is not required for teachers at private schools.

## **Length of School Year/Days**

- The school term for private and parochial schools may not be shorter than the term of the local public school district; if the school operates year-round then the minimum term is 185 days that includes no less than the equivalent of 177 six-hour instructional days. *Ky. Rev. Stat. Ann.* §§158.070,158.080.

## **Curriculum**

- Instruction at private and parochial schools must be in the English language.
- Private and parochial schools must offer courses required to be taught in the public schools of the state, consistent with *Ky. Rev. Stat. Ann.* §156.445(3). *Ky. Rev. Stat. Ann.* §158.080.
- The state textbook commission approves text materials for private and parochial schools for certification purposes if texts are comprehensive and appropriate to the grade level in question, notwithstanding they may contain elements of religious philosophy. *Ky. Rev. Stat. Ann.* §156.445(3).
- Proprietary schools, i.e. privately owned educational institutions offering instruction in business, trade, technical, industrial, or related areas, but not including parochial,

denominational, or eleemosynary schools, are subject to state minimum standards. The standards cover, but are not limited to, the school's facilities, quality and content of courses, qualifications of instructors and administrators, and finances. Student and faculty records must be available for inspection. *Ky. Rev. Stat. Ann.* §§165A.310, 165A.370.

- If an unmarried child between the age of 16 and 18 wishes to terminate his education prior to graduation, the principal or designee must conduct a conference with the student and request a conference with the child's parent or guardian. The parent or guardian must sign a written notification of withdrawal, co-signed by the school principal/designee 60 days prior to withdrawal. During the 60-day period, the parent or guardian and child are required to attend a one-hour counseling session on potential problems of non-graduates. *Ky. Rev. Stat. Ann.* §159.010(2).
- Voter registration forms are available to private schools upon request from the county clerk. The school may designate an individual to inform students and employees of the availability of the forms and assist them in properly registering. The completed forms must be returned to the county clerk for official registration. *Ky. Rev. Stat. Ann.* §116.046.

### **Recordkeeping/Reports**

- Private and parochial schools are required to report to the local school district superintendent the names, ages, and places of residence of all pupils and any other information the superintendent requires to comply with the laws relating to the compulsory attendance and employment of children. *Ky. Rev. Stat. Ann.* §159.160.
- If a private, parochial or church regular day school declines to notify the local board of education of those students in attendance, the school must notify each student's parent or guardian in writing and it becomes the duty of the parent or guardian to notify the local board of education. *Ky. Rev. Stat. Ann.* §159.030(1)(b).
- Private and parochial schools must keep student attendance records in a register provided by the state board for elementary and secondary education. The schools must make attendance and scholarship reports in the same manner as required of public school officials. *Ky. Rev. Stat. Ann.* §159.040.
- The schools must be open to inspection by the directors of pupil personnel and officials of the department of education at all times. *Ky. Rev. Stat. Ann.* §159.040.

### **Health and Safety Requirements**

- Persons smoking tobacco products on school grounds while children are assembled will be fined not less than \$1 nor more than \$5, except adult employees smoking in a designated room or individuals smoking in designated areas in secondary schools. *Ky. Rev. Stat. Ann.* §438.050.
- If the local board of health or Cabinet for Health and Family Services determines a school building is unsanitary, unsafe, or constructed in violation of the law, the local board of health or Cabinet of Health and Family Services "may institute an action in the Circuit Court of the county where the building is situated, and the court, after due hearing and verifying the facts, may order a safe and sanitary school building to be erected within a reasonable time by the county or city board of education in accordance with the laws of the state governing the erection of schoolhouses and the

## State Regulation of Private Schools—Kentucky

control of disease, and the rules and regulations of the Cabinet for Health and Family Services.” *Ky. Rev. Stat. Ann.* §212.210.

- The *Asbestos Hazard Emergency Response Act* includes provisions that require procedures to identify and control asbestos hazards in private schools, grades K–12, reviewing school asbestos management, and inspections of schools for compliance. *Ky. Rev. Stat. Ann.* §224.20-300.
- The Kentucky Department of Education operates a program to identify and locate missing children. By statute, the department must distribute a list of missing Kentucky school children to private schools monthly. Private schools must notify the department at its earliest known contact with any child appearing on the list. *Ky. Rev. Stat. Ann.* §156.495.

### **Transportation**

- School districts that contract to furnish transportation to students attending nonpublic schools may adopt any payment formula which assures that no public school funds are used for the transportation of nonpublic students. *Ky. Rev. Stat. Ann.* §157.360(2).

### **Textbooks**

- Kentucky's statutory provision, *Ky. Rev. Stat. Ann.* §171.215, furnishing textbooks to nonpublic schools, was found unconstitutional by the Kentucky Supreme Court. *Fannin v. Williams*, 655 S.W.2d 480 (1983).

### **Testing**

- There is no state policy at this time.

### **Special Education**

- Kentucky publicly places students in private schools that maintain special education programs approved by the Kentucky Board of Education if the local school district does not provide a special education program for the exceptionality. Transportation costs are included in the covered costs by the state. *Ky. Rev. Stat. Ann.* §157.280(1), (2); 707 *Ky. Admin. Regs.* 1:015.
- Parochial and private schools occupied by more than 250 persons or occupying 3,200 or more square feet must be accessible to and usable by persons with physical disabilities. *Ky. Rev. Stat. Ann.* §198B.260(e).

### **Nursing and Health**

- All public or private primary or secondary schools, and preschool programs shall require a current immunization certificate for any child enrolled as a regular attendee, as provided by administrative regulation of the Cabinet for Health and Family Services, promulgated under *Ky. Rev. Stat. Ann.* Chapter 13A, to be on file within two (2) weeks of the child's attendance. *Ky. Rev. Stat. Ann.* §214.034.
- All public or private primary schools shall require a current immunization certificate for hepatitis B for any child enrolled as a regular attendee in the sixth grade, as provided by administrative regulation of the Cabinet for Health and Family Services, promulgated under *Ky. Rev. Stat. Ann.* Chapter 13A, to be on file within two (2) weeks of the child's attendance. *Ky. Rev. Stat. Ann.* §214.034.

### **Technology**

- “Nothing in *Kentucky Revised Statutes* §§339.210–339.450 shall prevent the use of suitable machinery for instruction in schools where the mechanical arts are taught in connection with and as part of the usual school curriculum. The use of such machinery in any public or private school shall be subject to the approval of the board of education of the district where the school is situated, and shall be subject to the general industrial safety standards as to supplying safeguards for the protection of those using such machinery.” *Ky. Rev. Stat. Ann.* §339.430.

### **Professional Development**

- There is no state policy at this time.

### **Reimbursement for Performing State/Local Functions**

- There is no state policy at this time.

### **Tax Exemption**

- Nonprofit educational institutions are exempt from taxation. *Kentucky Constitution* Sec. 170, 186.

### **Public Aid for Private Education**

- **Constitutional provisions:** Kentucky's Constitution prohibits the appropriation, use, or aid of any church, sectarian or denominational school through state taxes levied for educational purposes. *Kentucky Constitution* Sec. 189. Kentucky's Constitution provides that the common school (public school) fund be appropriated to the public schools and to no other purpose. *Kentucky Constitution* Sec. 184, 186.
- **Programs for financial assistance for attendance at private schools:** There is no such program at this time.

### **Homeschooling**

- Parents have the prerogative to choose the education of their child. Kentucky State Board for Elementary and Secondary Education V. Rudasill, Ky. 589 S.W. 2 877 (1979).
- Homeschools are defined as nonpublic schools in Kentucky. *Ky. Rev. Stat. Ann.* §159.030.
- Parents wishing to educate their child at home must first establish a bona fide school, notify the local superintendent of schools that they have established this school, and report the names, ages and place of residence for each pupil in attendance at the school. Because homeschools are considered private schools in Kentucky, private school laws apply equally to homeschools. *Ky. Rev. Stat. Ann.* §159.160.
- The curriculum is to be similar with the courses taught in the public schools of the state, consistent with *Ky. Rev. Stat. Ann.* §156.445(3). This is interpreted to at least include reading, writing, spelling, grammar, history, mathematics and civics. *Ky. Rev. Stat. Ann.* §158.080.

## State Regulation of Private Schools—Kentucky

- The school term nonpublic schools, including home instruction, may not be shorter than the term of the local public school district; if the school operates year-round then the minimum term is 185 days. *Ky. Rev. Stat. Ann.* §§158.070, 158.080.
- The homeschool parent must keep student attendance records and be open to inspection by the Kentucky Department of Education and Kentucky Cabinet for Children and Families. *Ky. Rev. Stat. Ann.* §159.040.
- If an inspection does occur the personnel visiting a homeschool is to be neutral with the purpose of determining compliance with compulsory attendance law and not evaluating the quality of instruction. *Ky. Rev. Stat. Ann.* §159.040

### Information resources

- [Kentucky Department of Education: Kentucky Constitution and Statutory Requirements for Non-Public Schools](http://www.education.ky.gov/KDE/About+Schools+and+Districts/Kentuckys+Schools+and+Districts/Constitution+and+Statutory+Requirements+for+Non+Public+Schools.htm)  
<<http://www.education.ky.gov/KDE/About+Schools+and+Districts/Kentuckys+Schools+and+Districts/Constitution+and+Statutory+Requirements+for+Non+Public+Schools.htm>>
- [Kentucky Department of Education: Certified Non-Public Schools in Kentucky](http://www.education.ky.gov/KDE/About+Schools+and+Districts/Kentuckys+Schools+and+Districts/Certified+NonPublic+Schools.htm)  
<<http://www.education.ky.gov/KDE/About+Schools+and+Districts/Kentuckys+Schools+and+Districts/Certified+NonPublic+Schools.htm>>
- [Kentucky Department of Education: Home Schooling in Kentucky](http://www.education.ky.gov/KDE/About+Schools+and+Districts/Home+Schooling+in+Kentucky/)  
<<http://www.education.ky.gov/KDE/About+Schools+and+Districts/Home+Schooling+in+Kentucky/>>
- [Kentucky Revised Statutes](http://lrc.ky.gov/krs/titles.htm)  
<<http://lrc.ky.gov/krs/titles.htm>>
- Kentucky Department of Education  
First Floor  
500 Mero Street  
Frankfort, KY 40601  
Phone: 502-564-2000  
Fax: 502-564-3049  
E-mail: [webmaster@education.ky.gov](mailto:webmaster@education.ky.gov)  
Web site: <http://www.education.ky.gov>
- U.S. Department of Education, [Kentucky](#)

Updated December 15, 2008

# LOUISIANA

## Accreditation/Registration/Licensing/Approval

- No requirements for *Accreditation*.
- *Registration* is mandatory.
  - If a nonpublic school chooses not to seek state approval the school must register with the state in order to be in compliance with Louisiana's compulsory attendance law. *La. R.S. Ann. §17:232(C)* and (D).
  - To register a nonpublic school must submit a signed letter, include the name of the school, contact information, and total number of students enrolled to the Department of Education by the thirtieth day after the school session begins. *La. R.S. Ann. §17:232(C)*
- No requirements for *Licensing*.
- *Approval* is optional.
  - The Louisiana Board of Elementary and Secondary Education approves any private elementary, secondary, or proprietary school upon application, if such school meets and maintains a sustained curriculum or specialized course of study of quality at least equal to that prescribed for similar public schools. *La. Const. Art. VIII, § 4; La. R.S. Ann. §17:11*.
  - After initial approval the board will annually determine whether the private school is maintaining such quality, and if not, shall discontinue approval of the school. *La. R.S. Ann. §17:11*.
  - A school can be classified "approved", "provisionally approved" if there are minor deficiencies in meeting state requirements, "probationally approved" if the school has more serious deficiencies, or "unapproved." Schools are evaluated annually. A school that is provisionally or probationally approved for more than one consecutive year loses its approved status and its eligibility for state funding. *Louisiana Department of Education Bulletin 741: Louisiana Handbook for Nonpublic School Administrators* §107.
  - All certificates and diplomas issued by an approved private school shall carry the same privileges as one issued by a state public school. *La. R.S. Ann. §17:11(C); Louisiana Department of Education Bulletin 741: Handbook for School Administrators* §2111(D).

## Teacher Certification

- To be classified as a school under the General School Law provisions, the instructional staff of a nonpublic school receiving local, state, or federal funds or support, directly or indirectly, must be qualified in accordance with the rules established by the Board of Elementary and Secondary Education. If the school does not receive public aid, directly or indirectly, the instructional staff must meet such requirements as may be prescribed by the school or the church. *La. R.S. Ann. §17:236*.

## State Regulation of Private Schools—Louisiana

- Instructional staff at nonpublic schools must meet one of the three following criteria: hold a valid Louisiana teaching certification for the courses he or she instructs; qualify to teach in a nonpublic school by having a bachelor's degree from a regionally accredited institution, have a college major or equivalent in the area of instruction, earn 12 semester hours of Knowledge of the Learner and the Learning Environment; or obtain a one year Nonpublic Temporary Teaching Authorization (NTTA) issued by the Louisiana Department of Education or diocesan superintendent for schools within the diocesan system. *Louisiana Department of Education Bulletin 741: Louisiana Handbook for Nonpublic School Administrators* §303.

### Length of School Year/Days

- To be classified as a school under the General School Law provisions, the institution must operate a minimum session of 180 days. *La. R.S. Ann. §17:236*.

### Curriculum

- State approval of a nonpublic school is dependent on whether the school meets and maintains a sustained curriculum or specialized course of study of quality at least equal to that prescribed for similar public schools. *La. R.S. Ann. §17:11*.
- A minimum of 23 credits is required for high school graduation. The requirements are: four units of English, three units of mathematics, three units of science, three units of social studies, two units of health and physical education, and eight units of electives (a maximum of four credits in religion). Specific details of these requirements can be found in *Louisiana Department of Education Bulletin 741: Louisiana Handbook for Nonpublic School Administrators* §2109.
- No more than 35 students can be enrolled in one class except for physical education, art, music, etc. *Louisiana Department of Education Bulletin 741: Louisiana Handbook for Nonpublic School Administrators* §707.

### Recordkeeping/Reports

- Nonpublic schools must keep registration and attendance records of students and maintain a current permanent record of the student's individual data and progress through school. *Louisiana Department of Education Bulletin 741: Louisiana Handbook for Nonpublic School Administrators* §505.
- Nonpublic schools must maintain a health record for each student from pre-kindergarten to grade 12. *Louisiana Department of Education Bulletin 741: Louisiana Handbook for Nonpublic School Administrators* §519.
- A nonpublic school is required to submit a school report to the State Department of Education by October 15 each year. *Louisiana Department of Education Bulletin 741: Louisiana Handbook for Nonpublic School Administrators* §527.
- Upon entering a private school for the first time, all children must present a copy of their official birth record to the school principal. Children born in Louisiana will be given a 15-day grace period to secure a copy of their birth record. Children born out of this state will be given a 30-day grace period in which to produce a copy of their birth record. If birth certificates or birth verification cannot be obtained, the school principal may accept whatever positive proof of age, race, and parentage is available. It is left to the discretion of the parish or city superintendent of schools, subject to the

- authority of the school board, as to whether or not a child shall continue in school upon failure to comply. *La. R.S. Ann.* §§7:167, 222.
- Private schools that receive local, state, or federal funds, directly or indirectly, or whose students or their parents are recipients or beneficiaries of any local, state, or federal education program or assistance must cooperate with visiting teachers or supervisors of child welfare and attendance. Principals must report in writing to the visiting teacher or supervisor of child welfare and attendance the name, birth date, race, parents, and residence of each pupil in attendance at their schools within 30 days after the beginning of the school term and make other reports as required. Attendance must be taken daily and at the beginning of each class period, verified by the teacher keeping the record, and open to inspection. All schools must immediately report unexplained, unexcused, or illegal absence, or habitual tardiness. *La. R.S. Ann.* §17:232.A, B, C.
  - Private schools that do not receive local, state, or federal funds, directly or indirectly, and neither students or parents are recipients or beneficiaries, are required to report to the Louisiana Department of Education their total attendance as of the 30th day of their school term. *La. R.S. Ann.* §17.232.C.
  - All schools in Louisiana must respond to the request of a city or parish public school system as to whether an individual student is enrolled in the school and fulfilling the compulsory attendance requirements. *La. R.S. Ann.* §17.232.D.
  - Approved nonpublic schools may receive upon request and without cost progress profiles of their students at Louisiana colleges and universities. The performance data includes a standard designation of students by age or by high school graduation date and the program they completed in high school. The report includes information on the number of students from each high school in each system requiring remedial training and the subject matter of such training. *La. R.S. Ann.* §3912.C(3).

### **Health and Safety Requirements**

- Persons entering any school within Louisiana for the first time must present satisfactory evidence of immunization or an immunization program in progress according to the schedule approved by the Office of Public Health. If the student or parent submits either a written statement from a physician that the procedure is contraindicated for medical reasons or a written dissent, the student is not required to be immunized. Administrators of all elementary and secondary schools are responsible for checking students' records to see that these provisions are enforced. In the event of an outbreak of a vaccine-preventable disease at the school, the administrators are empowered to exclude unimmunized students until the appropriate disease incubation period has expired or the unimmunized person presents evidence of immunization. *La. R.S. Ann.* §17:170.
- It is the duty of the state health officer to prepare and promulgate rules and regulations relative to public and private schools. Plans and specifications for such public and private building structures and facilities must be submitted to the state health officer for review and approval. *La. R.S. Ann.* §40:4.
- Under the *Missing Children Identification Act*, parents have the opportunity to have a child identification card created by the local sheriff in cooperation with the elementary schools. The identification card includes the child's photograph and

fingerprints and other identifying information. The card becomes the property of the child's parent but is kept in the care and custody of the principal of the elementary school that the child attends. The principal of each elementary school must request parent notification forms from the local sheriff for entering students and anticipated transfer students. The principal must deliver the forms to the parents for their consent no less than two weeks prior to the scheduled identification process. The principal retains all returned parent notification forms, whether granting or denying consent. No cause of action lies against any principal for failure to comply. The sheriff will send an identification officer to the elementary school at a time mutually agreed upon between the sheriff and the principal. *La. R.S. Ann.* §40:2514-17.

- Private schools may request the Department of Transportation and Development to place directional signs to identify the location of their school. The Department will erect and maintain each sign. The cost of the sign must be paid for in advance by the requestor. *La. R.S. Ann.* §32:238.

### **Transportation**

- Parish and city school boards must provide free transportation for nonpublic school students attending approved schools, providing the school does not discriminate on the basis of race, creed, color, or national origin. If a parish or city school board determines transportation by bus is impractical, not available, or unwarranted, the board may utilize common carriers. If transportation is not provided by the parish or city school by reason of economically justifiable reasons approved by the State Board of Elementary and Secondary Education, the Department of Education will reimburse the parent of any student who resides more than one mile from the school as funds are appropriated by the legislature, but not more than \$125 per student or \$375 per family. *La. R.S. Ann.* §17:158.
- "If transportation is not provided by the public school board, parents of students attending nonpublic schools shall be reimbursed for transportation, provided funds are appropriated." *La. R.S. Ann.* §17:158(C), (D), (H) *Louisiana Department of Education Bulletin 741: Louisiana Handbook for Nonpublic School Administrators* §1901.
- Approved nonpublic schools may voluntarily pool their bids with city and parish school boards for purchases of school buses and related equipment. The Department of Education prepares bid forms and specifications, obtains quotations of prices, and makes such forms and information available to school boards and any participating nonpublic schools in order to facilitate this service. *La. R.S. Ann.* §158.3.
- Contract drivers of all privately owned school buses transporting private school students qualify for a refund of one-half of the gasoline tax and the special fuels tax. *La. R.S. Ann.* §47:715.1.
- The secretary of the department of revenue and taxation will make refunds of gasoline taxes on gasoline used for operating any boat to transport children to or from parochial schools.

### **Textbooks**

- City and parish school boards which disburse school library books, textbooks, and other materials of instruction to nonpublic school students may submit to the

superintendent of education documentation to verify administrative costs and receive reimbursement from the state. *La. R.S. Ann.* §17:353.

- Secondary schools with more than 350 students must have a full-time librarian. Secondary schools with fewer than 350 students must have a part-time librarian. *Louisiana Department of Education Bulletin 741: Louisiana Handbook for Nonpublic School Administrators* §1705.

### **Testing**

- Student assessment of private school students is optional.
- Any approved nonpublic school that participates in the state Graduation Exit Examination (GEE 21) shall award a state or school diploma to a student who successfully completes the state's minimum graduation requirements and successfully pass English or Language Arts and Mathematics and either Science or Social Studies components of the examination. Any nonpublic school that opts to give the graduation exit examination shall follow rules and regulations set by the State Board of Elementary and Secondary Education. Any approved nonpublic school that does not choose to administer the state graduation exit examination to its students may grant a school diploma, which shall carry the same privileges as one issued by a state-approved public school. The awarding of high school diplomas shall in no way effect the school approval classifications of any school. *Louisiana Department of Education Bulletin 741: Handbook for School Administrators* §2111

### **Special Education**

- Louisiana at times places exceptional students in nonpublic schools. Local education agencies must apply to the state education agency for the authority to place children with disabilities in programs other than public schools. The Office of Special Education ensures that private schools serving exceptional children and receiving funds establish uniform accounting and reporting procedures and meet minimum requirements established by the Department of Education. Funds may be withheld from nonpublic schools that do not comply with the intent of the law following a due process hearing. *La. R.S. Ann.* §§17:1944(12), (16), (17), (19);1949.
- Louisiana provides special education services to nonpublic school students. *La. R.S. Ann.* §§17:1941–1956. The United States District Court for the Eastern District of Louisiana has ruled that this statute, which allowed state-paid special education teachers to teach on the premises of pervasively sectarian institutions, is unconstitutional as applied. *Helms v. Cody*, No. 85-5533, 1994 U.S. Dist. Lexis 8206 (E.D. La. June 10, 1994).

### **Nursing and Health**

- There is no state policy at this time.

### **Technology**

- There is no state policy at this time.

### **Professional Development**

- “Regular and planned faculty meetings on professional issues shall be held.” *Louisiana Department of Education Bulletin 741: Louisiana Handbook for Nonpublic School Administrators* §305.
- The Louisiana State Board of Elementary and Secondary Education must appoint an advisory committee of private and proprietary school representatives to advise and counsel the board relative to standards and guidelines affecting these schools. *La. R.S. Ann.* §17:11.

### **Reimbursement for Performing State/Local Functions**

- The superintendent of education annually reimburses approved nonpublic schools for the actual cost incurred for providing school services, maintaining records and completing and filing mandatory reports e.g. forms, reports or records relative to school approval or evaluation, public attendance, pupil health and pupil health testing, transportation of pupils, federally funded educational programs including school lunch and breakfast programs, school textbooks and supplies, library books, pupil appraisal, pupil progress, transfer of pupils, teacher certification, teacher continuing education programs, unemployment, annual school data. *La. R.S. Ann.* §17:361. The United States District Court for the Eastern District of Louisiana has ruled that this provision is constitutional on its face, but unconstitutional as applied by the Louisiana Department of Education. *Helms v. Cody*, No. 85-5533, 1994 U.S. Dist. Lexis 8206 (E.D. La. June 10, 1994).

### **Tax Exemption**

- Property owned by nonprofit corporations, organized and operated exclusively for religious or educational purposes and exempt from federal and state income tax, are exempt from ad valorem taxation. *La. Const. Art. VII*, § 21.

### **Public Aid for Private Education**

- **Constitutional provisions:** According to the Louisiana Constitution, the legislature shall appropriate funds to supply free school books and other materials of instruction prescribed by the State Board of Elementary and Secondary Education to the children of the state. *La. Const. Art. VIII*, § 13.

Private schools that are racially segregated are ineligible for state assistance of any kind, including textbooks, materials and transportation. *Brumfield v. Dodd*, 405 F. Supp. 338 (E.D. La. 1977).

In 1970, the Louisiana Supreme Court ruled unconstitutional Louisiana's Secular Educational Services Law, *La. R.S. Ann.* §17:1322–1324, that would have allowed the superintendent of public education to purchase secular educational services from nonpublic school teachers to be performed at nonpublic schools with public funds. *Seegers v. Parker*, 241 So.2d 213 (1970).

- **Programs for financial assistance for attendance at private schools:**

Louisiana has two such programs.

1) Student Scholarships for Educational Excellence Program became law in 2008 and provides scholarships for New Orleans students from families with a family income no greater than 250 percent of the federal poverty guidelines and enrolled in a

Recovery School District. Kindergarten through third-grade students are eligible to receive the scholarship of an amount “equivalent to ninety percent of the per pupil amount the covered district receives from combined state and local sources” or the private school’s tuition, whichever is less. Scholarship recipients remain eligible to receive the scholarship through grade 12 as long as they remain enrolled in a participating school. Only approved, provisionally approved, and probationally approved schools are eligible to participate. A total of \$10 million of funding is permitted for Fiscal Year 2008–09. *La. R.S. Ann.* §§17:4011–17:4025.

2) Elementary and Secondary School Tuition Deduction became law in 2008 and allows for a deduction for the sum of amounts paid or incurred during the taxable year by a taxpayer to a public elementary or secondary school for a student’s participation in curricular and core classes or expenses for the purchase of school uniforms; to a qualified private elementary or secondary school; or for qualified education expenses associated with homeschooling. The deduction shall equal 50 percent of the actual amount of tuition and fees paid by the taxpayer per student or \$5,000 per student, whichever is less. *La. R.S. Ann.* §§47:297.10–47:297.12

### **Homeschooling**

- Solely for purposes of compulsory attendance in a nonpublic school, a child who participates in a home study program approved by the State Board of Elementary and Secondary Education shall be considered in attendance at a day school; a home study program shall be approved if it offers a sustained curriculum of a quality at least equal to that offered by public schools at the same grade level. *La. R.S. Ann.* §236.
- A home study plan is a program in which an approved curriculum can be implemented under the direction and control of a parent or a tutor. Any child eligible to attend an elementary or secondary school in Louisiana is eligible to participate in a home study plan. Home study regulations are found at *La. R.S. Ann.* §§17:236, 17:236.1.
- The State Board of Elementary and Secondary Education (SBESE) may approve home study programs. To be approved by the SBESE, a home study program must offer a sustained curriculum of a quality at least equal to that offered by the public schools, consist of an adequate physical plant, and operate a minimum session of no less than 180 days. *La. R.S. Ann.* §§17:221.3, 17:232(C) and (D), and 17:236, 17:236.1, and 17:236.2.
- An initial application must be made within 15 days of beginning a program of home instruction. It must include a completed application and certified *copy* of the birth certificate for the child. A short-form birth certification card is acceptable as a certified *copy* of the birth certificate. *La. R.S. Ann.* §17:236.1.
- A renewal application must be made by the first of October of the school year or within 12 months of the approval of the initial application, whichever is later. A renewal application is accepted upon presentation of satisfactory evidence that the program offered a sustained curriculum of a quality at least equal to that of the public schools at the same grade level. The sustained curriculum can be substantiated in several ways, including presentation of test results on which the student scored at or above his or her grade level or description and substantiating documents detailing the contents of the instructional program. *La. R.S. Ann.* §17:236.1.

## State Regulation of Private Schools—Louisiana

- State Board policy requires local school systems to provide textbooks to students participating in SBESE approved home study programs when extra copies are available. Local school systems may charge a deposit fee for each book borrowed by a home study parent, but the deposit is refunded when the books are returned. *La. R.S. Ann. §17:351.*
- State Assessment is not required. A student in an SBESE approved home study program may request the local school board or State Superintendent administer the i LEAP, LEAP, or GEE tests. It is the parent's responsibility to contact the testing coordinator in early February to arrange the student's participation in state testing. A fee of no more than \$35 for administering, scoring and reporting may be charged. *La. R.S. Ann. §17:236.1.*
- Completion of a home study program does not entitle the student to a regular high school diploma. Only public and approved nonpublic schools that meet state requirements may issue a state diploma. The State Board can award the General Equivalency Diploma (GED), provided the student passes the GED examination. *La. R.S. Ann. §17:11.*

### Information resources

- [Louisiana Department of Education: Nonpublic Schools](http://www.doe.state.la.us/lde/curr/1573.html)  
<http://www.doe.state.la.us/lde/curr/1573.html>
- [Louisiana Department of Education: Registered Nonpublic Schools](http://www.doe.state.la.us/lde/curr/2158.html)  
<http://www.doe.state.la.us/lde/curr/2158.html>
- [Louisiana Department of Education: SBESE Approved Home Study Guidance and Applications](http://www.doe.state.la.us/lde/curr/1650.html) <http://www.doe.state.la.us/lde/curr/1650.html>
- [Louisiana State Legislature 2008 Session: HB 1347](http://www.legis.state.la.us/billdata/streamdocument.asp?did=503381)  
<http://www.legis.state.la.us/billdata/streamdocument.asp?did=503381>
- [Louisiana State Legislature](http://www.legis.state.la.us/)  
<http://www.legis.state.la.us/>—Search Louisiana Laws on left side column
- Louisiana Department of Education  
1201 North Third  
P.O. Box 94064  
Baton Rouge, LA 70804-9064  
Phone: 225-219-5172  
Toll-Free: 877-453-2721  
Fax: 225-342-0781  
E-mail: [customerservice@la.gov](mailto:customerservice@la.gov)  
Web site: <http://www.louisianaschools.net>
- U.S. Department of Education, [Louisiana](#)

Updated December 2, 2008

# MAINE

## **Accreditation/Registration/Licensing/Approval**

- No requirement for *Accreditation*.
  - Accreditation is permitted as one means of partially meeting the *approval requirement*.
- No requirement for *Registration*.
- No requirement for *Licensing*.
- *Approval or recognition* is mandatory.
  - Attendance at a private school only satisfies the compulsory attendance requirement if the private school is approved for attendance purposes or is recognized by the Department of Education as providing equivalent instruction. *Me. Rev. Stat. Ann. Title 20-A, §5001-A*.
  - A private school may operate as an approved private school for attendance purposes (basic school approval) if it meets hygiene, health, and safety standards and is either currently *accredited* by the New England Association of Colleges and Secondary Schools or meets applicable state requirements.
  - *Accreditation* is one option a school may use to obtain approval for attendance purposes. Schools choosing the accreditation method of approval for attendance purposes must make accreditation reports to the commissioner on a timely basis and notify the commissioner of any determination that the school is not accredited or on probation. *Me. Rev. Stat. Ann. Title 20-A, §2906*.
  - A second option a school may choose to obtain approval for attendance purposes is to meet applicable state requirements. The state requirements mandate compliance with: 1) immunization provisions; 2) English as the language of instruction; 3) courses required by law; 4) instruction in the basic curriculum established by the commissioner; 5) certified teachers, and additional approval requirements adopted by the State Board and the commissioner. In addition, private secondary schools applying for approval for attendance purposes must meet requirements of a minimum school year, sufficient school day length, student-teacher ratio of not more than 30 to one, not less than two consecutive grades, and adequate maintenance of safely protected records. *Me. Rev. Stat. Ann. Title 20-A, §2902*.
  - The commissioner will periodically review all private schools that receive public funds to determine their compliance with the applicable provisions of the education code. The commissioner may, as a condition of approval, inspect any private school that applies for approval status. *Me. Rev. Stat. Ann. Title 20-A, §258-A*.
  - The commissioner may remove basic approval pursuant to a hearing for failure to meet applicable approval requirements. *Me. Rev. Stat. Ann. Title 20-A, §2904*.
  - A private school which has chosen not to seek approval by the Department of Education may voluntarily provide information on an annual basis to the

commissioner or superintendent to establish that students enrolled are receiving equivalent instruction in compliance with the compulsory school attendance law. The information should be provided in an annual letter signed by the chief administrator of the private school and include an affirmation that the school provides the basic curriculum by competent teachers for a minimum of 175 days or 875 hours; complies with fire, health, and safety laws; provides academic assessment and progress reports for parents; and, attendance notification to the local superintendent. "Guideline for Equivalent Instruction in Non-Approved Private Schools," Maine Department of Education.

- A nonprofit institution may operate as an approved nontraditional limited purpose school if it demonstrates a commitment to the educational process and to the state's youths by possessing: 1) a governing board composed of a cross section of the community; 2) an established educational plan; 3) a written curriculum with appropriate goals, objectives and instructional strategies; 4) specific instructional time commensurate with the educational activities planned; 5) facilities that comply with state health, safety and fire codes; 6) an instructional staff certified by the Department of Education where appropriate and endorsement by professional boards in areas where the state does not have certification standards or professional standards agreed upon by the department and the respective institution; 7) school health services that include a registered nurse in residence when students are in attendance or the appointment of a school or consulting physician; 8) established written emergency and safety procedures including periodic fire drills whenever appropriate; 9) unique up-to-date equipment necessary to the services provided; 10) a demonstrated commitment to work cooperatively with state public schools in an effort to meet the specific aspiration needs of Maine students; and, 11) scholarship assistance to the state's youths. *Me. Rev. Stat. Ann. Title 20-A, §2907.1.*

### **Teacher Certification**

- Teachers must be certified by the commissioner to teach in any private school receiving basic approval, except those schools currently accredited by the New England Association of Colleges and Secondary Schools. *Me. Rev. Stat. Ann. Title 20-A, §§ 2901, 13003.*
- The chief administrator employed by a private school approved for attendance purposes is required to hold a principal's certificate. *Me. Rev. Stat. Ann. Title 20-A, §13019-B.*
- A private school approved for tuition purposes may not employ a provisional teacher unless it has an approved, locally designed, support system or has received specific authorization from the commissioner. *Me. Rev. Stat. Ann. Title 20-A, §13015.*
- Only driver education teachers certified by the commissioner may be employed by an approved private secondary school to teach driver education. If a certified instructor is unavailable and the private school requests, the commissioner may grant a temporary certificate to any person who holds a Class A license. Approved private secondary schools may contract with a commercial driver education school to provide

driver education as part of the secondary school curriculum. *Me. Rev. Stat. Ann. Title 20-A, §8703.*

### **Length of School Year/Days**

- A private secondary school approved for the purposes of attendance must have at least 175 instructional days. *Me. Rev. Stat. Ann. Title 20-A, §4801.1*

### **Curriculum**

- Private schools approved for attendance purposes must provide instruction in the basic curriculum established by rule by the commissioner, including minimum time requirements and performance standards. *Me. Rev. Stat. Ann. Title 20-A, §§2902.4, 4704.*
- Private elementary schools approved for attendance purposes by the department must provide instruction in reading, writing, spelling and grammar; library instruction; mathematics; science; music, art and drama; American history and government; social studies; Maine studies, including the history, geography, culture and natural and industrial resources of the state; health, hygiene and safety; physical education; and physiology and hygiene with special reference to the effects of substance abuse, including alcohol, tobacco and narcotics upon the human system. *Me. Rev. Stat. Ann. Title 20-A, §§2902.3, 4706, 4711.*
- Private secondary schools approved for attendance purposes by the department must provide instruction in English, social studies and history including American History and Maine studies, mathematics, science, fine arts, health and physical education, and computer instruction. *Me. Rev. Stat. Ann. Title 20-A, §§2902.3, 4706, 4722, 4723, 4724.*
- The use of animals in public and private schools is regulated by statute. Vivisection of animals in K–12 schools is prohibited. Dissection of dead animals must be confined to the classroom and the students engaged in the study and must not be for exhibition. Experiments on live vertebrate, except eggs, are restricted. *Me. Rev. Stat. Ann. Title 7, §3971.*
- English is the basic language of instruction in all schools except, subject to the commissioner's approval, schools may provide transitional instruction using bilingual techniques for students of limited proficiency in English and providing proficiency in English and a second language. *Me. Rev. Stat. Ann. Title 20-A, §4701.*
- Private schools are exempt from the state's criminal law prohibiting dissemination of obscene material to minors if exhibited for purely educational purposes. *Me. Rev. Stat. Ann. Title 17, §2911.2.*

### **Recordkeeping/Reports**

- By April 15 and October 15 of each year, the principal of each private school must report to the commissioner the number of students attending his or her school. *Me. Rev. Stat. Ann. Title 20-A, §6004.*
- A student is credited with attendance at a private school only if a certificate showing the name, residence and attendance of the person at the school, signed by the school administrator, has been filed with the school officials of the local administrative unit. *Me. Rev. Stat. Ann. Title 20-A, §5001-A.3.A.(2).*

## State Regulation of Private Schools—Maine

- Chief administrative officers shall keep uniform records of the immunization status of each student. The records shall be part of the student's permanent records. By December 15 of each year, each chief administrative officer shall submit to the director of the Bureau of Health on a form provided a summary report of the immunization status of the students entering school. *Me. Rev. Stat. Ann. Title 20-A, §6353.5.*
- A private secondary school receiving state funds, directly or indirectly, and a private school approved for tuition and attendance purposes must report annually, on or before July 15th, information required by the commissioner. *Me. Rev. Stat. Ann. Title 20-A, §2952.* An annual audit must be furnished to the state auditor on or before September 1st of each year. *Me. Rev. Stat. Ann. Title 20-A, §2953.*

### **Health and Safety Requirements**

- No chief administrative officer may permit any student to be enrolled or attend school without evidence of required immunization or immunity unless the parent or student provides a written statement that immunization may be medically inadvisable or a written statement that immunization is contrary to a sincere religious belief or opposed for moral, philosophical or other personal reasons. *Me. Rev. Stat. Ann. Title 20-A, §6353.3, 4, 6.*
- Upon notice from a public health official that a student's presence presents a clear danger to the health of others, a chief administrative officer shall cause the student to be excluded from school during the period of danger or until the student is immunized. Private schools may adopt more stringent immunization requirements. *Me. Rev. Stat. Ann. Title 20-A, §6353.3, 4, 6.*
- Unlicensed personnel at private schools may not administer medication, except as provided by the written prescription of a physician or dentist or by written permission of the parent or guardian. *Me. Rev. Stat. Ann. Title 20-A, §254.*
- A state liquor store or an agency liquor store may not be established within 300 feet of any K–12 private school. *Me. Rev. Stat. Ann. Title 28-A, §351.*
- It is a civil offense to disturb a private school during or out of school hours while a teacher or student is present and is punishable by a fine not less than \$2 nor more than \$20. *Me. Rev. Stat. Ann. Title 20-A, §6804.*

### **Transportation**

- Municipalities may appropriate money to provide transportation of school children to and from nonprofit schools other than public schools. *Me. Rev. Stat. Ann. Title 30-A §5724.5.*

### **Textbooks**

- Municipalities may appropriate money to purchase approved secular textbooks and loan them to pupils or parents of pupils attending nonpublic elementary and secondary schools upon request. The requests for texts submitted by nonpublic school pupils or parents will be forwarded to the nonpublic school for administrative convenience. The nonpublic school will prepare a collective summary of the individual requests and submit the summary to the school committee or board of directors. *Me. Rev. Stat. Ann. Title 30-A, §5724.6.*

### **Testing**

- Private schools approved for attendance purposes may participate in the State Assessment of Student Performance program with the approval of the commissioner and upon payment of the actual cost of the assessment. *Me. Rev. Stat. Ann. Title 20-A, §6207.*
- Private schools approved for tuition purposes, whose enrollment includes at least 60% publicly funded students, must participate in the Statewide Assessment Program. The assessment program measures the academic achievement of students in grades 4, 8, and 11 in basic subjects, i.e. reading, writing and mathematics, and potentially science and social studies on a sampling basis in alternate years. *Me. Rev. Stat. Ann. Title 20-A, §6202.*

### **Special Education**

- The commissioner regulates tuition rates for private special education programs publicly funded by the state. *Me. Rev. Stat. Ann. Title 20-A, §7302.*
- The commissioner may require that special education programs in approved private schools comply with rules regulating the public schools. *Me. Rev. Stat. Ann. tit. 20-A, §7501.* It is the duty of the commissioner to define allowable special education services and the qualifications of individuals who provide special education services by regulation. *Me. Rev. Stat. Ann. Title 20-A, §7252-B.*
- All special education programs offered by approved private schools must be: 1) under the supervision of the school administrative unit responsible for the education of the enrolled exceptional student; 2) described in a master contractual agreement between the private school and the commissioner; and 3) approved in advance of the enrollment of any exceptional student. *Me. Rev. Stat. Ann. Title 20-A, §7252-A.*
- Approved private schools providing special education services must submit reports as required by the commissioner. *Me. Rev. Stat. Ann. Title 20-A, §7252-B.*
- The commissioner will investigate written complaints against private schools serving exceptional students according to adopted procedures. *Me. Rev. Stat. Ann. Title 20-A, §7206.*

### **Nursing and Health**

- Municipalities may appropriate money to provide physician, nursing, dental and optometric services to pupils attending nonpublic elementary and secondary schools if available to pupils attending public schools. Services may be provided to nonpublic school students in the nonpublic school attended. *Me. Rev. Stat. Ann. Title 30-A, §5724.7.*
- Municipalities may appropriate money to provide standardized tests and scoring services in use in the public schools to pupils attending nonpublic elementary and secondary schools. *Me. Rev. Stat. Ann. Title 30-A, §5724.8.* The Department of Education offers technical assistance to approved private schools to aid in the establishment of school-based substance abuse programs and health education curricula. *Me. Rev. Stat. Ann. Title 20-A, §6605.*
- Health and remedial services, instructional materials and equipment provided with appropriated public funds, and the admission to recipient nonpublic schools must be

provided without distinction as to race, creed, color, or the national origin of the pupil and of their teachers. *Me. Rev. Stat. Ann. Title 30-A, §5724.9.*

- The state is authorized to administer programs under the *Child Nutrition Act* benefiting private school students provided the state is not required to appropriate state funds for meals served in private schools. *Me. Rev. Stat. Ann. Title 20-A, §6602.*

### **Technology**

- The commissioner may contract with a private school for applied technology courses that meet the public secondary school standards. *Me. Rev. Stat. Ann. Title 20-A, §3002.*

### **Professional Development**

- There is no state policy at this time.

### **Reimbursement for Performing State/Local Functions**

- There is no state policy at this time.

### **Tax Exemption**

- Sales to schools; sales of meals served by private schools, student organizations and parent-teacher associations to the students or teachers of a school; and, the sale of automobiles used in driver education programs are exempt from sales tax. *Me. Rev. Stat. Ann. Title 36, §1760.*

### **Public Aid for Private Education**

- **Constitutional provisions:** The Maine Constitution states that it is the Legislature's "duty to encourage and suitably endow academies, colleges, and seminaries of learning within the state," provided that the Legislature has the right to grant any further powers to "limit or restrain any of the powers vested in, any such literary institution, as shall be judged necessary to promote the best interests thereof." *Maine Constitution, Art. 8, Sec. 1.*

The Maine Constitution provides "all religious societies in this State, whether incorporate or unincorporate, shall at all times have the exclusive right of electing their public teachers, and contracting with them for their support and maintenance." *Maine Constitution, Art. 1. Sec. 3.*

A municipality may not provide services, materials or equipment for use in religious courses, devotional exercises, religious training or any other religious activity. *Me. Rev. Stat. Ann. Title 30-A, §5724.9.*

- **Programs for financial assistance for attendance at private schools:** Maine school districts that have no available public schooling pay to send students to approved private schools or to public schools in other districts; this practice is called Town Tuitioning. A private school that receive students under town tuitioning programs 1) must meet the requirements for basic school approval; 2) is a nonsectarian school; 3) is incorporated under the laws of Maine or the United States; 4) complies with reporting and auditing requirements; and 5) if the school enrolls 60 percent or more publicly funded students, participates in the Statewide Assessment Program. *Me. Rev. Stat. Ann. Title 20-A, §2951.*

A school district may contract with a private school approved for tuition purposes for all or part of its secondary school pupils. *Me. Rev. Stat. Ann. Title 20-A*, §§1258, 2702-4.

Tuition payments to private schools approved for tuition purposes must be paid within 30 days of the billing date. If the tuition is not paid accordingly, the principal of the private school must inform the commissioner. The commissioner will pay the tuition due and deduct that amount from the state school subsidy to the school administrative unit owing tuition. *Me. Rev. Stat. Ann. Title 20-A*, §5810.

Tuition rates charged to school administrative units for publicly placed students in private elementary and secondary schools are regulated. *Me. Rev. Stat. Ann. Title 20-A*, §§5804-5806.

Private schools may adjust their tuition rates for the cost of removing architectural barriers to comply with the *Vocational Rehabilitation Act of 1973* with prior approval of the commissioner. *Me. Rev. Stat. Ann. Title 20-A*, §5807.

Private schools approved for tuition purposes are eligible for innovative education grants to promote creative improvement in the schools of the state. *Me. Rev. Stat. Ann. Title 20-A*, §17101.

Private schools approved for tuition purposes whose school enrollment is at least 60 percent publicly funded students may purchase surplus property through the Bureau of Purchases. *Me. Rev. Stat. Ann. Title 5*, §1813-A.

Private schools approved for tuition purposes are prohibited from unlawful educational discrimination on the basis of sex, physical or mental disability or national origin or race. *Me. Rev. Stat. Ann. Title 5*, §§4553, 4602, 4604.

To be eligible to attend a receiving private school, students must be from a family residing in a sending district and gain admission to the school based on its customary admissions criteria.

### **Homeschooling**

- A child receiving home instruction that complies with state requirements is excused from attending a public day school. *Me. Rev. Stat. Ann. Title 20A*, §§5001-A Sub. 3A(1)(c-1).
- The student's parent or guardian must provide a written notice of intent "to the school officials of the administrative unit in which the student resides and to the commissioner within 10 calendar days of the beginning of home instruction." *Me. Rev. Stat. Ann. Title 20A*, §§5001-A Sub. 3A(1)(4)(a).
- The notice of intent must include: 1) the name, signature and address of the student's parent or guardian; 2) the name and age of the student; 3) the state date of the home instruction program; 4) a statement of assurance that the home instruction program will provide annually at least 175 days of instruction in the following subject areas: English and language arts, math, science, social studies, physical education, health education, library skills, fine arts, Maine studies (in one grade level between 6 and 12), and demonstrated proficiency in the use of computers (in one grade level between grade 7 and 12); and 5) a statement of assurance that the home instruction program will include an annual assessment of the student's academic progress. *Me. Rev. Stat. Ann. Title 20A*, §§5001-A Sub. 3A(1)(4)(a).

## State Regulation of Private Schools—Maine

- The student's parent or guardian must file a letter with "the school officials of the administrative unit in which the student resides and the commissioner" on or before September 1st of each subsequent year of home instruction. The file must state the intent to continue the home instruction program and include forms of the annual assessment of the student's academic progress. *Me. Rev. Stat. Ann. Title 20A, §§5001-A Sub. 3A(1)(4)(b).*
- The following forms of annual assessment meet state requirements: 1) a standardized achievement test administered through the administrative unit in which the student resides or through other arrangements approved by the commissioner; 2) a test developed by the school officials of the administrative unit in which the student resides and agreed to by the school officials of the administrative unit prior to submission of the written notice of intent that is appropriate to the student's home instruction program; 3) a review and acceptance of the student's progress by an identified individual who holds a current Maine teacher's certificate; 4) a review and acceptance of the student's progress based on, but not limited to, a presentation of an educational portfolio of the student to a local area homeschooling support group whose membership for this purpose includes a currently certified Maine teacher or administrator; or 5) a review and acceptance of the student's progress by a local advisory board selected by the superintendent of the administrative unit in which the student resides that includes one administrative unit employee and two home instruction tutors. *Me. Rev. Stat. Ann. Title 20A, §§5001-A Sub. 3A(1)(4)(b).*
- A student's parent or guardian must keep copies of the notice of intent to provide home instruction and the file submitted each year, including the forms of annual assessment, until the home instruction program concludes. The records must be made available to the commissioner upon request. *Me. Rev. Stat. Ann. Title 20A, §§5001-A Sub 3A(1)(4)(c).*

### Information resources

- [State of Maine: Rule Chapters for the Department of Education](http://www.maine.gov/sos/cec/rules/05/chaps05.htm)  
<<http://www.maine.gov/sos/cec/rules/05/chaps05.htm>>
- [State of Maine Department of Education: Home Instruction](http://www.maine.gov/education/hs/index.html)  
<<http://www.maine.gov/education/hs/index.html>>
- [Constitution of the State of Maine](http://janus.state.me.us/legis/const/) <<http://janus.state.me.us/legis/const/>>
- [Maine Revised Statutes](http://www.mainelegislature.org/legis/statutes/) <<http://www.mainelegislature.org/legis/statutes/>>
- State of Maine Department of Education  
111 Sewall Street  
August, ME 04333-0023  
Telephone: 207-624-6600  
Fax: 207-624-6700  
Web site: <http://www.maine.gov/education/index.shtml>
- U.S. Department of Education, [Maine](#)

*Updated December 1, 2008*

# MARYLAND

## **Accreditation/Registration/Licensing/Approval**

- No requirements for *Accreditation*.
- *Registration* is mandatory.
  - Institutions operated by bona fide church organizations are exempt from the requirement to hold a Certificate of Approval from the Maryland State Board of Education if the legal authority of the bona fide church organization chooses. The head of the bona fide church organization must, however, register the name and address of the school and submit acceptable evidence of the bona fide church organization legal authority status and certification of the legal authority's assumption of responsibility for governing and operating the nonpublic school to the Maryland Department of Education. Schools in this category are called "church-exempt" schools. *Annotated Code of Maryland*, Education Article §2-206(e)(4).
- Requirements for *Licensing*.
  - Registered bona fide church organizations, and other entities desiring to operate non public nursery schools, must hold valid child care center licenses or letters of compliance issued by the Maryland State Department of Education, Office of Child Care. Approval to operated nonpublic nursery schools are granted in accordance with *COMAR* 13A.16.16 Educational Programs in Nonpublic Nursery Schools. Licenses are issued in accordance with *COMAR* 13A16 Child Care Center Licensing and *COMAR* 13A.17 Letters of Compliance.
  - Nonpublic nursery schools operated by tax exempt religious organizations that desire to obtain approval to operate by the Maryland State Department of Education, Office of Child Care, are exempt from child care center licensing requirements. *Annotated Code of Maryland*, Family Law Article §5-574.
  - There are no child care center licensing requirements for nonpublic Kindergartens and Grades 1–12.
- *Approval* is mandatory.
  - Certificates of approval are required in Maryland to operate "noncollegiate educational institutions." A Certificate of Approval is issued based on the adequacy and appropriateness of the facilities, conditions of entrance and scholarship, educational qualifications and standards for the purpose of the institution, its program, personnel requirements, and certificates or diplomas issued. *Annotated Code of Maryland*, Education Article §2-206(e).
  - An approved nonpublic school must certify to the Department of Education that it does not practice discrimination based upon race, color, or national origin. *Annotated Code of Maryland*, Education Article §2-206(e)(3) and *COMAR* 13A.09.09. 04H and *COMAR* 13A.09.10.06A(3).

- An approved nonpublic school must display its certificate of approval in a “conspicuous place” on the premises. *COMAR* 13A.09.09.03E. and *COMAR* 13A.09.10.03G.
- Regulations promulgated pursuant to Education Article §2-206 for approval of nonpublic schools include *COMAR* 13A.09.09, Education Programs in Nonpublic Schools for private schools that are parent pay and *COMAR* 13A.09.10, Educational Programs in Nonpublic Schools and Child Care and Treatment Facilities for schools that receive public funding.

### **Teacher Certification**

- Teachers at nonpublic schools approved under *COMAR* 13A.09.09 (private pay) must have bachelor's degree or 120 semester hour equivalence. Exception to this requirement is permitted teachers of secondary school courses other than English language arts, social studies, mathematics, and science with other exceptional qualifications. Teachers in a Montessori school must also have a Montessori teacher credential for the level of assignment. *COMAR* 13A.09.09.06.
- Teachers at nonpublic schools approved under *COMAR* 13A.09.10 (publicly funded) shall hold certificates provided for in *COMAR* 13A.12.01 and *COMAR* 13A.12.02. *COMAR* 13A.09.10.18C(2).

### **Length of School Year/Days**

- A nonpublic school approved under *COMAR* 13A.09.09 (private pay) must provide for at least 170 days for implementation of the school program. *COMAR* 13A.09.09.10C.
- A nonpublic school approved under *COMAR* 13A.09.10 (publicly funded) shall provide at least 180 days of instruction. *COMAR* 13A.09.10.14B.

### **Curriculum**

- The State Board of Education establishes minimum requirements for issuing certificates or diplomas by private noncollegiate educational institutions that include private K–12 schools. *Md. Education Code Ann.* §2-206(d). An approved nonpublic school must have an educational program in English-language arts, mathematics, science, and social studies which is appropriate for students enrolled. *COMAR* 13A.09.09.07A(2).
- A nonpublic school approved under *COMAR* 13A.09.09 (private pay) must require at a minimum the following credits for secondary school graduation: four credits in English-language arts; two credits in social studies to include at least one credit in U.S. history; six credits in science and mathematics (at least two credits in each); and nine additional credits in accordance with the school's written requirements. *COMAR* 13A.09.09.09.
- A school approved under *COMAR* 13A.09.10 (publicly funded) shall meet the requirements of *COMAR* 13A.03.02.

### **Recordkeeping/Reports**

- Approved nonpublic schools must maintain a cumulative record of each student enrolled including the following: approved nonpublic school name, school address

and telephone number, student's first, middle, and last names; student's birth date; student's home address; month and year student entered; grade upon enrollment; month and year student withdrew; student's performance information in each curricular area; code for the meaning of performance information; and number of days in attendance each school year. *COMAR* 13A.09.09.08 and *COMAR* 13A.09.10.10A. Each school annually certifies its compliance with the approval regulations by completing and submitting an Annual Report form provided by the Maryland Department of Education. *COMAR* 13A.09.09.04C and *COMAR* 13A.09.10.04B.

- Approved nonpublic high schools must be prepared to present a transcript of the secondary school record of each student for each year enrolled that contains specified components: school's name, address, and telephone number; student's first, middle, and last names; student's date of birth; student's home address; credits and grades earned in each subject area; code for the meaning of the grading system; transfer credits accepted by the secondary school; month, day, and year the student initially entered; month, day, and year the student withdrew or graduated; and number of days of attendance each school year. *COMAR* 13A.09.09.09D and *COMAR* 13A.09.10.16C.
- The state archivist provides without charge a copy of each new Maryland Manual to each private educational institution. *Md. State Government Code Ann.* §9-1027.
- If a private school ends operations in Maryland, the institution must file with the state superintendent of schools the original or a legible copy of all secondary school transcripts for each student who has been enrolled in grades 9–12 of the school. The records will become a permanent file maintained by the state superintendent to provide an academic record as required by postsecondary educational institutions for admission. *Annotated Code of Maryland*, Education Article §2-304 and *COMAR* 13A.09.09D(3).
- The State Board of Education requires each private school to report annually, on or before August 31, the school's enrollment and courses of study on forms provided by the Board. *Annotated Code of Maryland*, Education Article §2-205(n).
- The principal or head teacher of a private school is required to report immediately a student's absence or irregular attendance without lawful excuse, or evidence of maladjustment to the county superintendent, supervisor of pupil personnel, or his designee, in order to resolve the situation. *Annotated Code of Maryland*, Education Article §7-302.
- Approved nonpublic schools are required to distribute a written statement of its student-teacher ratio to parents annually. *COMAR* 13A.09.09.07D.

### **Health and Safety Requirements**

- For initial issuance of a certificate of approval, a nonpublic school must verify that it is in compliance with applicable health, fire safety, and zoning regulations. *COMAR* 13A.09.09.11 and *COMAR* 13A.09.10.07A.
- An individual who has tuberculosis in a communicable stage may not work in any capacity in a private or parochial school. Certification and tests may be required as regulated by the Department of Health and Mental Hygiene. *Annotated Code of Maryland*, Education Article §7-406.

## State Regulation of Private Schools—Maryland

- County health departments must provide and fund hearing and vision screening for all students in approved nonpublic schools and approved nonpublic special education facilities. *Annotated Code of Maryland*, Education Article §7-404.
- All nonpublic school employees and employers who have frequent contact with, or access to, students enrolled at a school are required to apply for and undergo a criminal background check. The applicants are responsible for fees assessed unless the employer agrees to pay the costs. Family Law Article, *Annotated Code of Maryland*, Title 5, Part VI and Education Article §2-206.1.
- Any adult who has reason to believe a child has been subjected to abuse or neglect, must notify the appropriate authorities and the head of the school. Family Law Article, *Annotated Code of Maryland*, §5-704, COMAR 13A.09.09.04J and COMAR 13A.09.10.06A.

### Transportation

- School buses used to transport students to nonpublic schools must be equipped with seat back crash pads that meet the standards established by the Motor Vehicle Administration. *Md. Transportation Code Ann.* §22-417.
- School buses, owned by private schools that are exempt from federal income tax under §501(c)(3) of the Internal Revenue Code, are not subject to excise taxes upon issuance of a certificate of title. *Md. Transportation Code Ann.* §13-810.

### Textbooks

- Maryland Nonpublic Student Textbook program provides “funding for the purchase of textbooks, computer hardware and computer software *for loan* to students in eligible nonpublic schools, with a maximum distribution of \$60 per eligible nonpublic school student for participating schools, except that at schools where at least 20 percent of the students are eligible for free and reduced price lunch program, the distribution will be \$90 per student. The textbooks and computers purchased under this program must be secular in nature and acceptable for use in any public elementary or secondary school in Maryland.” *Maryland Nonpublic Student Textbook Program: 2008–2009 Program Requirements and Procedures for Ordering Textbooks, Hardware, Software, and other Electronic Learning Materials*, Maryland State Department of Education, October 2008.

### Testing

- Schools that are regulated by the *Code of Maryland Regulations (COMAR)* 13A.09.10 and identified as publicly funded schools must meet all state testing requirements.
- Schools that are regulated by the *Code of Maryland Regulations (COMAR)* 13A.09.09 and identified as private schools are not required to meet state testing requirements.

### Special Education

- Children who need special educational services that are not provided in a public program will be placed in an appropriate nonpublic educational program that offers these services at public expense. *Md. Education Code Ann.* §8-406.

## State Regulation of Private Schools—Maryland

- The State Board of Education is responsible for adopting guidelines for the approval of public placement of children with disabilities in nonpublic schools if the local school system cannot provide an appropriate placement. Standards for the education of those children enrolled in programs operated by agencies other than a county board must be as high as the standards for county board programs. The standards for the education of students with disabilities are found in the *Code of Maryland Regulations (COMAR)* 13A.09.10.
- County boards of education must provide or arrange for the transportation of handicapped students publicly placed in nonpublic schools. *Md. Education Code Ann.* §8-410.

### Nursing and Health

- The county health department is required to provide hearing and vision screenings for students attending approved nonpublic schools *Annotated Code of Maryland*, Education Article §7-404.

### Technology

- County boards may allow private and parochial schools to connect to a closed-circuit educational television system maintained for public schools at the discretion of the public school system. *Annotated Code of Maryland*, Education Article §7-107.

### Professional Development

- Maryland law provides for representation of nonpublic schools on the Professional Standards and Teacher Education Board. Two administrative or supervisory staff of approved Maryland nonpublic schools and one certified nonpublic school teacher is chosen to serve on the 25 member board from nominees provided by the Association of Independent Schools. Education Article, *Annotated Code of Maryland*, §6-703.
- Teachers employed in schools approved under *COMAR* 13A.09.10 (publicly funded) shall hold certificates in compliance with *COMAR* 13A.12.01 and *COMAR* 13A.12.02 for public school teachers. *COMAR* 13A.09.10.18C.

### Reimbursement for Performing State/Local Functions

- There is no state policy at this time.

### Tax Exemption

- Property used exclusively for a charitable or educational purpose to promote the general welfare of the people of Maryland and owned by a nonprofit educational organization, is exempt from property tax. The limit on exemptions for real property is 100 acres. *Md. Tax-Property Code Ann.* §7-202(b), (c).

### Public Aid for Private Education

- **Constitutional Provisions:** There is no State Constitutional provision regarding nonpublic education.
- **Programs for financial assistance for attendance at private schools:** There is no such program at this time.

### **Homeschooling**

- Home instruction programs that deliver regular, thorough instruction during the school year in studies usually taught in public schools to children of similar age satisfies Maryland's compulsory school attendance law. *Annotated Code of Maryland*, Education Article §7-30101.B.
- Home instruction is governed by *COMAR* 13A.10.01.
- Parents must submit a written statement on a consent form prescribed by the Maryland Department of Education at least 15 days before the beginning of a home instruction program. *COMAR* 13A.10.01.
- Such parents or legal guardians must provide regular, thorough instruction in the subjects that are taught in the public schools. Parents or legal guardians may unilaterally select the curriculum and instructional materials and equipment they wish to use. *COMAR* 13A.10.01.
- Parents or legal guardians must select an entity to supervise the home instruction they provide. That entity may be the local school system or a nonpublic entity that is approved by the Maryland State Department of Education or a nonpublic entity that is registered with the department. The nonpublic entities registered with that department include: 1) nonpublic schools operated by a bona fide church organization that have chosen not to hold a Certificate of Approval from the Maryland State Board of Education; 2) the education ministries of bona fide church organizations; and 3) approved nonpublic schools. *COMAR* 13A.10.01.05.
- A parent of a child in a home instruction program may request for the child to participate in the regularly scheduled standardized testing that is administered in the public school where the child is eligible to attend. *COMAR* 13A.10.01.02.
- The parent of a home instruction program must allow a representative of the local school system to review “the portfolio of educational materials, discuss the instructional program, and observe the instruction provided.” *COMAR* 13A.10.01(E).

### **Information resources**

- [Maryland Department of Education: Nonpublic Schools](http://www.marylandpublicschools.org/MSDE/nonpublicschools/NP_Overview)  
<[http://www.marylandpublicschools.org/MSDE/nonpublicschools/NP\\_Overview](http://www.marylandpublicschools.org/MSDE/nonpublicschools/NP_Overview)>
- [Maryland Department of Education: Nonpublic Schools Laws](http://www.marylandpublicschools.org/MSDE/nonpublicschools/nplegal/)  
<<http://www.marylandpublicschools.org/MSDE/nonpublicschools/nplegal/>>
- [Maryland Department of Education: Nonpublic Schools, COMAR 13A.09.09.](http://www.marylandpublicschools.org/MSDE/nonpublicschools/nplegal/comar/COMAR_13A_09_09.htm)  
<[http://www.marylandpublicschools.org/MSDE/nonpublicschools/nplegal/comar/COMAR\\_13A\\_09\\_09.htm](http://www.marylandpublicschools.org/MSDE/nonpublicschools/nplegal/comar/COMAR_13A_09_09.htm)>
- [Maryland Department of Education: Nonpublic Schools, COMAR 13A.09.10.](http://www.marylandpublicschools.org/MSDE/nonpublicschools/nplegal/comar/COMAR13A_09_10.htm)  
<[http://www.marylandpublicschools.org/MSDE/nonpublicschools/nplegal/comar/COMAR13A\\_09\\_10.htm](http://www.marylandpublicschools.org/MSDE/nonpublicschools/nplegal/comar/COMAR13A_09_10.htm)>
- [Maryland Department of Education: Nonpublic Schools, COMAR 13A.10.01.](http://www.marylandpublicschools.org/MSDE/nonpublicschools/nplegal/comar/comar_13a_10_01.htm?WBCMODE=Presentatio%25%25%25)  
<[http://www.marylandpublicschools.org/MSDE/nonpublicschools/nplegal/comar/comar\\_13a\\_10\\_01.htm?WBCMODE=Presentatio%25%25%25](http://www.marylandpublicschools.org/MSDE/nonpublicschools/nplegal/comar/comar_13a_10_01.htm?WBCMODE=Presentatio%25%25%25)>
- [Code of Maryland Regulations](http://www.ds.dsd.state.md.us/comar/) <<http://www.ds.dsd.state.md.us/comar/>>
- Maryland Department of Education  
Division of Certification and Accreditation  
Nonpublic School Approval Branch

## State Regulation of Private Schools—Maryland

200 West Baltimore Street  
Baltimore, MD 21201  
Phone: 410-767-0407  
Fax: 410-333-8963

- Maryland Department of Education  
200 West Baltimore Street  
Baltimore, MD 21201  
Phone: (410) 767-0100  
Fax: (410) 333-6033  
Web site: <http://www.marylandpublicschools.org/MSDE>
- U.S. Department of Education, [Maryland](#)

*Updated December 29, 2008*

# MASSACHUSETTS

## **Accreditation/Registration/Licensing/Approval**

- No requirements for *Accreditation*.
- No requirements for *Registration*.
- No requirements for *Licensing*.
- *Approval* is mandatory.
  - Attendance at a private school satisfies the compulsory attendance requirement if the school is approved by the school committee. (The "school committee" in Massachusetts is the local education agency.)
  - School committees will approve a private school when satisfied that the instruction equals the public schools in the same town in thoroughness and efficiency and in the progress made. A school committee may not withhold approval based on the school's religious teaching. *Mass. Gen. L. Ch. 76*, §1.

## **Teacher Certification**

- Teacher certification is not required for teachers at private schools.

## **Length of School Year/Days**

- Massachusetts' law does not specify a required length of school year for private schools, but the school committee will use the public school's required length of school year (180 days or 900 hours in elementary schools and 990 hours at secondary schools) for comparison. *Mass. Gen. L. Ch. 71*, §§1, 4; *C.M.R.* 603.24(3), (4).

## **Curriculum**

- There is no mandate regarding what courses private schools shall teach. Generally, the "thoroughness and efficiency" language found in *Mass. Gen. L. Ch. 76*, §1, regarding approval of private schools should not be interpreted as extending particular public school mandates regarding instruction and curriculum to private schools.
- Massachusetts Art Week is celebrated the last week of May and private schools are encouraged to observe the tradition by the display of works of art and appropriate exhibitions and ceremonies. *Mass. Gen. L. Ch. 6*, §15D.

## **Recordkeeping/Reports**

- The supervisory officers of all private schools must report the name, age and residence of any child enrolled in the school to the superintendent of schools of the town where such children reside within 30 days of enrollment. If a child withdraws from the school, the officers must notify the superintendent within 10 days. *Mass. Gen. L. ch. 72*, §2.
- The local superintendent of schools files an annual report with the commissioner of education on or before May 1st on the number of pupils enrolled in nonpublic schools

within the district. The information is collected during the months of January and February. *Mass. Gen. L. Ch. 72*, §2A.

- Private school administrators and teachers are required to provide information or reports requested by any justice relating to the attendance, conduct, and standing of any pupil enrolled, if the pupil is awaiting examination or trial or is under the supervision of the court. *Mass. Gen. L. Ch. 119*, §69.
- Persons operating an education institution have an obligation to provide a written transcript of a student, or former student, at his request. The first copy must be provided free. Schools may charge a fee for duplicates not exceeding \$1 for each page, but not exceeding \$5 for an entire transcript. Anyone denied a transcript may petition the courts for relief. *Mass. Gen. L. ch. 71*, §§34A, 34B.
- If a private school closes, the owner must transfer all current and former students' transcripts to the Massachusetts Department of Elementary and Secondary Education. *Mass. Gen. L. Ch. 71*, §34G.

### **Health and Safety Requirements**

- Private school teachers who have reasonable cause to believe a child under 18 is suffering physical or emotional injury resulting from abuse or from neglect are under an obligation to immediately report the condition either to the Department of Children and Families or to the school administrator, who is then responsible for notifying the Department of Children and Families. *Mass. Gen. L.ch. 119*, §51A.
- Persons apprehended for manufacturing or distributing controlled substances within 1,000 feet of a private elementary, vocational, or secondary school will receive a mandatory sentence of not less than two years. *Mass. Gen. L. Ch. 94C*, §32J.
- Each institution of secondary education must file, at least annually, a report with the board of education certifying that the school has informed its students of the hazing prohibition and adopted and disseminated a disciplinary policy with regard to the organizers and participants of hazing. *Mass. Gen. L.ch. 269*, §19.
- “Fires or explosions by which a loss is sustained shall, within forty-eight hours, excluding Sundays and holidays, be reported in writing to the marshal. Reports required by this section shall be on forms furnished by the department, and shall contain a statement of all facts relating to the cause and origin of the fire or explosion that can be ascertained, the extent of damage thereof, the insurance upon the property damaged, and such other information as may be required. The marshal shall keep or cause to be kept a record of all fires or explosions occurring in the commonwealth, with the results of such investigations, and such records shall be open to public inspection.” *Mass. Gen. L.ch. 148*, §2.
- “The school committee and superintendent of any city, town or regional school district and the principal, by whatever title the position be known, of a public or accredited private school of any city, town or regional school district shall have access to and shall obtain all available criminal offender record information from the criminal history systems board of any current or prospective employee or volunteer of the school department, who may have direct and unmonitored contact with children, including any individual who regularly provides school related transportation to children. Such school committee, superintendent or principal shall periodically, but not less than every 3 years, obtain all available criminal offender record information

from the criminal history systems board on all such employees and volunteers during their term of employment or volunteer service.” *Mass. Gen. L.ch. 71, §38R.*

- Private schools are subject to the *Massachusetts Pesticide Control Act*. *Mass. Gen. L.ch. 132B*, §2.

### **Transportation**

- Pupils who attend approved private schools are entitled to the same rights and privileges to transportation to and from school as are provided by law for public school students, within specified limits. *Mass. Gen. L. Ch. 76*, §1.
- Street or elevated railway companies must provide special rates for public and private school students during the days or evenings when school is in session not to exceed 1/2 of the regular fare. *Mass. Gen. L. Ch. 161*, §108.

### **Textbooks**

- The use of state or local funds to pay for textbook loans to pupils of private schools violates the state constitution. *Bloom v. School Committee of Springfield*, 379 N.E.2d 578 (1978).

### **Testing**

- There is no state policy at this time.

### **Special Education**

- If appropriate, eligible students with disabilities requiring special education may be placed in a public or approved private special education program in accordance with regulations of the Department (Board) of Education. *Mass. Gen. L. Ch. 71B*, §10; *C.M.R. 28.18.00*. School committees may authorize the prepayment of tuition for a period not exceeding three months to any approved private school. *Mass. Gen. L. Ch. 71, §71D*.
- Eligible students with disabilities who attend private school at private expense are entitled to special education designed to meet their needs. The school district must provide genuine opportunities to participate in the public school special education program consistent with the state constitutional limitations. Eligible students are entitled to an individualized education program (IEP). Services provided or arranged for by the district pursuant to an IEP, if paid for with state or local funds, must be provided in a public facility or other public or neutral site. If services are funded only with federal monies, they may be provided on private school grounds. *Mass. Gen. L. Ch.71B*, §1; St. 1999, ch. 27, §258. See also, *C.M.R. 28.03(1)(e)*.

### **Nursing and Health**

- Pupils attending private schools may receive screening for sight, hearing, and other physical defects through the local school committee or board of health at the request of a parent or guardian, providing the private school is approved and does not discriminate in its entrance requirements on the basis of race or color. *Mass. Gen. L. Ch. 71, §57*.

### **Technology**

- Private schools are eligible to receive grants from the Massachusetts Science, Technology Engineering, and Mathematics Grant Fund with the purpose of increasing the number of qualified science, technology, engineering and mathematics teachers and improving the course offerings in the areas of science, technology, engineering and mathematics. *Mass. Gen. L. Ch. 29*, §2MMM.

### **Professional Development**

- By statute, one of the 14-member Massachusetts Educational Communications Commission is a representative of private elementary and secondary education. *Mass. Gen. L. Ch. 6*, §158.

### **Reimbursement for performing state/local functions**

- There is no state policy at this time.

### **Tax Exemption**

- Private school property is exempt from property taxation as a "literary, benevolent, charitable and scientific institution." *Mass. Gen. L. Ch. 59*, §5. *Board of Assessors v. Garland School of Home Making*, 6 N.E.2d 374 (1937).

### **Public Aid for Private Education**

- **Constitutional Provisions:** The *Massachusetts Constitution* provides that no appropriation of public money may be made to aid a primary or secondary school that is not publicly owned and under the exclusive control of public officers authorized by the Commonwealth. *Mass. Const. Ann. Amend. Art. 18* §120.
- **Programs for financial assistance for attendance at private schools:** There are no such programs at this time.

### **Homeschooling**

- Home education programs are subject to the same standard of approval as a private school under *Massachusetts General Laws Chapter 76*, §1, that is, the instruction in all studies required by law equals in thoroughness, efficiency, and progress of the child, that in the public schools of the same town. *Mass. Gen. L. Ch. 76*, §1.
- In *Care and Protection of Charles*, 399 Mass. 324 (1987), the Massachusetts Supreme Judicial Court concluded that the approval process under General Laws Chapter 76, § 1 was constitutionally permissible. The court set forth guidelines for parents and school officials in considering home education plans: 1) curriculum, number of hours of instruction for each proposed course and length of the proposed school year, 2) the competency of the parent (teacher certification and advanced degrees are not required), 3) textbooks, instructional aids and lesson plans, and 4) the superintendent or school committee may require periodic standardized testing or other evaluations of the student's educational progress. However, the Supreme Judicial Court held in *Brunelle v. Lynn Public Schools* 428 Mass. 512 (1998) that home visits by public school officials may not be required as a condition of approval of a home education plan.

## State Regulation of Private Schools—Massachusetts

- A student may not begin a homeschool program until the homeschool program is approved by the school district in which the student resides. “Prior approval of the superintendent or [school] committee is a prerequisite to the removal of children from school and to the commencement of a homeschooling program.” *Care and Protection of Ivan*, 48 Mass. App. Ct. 87. 89 (1999).

### Information resources

- [Massachusetts Department of Elementary and Secondary Education: Notification of a New Private School](http://www.doe.mass.edu/infoservices/data/diradmin/new_private.doc)  
<http://www.doe.mass.edu/infoservices/data/diradmin/new\_private.doc>
- [Massachusetts Department of Elementary and Secondary Education: Program Quality Assurance Services – Approved Private Day and Residential Special Education School Program Review System](http://www.doe.mass.edu/pqa/review/psr/default.html)  
<http://www.doe.mass.edu/pqa/review/psr/default.html>
- [Advisory Opinion on Approval of Massachusetts Private Schools](http://www.doe.mass.edu/lawsregs/advisory/100207privateschool.html)  
<http://www.doe.mass.edu/lawsregs/advisory/100207privateschool.html>
- *General Laws of Massachusetts*  
[Chapter 76: School Attendance](http://www.mass.gov/legis/laws/mgl/gl-76-toc.htm) <http://www.mass.gov/legis/laws/mgl/gl-76-toc.htm>
- Massachusetts Department of Elementary and Secondary Education  
75 Pleasant Street  
Malden, MA 02148-5023  
Phone: 781-338-3111  
Fax: 781-338-3770  
E-mail: [PrivateSchools@doe.mass.edu](mailto:PrivateSchools@doe.mass.edu) or [www@doe.mass.edu](mailto:www@doe.mass.edu)  
Web site: <http://www.doe.mass.edu/>
- U.S. Department of Education, [Massachusetts](#)

*Updated March 9, 2009*

# MICHIGAN

## **Accreditation/Registration/Licensing/Approval**

- *Accreditation* is optional.
  - Nonpublic schools may participate in the following accreditation programs: Michigan Nonpublic School Accreditation Association and North Central Association. *Information on Nonpublic and Home Schools*, August 2008.
- *Registration* is mandatory.
  - Nonpublic schools satisfying the compulsory school attendance statute must be approved by the state. *Mich. Comp. Laws* §380.1561(3)(a).
  - Private schools are prohibited from discriminating against an individual based on a handicap that is unrelated to the individual's ability to utilize and benefit from the school or the individual's use of adaptive devices.
  - The *Michigan Constitution* recognizes, "Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged." *Michigan Constitution* Art. 8, Sec. 1.
- No requirements for *Licensing*.
- *Approval* is mandatory.
  - Approval is mandatory for nonpublic schools that choose to register.

## **Teacher Certification**

- Teacher certification is optional. A teacher may qualify to work in a nonpublic school in one of the following three ways: obtain a Michigan Teaching Certificate; obtain a substitute, full year, or emergency teaching permit; obtain a bachelor's degree.
- Persons without valid teaching certificates who have the requisite college credit may apply to the Michigan Department of Education for a teaching permit for employment in a nonpublic school under *Mich. Admin. Code* R 390.1142 (full-year permit); R 390.1143 (substitute permit); and R 390.1144 (emergency permit).
- Teachers in the regular or elementary grade studies in a private, denominational or parochial school, i.e., a school other than a public school giving instruction to children below the age of 16 years, in the first eight grades, must hold a teaching certificate that would qualify them to teach in like grades of the public schools. *Mich. Comp. Laws* §§388.552; 388.553. The Michigan Supreme Court ruled this provision unconstitutional when applied to families whose religious convictions prohibit the use of certified instructors. *People v. DeJonge*, 442 Mich. 266 (1993).

## **Length of School Year/Days**

- Regular attendance at a state approved nonpublic school satisfies the compulsory attendance statute. *Mich. Comp. Laws* §380.1561(3)(a).

## State Regulation of Private Schools—Michigan

- Nonpublic schools are not required to meet the minimum session days that are required for public schools. *Clonlara, Inc. v. State Board of Education* 442 Mich. 252 (1993).

### Curriculum

- Attendance at a nonpublic school satisfies the compulsory attendance statute if the school teaches subjects comparable to those taught in the local public schools to children of corresponding age and grade. *Mich. Comp. Laws* §380.1561(3)(a).
- Nonpublic schools must provide regular instruction in the Constitutions of the United States and Michigan, and the history and present form of government of the United States, Michigan, and its political subdivisions. The successful completion of a 1-semester course in civics is required prior to graduation. *Mich. Comp. Laws* §380.1166.
- The State Board of Education is charged with developing a recommended model core curriculum for the local school districts. The curriculum defines the outcomes to be achieved by all K–12 pupils. The board will make the model curriculum available to nonpublic schools for their consideration in developing their own core curriculum. *Mich. Comp. Laws* §380.1278(7).
- English must be the basic language of instruction in any nonpublic school. This mandate does not prohibit religious instruction in a foreign language, classes to become conversant in a foreign language, or bilingual instruction to assist limited English-speaking students. *Mich. Comp. Laws* §380.1151.
- Private schools are prohibited from utilizing textbooks and learning materials that promote or foster physical or mental stereotypes. *Mich. Comp. Laws* §§37.1401, 37.1402.
- Nonpublic and homeschool students may enroll in “nonessential elective courses” such as band, drama, art, physical education, music, computer, and advanced placement courses at the resident public school. *Mich. Comp. Laws* §388.1766b. *Snyder v. Charlotte Public School District*, 365 N.W.2d 151 (Mich. 1984).
- Public schools may provide nonessential elective courses to nonpublic school students on nonpublic school premises with public school employees. *Mich. Comp. Laws* §388.1766b. *Agostini v. Felton* U.S. Supreme Court (1997).
- State grants for career and technical education centers are conditioned on acceptance of nonpublic school pupils. *Mich. Comp. Laws* §380.686.
- Private school teachers, administrators and librarians who disseminate sexually explicit matter to a student as part of a school program permitted by law are exempt from Michigan's criminal code provision prohibiting the dissemination of sexually explicit material to minors. *Mich. Comp. Laws* §722.676.

### Recordkeeping/Reports

- There is no law in Michigan that requires nonpublic schools to maintain student records.
- The Michigan Department of Education annually requests information from nonpublic schools on the number of students in each grade, teacher qualifications, the course of study offered, and assurance that the nonpublic school complies with the criminal history check requirements that are compiled to create the Nonpublic School

Membership Report. Nonpublic schools use Form SM4325 to provide the information. *Mich. Comp. Laws* §388.555; *Sheridan Road Baptist Church v. Department of Education*, 426 Mich. 462, 472 n 5 (1986) and *Clonlara, Inc. v. State Board of Education*, 442 Mich 230, 242 (1993).

### **Health and Safety Requirements**

- Children enrolling in school for the first time or enrolling in grade 6 for the first time must present a certificate of immunization, a statement of exemption based on a physician's recommendation or a religious conviction. A school administrator must not admit a student unless he or she has received a minimum of one dose of immunizing agent against each disease specified or is exempt. *Mich. Comp. Laws* §§ 33.9208, 333.9215, 380.1177.
- Before November 1 of each year, the school administrator must submit to the local health departments the immunization status of new entering students. By February 1, the administrator must update the list for incoming students. *Mich. Comp. Laws* §§333.9209 and 380.1177.
- If the immunization level of a nonpublic school falls below the level necessary to guard against the spread of the disease, the school may make the immunization requirements a condition for admission. *Mich. Comp. Laws* §333.9212.
- Private school students entering kindergarten must submit evidence of a preschool vision screening test prior to enrollment unless the parents or guardians submit a statement that the test is contrary to their religious convictions. *Mich. Comp. Laws* §380.1177(2).
- Michigan's statutory prohibition against smoking in a public place or at a meeting of a public body does not apply to private educational facilities after regularly scheduled school hours. *Mich. Comp. Laws* §333.12603.
- Effective January 1, 2006, regular and contract employees hired or assigned by nonpublic schools must have criminal history checks conducted by the Michigan State Police and the Federal Bureau of Investigation. *Mich. Comp. Laws* §§380.1230, 380.1230a, 380.1535a, 380.1539b.
- Not later than July 1, 2008, an individual who works full-time or part-time or an individual who regularly or continuously works under contract who is employed by a nonpublic school as of Dec. 1, 2005, must have criminal history checks conducted by the Michigan State Police and the Federal Bureau of Investigation. *Mich. Comp. Laws* §380.1230g.
- As a condition for employment, a nonpublic school must request a criminal history check on the applicant through both the Department of State Police and the Federal Bureau of Investigation. Nonpublic schools may, under certain conditions, "conditionally employ" an individual to work full-time or part-time or an individual to regularly or continuously work under contract until the results of the criminal records check are received. The Department of State Police is required to respond within 30 days. *Mich. Comp. Laws* §§380.1230, 380.1230a.
- The nonpublic school must notify the superintendent of public instruction when a certified teacher, school administrator, school counselor, etc. has been convicted of any felony or certain misdemeanors. *Mich. Comp. Laws* §§380.1535a, 380.1539b.

## State Regulation of Private Schools—Michigan

- Nonpublic schools must submit specific information about school employees in order for the Michigan State Police and the Federal Bureau of Investigations to conduct criminal history checks. *Mich. Comp. Laws* §§380.1230d, 380.1535a, 380.1539b.
- Nonpublic schools must request unprofessional conduct checks for all new employees. A former or current employer must disclose to a prospective school employer any unprofessional conduct by the applicant. A nonpublic school is prohibited from hiring an applicant who refuses to sign a document requesting this information. *Mich. Comp. Laws* §380.1230b.
- Nonpublic schools must comply with federal standards requiring implementation of operations and maintenance plans for educational facilities containing asbestos or asbestos-containing materials. *Asbestos in Educational Facilities Act, 1993 PA 51. Mich. Comp. Laws* §§388.861 to 388.865.
- School buses with seating capacity of 12 or more and used by nonpublic schools are subject to annual inspections by the Department of State Police. *Mich. Comp. Laws* §257.715a.
- All school construction requires inspection and must meet both the construction standards under the *Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230*, regarding the requirements to secure permits, inspections, and final approval; and the *Fire Prevention Code, 1941 PA 207. Mich. Comp. Laws* §§388.851b, 388.853.
- The superintendent of public instruction, or his agent, has the authority to investigate a nonpublic school at any time regarding the school's sanitary condition, records of enrollment, courses of study, and teacher qualifications. A nonpublic school must admit the Superintendent or his agents to the school. A nonpublic school's refusal is sufficient cause to suspend the operation of the school. *Mich. Comp. Laws* §388.555.

### Transportation

- Under the *Michigan State Constitution*, the state legislature may provide transportation to and from school for nonpublic school students. *Michigan Constitution* Art. 8, Sec. 2. *Mich. Comp. Laws* §380.1217.
- Local school districts that provide transportation to resident pupils must provide free transportation to nonpublic school students with some limitations. *Mich. Comp. Laws* §380.1321, 1322.
- The advisory committee to the Department of Education on school bus matters includes a member representing nonpublic schools. *Mich. Comp. Laws* §257.1870.

### Textbooks

- No requirements for textbooks. Michigan nonpublic schools provide their own textbooks. Public schools are not required to provide textbooks to nonpublic schools. See *Michigan Constitution* Art. 8, Sec. 2 in *Public Aid for Private Education: Constitutional Provisions*.

### Testing

- Nonpublic schools may participate in the Michigan Merit Examination (MME) if they contact the Michigan Department of Education and register on time. If a student attends a nonpublic school that is not electing to participate in the MME, that student

may contact the state and take the test at an MME Auxiliary Test Center *Mich. Comp. Laws* §§380.1279g; 388.1704b.

### **Special Education**

- The public agency that provides a child with disabilities in a nonpublic school special education or related services shall initiate and conduct meetings to develop, review, and revise an individualized education program (IEP) for the child and ensure participation of the nonpublic school representative in these meetings. The public agency will provide the special education or related services in accordance with the child's IEP. However, the agency, teacher, or other person cannot be held accountable if the child with disabilities does not achieve the growth projected in the annual goals and objectives. *Mich. Admin. Code R 340.1701c(a)*.
- Special education programs are available at public schools to the students attending nonpublic schools that are registered with the Michigan Department of Education.

### **Nursing and Health**

- Examinations or health services provided to elementary and secondary students must be provided on an equal basis to children in public and nonpublic schools. *Mich. Comp. Laws* §333.9105.
- A public school that provides “auxiliary services” to its resident students must provide services for students attending nonpublic schools on an equal basis. Auxiliary services include: health and nursing services and examinations; street crossing guard services; *National Defense Education Act* testing services; speech and language services; school social work services; school psychological services; teacher consultant services for students with a disability and other ancillary services for students with a disability; remedial reading; and other  services determined by the legislature. Transportation to the auxiliary services must also be provided with some limitations. *Mich. Comp. Laws* §380.1296.
- A public school is required to notify nonpublic schools in its district of auxiliary services it will provide no later than April 1 each year. Nonpublic schools must inform the public school, in writing, within 30 days if any of the services are needed by the nonpublic school students. The public school must confirm the “the nature and extent” of the services that will be provided no later than August 1. *Mich. Admin. Code R 340.293*.

### **Technology**

- Educational media centers operated by intermediate school districts to provide teaching materials and services may serve nonpublic schools. *Mich. Comp. Laws* §380.671(2).

### **Professional Development**

- There is no state policy at this time.

### **Reimbursement for Performing State/Local Functions**

- Nonpublic schools are reimbursed, on an equal basis with public schools, for school bus safety education costs incurred for the benefit of school bus drivers. *Mich. Comp. Laws* §257.1851.

### **Tax Exemption**

- Property owned and occupied by nonprofit religious or educational organizations and used exclusively for religious or educational purposes, is exempt from real and personal property taxes. *Michigan Constitution* Art. 9, Sec. 4.
- Nonpublic schools are exempt from the Michigan general sales tax for the sale of textbooks sold to or for the use of students enrolled in any part of a kindergarten through 12th grade program. *Mich. Comp. Laws* §205.54a(1)(k).

### **Public Aid for Private Education**

- **Constitutional provisions:** The *Michigan Constitution* prohibits public appropriations for the benefit of any religious sect or society. *Michigan Constitution* Art. 1, Sec. 4. *Mich. Comp. Laws* § 380.1217.  
The Michigan Constitution prohibits public appropriations directly or indirectly to aid or maintain nonpublic pre-elementary, elementary or secondary schools. *Michigan Constitution* Art. 8, Sec. 2. The Michigan Supreme Court has interpreted this provision to prohibit public payment of lay teachers in nonpublic schools; the provision is not a bar to nonpublic school student participation in federally subsidized programs designed to aid educationally deprived elementary and secondary school children, shared time programs, special education services, and drivers training. *Traverse City School District v. Attorney General*, 185 N.W. 2d 9 (Mich. 1971).
- **Programs for financial assistance for attendance at private schools:** There is no such program at this time.

### **Homeschooling**

- Homeschooling satisfies the compulsory attendance law if “the child is being educated at the child’s home by his or her parent or legal guardian in an organized educational program in the subject areas of reading, spelling, mathematics, science, history, civics, literature, writing, and English grammar.” *Mich. Comp. Laws* §380.1561(3)(f).
- A homeschool may operate as a nonpublic school, but under this option the homeschool must be in compliance with the *Private, Denominational, and Parochial School Act, 1921 PA 302*. *Mich. Comp. Laws* §380.1561(3)(a).

### **Information resources**

- [Michigan Department of Education: Nonpublic and Home Schools](http://www.michigan.gov/mde/0,1607,7-140-6530_6564_35175---,00.html)  
<http://www.michigan.gov/mde/0,1607,7-140-6530\_6564\_35175---,00.html>
- [Michigan Department of Education: Information on Nonpublic and Home Schools, August 2008](http://www.michigan.gov/documents/Info2005_132227_7.pdf) <http://www.michigan.gov/documents/Info2005\_132227\_7.pdf>
- [Michigan Legislature](http://www.legislature.mi.gov/(S(1hh3b2b0uhmgkmv4vuqjc255))/mileg.aspx?page=home)  
<http://www.legislature.mi.gov/(S(1hh3b2b0uhmgkmv4vuqjc255))/mileg.aspx?page=home>

## State Regulation of Private Schools—Michigan

- [Michigan Compiled Laws](#)  
<[http://www.legislature.mi.gov/\(S\(uaxarliapcdesh55zxhm2y45\)\)/mileg.aspx?page=MCLBasicSearch](http://www.legislature.mi.gov/(S(uaxarliapcdesh55zxhm2y45))/mileg.aspx?page=MCLBasicSearch)>
- Michigan Department of Education  
P.O. Box 30008  
608 West Allegan Street  
Lansing, MI 48909  
Phone: 517-373-1833  
Fax: 517-241-4223  
Web site: <http://www.michigan.gov/mde/>
- U.S. Department of Education, [Michigan](#)

*Updated December 12, 2008*

# MINNESOTA

## **Accreditation/Registration/Licensing/Approval**

- Accreditation is optional.
  - The Nonpublic Education Council may recognize educational accrediting agencies. *Minn. Stat. Ann.* §123B.445.
- No requirements for Registration.
- No requirements for Licensing.
- No requirements for Approval.
  - Minnesota defines nonpublic school as any school, church or religious organization, or home school where a student can fulfill compulsory education requirements, that is located in the state, and that meets the requirements of Title VI of the *Civil Rights Act of 1964*. *Minn. Stat. Ann.* §123B.41, Subd. 9.

## **Teacher Certification**

- Teacher certification is optional. An instructor in Minnesota must meet one of the following criteria: hold a valid Minnesota teaching license for the grade level; be directly supervised by an individual with a valid Minnesota teaching license; successfully complete a teacher competency examination; provide instruction in a school that is accredited by an accrediting agency recognized by the commissioner or in *Minn. Stat. Ann.* §123B.445; hold a baccalaureate degree; be a parent of a child whose performance is assessed each year in accordance with *Minn. Stat. Ann.* §120A.22, Subd.11. *Minn. Stat. Ann.* §120A.22, Subd. 10.

## **Length of School Year/Days**

- The state does not regulate the length of school year for students attending nonpublic schools.

## **Curriculum**

- Minnesota's compulsory education law requires instruction in 1) basic communication skills including reading and writing, literature, and fine arts; 2) mathematics and science; 3) social studies including history, geography, and government; and 4) health and physical education. *Minn. Stat. Ann.* §120A.22, Subd. 9.
- Instruction, textbooks, and materials must be offered in the English language. *Minn. Stat. Ann.* § 120A.22. Another language may be used for students with limited English proficiency. *Minn. Stat. Ann.* §§124D.59-124D.61 *et seq.*
- School districts may provide nonpublic school students of limited English proficiency opportunity to participate in specially designed programs for such students attending public school. *Minn. Stat. Ann.* §124D.65, Subd. 6.
- Nonprofit, nonpublic, nonsectarian schools may contract with local school districts to provide educational services to at-risk children under the state's □High School Graduation Incentives Program. *Minn. Stat. Ann.* §124D.68.

## State Regulation of Private Schools—Minnesota

- Nonpublic schools may contract with local school districts to provide American Indian language and culture education programs to American Indian children. *Minn. Stat. Ann.* §124D.74.
- The Department of Education may provide assistance to nonpublic schools participating in a local school district's violence prevention education program at neutral sites. *Minn. Stat. Ann.* §120B.22.

### Recordkeeping/Reports

- Nonpublic schools must complete and submit the Minnesota Compulsory Instruction Report which requires the name, age, and address of each child receiving instruction to the local superintendent by October 1 of each school year. In addition, schools not accredited by the Minnesota Department of Education or an accrediting organization recognized by the Minnesota Nonpublic Education Council must also report the name of each instructor with evidence of qualifications; provide an annual instructional calendar showing that instruction will occur at least 170 days; and make available documentation that the requisite subjects are being taught, including class schedules, materials for instruction, and descriptions of methods used to assess student achievement. *Minn. Stat. Ann.* §120A.24.
- Nonpublic school administrators are responsible for issuing age certificates for students in attendance who wish to obtain employment. *Minn. Stat. Ann.* §181A.06.

### Health and Safety Requirements

- Immunizations are mandatory for students attending any elementary or secondary school in Minnesota unless contraindicated for medical reasons or contrary to conscientiously held beliefs of the parent or guardian or emancipated student. *Minn. Stat. Ann.* §121A.15.
- The Department of Education may assist nonpublic schools participating in a local school district's AIDS prevention or AIDS risk reduction program at a neutral site. *Minn. Stat. Ann.* §121A.23.
- Private schools not subject to crisis management policy requirements in accordance with Minn. Stat. Ann. §121A.035 are required to have at least five school lock-down drills, five school fire drills consistent with Minn. Stat. Ann. § 299F.30, and one tornado drill. *2006 Omnibus Education Policy Act*, Chapter 263, Article 1, Section 7.
- Nonpublic schools are required to have at least nine fire drills each school year and to keep all doors and exits unlocked from the inside during school hours. Records of drills must be posted for review by the state fire marshall. *Minn. Stat. Ann.* §299F.30.
- All schools must be operated in compliance with the uniform fire code. *Minn. Stat. Ann.* §299F.391.
- Nonpublic schools may develop a voluntary fingerprinting program for pupils in conjunction with law enforcement agencies having jurisdiction where the nonpublic school is located. *Minn. Stat. Ann.* §123B.07.
- Nonpublic schools may participate in school district chemical abuse programs. Teachers at participating schools have a duty to report incidences of chemical abuse on school property or at school-related activities. *Minn. Stat. Ann.* §§121A.26; 121A.29.

## State Regulation of Private Schools—Minnesota

- Local authorities may establish the speed limit within a school zone of a nonpublic school based on an engineering and traffic investigation. *Minn. Stat. Ann.* §169.14, Subd. 5a..
- The commissioner of public safety distributes a missing children's bulletin to nonpublic schools on a quarterly basis. *Minn. Stat. Ann.* §299C.54.
- An assault against a private school teacher performing official duties that results in demonstrable bodily harm is a gross misdemeanor. *Minn. Stat. Ann.* §609.2231 Subd. 5.
- Nonpublic school instructional or supervisory staff may use reasonable force to restrain a student from self-injury or injury to another or to property. *Minn. Stat. Ann.* §609.379.

### **Transportation**

- A school district eligible to receive state aid for transportation must provide equal transportation within the district for all school children to any school when transportation is necessary because of distance or traffic condition. Transportation may be provided under limited circumstances to out-of-district schools. Transportation is also authorized for nonpublic school students receiving pupil support services at public schools or neutral sites. *Minn. Stat. Ann.* §123B.86.
- Nonpublic schools students transported by a public school district must act in accordance with the student bus conduct and discipline policies of the transporting public school district. *2006 Omnibus Education Policy Act*, Chapter 263, Article 1, Section 10.
- Public transportation of private schools students attending parochial schools does not violate the Minnesota constitutional provision prohibiting the use of public funds to support sectarian schools. *Americans United Inc. as Protestants and Other Americans United For Separation of Church and State v. Ind. School Dist.* No. 622, Ramsey County, 179 N.W.2d 146, Minnesota Supreme Court (1970).

### **Textbooks**

- Local school districts must provide or loan “textbooks, individualized instruction or cooperative learning materials, and standardizes tests” to student enrolled in nonpublic schools upon formal request on designated forms. Textbooks include only secular, neutral and nonideological textbooks available to public school students. *Minn. Stat. Ann.* §123B.42.
- If the state appropriation for services is not sufficient, the Department of Education must notify the school districts of the need to prorate the appropriation. *Minn. Stat. Ann.* §123B.47.

### **Testing**

- Local school districts must provide standardized testing services to student enrolled in nonpublic schools upon formal request. *Minn. Stat. Ann.* §123B.42.
- Students attending nonpublic schools that are not accredited by a state-recognized accrediting agency must be assessed annually using a nationally norm-referenced standardized achievement examination. Students attending nonpublic schools

## State Regulation of Private Schools—Minnesota

accredited by a state recognized accrediting agency are exempt from the testing requirement. *Minn. Stat. Ann.* §120A.22, Subd. 11.

- Minnesota may pay all or part of the fee for advanced placement examinations for needy students attending nonpublic schools. *Minn. Stat. Ann.* §120B.13.

### Special Education

- Disabled students attending nonpublic schools that fulfill the compulsory instruction requirements and comply with Title VI of the *Civil Rights Act of 1964* may not be denied special instruction and services on a shared time basis through the public school. Transportation to and from the nonpublic school may be provided by the school district. *Minn. Stat. Ann.* §125A.18.
- Educational institutions are prohibited from discriminating on the basis of race, color, creed, religion, national origin, sex, age, marital status, status with regard to public assistance, sexual orientation, or disability or failing to ensure physical and program access for disabled persons. Religious corporations, associations, and societies are exempt with respect to qualifications based on religion or sexual orientation, when these are bona fide occupational qualifications. Religious or denominational institutions may limit or give preference to applicants of the same religion. Single-sex private schools are also permitted. *Minn. Stat. Ann.* §§363.02 Subd. 1, 3; 363.03 Subd. 5.

### Nursing and Health

- Local school districts must provide equivalent health services and guidance or counseling services “as are provided to public school pupils by the district where the nonpublic schools is located” to students attending nonpublic schools upon formal request. Health services may be provided on the nonpublic school grounds. *Minn. Stat. Ann.* §123B.44.
- Nonpublic school students may participate in the state's milk program that ensures all students have access to milk on a daily basis. *Minn. Stat. Ann.* §124D.118.
- If a nonpublic school participates in the school lunch aid program or school breakfast program, the school must make lactose-reduced milk available to students. *Minn. Stat. Ann.* §124D.114.
- If a nonpublic school participates in the school lunch aid program or school breakfast program, state aid is provided on a per-meal basis in addition to the federal reimbursements. *Minn. Stat. Ann.* §124.D.111 and 124D.1158.

### Technology

- Minnesota traditional nonpublic schools may purchase computers through the Minnesota Computers for Schools Program. Computers for Schools is a program of the Minnesota Correctional Facility, where inmates refurbish computers donated by corporations.
- Minnesota traditional nonpublic schools are covered under the Telecommunications-Internet Access Equity Aid. *Minn. Stat. Ann.* §125B.26.
- Minnesota nonpublic schools may participate in the federal e-rate program.

### **Professional Development**

- Nonpublic school administrative units are eligible for nonvoting associate memberships in the Educational Cooperative Service Units. The ECSU performs educational planning on a regional basis and provides educational programs and services. *Minn. Stat. Ann.* §123A.21, Subd. 3.
- The Minnesota Academic Excellence Foundation was established to promote academic excellence in Minnesota public and nonpublic schools. Through the foundation, students and teachers are recognized for academic excellence and an academic league provides competition for public and nonpublic students in elementary and secondary schools. *Minn. Stat. Ann.* §124D.94, Subd. 2.

### **Reimbursement for Performing State/Local Functions**

- There is no state policy at this time.

### **Tax Exemption**

- A nonprofit nonpublic school may complete the Minnesota Department of Revenue's Application for Nonprofit Exempt Status—Sales Tax. *Minn. Stat. Ann.* §297A.70.

### **Public Aid for Private Education**

- **Constitutional provisions:** "In no case shall any public money or property be appropriated or used for the support of schools wherein the distinctive doctrines, creeds or tenets of any particular Christian or other religious sect are promulgated or taught." *Minn. Const.* Art. XIII, §2.
- **Programs for financial assistance for attendance at private schools:** K–12 Education Credit and Subtraction Program provides financial assistance to parents of qualifying students through Minnesota tax credits for qualified educational expenses. Students qualify if they attend a public, private, or home school. Qualified educational expenses include: tutoring by a qualified instructor; fees for qualified after-school programs; tuition for qualified summer camps; music lessons; qualified nonreligious books and materials; purchase or rental of musical instruments for use in regular school music classes; qualified transportation costs; and up to \$200 in computer related expense. The subtraction program was enacted in 1955 and expanded in 1997. It allows parents of qualifying students to receive subtractions from their taxable income for qualified expenses that were covered by the tax credit as well as tuition for private school and college courses that satisfy high school graduation requirements. The same expense cannot be claimed as both a credit and subtraction. The amount of the credit is 75 percent of the amount expended with income restrictions on the maximum credit amount. The maximum subtraction amount is \$1,625 for students in grades K–6 and \$2,500 for students in grades 7–12. *Minn. Stat. Ann.* §290.0674 and *Minn. Stat. Ann.* §290.01.

### **Homeschooling**

- "The parent of a child is primarily responsible for assuring that the child acquires knowledge and skills that are essential for effective citizenship." *Minn. Stat. Ann.* §120A.22.

## State Regulation of Private Schools—Minnesota

- Home schools<sup>4</sup> have the same responsibilities and services as private schools in Minnesota.
- Teacher certification is not required. However, if the home school is not accredited by a Minnesota state recognized accrediting agency (TEACH or HBEA as of Sept. 2008), then the parent is required to submit instructor qualifications in accordance with the Compulsory Instruction Law. *Minn. Stat. Ann.* §120A.22, Subd.10(6).
- Home schools are required to provide instruction in: 1) basic communication skills including reading and writing, literature, and fine arts; 2) mathematics and science; 3) social studies including history, geography, and government; and 4) health and physical education. *Minn. Stat. Ann.* §120A.22.
- Instruction, textbooks, and materials must be in the English language. It is permissible to use another language according *Minn. Stat. Ann.* §124D.59-124D.61.
- The local superintendent is responsible for ensuring compliance with Minnesota's compulsory instruction law and may request annual meetings from home school programs. *Minn. Stat. Ann.* §120A.26.
- A home school student is required each year to be “assessed using a nationally norm-referenced standardized achievement examination.” Both the parent and the superintendent must agree on the specific examination, the administration, and location of the examination. *Minn. Stat. Ann.* §120A.22, Subd.11.
- A parent conducting a home school must complete and submit the Minnesota Compulsory Instruction Report, which requires the name, age, and address of each child receiving instruction to the local superintendent by October 1 of each school year. In addition, the parent must submit an instructional calendar to the superintendent and maintain documentation of the required subjects being taught, including class schedules, materials for instruction, and descriptions of methods used to assess student achievement. *Minn. Stat. Ann.* §120A.24.
- Parents conducting a home school program must submit “a quarterly report card on the achievement of the child in each subject area required.” *Minn. Stat. Ann.* §120A.24.
- Home schools must submit immunization to the local school district where the school resides. *Minn. Stat. Ann.* §121A.15.
- Home school students may take nonelective core courses in the local public school at the discretion of the local school district. Local school districts receive pro-rated funding from the state for the portion of time used to educate nonpublic school students. *Minn. Stat. Ann.* §126C.19.
- Home school students are eligible to participate in cocurricular activities in their resident local school district. *Minn. Stat. Ann.* §123B.49.

### Information resources

- [Minnesota Department of Education: Nonpublic School Choice](http://education.state.mn.us/mde/Academic_Excellence/School.Choice/Nonpublic_School.Choice/index.html)  
<[http://education.state.mn.us/mde/Academic\\_Excellence/School.Choice/Nonpublic\\_School.Choice/index.html](http://education.state.mn.us/mde/Academic_Excellence/School.Choice/Nonpublic_School.Choice/index.html)>
- [Minnesota Department of Education: Home Schooling](http://education.state.mn.us/mde/Academic_Excellence/School.Choice/Nonpublic_School.Choice/Home_Schooling/index.html)  
<[http://education.state.mn.us/mde/Academic\\_Excellence/School.Choice/Nonpublic\\_School.Choice/Home\\_Schooling/index.html](http://education.state.mn.us/mde/Academic_Excellence/School.Choice/Nonpublic_School.Choice/Home_Schooling/index.html)>

<sup>4</sup> “Home school” is the term written in state law.

## State Regulation of Private Schools—Minnesota

- [Minnesota Department of Education: Minnesota Compulsory Instruction Report](http://education.state.mn.us/mdeprod/groups/Choice/documents/Form/034933.pdf)  
<http://education.state.mn.us/mdeprod/groups/Choice/documents/Form/034933.pdf>
- [Minnesota Department of Revenue: Education Credit and Subtraction](http://www.taxes.state.mn.us/taxes/individ/credits_subtractions_additions/education_credits_subtractions/educ_credit_sub.shtml)  
<http://www.taxes.state.mn.us/taxes/individ/credits\_subtractions\_additions/education\_credits\_subtractions/educ\_credit\_sub.shtml>
- [Minnesota Department of Revenue: Application for Nonprofit Exempt Status – Sales Tax](http://www.taxes.state.mn.us/forms/st16.pdf) <http://www.taxes.state.mn.us/forms/st16.pdf>
- [Minnesota Statutes](https://www.revisor.leg.state.mn.us/statutes/) <https://www.revisor.leg.state.mn.us/statutes/>
- Minnesota Department of Education  
1500 Highway 36 West  
Roseville, MN 55113-4266  
Phone: 651-582-8200  
Fax: 651-582-8724  
E-mail: [mde.commissioner@state.mn.us](mailto:mde.commissioner@state.mn.us)  
Web site: <http://education.state.mn.us/mde/index.html>
- U.S. Department of Education, [Minnesota](#)

*Updated February 4, 2009*

# MISSISSIPPI

## **Accreditation/Registration/Licensing/Approval**

- *Accreditation* is optional.
  - Nonpublic schools may be accredited by independent nonpublic school accrediting agencies. *Miss. Code Ann.* §37-17-9.
- No requirements for *Registration*.
- No requirements for *Licensing*.
- *Approval* is optional.
  - Nonpublic schools may request approval by Mississippi State Board of Education. A process set by the State Board of Education will determine approval, but the standards for nonpublic school approval may not be more rigorous than the accreditation standard for public schools. *Miss. Code Ann.* §37-17-7.
  - Standards for state approval and accreditation are set out in the policy document, *Nonpublic Schools Accountability Standards*, 2004.
  - Private schools must reapply for accreditation no later than October 1 each year. The application requires information on the following: Name, mailing address and telephone number(s) of the school; name of the chief school administrator; name, address and phone number of the chairperson of the governing board; number of students enrolled by grade, race and sex; number of instructional staff members by grade level and total; annual calendar of the school; participation in federal and state funded programs; graduation data; and a preliminary list of school staff. *Nonpublic Schools Accountability Standards*, 2004.
  - The Mississippi Board of Education assigns an accreditation status from the following four options: accredited, advised, probation and withdrawn. *Nonpublic Schools Accountability Standards*, 2004.
  - The first year a private school fails to comply with state requirements for accreditation it will be assigned an “advised” status. If the private school does not take corrective action to resolve the deficiencies within the following year, it will be assigned a “probation” status. If the school fails to meet the requirements after being assigned “probation” status the school’s accreditation will be withdrawn. *Nonpublic Schools Accountability Standards*, 2004.

## **Teacher Certification**

- Teacher certification is required for those schools that choose to be approved by the State Board of Education. *Nonpublic Schools Accountability Standards*, 2004

## **Length of School Year/Days**

- A nonpublic school term is the number of days that each school requires for promotion from grade to grade. *Miss. Code Ann.* §37-13-91(2)(e).

### **Curriculum**

- The secretary of state will furnish without charge applications for voter registration by mail to private schools upon request. *Miss. Code Ann.* §23-15-47(4)(a).
- Agricultural high schools may be leased by private schools if there are no funds available to run the institution. *Miss. Code Ann.* §37-27-31.

### **Recordkeeping/Reports**

- All compulsory-school-aged children must be enrolled in a public school, private school, or homeschool program. The parent or guardian of a compulsory-school-age or the nonpublic school official must complete a certificate of enrollment for each such student. The certificate, provided by the State Board of Education, asks the following basic information: 1) name, address and date of birth of the student; 2) name and address of the parent or guardian; 3) a simple description of the type of education provided; 4) name and address of the nonpublic school; and 5) parent or guardian and school official signatures and date signed. The certificate must be returned to the school attendance officer for the youth or family court where the child resides on or before September 15 of each year. *Miss. Code Ann.* §37-13-91(3).
- Private, parochial or denominational schools accepting free school textbooks on behalf of their students must file annual reports as required by the State Board of Education. *Miss. Code Ann.* §37-43-51.
- State accredited private schools are required to submit an Annual Application Form, an Annual Compliance Report, an Annual Personnel Data Report and a Summer School/Extended Year Report. *Nonpublic Schools Accountability Standards*, 2004.

### **Health and Safety Requirements**

- Church-related and private schools are exempt from Mississippi's State Board of Health standards for preparation of food. *Miss. Code Ann.* §41-3-15.
- The circuit court clerk will notify the State Department of Education of any certificated personnel employed by a private elementary or secondary school that is convicted of a felony or of a sex offense. *Miss. Code Ann.* §37-3-51.
- The president or chancellor of a private school will be notified by the local law enforcement office if any enrolled student is arrested and convicted of a misdemeanor. *Miss. Code Ann.* §37-11-29.
- The sale or distribution of a controlled substance within 1,000 feet of the real property of a private school or 1,500 feet of a private school building may be punished by an enhanced penalty, twice the authorized imprisonment or fine or both, for a first offense and three times the penalty for a subsequent offense. *Miss. Code Ann.* §41-29-142.

### **Transportation**

- There is no state policy at this time.

### **Textbooks**

- Students attending state approved nonpublic schools are allowed to borrow books at no cost from the local school district. *Miss. Code Ann.* §37-43-1.

## State Regulation of Private Schools—Mississippi

- The loan of textbooks to qualified private schools does not violate Mississippi's constitutional prohibition against public support of sectarian schools or the control of educational funds by religious sects. *Chance v. Mississippi State Textbook Rating & Purchasing Bd.*, 200 So. 706 (1941).

### **Testing**

- There is no state policy at this time.

### **Special Education**

- Mississippi provides financial assistance to exceptional children attending accredited private or parochial schools. Tuition reimbursement for applicants choosing to attend private or parochial schools is 100 percent for the first \$600. If the local school district Individual Education Program Committee determines that the district cannot provide a free appropriate public education for a handicapped child, the state will reimburse the district for placement in an accredited private or parochial school up to a maximum of \$3,000. *Miss. Code Ann.* §37-23-61 et seq.

### **Nursing and Health**

- There is no state policy at this time.

### **Technology**

- There is no state policy at this time.

### **Professional Development**

- There is no state policy at this time.

### **Reimbursement for Performing State/Local Functions**

- There is no state policy at this time.

### **Tax Exemption**

- The income from transporting grade school students under contract with nonprofit private schools is exempt from Mississippi sales tax. *Miss. Code Ann.* §27-65-107.

### **Public Aid for Private Education**

- **Constitutional provisions:** Mississippi's Constitution prohibits the appropriation of any state education funds for the support of sectarian schools or private schools. *Miss. Const.* Art. 8, Sec. 208.
- **Programs for financial assistance for attendance at private schools:** There is no such program at this time.

### **Homeschooling**

- Homeschools meet the definition of "nonpublic schools", which means an institution for the teaching of children, consisting of a physical plant, whether owned or leased, including a home, instructional staff members and students, and which is in session each school year. This definition shall include, but not be limited to, private, church, parochial, and home instruction programs. *Miss. Code Ann.* §37-13-91 (2) (I).

## State Regulation of Private Schools—Mississippi

- The parent or guardian of a child enrolled in a legitimate homeschool program is required to complete a "Certificate of Enrollment" and return it to the school attendance officer where such child resides on or before September 15 of each year. *Miss. Code Ann.* §37-13-91 (3).
- Other than the Certificate of Enrollment, there are no current state laws concerning requirements for homeschooling programs.
- A parent must educate his child in a "legitimate home instruction program" and not with the "purpose of avoiding or circumventing the compulsory attendance law." *Miss. Code Ann.* §37-13-91 (3)(c).
- The State of Mississippi does not have the "authority to control, manage or supervise" the private education of children." *Miss. Code Ann.* §37-13-91(9).

### Information resources

- [Mississippi Department of Education: Nonpublic Schools Accountability Standards, 2004](http://www.mde.k12.ms.us/accred/NPRegs.doc) <<http://www.mde.k12.ms.us/accred/NPRegs.doc>>
- [Mississippi Code](http://michie.lexisnexis.com/mississippi/lpext.dll?f=templates&fn=main-h.htm&cp=>)  
Title 37 Education  
<<http://michie.lexisnexis.com/mississippi/lpext.dll?f=templates&fn=main-h.htm&cp=>>>
- Mississippi Department of Education  
359 North West Street  
P.O. Box 771  
Jackson, MS 39205  
Phone: 601-359-3513  
Fax: 601-359-3242  
Web site: <http://www.mde.k12.ms.us/>
- U.S. Department of Education, [Mississippi](#)

*Updated December 5, 2008*

# MISSOURI

## **Accreditation/Registration/Licensing/Approval**

- No requirements for *Accreditation*.
- *Registration* is mandatory.
- No requirements for *Licensing*.
- No requirements for *Approval*.

## **Teacher Certification**

- Teacher certification is not required by Missouri state statute for teachers in non-public schools. Nonpublic school teachers that hold state certification are subject to discipline by the State Board of Education for misconduct under *Mo. Rev. Stat.* §168.071.
- The State Board of Education may refuse to issue or may revoke a nonpublic school teacher's certificate upon conviction of a felony or crime involving moral turpitude. *Mo. Rev. Stat.* §168.071(2).

## **Length of School Year/Days**

- Students in Missouri have the opportunity to enroll at public, private, parochial, parish, home schools or a combination of the above. *Mo. Rev. Stat.* §167.031.

## **Curriculum**

- Private schools, except privately operated trade schools, must provide courses of instruction in the Constitution of the United States and of Missouri, American history and institutions. Instruction must begin no later than 7th grade and continue in high school to the extent determined by the commissioner of education. No pupil can receive a certificate of graduation from any private school, except private trade schools, without satisfactorily passing an examination on these subjects. The commissioner will prescribe a list of suitable texts. These provisions do not apply to foreign exchange students. *Mo. Rev. Stat.* §170.011.
- The chief school officer of a nonpublic school has a duty to provide students information on available financial assistance for post-secondary education. The commissioner of higher education will provide nonpublic schools and their pupils with relevant information. *Mo. Rev. Stat.* §167.278.

## **Recordkeeping/Reports**

- Each school superintendent of a private, parochial, or parish school must prepare a record showing the immunization status of every child enrolled. The superintendent must report the name of any parent or guardian who neglects or refuses to permit a nonexempt child to be immunized. *Mo. Rev. Stat.* §167.181(4).
- Student immunization records may be disclosed without a parent or guardian's written authorization to individuals with a need to know as specified by statute, e.g.

employees of public agencies and departments. Anyone releasing the information for any other purpose would be liable for damages. *Mo. Rev. Stat.* §167.183.

### **Health and Safety Requirements**

- Students attending private, parochial, or parish schools must comply with the Department of Health regulations governing the immunization against poliomyelitis, rubella, rubeola, mumps and diphtheria, tetanus and pertussis. A student may not attend school unless he has been immunized, presents evidence of having begun the process, or is exempt. *Mo. Rev. Stat.* §167.181.
- Students are exempt from immunization if a parent or guardian presents to the school administrator a written objection based on religious beliefs or a written statement from a licensed physician that the immunizations are medically contraindicated. *Mo. Rev. Stat.* §167.181.
- Private elementary and secondary schools may obtain information from Missouri's central registry of child abuse and neglect reports for information pertaining to employees and volunteers or prospective employees and volunteers who provide services or care for children. *Mo. Rev. Stat.* §210.150(8).
- Students, teachers and visitors are required to wear industrial quality eye protective devices for courses involving exposure to certain hazardous materials. *Mo. Rev. Stat.* §170.005.
- Private and parochial schools were required to examine their structures for friable asbestos and report the results to the Department of Health by March 1, 1987. Schools that have not completed their removal plan must reevaluate the material biennially and file a report with the Department. Schools that identified nonfriable asbestos must reevaluate the material every three years, file a report with the Department and make their findings available to its employees and the public. *Mo. Rev. Stat.* §643.263.
- Distribution of a controlled substance on or within 1,000 feet of a private elementary or secondary school in Missouri is a felony. *Mo. Rev. Stat.* §195.214.
- "School-Based Nonviolent Conflict Resolution" materials developed by the Department of Health and Department of Elementary and Secondary Education can be made available to all schools, including private and parochial schools, and the general public. *Mo. Rev. Stat.* §170.046.

### **Transportation**

- Transportation is not provided for students attending private schools. The provision of transportation of parochial school students by public school bus that also transported public school children violates the Missouri constitution. *McVey v. Hawkins*, 258 S.W.2d 927 (Mo. 1953).

### **Textbooks**

- Materials, supplies or equipment, paid for with public funds, may not be provided to nonpublic schools. The provision of textbooks to teachers in private schools violates the Missouri Constitution. *Paster v. Tussey*, 512 S.W. 2d.97 (Mo. 1974).

### **Testing**

- Missouri state law does not require testing of nonpublic school students.

### **Special Education**

- The Missouri Department of Education may assign severely handicapped children to a private agency when it is in the best interests of the child. *Mo. Rev. Stat.* §162.735.
- Special educational services may be offered during the regular school day to children who attend private, parochial, and parish schools. Transportation is not required for these services. *Mo. Rev. Stat.* §162.996.
- Missouri's Constitution notwithstanding, educationally deprived children attending nonpublic schools in Missouri are entitled to receive federal funds for special services comparable in quality, scope and opportunity to children in public schools. *Barrera v. Wheeler*, 475 F.2d 1388 (1973).

### **Nursing and Health**

- Nonpublic school students have access to state and county health services on the same basis as their public school counterparts.
- Missouri provides special services to children enrolled in nonpublic schools identified as having a high risk of dropping out of school. Services may include skills assessment, tutoring, academic and personal counseling, family counseling, home visits and staff development. Services must be provided at sites other than sectarian nonpublic schools. *Mo. Rev. Stat.* §167.280.

### **Technology**

- Public, private and home school students are eligible to enroll in the Missouri Virtual Instruction Program (MoVIP), which offers online K–12 courses for students statewide.

### **Professional Development**

- There is no state policy at this time.

### **Reimbursement for Performing State/Local Functions**

- There is no state policy at this time.

### **Tax Exemption**

- Sales by or to public and nonpublic elementary and secondary schools are exempt from local sales tax. *Mo. Rev. Stat.* §144.030.2 (19) and (22).

### **Public Aid for Private Education**

- **Constitutional provisions:** The Missouri Constitution provides "No person can be compelled to . . . support any . . . teacher of any sect." *Missouri Constitution*, Art. I §6.  
The public school fund may not be used for any other purpose than establishing and maintaining free public schools. The Constitution further prohibits public aid to any private school controlled by any religious creed, church, or sectarian denomination. *Missouri Constitution*, Art. IX §8.
- **Programs for financial assistance for attendance at private schools:** There is no such program at this time.

### Homeschooling

- Any parent may educate a child at home. The parent does not have to hold a teaching certificate or meet any education requirements. If a parent decides to home school,<sup>5</sup> he or she must provide 1,000 hours of instruction during the school year, with at least 600 hours in the basics, such as reading, language arts, mathematics, social studies, and science. At least 400 of the 600 hours must be taught in the home location. *Mo. Rev. Stat.* §167.031.
- A parent who is home schooling a child must maintain the following records: a plan book, diary, daily log, or other written record indicating subjects taught and the activities engaged in with the student; a portfolio containing samples of the student's academic work; and a record of evaluation of the student's academic progress. *Mo. Rev. Stat.* §167.031.
- The parents may notify the superintendent of schools or the recorder of county deeds in the county where the parent resides of their intention to home school. This is done before September 1 annually. The law is permissive in the area of registering and does not mandate registration. *Mo. Rev. Stat.* §167.042.
- If families are educating students of high school age and elect to reenroll in the public schools, they need to be aware of the local board of education policies on accepting credit for students from unaccredited educational programs. There is no recognized high school diploma for home school students. Individuals who have been home schooled may take the high school equivalency exam to obtain their GED.

### Information resources

- [Missouri Department of Elementary and Secondary Education: State Regulations or Laws Regulating Private Schools](http://www.dese.mo.gov/schoollaw/freqaskques/PrivSchLtr.htm)  
<<http://www.dese.mo.gov/schoollaw/freqaskques/PrivSchLtr.htm>>
- [Missouri Virtual Instruction Program \(MoVIP\)](http://www.movip.org/) <<http://www.movip.org/>>
- [Missouri Revised States](http://www.moga.mo.gov/statutesearch/) <<http://www.moga.mo.gov/statutesearch/>>
- Missouri Department of Elementary and Secondary Education  
205 Jefferson Street  
P.O. Box 480  
Jefferson City, MO 65102-0480  
Phone: 573-751-4212  
Fax: 573-751-8613  
TTY: (800) 735-2966  
E-mail: [pubinfo@dese.mo.gov](mailto:pubinfo@dese.mo.gov)  
Web site: <http://dese.mo.gov/>
- U.S. Department of Education: [Missouri](#)

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<sup>5</sup> "Home school" is the term written in state law.

# MONTANA

## **Accreditation/Registration/Licensing/Approval**

- Accreditation is optional.
  - Nonpublic schools may be accredited upon request by the superintendent of public instruction in the same manner as public schools. *Mont. Code Ann.* §20-7-102.
  - The three categories of accreditation are: regular accreditation, accreditation with advice, and deficiency accreditation. “Nonaccredited status means that a school on deficiency status fails to document that it had met its improvement plan.” *Administrative Rules of Montana* 10-55-605, established by Montana Board of Public Education authorized by *Mont. Code Ann.* §20-7-101.
- No requirements for Registration.
- No requirements for Licensing.
- No requirements for Approval.

## **Teacher Certification**

- A Montana teacher certification is required for all administrators, specialists, and instructors serving in an accredited school.

## **Length of School Year/Days**

- Attendance at a nonpublic school exempts a student from public education if the nonpublic school provides 180 days of instruction or the equivalent. *Mont. Code Ann.* §20-5-109(2).

## **Curriculum**

- Attendance at a nonpublic school exempts a student from public education if the nonpublic school provides an organized course of study that includes instruction in the subjects required of public schools as a basic instructional program. *Mont. Code Ann.* §20-5-109(4).
- Accredited schools must comply with specified class size requirements in accordance with *Administrative Rules of Montana* 10-55-712 and 10-55-703, established by Montana Board of Public Education authorized by *Mont. Code Ann.* §20-7-101.
- Accredited schools must meet the Program Foundation Standards of curriculum that are listed in the *Administrative Rules of Montana* 10-55, established by the Montana Board of Public Education *Mont. Code Ann.* §20-7-101.
- Private accredited schools’ curriculum must be reviewed every five years at the local level. *Administrative Rules of Montana* 10.55.603(b).
- “The content and performance standards shall be used by school districts to develop local curriculum and assessment in all the content areas including: communication arts (reading, English language, second language, literature, writing, listening, speaking); arts; health enhancement; library media; mathematics; media literacy; science; social studies; technology; career and vocational or technical education;

world languages; and workplace competencies. The K–12 content standards describe what students shall know, understand and be able to do in these content areas. Benchmarks define the expectations for students' knowledge, skills, and abilities along a developmental continuum in each content area. Progress toward meeting these standards is measured at three points along that continuum: the end of grade 4, the end of grade 8, and upon graduation.” *Administrative Rules of Montana* 10-54-2501.1.

### **Recordkeeping/Reports**

- Attendance at a nonpublic school exempts a student from public education if the nonpublic school maintains records on pupil attendance and immunization and makes the records available to the county superintendent on request. *Mont. Code Ann.* §20-5-109(1).
- Each accredited school must keep, in secure storage, a permanent record for each student. This file must include: (a) the name and address of the student; (b) his or her parent or guardian; (c) birth date; (d) academic work completed; (e) level of achievement (grades, standardized achievement tests); (f) immunization records as per 20-5-406, MCA; and (g) attendance data. If a school closes all records are to be sent to the local county superintendent. *Administrative Rules of Montana* 10-55-909, established by Montana Board of Public Education authorized by *Mont. Code Ann.* §20-7-101.

### **Health and Safety Requirements**

- The governing authority of any school may not allow any person to attend unless the person has been immunized, qualifies for conditional attendance because he has begun the immunization process, or files an exemption. If a student transfers to another school, the sending school must forward the original immunization records to the new school. *Mont. Code Ann.* §20-5-403.
- Students are exempt from immunization requirements if they file a notarized affidavit claiming a religious exemption or a written statement by a physician that immunization is unsafe on medical grounds. The statements must be maintained in the student's immunization records. *Mont. Code Ann.* §20-5-405.
- The Department of Health and Environmental Sciences is responsible for making sanitary inspections of schoolhouses. *Mont. Code Ann.* §50-1-203.
- Attendance at a nonpublic school exempts a student from public education if the nonpublic school is housed in a building that complies with applicable local health and safety regulations. *Mont. Code Ann.* §20-5-109(3).
- Private school buildings used for housing or instructing students may not be built, enlarged, or remodeled until the plans have been approved by the Department of Commerce or a municipality or county with a building code. *Mont. Code Ann.* §20-6-622.
- Schools must conduct at least eight disaster drills each year. At least four of the drill must be fire exit drills. Drills must be held at different hours of the day or evening. A board of trustees shall identify local hazards that exist within the boundaries of its school district and design drills to address those hazards. The recall signal must be

## State Regulation of Private Schools—Montana

- separate and distinct from any other signal. *Mont. Code Ann.* §§20-10401, 20-10402, 20-1-404.
- The sale of dangerous drugs on or within 1,000 feet of a private elementary or secondary school is a criminal offense under Montana's criminal code. *Mont. Code Ann.* §45-9-109.
- Private schools may organize school safety patrols to direct pupils as to when and where to cross highways. The school safety patrol is comprised of students. Parent or guardians must give written consent for participation. No liability attaches to the student because of an injury sustained by a pupil. *Mont. Code Ann.* §20-1-408.

### **Transportation**

- Nonpublic school students may ride a public school bus if there is seating capacity available and the child secures a permit from the local school district. The school district may charge the child his proportionate share of the cost of operating the school bus. *Mont. Code Ann.* §20-10-123.
- School children traveling to and from parochial schools may receive free transportation or reduced rates from common carriers. *Mont. Code Ann.* §69-11-208(1)(o).
- Special education students are eligible for transportation when enrolled under an approved tuition agreement in a private institution. *Mont. Code Ann.* §20-7-441(4).

### **Textbooks**

- There is no state policy at this time.

### **Testing**

- All accredited schools must annually administer a state-level assessments approved by the state board. Each spring the office of public instruction will identify a week when students in grades four, eight, and eleven must participate state level assessments in reading, communication arts, mathematics, science, and social studies. All results of the state-level assessments must be provided to the office of public instruction and school districts in a format specified by the office of public instruction and approved by the board of public education. *Administrative Rules of Montana* 10.56.101.

### **Special Education**

- To the maximum extent possible, children with disabilities in private institutions must be educated with children who do not have disabilities. *Mont. Code Ann.* §20-7-411.

### **Nursing and Health**

- There is no state policy at this time.

### **Technology**

- There is no state policy at this time.

### **Professional Development**

- Teachers and specialists serving accredited schools must annually complete a minimum of three pupil instruction related (PIR) days of professional development. *Administrative Rules of Montana* 10-55-714.2, established by Montana Board of Public Education authorized by *Mont. Code Ann.* §20-7-101.

### **Reimbursement for Performing State/Local Functions**

- There is no state policy at this time.

### **Tax Exemption**

- The *Montana Constitution* permits the legislature to exempt property used exclusively for educational purposes from property taxes. *Mont. Const.*, Art. 8, §5(b).
- Tuition for nonprofit private educational institutions is exempt from Montana sales tax and use tax. 1993 *Mt. Ch.* 544 §31.

### **Public Aid for Private Education**

- **Constitutional Provisions:** The Montana Constitution prohibits public aid to schools controlled in whole or in part by any church, sect, or denomination. This provision does not apply to federal sources of income for nonpublic education. *Mont. Const.*, Art. X, §6.  
The Montana Constitution prohibits appropriations for educational purposes to private associations or corporations not under control of the state. *Mont. Const.*, Art. V, §11.  
The Montana Supreme Court has interpreted the state constitution to prohibit school boards from employing teachers to teach secular subjects in parochial schools. *State ex rel. Chambers v. School District*, 472 P.2d 1013 (1970).
- **Programs for financial assistance for attendance at private schools:** There is no such program at this time.

### **Homeschooling**

- Montana compulsory enrollment law is met if a parent or guardian has his or her child “(e) enrolled in a nonpublic or home school<sup>6</sup> that complies with the provisions of 20-5-109. For the purposes of this subsection (e), a home school is the instruction by a parent of his child, stepchild, or ward in his residence and a nonpublic school includes a parochial, church, religious, or private school.” *Mont. Code Ann.* §20-5-102(2).
- A home school must (1) maintain and make available to the county superintendent (upon request) attendance and disease immunization records; (2) meet the minimum aggregate hours of instruction in accordance with *Mont. Code Ann.* §20-1-301 and *Mont. Code Ann.* §20-1-302; (3) operate in a building that meets applicable local health and safety regulations; (4) “provide an organized course of study that includes instruction in the subjects required of public schools as a basic instructional program pursuant to *Mont. Code Ann.* §20-7-111”; and (5) “notify the county superintendent of schools of the county in which the home school is located in each school fiscal year of the student’s attendance at the school.” *Mont. Code Ann.* §20-5-109.
- “Subject to the provisions of *Mont. Code Ann.* §20-5-109, a parent has the authority to instruct his child, stepchild, or ward in a home school and is solely responsible for:

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<sup>6</sup> “Home school” is the term written in state law.

## State Regulation of Private Schools—Montana

(1) the educational philosophy of the home school; (2) the selection of instructional materials, curriculum, and textbooks; (3) the time, place, and method of instruction; and (4) the evaluation of the home school instruction.” *Mont. Code Ann.* §20-5-111.

### Information resources

- [Montana Office of Public Instruction: Montana School Accreditation Standards and Procedures Manual](http://www.opi.mt.gov/pdf/Accred/05AccredManual.pdf) <<http://www.opi.mt.gov/pdf/Accred/05AccredManual.pdf>>
- [Montana Office of Public Instruction: Montana Home School Information](http://www.opi.mt.gov/pdf/Measurement/HomeSchoolPacket.pdf)  
<<http://www.opi.mt.gov/pdf/Measurement/HomeSchoolPacket.pdf>>
- Montana Code Annotated  
[Title 20: Education](http://data.opi.state.mt.us/bills/mca_toc/20.htm) <[http://data.opi.state.mt.us/bills/mca\\_toc/20.htm](http://data.opi.state.mt.us/bills/mca_toc/20.htm)>
- [Montana Secretary of the State: Administrative Rules of Montana](http://mtrules.org/)  
<<http://mtrules.org/>>
- Montana Office of Public Instruction  
P.O. Box 202501  
Helena, MT 59620-2501  
Phone: 406-444-2082  
Toll-Free: 888-231-9393  
Fax: 406-444-3924  
Web site: <http://www.opi.mt.gov/>
- U.S. Department of Education, [Montana](#)

*Updated December 1, 2008*

# NEBRASKA

## **Accreditation/Registration/Licensing/Approval**

- In Nebraska, a nonpublic school must be either (a) Accredited; (b) Approved; or (c) receive an exemption from the commissioner of education from the requirements for the operation of approved private schools.
- *Accreditation* is optional.
  - Approved private or parochial schools are eligible to apply for and maintain accreditation. Title 92, *Nebraska Administrative Code*, Chapter 10.
- No requirement for *Registration*.
  - A school must submit required assurances and documentation to this Department to be approved or accredited.
- No requirement for *Licensing*.
  - *Licensing*, in the form of approval or accreditation by this Department, is required for private schools not operating as exempt schools. All teachers in approved or accredited schools must hold a valid Nebraska Teaching Certificate. Persons instructing students in exempt schools do not have to possess a teaching certificate. *Neb. Rev. Stat.* §§79-201(2), 79-1601.
- *Approval* is mandatory.
  - Approval is required unless a school chooses to operate under the provisions for 'exempt' schools.
  - Section 79-318(5)(c) of the *Revised Statutes of Nebraska* authorizes the Nebraska Department of Education to establish rules and regulations regarding the governance and standards for private, denominational, and parochial schools which elect, pursuant to procedures prescribed in subsections (2) to (4) of Section 79-1601 *R.R.S.*, not to meet all state accreditation or approval requirements. Title 92, *Nebraska Administrative Code*, Chapter 12 and Chapter 13.
  - Schools exempt from the approval and accreditation requirements are not considered either approved or accredited by the Nebraska Department of Education and are not entitled to any of the benefits, privileges, or services accorded or provided to approved or accredited schools by the Nebraska Department of Education. Title 92, *Nebraska Administrative Code*, Chapter 12 and Chapter 13.

## **Teacher Certification**

- Private, denominational, and parochial school teachers in accredited and approved schools must hold a valid Nebraska certificate or permit issued by the commissioner of education. *Neb. Rev. Stat.* §79-802.
- Employees of schools electing not to be accredited or approved (exempt schools) need not be certified, but must complete appropriate subject matter components of a nationally recognized teacher competency examination or offer evidence of competence through informal methods of evaluation developed by the State Board of

Education. These methods are described in the aforementioned regulations, Chapter 12 and 13 of Title 92 of the Nebraska Administrative Code. *Neb. Rev. Stat.* §79-1601(5).

### **Length of School Year/Days**

- Under Nebraska's compulsory education statute, a school term (year) must be no less than 1,032 instructional hours for elementary school and 1,080 instructional hours for high school. Kindergarten's school term must be at least 400 clock hours. *Neb. Rev. Stat.* §79-211.

### **Curriculum**

- Approved and accredited private, denominational, and parochial schools, K–5, must devote at least one hour per week for stories of American history and American heroes, singing patriotic songs and memorization of the Star Spangled Banner and America and the development of reverence for the flag and proper conduct in its presentation. *Neb. Rev. Stat.* §79-724.
- In two grades from grades 5–8, approved and accredited private, denominational, and parochial schools must devote at least three periods per week for American history from approved textbooks, taught to make the course interesting and attractive, and to develop a love of country. In at least two grades of every high school, three periods per week must be devoted to civics, including the constitutions of the United States and Nebraska, the benefits and advantages of our form of government, the dangers and fallacies of Nazism, communism, and similar ideologies, and the duties of citizenship. Appropriate patriotic exercises must be held for Lincoln's birthday, Washington's birthday, Flag Day, Memorial Day, and Veteran's Day. Nebraska requires that all of these history courses stress contributions of all ethnic groups in the growth of America, art music, education, medicine, literature, science, politics, government and war service. *Neb. Rev. Stat.* §79-724.
- Approved and accredited private schools must provide regular periods of instruction on fire dangers and fire prevention. *Neb. Rev. Stat.* §79-706.
- Approved and accredited private, parochial and denominational school teachers must give special emphasis in their instruction to common honesty, morality, courtesy, obedience to law, respect for the national flag, the Constitution of the United States, and the Constitution of Nebraska, respect for parents and the home, the dignity and necessity of honest labor, and other lessons which promote an upright and desirable citizenry. *Neb. Rev. Stat.* §79-725.
- Various other requirements concerning the curriculum of both accredited and approved schools are described in Title 92, *Nebraska Administrative Code*, Chapters 10 and 14.
- Exempt private schools are instead required to assure the commissioner of education that they will provide instruction leading to the acquisition of basic skills in language arts, math, science, social studies and health. *Neb. Rev. Stat.* §79-1601.
- Instruction must be given in the English language in private, denominational and parochial schools. *Nebraska Constitution* Art. I, Sec. 27.

### **Recordkeeping/Reports**

- Private schools must notify in writing persons enrolling new students that within 30 days they must provide a certified copy of the student's birth certificate or other reliable proof of the student's identity and age with an affidavit explaining why the birth certificate is inaccessible. Exempt schools (homeschools) provide the commissioner of education this same documentation. *Neb. Rev. Stat.* §43-2007(2).
- On the third day of classes, in private, denominational, and parochial schools, the teachers shall send to the superintendents or administrator of the school a list of the pupils enrolled in his or her school with the age, grade and address of each. *Neb. Rev. Stat.* §79-205.
- Private, denominational, and parochial school teachers must keep a record of the name, age, and address of each child enrolled, the number and county of the school district, the number of days present and absent, and the cause of absence. *Neb. Rev. Stat.* §79-205.
- Chief executive officers of approved or accredited nonpublic schools serving grades 7–12 must report the number of students who dropped out, were suspended, or excluded from school to the commissioner of education annually. *Neb. Rev. Stat.* §79-527.
- Student records must be provided at no charge to any public or private school, upon request, when the student transfers. *Neb. Rev. Stat.* §79-2,105.
- When notified that a student currently or previously enrolled is a missing person, private schools must flag the student's records and report immediately any request for the records or knowledge of the person's whereabouts to the local law enforcement agency. Schools must not forward a copy of the student's flagged record to a requesting school. *Neb. Rev. Stat.* §43-2007.
- Exempt schools annually file certain basic documentation with this Department including names and ages of students, address of the school and names of the persons instructing them. *Neb. Rev. Stat.* §79-1601.

### **Health and Safety Requirements**

- Approved and accredited private, denominational and parochial schools must provide monthly fire drills. *Neb. Rev. Stat.* §79-706.
- Approved and accredited private schools must conduct regular fire drills in accordance with adopted regulations and keep all doors and exits unlocked during school hours. *Neb. Rev. Stat.* §81-527.
- The second Friday of May is designated as State Fire Day to be observed by approved and accredited private and parochial schools to create awareness of fire damage. *Neb. Rev. Stat.* §79-705.
- Accredited schools are required to have in place a safety and security plan that meets the requirements of the state's regulation on accreditation. Title 92, *Nebraska Administrative Code*, Chapter 10.

### **Transportation**

- School boards providing transportation for children attending public schools must also provide transportation on the regular public school bus routes without cost for

## State Regulation of Private Schools—Nebraska

children attending nonprofit private schools within the district approved for legal operation under *Neb. Rev. Stat.* §79-318(5)(c) and *Neb. Rev. Stat.* §79-601.

- Nonprofit private schools must certify to the public school district the names, addresses, days of school attendance and other useful information, on forms provided by the State Department of Education. *Neb. Rev. Stat.* §79-601. This provision does not violate the constitution of Nebraska. *State ex rel. Bouc v. School Dist. of City of Lincoln*, 320 N.W.2d 472 (Neb. 1982).
- Companies providing bus service to private, denominational, or parochial schools must give instruction in safe riding practices and emergency evacuation drills at least twice during each school year. *Neb. Rev. Stat.* §79-609.
- School bus drivers must furnish to the governing authority of a nonpublic school a driving permit issued by the Department of Motor Vehicles before contracting to provide school bus services. *Neb. Rev. Stat.* §79-608.
- Nonpublic schools must have transportation vehicles inspected by a motor vehicle mechanic before school opens in the fall and every 80 days during the school year. *Neb. Rev. Stat.* §79-602.

### Textbooks

- Public school Boards of Education have a duty to loan textbooks, upon request, to children attending K–12 private schools approved for legal operation under *Neb. Rev. Stat.* §79-318(5)(c) when funds are specifically appropriated by the state legislature. The textbooks must be designated for use in the public schools and loaned to students free of charge. *Neb. Rev. Stat.* §79-734.

### Testing

- Accredited private schools are required to administer a standardized norm-referenced test in at least one grade in each of the following three levels: grades four to six, grades seven to nine, and grades 10 to 12. Each school must submit a written performance report annually. Title 92, *Nebraska Administrative Code*, Chapter 10, Section 005.02.

### Special Education

- School districts are permitted to contract with private institutions for the education of disabled students (*Nebraska Constitution* Art. VII, Sec. 11) provided that the referral meets the regulatory requirements of NDE as provided in Title 92, *Nebraska Administrative Code*, Chapter 51, Section 015.

### Nursing and Health

- Private schools may request assistance, including vaccines, serums, services and guidance, from the Department of Health in establishing immunization clinics. *Neb. Rev. Stat.* §79-218.
- Private schools may request materials for a comprehensive health education course prepared by the commissioner of education. *Neb. Rev. Stat.* §79-713.

### Technology

- There is no state policy at this time.

### **Professional Development**

- There is no state policy at this time.

### **Reimbursement for Performing State/Local Functions**

- There is no state policy at this time.

### **Tax Exemption**

- Meals and food products sold for human consumption by private schools, student organizations, and parent-teacher associations are exempt from sales and use tax, including concession sales by elementary and secondary schools to the general public. *Neb. Rev. Stat.* §77-2704.10.

### **Public Aid for Private Education**

- **Constitutional provisions:** The Nebraska Constitution prohibits state appropriations for schools not owned or exclusively controlled by the state or a political subdivision. Contracts with nonsectarian schools for the education of disabled students are an exception. The Constitution specifically allows for the distribution of federal funds in accordance with federal grants. *Nebraska Constitution* Art. VII, Sec. 11.
- **Programs for financial assistance for attendance at private schools:** There is no such program at this time.

### **Homeschooling (a.k.a Exempt Schools)**

- In Nebraska, "homeschools" are referred to as exempt schools and are considered private non-approved and nonaccredited schools. By filing for and receiving exempt status, parents are electing not to have their child attend a school that meets State approval or accreditation requirements while also complying with the compulsory school attendance law. *Neb. Rev. Stat.* §79-201.
- A parent choosing to homeschool must file and receive exempt status in order to comply with the compulsory school attendance law. *Neb. Rev. Stat.* §79-201.
- Each of the parents or guardians of the children who will attend an exempt school and who are of compulsory attendance age must sign a separate Statement of Objection and Assurances in the presence of a notary and file it with the state. The compulsory school attendance law (Section 79-201, R.R.S.) states that a child is of mandatory attendance age if the child will reach 6 years of age prior to January 1 of the then-current school year, and has not reached 18 years of age. Title 92, *Nebraska Administrative Code*, Chapter 12 and Chapter 13.
- By August 1 of each year or 30 days prior to the start of the exempt school, the parents must submit to the commissioner: a calendar for the school year indicating a minimum instruction of 1,080 for secondary schools and 1,032 for elementary schools; a list of the names of all instructional monitors in the exempt school, their contact information, and their qualifications; and a chart of written summary showing the scope and sequence of the sequential program of instruction designed to lead to basic skills in the language arts, mathematics, science, social studies, and health, by grade level. Title 92, *Nebraska Administrative Code*, Chapter 12 and Chapter 13.

## State Regulation of Private Schools—Nebraska

- Parents or guardians that choose to homeschool are electing to not meet state approval or accreditation requirements. *Neb. Rev. Stat.* §79-1601.
- The parent assumes all costs related of the exempt school. Exempt schools will not receive curriculum materials, books, guidelines or technical assistance from the Nebraska Department of Education and approved or accredited schools are under no obligation to provide assistance to exempt schools. However, if they choose to, the local school board may allow it.
- Nebraska does not have a formal requirement regarding the education qualification of exempt school instructors.
- When the Department deems necessary, officials can visit the exempt school at a mutually established time. Likewise, when the department deems it necessary to conduct regular achievement testing of students, it may be so at a mutually designated and established time Title 92, *Nebraska Administrative Code*, Chapter 12 and Chapter 13.

### Information resources

- [Nebraska Department of Education: Regulations and Procedures for the Legal Operation of Approved Nonpublic Schools](http://www.nde.state.ne.us/LEGAL/Rule14.html)  
<http://www.nde.state.ne.us/LEGAL/Rule14.html>
- [Nebraska Department of Education: Regulations and Procedures for the Accreditation of Schools](http://www.nde.state.ne.us/LEGAL/RULE10.html) <http://www.nde.state.ne.us/LEGAL/RULE10.html>
- [Nebraska Department of Education: Exempt \(Home\) School Program](http://ess.nde.state.ne.us/OrgServices/ExemptSchools/Default.htm)  
<http://ess.nde.state.ne.us/OrgServices/ExemptSchools/Default.htm>
- [Nebraska Department of Education: Exempt \(Home\) School Frequently Asked Questions](http://ess.nde.state.ne.us/OrgServices/ExemptSchools/ExemptFAQ.htm) <http://ess.nde.state.ne.us/OrgServices/ExemptSchools/ExemptFAQ.htm>
- [Nebraska Department of Education: General Information Regarding State Education Rules and Regulations](http://www.nde.state.ne.us/LEGAL/RULES.html) <http://www.nde.state.ne.us/LEGAL/RULES.html>
- [Nebraska Revised Statutes](http://www.unicam.state.ne.us/laws/browse-statutes.php)  
<http://www.unicam.state.ne.us/laws/browse-statutes.php>
- Nebraska Department of Education  
301 Centennial Mall South  
P.O. Box 94987  
Lincoln, NE 68509  
Phone: 402-471-2295  
Web site: <http://www.nde.state.ne.us/>
- U.S. Department of Education, [Nebraska](#)

Updated January 21, 2009

# NEVADA

## Accreditation/Registration/Licensing/Approval

- *Accreditation* is optional.
  - Accreditation by national or regional accrediting agencies recognized by the United States Department of Education may be accepted as evidence of compliance with the minimum standards. *NRS 394.241*.
- No requirements for *Registration*.
- *Licensing* is mandatory.
  - Nevada defines license as “the written authorization of the Board or Commission to operate or to contract to operate a private elementary, secondary or postsecondary educational institution.” *NRS 394.075*.
  - Under the *Private Elementary and Secondary Education Authorization Act*, private schools must be licensed according to minimum criteria established by the Board of Education. The criteria must be sufficient to effectuate the purpose of the act but not unreasonably hinder legitimate educational innovation. The minimum standards ensure that the quality and content of instruction achieves the stated objective of the program; the school has adequate space, equipment, instructional materials and personnel to provide good quality education; the school complies with health and safety regulations; and, the institution is financially sound and capable of fulfilling its commitments. *NRS 394.241*.
  - Elementary and secondary educational institutions operated by churches, religious organizations and faith-based ministries may claim an exemption to the provisions of the *Private Elementary and Secondary Education Authorization Act*. Institutions claiming an exemption must file with the Board of Education the exemption on forms provided by the Department of Education or in a letter containing the required information. The exemption expires two years after the last day of the calendar month in which the filing is made. *NRS 394.211*.
  - In order to operate in the state of Nevada, private schools must apply to the superintendent on forms provided by the State Department of Education. The application must include a “catalog or brochure published or proposed to be published by the institution.” The State Board of Education grants a license it must include: the date of issuance, effective date and term of the license; the correct name and address of the institution licensed to operate; the authority for approval and conditions of operation; any limitations of the authorization, as considered necessary by the Board. License authorization may be given for a term of not more than four years. *NRS 394.351*.
  - A school must apply for license renewal at least 60 days before the expiration of a license. *NRS 394.351*.
  - When a private school applies for a license or a license renewal, the superintendent must inspect the school to ensure it “operates in accordance

with the provisions of all laws, regulations and ordinances relating to the health and safety of persons on the premises,” “maintains the records required by the regulations of the Board relating to administrators, supervisors, instructors and other educational personnel,” and has the insurance coverage required by the State Board of Education. *NRS 394.245*.

- License application fees are \$300; renewal fees are \$250. Schools applying for a license must file a surety bond for not less than \$5,000 or a certificate of deposit for the same amount to provide indemnification for anyone suffering damage from the school resulting from a violation of the act. Documents of indebtedness for tuition payments are governed by state statute. *NRS 394.351, 394.271*.
- The superintendent of public instruction maintains a list of private elementary and secondary schools authorized to operate in the state and investigates complaints brought against the schools. *NRS 394.221, 394.231, 394.241, 394.271, 394.331, 394.351, 394.590*.
- No requirements for *Approval*.

### **Teacher Certification**

- “The education and experience qualifications of directors, administrators, supervisors and instructors reasonably ensure that the students will receive education consistent with the objectives of the course or program of study.” This is a minimum standard that must be maintained by elementary and secondary educational institutions in Nevada. *NRS 394.241(1)(c)*
- A full-time administrator in a licensed private school must: hold an administrator’s license issued by the Department or by another state or territory of the United States; hold a bachelor’s degree from an institution accredited by a regional accrediting association that is approved by the United States Department of Education and have five years of verified experience in educational administration; or hold a master’s degree from an institution accredited by a regional accrediting association that is approved by the United States Department of Education and have three years of verified experience in educational administration. *NAC 394.050(1)*.
- An instructor in a licensed private school must: hold a teacher’s license issued by the Department or by another state or territory of the United States that is appropriate for his assignment; hold a bachelor’s degree from an institution accredited by a regional accrediting association that is approved by the United States Department of Education and have three years of verified full-time or supervised experience in teaching the appropriate grade level; or hold a master’s degree in an area that is appropriate for his assignment from an institution accredited by a regional accrediting association that is approved by the United States Department of Education and have one year of verified full-time or supervised experience in teaching the appropriate grade level. *NAC 394.050(2)*.
- Teachers responsible for giving instruction must show satisfactory evidence of the necessary knowledge of the United States Constitution and the Constitution of the state of Nevada by examination or credentials. *NRS 394.160*.
- Exempt private schools have no requirements for instructional personnel qualifications.

### **Length of School Year/Days**

- A licensed private school must have a school year of at least 180 school days. *NAC 394.215.*
- A licensed private school must have a school day in session consistent with the following minimum daily periods for each grade, including recess and time between activities, but not including the time allowed for lunch: 120 minutes for kindergarten; 240 minutes for grades 1-2; 300 minutes for grades 3-6; and 330 minutes grades 7-12. *NAC 387.131.*

### **Curriculum**

- Private schools must provide instruction for private school students in the subjects required by law for public school students, either under the prescribed regular state courses or through courses prepared by private schools and approved by the state board of education. Nothing in this section may be construed to interfere with the right of private schools to give religious instruction. *NRS 394.130.*
- All private schools must provide instruction in the Constitution of the United States and the state of Nevada, including the origin and history, and the study of and devotion to American institutions and ideals. At least one year of instruction is required at the elementary level and high school level. Private school students may not receive a certificate or diploma without having passed an examination on the constitutions. *NRS 394.150.*

### **Recordkeeping/Reports**

- Private schools are required to furnish periodic reports of enrollment, attendance, and general progress within each school to the Superintendent of Public Instruction. *NRS 394.130.*
- Private elementary and secondary schools may not permanently admit a student until the parent or guardian furnishes a birth certificate or other proof of the child's identity, and if applicable, the student's prior school records. Children must be admitted to a school under the name appearing in the identifying documents, unless the parent or guardian furnishes a court order to the contrary or the child is in the custody of the welfare division. If the parent or guardian fails to furnish identifying documents within 30 days of conditional admission, the principal must notify the local law enforcement agency and request a determination whether the child has been reported missing. *NRS 394.145.*
- Before December 31 of each year, private schools must report on a form provided the number of students fully immunized to the Health Division of the Department of Human Resources. *NRS 394.192(5).*
- Private elementary and secondary educational institutions discontinuing operations must file original or true copies of all student academic records with the Superintendent of Public Instruction. *NRS 394.341.*

### **Health and Safety Requirements**

- Students may not enroll in a private school without a certificate of immunization unless excused based on a religious belief or medical condition. Students may

conditionally enter a private school if a parent or guardian submits a certificate that the child is currently receiving the required immunizations. Immunizations must be completed within 90 days or the child must be excluded from school until the immunization requirement has been met. *NRS 394.192(1)–(4); 394.193.*

- If a dangerous contagious disease exists in a private school, a child excused from the immunization requirements must be immunized or excluded from school and the local health officer notified. *NRS 394.198.*
- Private schools must conduct fire drills at least once each month during the school year to instruct students in proper procedures. Not more than three drills may include instruction in the procedures in the event of a chemical explosion, related emergencies and other natural disasters. The state fire marshal prescribes regulations governing fire drills. Copies of this section shall be kept posted in every classroom of every private school. *NRS 394.170.*
- Each private school must establish a committee to develop a plan to be used by the school in responding to a crisis. The development committee must include at least one member of the governing body; at least one administrator of the school; at least one teacher of the school; at least one employee of the school who is not a teacher and who is not responsible for the administration of the school; at least one parent or legal guardian of a pupil who is enrolled in the school; and at least one representative of a local law enforcement agency in the county in which the school is located. *NRS 394.1685.*
- The development committee must, at least once each year, review and update the crisis plan as appropriate and provide an updated copy of the plan to the governing body of the school. *NRS 394.1691.*

### **Transportation**

- School districts with less than 100,000 in population who provide transportation for public school students may also provide transportation for resident students attending nonprofit private schools on established public school bus routes. *NRS 392.300.*
- Private schools are subject to the Nevada laws regulating the condition, equipment and identification of vehicles used for pupil transportation. All vehicles are subject to inspection at all times. *NRS 394.190.*

### **Textbooks**

- Licensed private schools must meet the minimum criteria established by the Board of Education with regards to the adoption of textbooks. *NAC 390.040.*

### **Testing**

- There is no state policy at this time.
- The Nevada Department of Education encourages private schools to participate in the state's testing program, particularly the High School Proficiency Exams. For additional information on the testing program, see *NAC 389.048–398.083.*

### **Special Education**

- Private schools that provide instruction to students with disabilities must create an education program for staff that provide services to the students with disabilities.

“The program of education must provide instruction in positive behavioral interventions and positive behavioral supports that: includes positive methods to modify the environment of pupils with disabilities to promote adaptive behavior and reduce the occurrence of inappropriate behavior; includes methods to teach skills to pupils with disabilities so that the pupils can replace inappropriate behavior with adaptive behavior; includes methods to enhance the independence and quality of life for pupils with disabilities; includes the use of the least intrusive methods to respond to and reinforce the behavior of pupils with disabilities; and offers a process for designing interventions based upon the pupil that are focused on promoting appropriate changes in behavior as well as enhancing the overall quality of life for the pupil.” *NRS 394.372.*

### **Nursing and Health**

- There is no state policy at this time.

### **Technology**

- Licensed private schools must meet the minimum criteria established by the Board of Education with regards to the [Nevada State Educational Technology Plan](#).

### **Professional Development**

- There is no state policy at this time.

### **Reimbursement for Performing State/Local Functions**

- There is no state policy at this time.

### **Tax Exemption**

- Nonprofit private schools, including adjacent lots, furniture and equipment, are exempt from property tax. *NRS 361.105.*
- Meals and food products for human consumption served by private schools, student organizations, and parent-teacher associations to students and teachers are exempt from sales tax. *NRS 372.285.*
- Meals and food products for human consumption served by private schools, student organizations, and parent-teacher associations to students and teachers are exempt from the local school support tax. *NRS 372.290.*

### **Public Aid for Private Education**

- **Constitutional Provisions:** Public school funds may not be used for any other purpose nor set apart for the use or benefit of sectarian or secular societies or associations. *NRS 387.045.*
- **Programs for financial assistance for attendance at private schools:** There are no such programs at this time.

### **Homeschooling**

- “A parent of the child chooses to provide education to the child and files a notice of intent to homeschool the child with the superintendent of schools of the school district in which the child resides in accordance with [NRS 392.700.](#)” *NRS 392.070.*

- In order to homeschool, the parent must submit a written notice of intent, using a standard form created by the Nevada Department of Education, to the superintendent of the schools of the resident school district. The notice of intent must be submitted before the start of the homeschool program, no later than 10 days after withdrawn enrollment from public school, or no later than 30 days after establishing residency in the state. The notice of intent informs the school district that the homeschooled student is exempt from the compulsory attendance law. *NRS 392.700.1–2.*
- The notice of intent includes the full name, age and gender of the child; the name and address of each parent filing the notice of intent to homeschool; a statement signed and dated by each such parent declaring that the parent has control or charge of the child and the legal right to direct the education of the child, and assumes full responsibility for the education of the child while the child is being homeschooled; an educational plan for the child that is prepared pursuant to subsection 12; and, if applicable, the name of the public school in this State which the child most recently attended. *NRS § 392.700.5.*
- The parent of a homeschooled child must develop an educational plan of instruction in the subject areas of English, including reading, composition and writing, mathematics, science and social studies, including history, geography, economics and government, as appropriate for the age and level of skill of the child as determined by the parent. *NRS 392.700.12.*
- The superintendent of schools of the resident school district is not authorized to require additional information or assurance from the parent other than the notice of intent. *NRS 392.700.6.*
- The school district must provide the parent a written form of acknowledgment that indicates the parent provided notification that student will be homeschooled. “The written acknowledgment shall be deemed proof of compliance with Nevada’s compulsory school attendance law. The school district shall retain a copy of the written acknowledgment for not less than 15 years.” *NRS 392.700.7.*
- “A school or organization shall not discriminate in any manner against a child who is or was homeschooled.” *NRS 392.700.10.*

### Information resources

- [Nevada Department of Education: Private Schools](http://nde.doe.nv.gov/SD_PrivateSchools.htm)  
<[http://nde.doe.nv.gov/SD\\_PrivateSchools.htm](http://nde.doe.nv.gov/SD_PrivateSchools.htm)>
- [Nevada Department of Education: Homeschooling](http://nde.doe.nv.gov/SD_Homeschooling.htm)  
<[http://nde.doe.nv.gov/SD\\_Homeschooling.htm](http://nde.doe.nv.gov/SD_Homeschooling.htm)>
- [Nevada Law Library](http://www.leg.state.nv.us/law1.cfm)  
<<http://www.leg.state.nv.us/law1.cfm>>
- [Nevada Revised Statutes](http://www.leg.state.nv.us/NRS/NRS-392.html#NRS392Sec700)  
[Chapter 392: Pupils. Homeschooled Children: 392.700–392.705.](http://www.leg.state.nv.us/NRS/NRS-392.html#NRS392Sec700)  
<<http://www.leg.state.nv.us/NRS/NRS-392.html#NRS392Sec700>>  
[Chapter 394: Private Educational Institutions and Establishments.](http://www.leg.state.nv.us/NRS/NRS-394.html)  
<<http://www.leg.state.nv.us/NRS/NRS-394.html>>
- [Nevada Administrative Code](http://www.leg.state.nv.us/NAC/CHAPTERS.HTML)  
<<http://www.leg.state.nv.us/NAC/CHAPTERS.HTML>>
- Nevada Department of Education

State Regulation of Private Schools—Nevada

700 East Fifth Street  
Carson City, NV 89701  
Phone: 775-687-9217  
Fax: 775-687-9202  
Web site: <http://www.doe.nv.gov>  
■ U.S. Department of Education, [Nevada](#)

*Updated February 20, 2009*

# NEW HAMPSHIRE

## **Accreditation/Registration/Licensing/Approval**

- No requirements for *Accreditation*.
  - Schools accredited by NEASC, ASCI, or ACSI are designated as Approved for Attendance and Program (AP) for five years, otherwise schools are normally Approved for Attendance (AA) for three years.
- *Registration* is mandatory.
  - Every sole proprietor doing business in this state under any name other than the sole proprietor's own name, and every partnership, trust or association doing business in this state shall register the trade name of such business, trust or association in the manner provided in 349:5 and 349:6. *N.H. Rev. Stat. Ann* §349:1.
- No requirements for *Licensing*.
- *Approval* is mandatory.
  - Attendance at an approved private school fulfills the compulsory attendance requirements. *N.H. Rev. Stat. Ann* §193:1.
  - The approval of private schools as a substitute for public school attendance is a reasonable exercise of the state's power whereby it can be known by reasonable means that the required teaching is given. *State v. Hoyt*, 146 A. 170 (1929). *N.H. Code Admin.* Rule Ed. 400, 406.6.
  - The Board of Education is charged with adopting rules relative to reasonable criteria for approving nonpublic schools for the purpose of compulsory attendance requirements as authorized by *N.H. Rev. Stat. Ann* §186:11, XXIX.

## **Teacher Certification**

- Teacher certification is not required for teachers at private schools.

## **Length of School Year/Days**

- The standard school year shall be 180 days. A school year other than the standard school year shall be approved by the commissioner of education for good cause. *NH Code Admin.* Rule Ed 401.03.
- The full-time attendance requirement may be met by attendance at more than one school provided the total time spent in the schools is equivalent to full-time attendance and, further, that the attendance at more than one school may include attendance at a nonpublic school provided that the school district and the state board of education have given prior approval to the detailed dual enrollment agreement, which is to be effectuated for this purpose. *N.H. Rev. Stat. Ann* §193:1-a.

## **Curriculum**

- Private schools must provide courses in the history, government and constitutions of the United States and New Hampshire, including the organization and operation of New Hampshire municipal, county and state government and of the federal

government. The instruction must begin no later than eighth grade and continue in high school as an identifiable component of a year's course in the history and government of the United States and New Hampshire. *N.H. Rev. Stat. Ann* §189:11.

- The English language must be used exclusively in private schools for instruction and general administration. Bilingual education programs are permitted with the approval of the Board of Education and the local school district. *N.H. Rev. Stat. Ann* §189:19.
- Devotional exercises in private schools may be conducted in a language other than English. *N.H. Rev. Stat. Ann* §189:21.
- The governing board of a private school must supply a United States flag, not less than five feet in length, with a flagstaff and appliances for display outdoors. Failure to comply is a violation. *N.H. Rev. Stat. Ann* §189:17.

### **Recordkeeping/Reports**

- The governing body of every school district, city, joint maintenance agreement, chartered public school, or approved public academy, shall, on or before August 1 in each year, submit to the department of education those statistical reports necessary to compute the average daily membership of pupils attending each school district, and the average daily membership of pupils resident in each school district. Information relating to the fall enrollment, drop-outs, staffing census, and average teacher salary, as of October 1 of each school year, shall be submitted to the department of education on or before October 15. Private schools shall submit average daily membership in attendance, fall enrollment, and teacher staff census. *N.H. Rev. Stat. Ann* §189:28
- All elementary and secondary educational institutions, upon request of a private school or a school district as authorized by a parent, student, or former student, must furnish a student record to any elementary or secondary educational institution. There shall be no charge for any record furnished pursuant to this section. *N.H. Rev. Stat. Ann* §194:31-a.

### **Health and Safety Requirements**

- Nonpublic schools shall comply with applicable state, local and federal fire and health requirements and shall provide documentation from federal, state or local officials for such compliance. *N.H. Code Admin.* Rule Ed. 403.01(c).
- Each local fire chief shall annually inspect all school buildings within his or her jurisdiction while school is in session and submit a written report to the state fire marshal on the condition of all such school buildings. A copy of the report shall be furnished to the school district superintendent and school board members. The report shall detail any state fire code compliance issues in each school building. The report shall be submitted no later than December 15 each year. *N.H. Rev. Stat. Ann* §153:14 II(b).
- Within two years of the effective date of this section, every public and nonpublic school shall develop a site-specific school emergency response plan which is based on and conforms to the Incident Command System and the National Incident Management System. The plan shall provide that at least two of the currently required number of fire evacuation drills shall be emergency response drills. The plan shall address hazards including but not limited to acts of violence, threats, earthquakes, floods, tornadoes, structural fire, wildfire, internal and external hazardous materials

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releases, medical emergencies, and any other hazard deemed necessary by school officials and local emergency authorities. The first emergency response drill shall be conducted within one year of the completion of the plan. *N.H. Rev. Stat. Ann* §189:64.

- No child shall be admitted or enrolled in any private school unless the child is immunized as required, partially immunized relative to the age of the child, or exempt from immunization. A child is exempt if a physician certifies that the immunization may be detrimental to the child's health or a parent or guardian signs a notarized statement that the child has not been immunized because of religious beliefs. *N.H. Rev. Stat. Ann* §§141-c:20-a, c.
- All children shall be examined prior to school entrance and periodically during the school years to detect the presence of tuberculosis. *N.H. Rev. Stat. Ann* §200:38.

### **Transportation**

- Pupils attending approved private schools (K–12) are entitled to the same transportation privileges within any town or district as provided for pupils in public schools. *N.H. Rev. Stat. Ann* §189:9.

### **Textbooks**

- The school board of any school district may provide textbooks and instructional materials for pupils in nonpublic schools. *N.H. Rev. Stat. Ann* §189:49.
- The Secretary of State will provide one copy of the state's annual legislative manual to every private secondary school library in the state without charge. *N.H. Rev. Stat. Ann* §20:5.

### **Testing**

- The school board of any school district may provide educational testing services for pupils in nonpublic schools. *N.H. Rev. Stat. Ann* §189:49.
- Private schools may contact the Department of Education to participate in the statewide assessment under the Statewide Education Improvement and Assessment Program. *N.H. Rev. Stat. Ann* §193-C:6.

### **Special Education**

- No state or federal funds may be paid to a nonpublic school for the education and training of disabled children that have not been approved by the State Board of Education. *N.H. Rev. Stat. Ann* §198:20-a.
- The New Hampshire legislature has authorized the school board of any school district to provide nonpublic schools the following special education services: 1) health and welfare services including speech correction and remedial and diagnostic services; 2) programs for the deaf, blind, emotionally disturbed, children with disabilities; and 3) programs for the improvement of the educational studies of pupils with disabilities. *N.H. Rev. Stat. Ann* §189:49.

### **Nursing and Health**

- The school board of any school district may provide the following child benefit services for pupils in nonpublic schools: school physician, nurse, and health services; school guidance and psychologist services; health and welfare services including

speech correction and remedial and diagnostic services; programs for the deaf, blind, emotionally disturbed, children with disabilities and audio-visual aids and programs for the improvement of the educational studies of pupils with disabilities; physical education; and, a hot lunch program. *N.H. Rev. Stat. Ann* §189:49.

### **Technology**

- There is no state policy at this time.

### **Professional Development**

- There is no state policy at this time.

### **Reimbursement for Performing State/Local Functions**

- There is no state policy at this time.

### **Tax Exemption**

- Private and parochial and public schools that conduct courses in driver education approved by the State Department of Education are exempt from applicable license fees. *N.H. Rev. Stat. Ann* §263:44.

### **Public Aid for Private Education**

- **Constitutional provisions:** The New Hampshire Constitution provides, "religious societies shall at all times have the right of electing their own teachers, and of contracting with them for their support or maintenance, or both. But no person shall ever be compelled to pay towards the support of the schools of any sect or denomination. And every person, denomination or sect shall be equally under the protection of the law; and no subordination of any one sect, denomination or persuasion to another shall ever be established." *New Hampshire Constitution* Pt. 1, Art. 6.  
The New Hampshire Constitution also provides "No money raised by taxation shall ever be granted or applied for the use of the schools or institutions of any religious sect or denomination." *New Hampshire Constitution* Pt. 2, Art. 83.  
Textbooks, physician, nurse and health services, and hot lunches are nonideological; there is no danger that they will be used to foster religion; they are furnished at the request of the student, not the school; and, there will be no need for continuing surveillance which would lead to excessive entanglement. Therefore, the aid is constitutionally permissible. Opinion of the Justices, 115 N.H. §553 (1975).
- **Programs for financial assistance for attendance at private schools:** There are no such programs at this time.

### **Homeschooling**

- Home education satisfies New Hampshire's compulsory attendance law. *N.H. Rev. Stat. Ann* §193:1.
- The state board of education must adopt rules, pursuant to *N.H. Rev. Stat. Ann* §541-A, to administer home education programs. *N.H. Rev. Stat. Ann* §193-A3.
- A parent planning on beginning a home education program must notify the commissioner of the department of education, resident district superintendent, or

principal of a nonpublic school of such within five business days of beginning the program. Notification must include a list of the names, addresses, and birth dates of all children participating in the program. The commissioner of the department of education, resident district superintendent, or principal of a nonpublic school must inform the parent of his receipt of the notification within 14 days of the receipt. *N.H. Rev. Stat. Ann* §193-A:5.

- Each parent must notify the commissioner of education, resident district superintendent, or principal of a nonpublic school by the first school day according to the school calendar in the child's resident school district. *N.H. Rev. Stat. Ann* §193-A:5.
- If the parent intends to terminate the home education program the parent must submit a written notice of termination with the commissioner of education, and the resident district superintendent or nonpublic school principal within 15 days. *N.H. Rev. Stat. Ann* §193-A:5.
- The parent must maintain a portfolio of records consisting of "a log which designates by title the reading materials used, and also samples of writings, worksheets, workbooks, or creative materials used or developed by the child." The parent must keep the portfolio on file for a minimum of two years from the date of the ending of the instruction. *N.H. Rev. Stat. Ann* §193-A:6.
- A student in a home education program must receive an annual educational evaluation to demonstrate his or her educational progress is at a level commensurate with the student's age and ability. This requirement can be met in one of the following options: 1) a certified teacher or a teacher currently teaching in a nonpublic school selected by the parent may evaluate the student and submit a written evaluation to the commissioner of education, resident district superintendent, or nonpublic school principal; 2) the student may take any national student achievement test, administered by a person who meets the qualifications established by the provider or publisher of the test, and submit the results to the commissioner of education, resident district superintendent, or nonpublic school principal; 3) the student may take a state student assessment test used by the resident district and submit the results to the commissioner of education, the resident district superintendent, or nonpublic school principal; or 4) the student may be evaluated using "any other valid measurement tool mutually agreed upon by the parent and the commissioner of education, resident district superintendent, or nonpublic school principal." *N.H. Rev. Stat. Ann* §193-A:6.
- Nonpublic or home educated pupils shall have access to curricular courses and cocurricular programs offered by the school district in which the pupil resides. The local school board may adopt a policy regulating participation in curricular courses and cocurricular programs, provided that such policy shall not be more restrictive for nonpublic or home educated pupils than the policy governing the school district's resident pupils. In this section, "cocurricular" shall include those activities which are designed to supplement and enrich regular academic programs of study, provide opportunities for social development, and encourage participation in clubs, athletics, performing groups, and service to school and community. For purposes of allowing access as described in this section, a "home educated pupil" shall not include any

## State Regulation of Private Schools—New Hampshire

- pupil who has graduated from a high school level program of home education, or its equivalent, or has attained the age of 21. *N.H. Rev. Stat. Ann* §193:1-c.
- A home education advisory council will carry out duties assigned by the commissioner of education. The council will work with home educators and representatives of private and public education to encourage understanding of home education. *N.H. Code Admin.* Rule Ed. 315.10.
  - The 2008 New Hampshire legislative session passed SB 337 which amended the notification requirements for home education programs, the membership of the home education advisory council, and established a commission to examine New Hampshire's home education statutes with an expectation the commission's findings would be reported to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library no later than Nov. 1, 2008.

### Information resources

- [New Hampshire Department of Education: Nonpublic School Approval](http://www.ed.state.nh.us/education/doe/organization/curriculum/nonpublicpage.htm)  
<http://www.ed.state.nh.us/education/doe/organization/curriculum/nonpublicpage.htm>
- [New Hampshire Revised Statutes](http://www.gencourt.state.nh.us/rsa/html/indexes/default.html)  
<http://www.gencourt.state.nh.us/rsa/html/indexes/default.html>
- [New Hampshire Office of Legislative Services: Administrative Rules](http://www.gencourt.state.nh.us/rules/index.html)  
<http://www.gencourt.state.nh.us/rules/index.html>
- New Hampshire Department of Education  
Hugh J. Gallen State Office Park  
101 Pleasant Street  
Concord, NH 03301  
Phone: 603-271-3759  
Toll-Free: 800-339-9900  
Fax: 603-271-1953  
Web site: <http://www.ed.state.nh.us>
- U.S. Department of Education, [New Hampshire](#)

Updated February 5, 2009

# NEW JERSEY

## **Accreditation/Registration/Licensing/Approval**

- No requirements for *Accreditation*.
- No requirements for *Registration*, generally.
- No requirements for *Licensing*.
- No requirements for *Approval*, generally.
  - New Jersey law places registration requirements on a limited category of private schools that are not operated by charitable institutions or religious denominations, i.e. for-profit nonsectarian private boarding schools established after 1920 and private schools charging tuition for certain vocational education. This limited category of schools must obtain a certificate of approval from the commissioner of education to legally operate within the state. *N.J. Rev. Stat.* §18A:69-1 et seq.

## **Teacher Certification**

- The New Jersey Department of Education does not regulate the certification of teachers in nonpublic schools.

## **Length of School Year/Days**

- The New Jersey Department of Education does not regulate the length of school year for students attending nonpublic schools.

## **Curriculum**

- The Compulsory Education Law requires attendance at a public school or a day school in which there is given instruction equivalent to that provided in the public schools for children of similar grades and attainments. *N.J. Rev. Stat.* §18A:38-25.
- Private schools must provide regular courses of instruction in the constitution of the United States from the 7th grade and through high school. *N.J. Rev. Stat.* §18A:6-3.
- Private schools must provide regular courses of instruction in accident and fire prevention. *N.J. Rev. Stat.* §18A:6-2.
- The Educational Services Commission may enter into contracts to provide educational services and programs to nonpublic schools. *N.J. Rev. Stat.* §18A:6-63.
- The local boards of education have a duty to loan educational materials developed by the commissioner of education on the nature and effects of drugs, alcohol, anabolic steroids, tobacco and controlled dangerous substances to pupils attending nonpublic schools. *N.J. Rev. Stat.* §§18A:40A-5, 40A-17.
- The New Jersey Commission on Holocaust Education provides assistance and advice to private schools on the implementation of Holocaust education and awareness programs. *N.J. Rev. Stat.* §18A:4A-3.
- The New Jersey Constitution makes games of chance legal for educational or religious organizations when the net proceeds are devoted to educational or religious uses. *New Jersey Const.* Art. 4, 7, par. 2A.

## State Regulation of Private Schools—New Jersey

- The Office of Financial Assistance prepares an annual report listing all sources of financial assistance available to New Jersey students attending any institution of higher education. The report is distributed to each private secondary school in the state. *N.J. Rev. Stat.* §§18A:3-14.1, 3-14.2.
- Private school officials must provide a voter registration form and related nonpartisan materials to each eligible high school pupil in conjunction with the voter registration drive. *N.J. Rev. Stat.* §18A:36-27.
- Private secondary school students are eligible to participate in the Legislative Internship Program operated in cooperation with the New Jersey Association of High School Councils.
- A local education agency will establish information and resource centers that will provide the following services: a lending library of educational and instructional materials; preparation of media and materials for informational and instructional purposes; an educational information storage and retrieval system; special topic seminars and conferences; and consultant advice, information and expertise. To the extent permitted by law, the educational information and resource center shall also provide support and service to nonprofit, nonpublic schools. *N.J. Rev. Stat.* §18A:6-95.1.

### **Recordkeeping/Reports**

- "Private school" is defined under New Jersey's education provisions as "a school, under college grade, which does not derive its support entirely or in part from public funds." *N.J. Rev. Stat.* §18A:1-1.
- Private schools must report statistics relating to the conduct of the institution as required by the commissioner, annually on or before August 1. No private schools may be required to report expenses or finances; nor shall any such report prepared by the school be made public. *N.J. Rev. Stat.* §18A:6-4.
- Parents of any minor who injure any public or nonpublic school property are liable for damages for the amount of injury. *N.J. Rev. Stat.* §18A:37-3.

### **Health and Safety Requirements**

- Private schools must insure compliance with the State Sanitary Code governing immunizations required for attending school. *N.J. Rev. Stat.* §26:1A-9.
- A child is exempt from pertussis vaccine as a condition for admission to a private school if the child's physician states in writing that the vaccine is medically contraindicated. *N.J. Rev. Stat.* §26:2N-4.
- Private schools may close due to an epidemic. *N.J. Rev. Stat.* §26:4-5.
- The administrator of a nonpublic school must develop a policy governing the emergency administration epinephrine via an auto-injector to a pupil for life threatening allergic reaction called anaphylaxis. *N.J. Rev. Stat.* §§18A:40-12.5–12.6.
- Schools of two or more rooms, or of one room located on a second floor, must have at least two fire drills each month. If provided, fire escapes must be part of the drill. Teachers must keep all doors and exits of their rooms and buildings unlocked during the school hours. *N.J. Rev. Stat.* §18A:41-1.
- Schools having furnace room, hallway, or stair-tower fire or smoke doors must keep them closed when the building is occupied. *N.J. Rev. Stat.* §18A:41-2.

## State Regulation of Private Schools—New Jersey

- Nonpublic schools may require applicants for positions involving regular contact with pupils to have a criminal history record check for information that would disqualify the individual for employment. *N.J. Rev. Stat.* §18A:6-4.13.
- Substitute employees rehired annually at nonpublic schools that require a criminal history record check need only undergo a record check upon initial employment. *N.J. Rev. Stat.* §18A:6-4.17.
- Any private school personnel who in good faith reports a person in an attempt to help cure his dependency on a controlled substance will not be liable for civil damages. *N.J. Rev. Stat.* §§2A:62A-4; 18A:40A-14.
- School bus drivers used by private schools for transportation to and from school must submit to a medical exam for the presence of alcohol, narcotics or habit-producing drugs. *N.J. Rev. Stat.* §39:3-10.1a.
- A municipality may authorize the chief executive officer to close any portion of a street within a block of a private school to resolve a safety problem for ingress and egress to the school or for the provision of recreational facilities for children attending the school. Closure must not exceed one hour between 7:30 and 10:00 A.M., two hours between 11:00 A.M. and 2:00 P.M. and one hour between 2:30 and 4:30 P.M. when school is in session. *N.J. Rev. Stat.* §40:67-16.7.
- Employees of private schools are prohibited from inflicting corporal punishment upon a pupil attending school. However, employees may use reasonable and necessary force to quell a disturbance, threatening physical injury to others, to obtain weapons, for self-defense and for the protection of persons or property. *N.J. Rev. Stat.* §18A:6-1.
- It is illegal for a municipality or county to discriminate between public and private nonprofit day schools of elementary or high school grade accredited by the State Department of Education by zoning ordinances governing the use of land. *N.J. Rev. Stat.* §40:55D-66.

### Transportation

- The New Jersey Constitution declares that the state legislature may, within reasonable limitations as to distance, provide student transportation (ages 5–18) to and from any school. *New Jersey Constitution* Art. 8, 4, Par. 3.
- Pupils attending nonprofit nonpublic schools not more than 20 miles from their residence are entitled to transportation if the school district provides transportation for public school pupils. If the cost of the transportation exceeds a set amount (\$675 in 1992–93), the allocation will be given to the parent or guardian toward the cost of the transportation. *N.J. Rev. Stat.* §18A:39-1.
- The governing body of a nonpublic school may authorize personnel or parents to transport school children to related school activities in a private vehicle with a capacity of eight or less. The transportation will be exempt from all the additional requirements imposed on the transportation of pupils by school bus. *N.J. Rev. Stat.* §18A:39-20.1.

### Textbooks

- “The New Jersey Nonpublic School Textbook Law requires the board of education in each public school district in New Jersey with state funds to purchase and loan

textbooks, upon individual request, to all students attending a nonpublic school located in the public school district. The students are enrolled full-time in grades kindergarten through twelve in a nonpublic school in New Jersey that complies with compulsory school attendance requirements and with the requirements of Title VI of the *Civil Rights Act of 1964.*" *N.J. Rev. Stat.* §18A: 58-37.1.

- To the extent permitted by law, the Educational Information and Resource Center provides support and services to nonprofit, nonpublic schools. The services provided by the center include: a lending library of educational and instructional materials; preparation of media and materials for informational and instructional purposes; an educational information storage and retrieval system; special topic seminars and conferences; and consultant advice, information and expertise. *N.J. Rev. Stat.* §18A:6-95.1.

### **Testing**

- There is no state policy at this time.

### **Special Education**

- Local boards of education must provide for the identification of nonpublic school students, ages 5–21, who cannot be accommodated through the school facilities usually provided because of handicaps. *N.J. Rev. Stat.* §18A:46-6.
- The examination and classification of nonpublic school children occurs in a location determined by the local board and approved by the commissioner. *N.J. Rev. Stat.* §§18A:46-8, 46-19.1.
- New Jersey provides for the public placement of handicapped children in accredited nonpublic schools if a child study team determines: 1) that a suitable special education program cannot be provided otherwise; 2) the nonpublic school is the most appropriate placement for the child; 3) services are nonsectarian; 4) the school is not specifically approved for the education of handicapped pupils; and 5) the board of education places the child with the consent of the commissioner, or by a court order. *N.J. Rev. Stat.* §18A:46-14 and *N.J. Admin. Code* title 6A: 14-6.5, 4.2.
- Tuition rates at private schools may not exceed the actual cost per pupil determined under rules prescribed by the commissioner and approved by the State Board of Education. *N.J. Rev. Stat.* §18A:46-21 and *N.J. Admin. Code* title 6A: 14-7.8.
- Nonpublic school students requiring the services of a certified speech-language specialist are entitled to receive services through the local board of education. Services require the consent of the parent or guardian and are provided in a location determined by the local school board, pursuant to the rules and regulations of the State Board. (Nonpublic schools are defined within this provision as schools offering K–12 education, fulfilling compulsory school attendance requirements, and complying with Title VI of the *Civil Rights Act of 1964.*) If student transportation is necessary to receive services, the local board of education will provide the transportation. *N.J. Rev. Stat.* §18A:46-19.1 et seq.
- Boards of Education may sell tracts of land no longer desirable for public school purposes to nonprofit private schools for the handicapped at the fair market price. *N.J. Rev. Stat.* §18A:20-9.2.

### **Nursing and Health**

- Local boards of education provide nursing services for pupils enrolled full-time in nonpublic schools. The services include, but are not limited to, medical examinations, dental screening, hearing examinations, and maintenance of student health records. In addition, the emergency care provided public school pupils is extended to nonpublic school students who are injured or become ill at school or during athletic activities. Nonpublic schools may decline the nursing services by submitting written notification to the local board of education. Students are not compelled to receive services if their parent or guardian objects, except for a physical or medical examination to determine whether the pupil is ill or infected with a communicable disease. *N.J. Rev. Stat.* §18A:40-23 et seq and *N.J. Admin. Code* Title 6A 29-8(a).
- Nonprofit nonpublic schools participating in the National School Lunch Program will be reimbursed with federal funds, and if insufficient for the cost, may be supplemented with state funds. *N.J. Rev. Stat.* §18A:58-7.1 et seq. (Nonpublic schools are defined within this provision as schools offering K–12 education, fulfilling compulsory school attendance requirements, and complying with Title VI of the *Civil Rights Act of 1964*.)

### **Technology**

- The County Educational Audiovisual Commissions may contract with nonprofit private schools within the county to provide educational audiovisual aids to the private schools. *N.J. Rev. Stat.* §18A:51-6.

### **Professional Development**

- By statute, nonprofit, nonpublic schools are represented by two members on the board of directors governing the Educational Information and Resource Center. *N.J. Rev. Stat.* §18A:6-97.
- Private school educators are included in the steering committee for the Governor's Teaching Scholars Loan Program. *N.J. Rev. Stat.* §18A:71-82.

### **Reimbursement for Performing State/Local Functions**

- There is no state policy at this time.

### **Tax Exemption**

- The New Jersey Constitution provides that tax exemptions cannot be repealed for real and personal property owned by a corporation or association organized for religious, educational, or charitable purposes and used exclusively for those purposes. *New Jersey Constitution* Art. 8, 1, Par. 2.
- Corporations operated exclusively for educational purposes are exempt from sales tax if the earnings do not benefit any private individual, the organization's activities do not attempt to influence legislation, or intervene in any political campaign. *N.J. Rev. Stat.* §54:32B-9.
- Private or parochial schools conducting a course in driver education approved by the State Department of Education are not charged license fees. *N.J. Rev. Stat.* §39:12-2.

### **Public Aid for Private Education**

- **Constitutional provisions:** The *New Jersey Constitution* does not have a provision related to public aid for private education.
- **Programs for financial assistance for attendance at private schools:** There are no such programs at this time.

### **Homeschooling**

- New Jersey does not have a code that addresses the area of homeschooling. New Jersey's compulsory education law states that "every parent, guardian or other person having custody and control of a child between six and 16 to ensure that such child regularly attends the public schools of the district or a day school in which there is given instruction equivalent to that provided in the public schools for children of similar grades and attainments or to receive equivalent instruction elsewhere than at school." *N.J. Rev. Stat.* §8A: 38-25.
- If a parent fails to comply with New Jersey's compulsory education law then he/she will be deemed a "disorderly person and shall be subject to a fine of not more than \$25.00 for the first offense and not more than \$100.00 for each subsequent offense, in the discretion of the court." *N.J. Rev. Stat.* §18A: 38-31.
- Responsibility for enforcing the compulsory education law rests with the local board of education. When a school board has reason to believe that a parent or guardian is not complying with the compulsory education law, the local board of education can initiate truancy proceedings in municipal court, requiring parents or legal guardians to document their activities in providing "equivalent instruction." *N.J. Rev. Stat.* §§18A: 38-27-31.

### **Information resources**

- [New Jersey Department of Education: Nonpublic School Services](http://www.state.nj.us/education/nonpublic/)  
<http://www.state.nj.us/education/nonpublic/>
- [New Jersey Department of Education: Homeschooling Frequently Asked Questions](http://www.state.nj.us/education/genfo/overview/faq_homeschool.htm)  
<http://www.state.nj.us/education/genfo/overview/faq\_homeschool.htm>
- [New Jersey Department of Education: New Jersey Nonpublic School Technology Imitative Program](http://www.state.nj.us/education/techno/nptech.htm) <http://www.state.nj.us/education/techno/nptech.htm>
- [New Jersey Legislature](http://www.njleg.state.nj.us/)  
<http://www.njleg.state.nj.us/>  
See left column for *Laws and Constitution*.
- New Jersey Department of Education  
P.O. Box 500  
100 Riverview Plaza  
Trenton, NJ 08625-0500  
Phone: 609-292-4469  
Fax: 609-777-4099  
Web site: <http://www.state.nj.us/education/>
- U.S. Department of Education, [New Jersey](#)

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# NEW MEXICO

## **Accreditation/Registration/Licensing/Approval**

- *Accreditation* is optional.
  - The Public Education Department has a duty to assess and evaluate private schools that desire state accreditation and to prescribe courses of instruction, graduation requirements and standards for private schools seeking state accreditation. 22-2-2 D, G. *NMSA* 1978.
  - Nonpublic schools that seek accreditation must be accredited by a regional or national accrediting agency that has been approved by the secretary of education. 22-2-2 *NMSA* 1978.
  - The State Department of Education is authorized to monitor the operation of a nonpublic school seeking and/or holding a Public Education Department accreditation. 22-2-2 *NMSA* 1978.
- No requirements for *Registration*.
- No requirements for *Licensing*.
- No requirements for *Approval*.

## **Teacher Certification**

- Teacher certification is not required for private school teachers.

## **Length of School Year/Days**

- Persons subject to the Compulsory School Attendance Law must attend school for at least the length of time of the school year that is established in the school district in which the person is a resident. 22-12-2 *NMSA* 1978.

## **Curriculum**

- The Public Education Department regulates minimum standards for approved driver-education and motorcycle driver-education courses. 22-13-12 *NMSA* 1978.
- The Public Education Department's authority to approve courses of instruction in private schools does not extend to supervision, control or management over private schools. *Santa Fe Community School v. State Bd. of Education*, 518 P.2d 272 (N.M. 1974).

## **Recordkeeping/Reports**

- The Public Education Department is under a statutory duty to require periodic attendance reports from private schools on forms prescribed. 22-2-2I *NMSA* 1978.
- The governing authority of a private school is responsible to initiate the enforcement of the compulsory school attendance law for its enrolled students. The private school must give written notice of noncompliance by certified mail or personal service on the parent or guardian. If violations continue after written notice, the student must be reported to the probation services office of the judicial district where the student resides for an investigation. 22-12-7 *NMSA* 1978.

## State Regulation of Private Schools—New Mexico

- The school superintendent of a private and parochial school must prepare a record showing the immunization status of every child enrolled in his or her school. The record must be current and available to the public health authorities. The superintendent must report the name of any parent or guardian neglecting to immunize his child to the director of the Health Services Division, Health and Environment Department. 24-5-4 NMSA 1978.

### **Health and Safety Requirements**

- No person with a communicable disease in a transmissible state dangerous to the health of students may be employed in a private school. Private school employees, including bus drivers, must present upon employment a certificate from a licensed physician stating that the person is free from such communicable diseases. 22-10A-34C NMSA 1978.
- Children attending private or parochial schools are required to be immunized according to rules and regulations promulgated by the Health Services Division, Health and Environment Department, unless exempt due to medical contraindications or religious beliefs. 24-5-1; 24-5-3 NMSA 1978.
- The Health Services Division, Health and Environment Department, maintains a program to educate the general public, including private school students, on the nature and inheritance of sickle cell anemia. 24-3-1 NMSA 1978.
- Private schools are required to conduct at least one fire drill each week during the first four weeks of the school year and at least once each month thereafter for the remainder of the school year. If a paid fire department is maintained in the area, a member of the department must be requested to be in attendance to give instruction and constructive criticism. 22-13-14 NMSA 1978.
- The state fire marshal is required by statute to prescribe rules, regulations and programs, for teaching the proper methods of fire prevention and control to all school children. 59A-52-7 NMSA 1978.
- It is a misdemeanor to willfully interfere with the educational process of any private school by an act that would disrupt the functioning of the school. 30-20-13 NMSA 1978.

### **Transportation**

- There is no state policy at this time.

### **Textbooks**

- Students enrolled in an approved private school, grades 1–12, are entitled to the free use of instructional material. Under the state's *Instructional Material Law*, private schools may select materials for the students' use from the multiple list adopted by the Public Education Department. 22-15-1 through 22-15-14 NMSA 1978.

### **Testing**

- There is no state policy at this time.

### **Special Education**

- Local school boards may publicly place exceptional children in private, nonsectarian, nonprofit educational training centers. Payment for education and services are made by the local board of education from funds available. Agreements between local school boards and private schools must provide for diagnoses and educational programs that meet state standards. 22-13-8 *NMSA 1978*.

### **Nursing and Health**

- The governing board of a private school may request family services on behalf of a family if a child is absent from school without an excuse for more than 10 days during a semester and the school submits an affidavit documenting the attempts to resolve the situation. Any person referring a family for family services is immune from civil or criminal liability unless the person acted in bad faith or with malicious purpose. 32A-3A-3D *NMSA 1978*.

### **Technology**

- There is no state policy at this time.

### **Professional Development**

- There is no state policy at this time.

### **Reimbursement for Performing State/Local Functions**

- There is no state policy at this time.

### **Tax Exemption**

- All property used for educational purposes is exempt from state taxation under the *New Mexico Constitution*. *New Mexico Constitution*, Art. VIII §3.

### **Public Aid for Private Education**

- **Constitutional Provisions:** The New Mexico Constitution prohibits the appropriation of any state educational funds to support any sectarian, denominational or private school. In addition, the Constitution prohibits appropriations for educational purposes not under the absolute control of the state. *New Mexico Constitution*, Art. XII, §3.
- **Programs for financial assistance for attendance at private schools:** There are no such programs at this time.

### **Homeschooling**

- “Home school”<sup>7</sup> means the operation by a parent, guardian or other person having custody and control of a school-age person of a home study program of instruction that provides a basic academic educational program, including reading, language arts, mathematics, social studies and science. 22-1-2 F, K. *NMSA 1978*.
- Any person operating or intending to operate a home school shall provide instruction by a person possessing at least a high school diploma or its equivalent. 22-1-2.1. *NMSA 1978*

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<sup>7</sup> “Home school” is the term written in state law.

## State Regulation of Private Schools—New Mexico

- Any person operating or intending to operate a home school shall within thirty days of its establishment, notify the secretary of the establishment of a home school within thirty days of its establishment and notify the secretary in writing on or before April 1 of each subsequent year of operation of the school district from which the home school is drawing students. Records of student disease immunization must be maintained. 22-1-2.1 NMSA 1978.
- A school-age person subject to the provisions of the Compulsory School Attendance Law shall attend school for at least the length of time of the school year that is established in the school district in which the person is a resident. 22-12-2 NMSA 1978.

### Information resources

- [New Mexico Public Education Department: New Mexico Home Schools](http://www.ped.state.nm.us/HomeSchools/index.html)  
<http://www.ped.state.nm.us/HomeSchools/index.html>
- *New Mexico Administrative Code*. Primary and Secondary Education, Alternative Education – Nonpublic Schools  
[Title 6, Chapter 81, Part 2](http://www.nmcpr.state.nm.us/nmac/parts/title06/06.081.0002.htm)  
<http://www.nmcpr.state.nm.us/nmac/parts/title06/06.081.0002.htm>
- [New Mexico Statutes](http://www.nmlegis.gov/lcs/statutes.aspx) <http://www.nmlegis.gov/lcs/statutes.aspx>
- New Mexico Public Education Department  
Jerry Apodaca Education Building  
300 Don Gaspar  
Santa Fe, NM 87501-2786  
Phone: 505-827-6909  
Fax: 505-827-6725  
Web site: <http://www.ped.state.nm.us/>
- U.S. Department of Education, [New Mexico](#)

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# NEW YORK

## **Accreditation/Registration/Licensing/Approval**

- No requirements for *Accreditation*.
- *Registration* is optional.
  - The Board of Regents conducts two types of voluntary registration programs: nursery schools and kindergartens and secondary schools. There is no registration program for elementary schools.
  - A nonpublic school must submit information and allow an on-site visit to the school by a staff member in the Department's Bureau of School Registration in order to register with the Board of Regents.
  - Registered secondary schools may administer Regents examinations and award diplomas.
- No requirements for *Licensing*.
- No requirements for *Approval*.
- Minors may comply with the state's compulsory education requirement at public schools or elsewhere. *N.Y. Educ. Law* §3204.1.

## **Teacher Certification**

- Instruction may only be given by a competent teacher. *N.Y. Educ. Law* §3204.2.
- All professional instructional and supervisory personnel at private schools providing public placements for disabled children must be appropriately certified. *N.Y. Comp. Codes R. & Regs. Title 8, Part 200.7(b)(6)*.
- Coaches of high school extra-class nonpublic school athletic activities must meet training requirements in first aid and adult cardiopulmonary resuscitation. *N.Y. Educ. Law* §3001-c.
- The Department of Education has established a Teacher Career Recruitment Clearinghouse which provides nonpublic schools an applicant database, employment opportunities, and information regarding financial assistance for students interested in careers in education, certification and licensure requirements. *N.Y. Educ. Law* §3034.

## **Length of School Year/Days**

- Unless shorter instruction has been approved by school authorities as substantially equivalent in amount and quality, students attending nonpublic schools must attend for at least as many hours as required in public schools. In addition, permitted absences must follow the general rules and practices of the public schools. Absence for religious observances and education are permitted under rules established by the Commissioner. Holidays and vacations must not exceed the amount allowed by public schools. *N.Y. Educ. Law* §3210.2.
- A full-time day school must be in session for not less than 190 days each year, inclusive of legal holidays during the term and exclusive of Saturdays. Accounting for the 10 state public holidays, schools must be session 180 days. *N.Y. Educ. Law* §3204.4.

### **Curriculum**

- Instruction given to a minor elsewhere than a public school must be substantially equivalent to the instruction given at the local public school. *N.Y. Educ. Law* §3204.2
- The course of study for the first eight years of public school must include arithmetic, reading, spelling, writing, the English language, geography, United States history, civics, hygiene, physical training, the history of New York state and science. Beyond the first eight years, instruction must include the English language and its use, civics, hygiene, physical training, American history including the Declaration of Independence and the Constitution of the United States, and may include a course in communism and its methods and its destructive effects. *N.Y. Educ. Law* §3204.3.
- As part of health education, all schools must provide instruction to discourage the misuse and abuse of alcohol, tobacco, and other drugs and promote attitudes and behavior that enhance health, well being and human dignity. *N.Y. Educ. Law* §804.
- Students may be excused from health and hygiene if it conflicts with their parent or guardian's religion and if the excuse is certified by a representative of their religion. *N.Y. Educ. Law* §3204.5.
- Private schools offering instruction deemed substantially equivalent to public schools must offer courses of instruction in patriotism, citizenship, and human rights issues (with particular attention to the study of the inhumanity of genocide, slavery, and the Holocaust) for students over 8 yrs. old, and instruction in the Constitution of the United States and New York and the Declaration of Independence for students in grade 8–12. *N.Y. Educ. Law* §801.1, 2.
- Private schools offering instruction deemed substantially equivalent to public schools must offer instruction in physical education for students over 8 years old. *N.Y. Educ. Law* §803.4.
- Similar [physical education] courses shall be prescribed and maintained in private schools in the State, and all pupils in grades kindergarten through 12 shall attend such courses. *N.Y. Comp. Codes R. & Regs. Title 8, Part 135.4*.
- Private and parochial schools must provide instruction in fire and arson prevention as prescribed by the commissioner of education. Instruction must be given at least 45 minutes every month while school is in session. *N.Y. Educ. Law* §808.
- Private schools offering instruction deemed substantially equivalent to public schools must offer instruction in highway safety and traffic regulations, including bicycle safety. *N.Y. Educ. Law* §806.1.
- English is the language of instruction and textbooks used must be written in English, except for a limited time (3–6 years), for students with limited English proficiency. *N.Y. Educ. Law* §3204.2.
- The New York State Theatre Institute offers guidance and consultation on arts and education programs in private elementary and secondary schools. *N.Y. Arts & Cult. Aff. Law* §9.07.

### **Recordkeeping/Reports**

- The commissioner of education is under a statutory duty to establish procedures for a statewide system of assigning unique student identification numbers for all students

in public and nonpublic schools for student tracking and state reporting purposes. *N.Y. Educ. Law* §305.22.

- Teachers are required to keep an accurate record of attendance as prescribed by the commissioner of education. Principals must ensure attendance records are maintained and produced if requested by school authorities. The principal must notify school authorities in writing of any student transfers or discharges. *N.Y. Educ. Law* §3211.
- Boards of Cooperative Educational Services are authorized to enter into contracts with nonpublic schools to provide data processing service for pupil personnel records and other administrative records of the nonpublic schools. *N.Y. Educ. Law* §1950.4.h.4.
- Nonpublic schools that are members of the University of the State of New York must complete verified reports as prescribed by the Regents or the commissioner of education. *N.Y. Educ. Law* §215. In addition, these schools must provide information to the Regents for their annual report to the governor and the legislature concerning the schools of the state. *N.Y. Educ. Law* §215-a.
- Pupil records must be maintained by nonpublic schools in accordance with *N.Y. Comp. Codes R. & Regs. Title 8, Part 104*. Nonpublic schools that discontinue operation must make provision for pupil academic records in accordance with *N.Y. Comp. Codes R. & Regs. Title 8, Part 104.2*.
- Nonpublic schools may make purchases, except of printed material, through the State Division of Standards and Purchase, Office of General Services. Boards of education may permit nonpublic schools to make purchases through the local school district provided administrative costs are paid by the nonpublic schools. *N.Y. Gen. Mun. Law* §109-a.
- The commissioner of education is under a statutory duty to give timely notice to nonpublic schools of alternate sources of funding including competitive grants. *N.Y. Educ. Law* §305.2.

### **Health and Safety Requirements**

- Students attending private schools must have certificates of immunization unless a physician certifies that the immunization is detrimental or if immunization is contrary to the genuine and sincere religious beliefs of the parent or guardian. School principals may not admit students in excess of 14 days who do not have a certificate. (The period may be extended to 30 days if the immunization is in progress.) School principals have a duty to inform parent or guardian of the necessity of immunization and the availability of free immunizations through the local health officer. If students are excluded from school for lack of immunization, principals have a duty to notify the local health authority and the parent or guardian and to provide an opportunity for immunization through the local health authority if the parent consents. *N.Y. Pub. Health Law* §2164.
- Nonpublic schools operating substance abuse programs must have the approval of the commissioner of mental health. Approval is valid for three years and is contingent on compliance with the regulations promulgated by the commissioner. *N.Y. Mental Hyg. Law* §23.01.
- Smoking is prohibited in all private schools and on school grounds, with the exception that smoking by adult faculty and staff members may be permitted in

designated smoking areas during nonschool hours. (School hours include any student activity supervised by faculty or staff, or any officially sanctioned school event.) *N.Y. Pub. Health Law §1399-o.*

- Private school authorities may cause students to be examined for drug abuse, including urine analysis, upon written consent of the parents. *N.Y. Educ. Law §912-a.*
- Private school administrators have a duty to train pupils to exit the building in a sudden emergency. Fire drills must be conducted at least 12 times each school year; eight of the drills must be held between September 1 and December 1; one-third of the drills should use fire escapes on buildings if provided; and at least one drill should instruct students how to leave the building during lunch period. An administrator failing to comply with this provision is guilty of a misdemeanor. *N.Y. Educ. Law §807.*
- Administrators of private schools, *i.e.* kindergarten with six or more pupils and establishments other than public schools with 25 or more pupils, must have the school buildings inspected annually for fire hazards. Inspections must be conducted prior to December 1st and a report filed with the state fire administrator on forms provided by the commissioner of education. The provision is inapplicable to school authorities in New York City, Buffalo, Rochester, Syracuse and Yonkers. *N.Y. Educ. Law §807-a.*
- Private schools located in areas with local fire departments unequipped with electronically operated fire alarm reporting systems may cause the internal school fire alarms to be interconnected with the local fire department. Installation and maintenance costs must be apportioned to the school authorities. *N.Y. Educ. Law §807-c.* Private schools having a central annunciator panel identifying activated alarms must locate the panel so it can be read without entering the building. *N.Y. Educ. Law §807-d.*
- The Division of Criminal Justice Services disseminates a missing children's bulletin to the State Education Department for public and private school use. The division will assist private schools in developing education and prevention programs concerning child safety. *N.Y. Exec. Law §837-f.*
- New York restricts retail liquor licenses for on-premises consumption within 200 feet of a building used exclusively as a school. *N.Y. Alco. Bev. Cont. Law §64.7.*
- Administrators of private schools must arrange that every participant in shop or laboratory classes involving dangerous activities, as specified, wear eye safety devices in accordance with state regulations. *N.Y. Educ. Law §409-a.*
- Nonpublic school administrators must require that batboys and batgirls participating in baseball and softball competitions wear protective headgear when on the field and the game is in play. *N.Y. Educ. Law §409-c.*

### **Transportation**

- The New York Constitution allows the state legislature to provide transportation for students to and from private schools. *New York Constitution Art. XI, Sec. 3.*
- Non-city school districts are required to provide transportation up to 15 miles, is provided for all children residing within the school district who are in need *i.e.* K–8 students residing more than two miles from school and 9–12 students residing more than three miles from school. City school districts are not generally required to provide transportation; but if provided, transportation must be offered equally to all

children in like circumstances. Transportation from centralized pick-up points at public schools may be provided to pupils attending nonpublic schools under certain circumstances. Superintendents of cities in excess of one million, must notify nonpublic school officials who have requested transportation of the school calendar for the following year by June 1st. *N.Y. Educ. Law* §3635.1.a-c; 2-a.

- The commissioner of transportation has authority to regulate all motor vehicles transporting passengers to and from schools, for hire or owned and/or operated by any private school. *N.Y. Transp. Law* §140.2.a.(i).
- Nonpublic school vehicle operators may apply for reimbursement of motor vehicle tax expended exclusively in educational related activities. *N.Y. Tax Law* §289-c.3.e.

### **Textbooks**

- Local school districts have the power and the duty to loan free of charge textbooks to children enrolled in nonpublic schools upon request. Textbooks must be designated for use by public schools or approved by school authorities. School districts must loan textbooks to public and nonpublic schools on an equitable basis. *N.Y. Educ. Law* §701.3,4.
- The loan of free textbooks to parochial schools does not violate the *New York Constitution. Bd. of Education v. Allen*, 228 N.E.2d 791 (1967).
- School districts have the power and duty to loan school library materials to pupils attending private schools. The materials must be designated for use in any public elementary or secondary school of the state or approved by the board of education, trustees or other school authorities. *N.Y. Educ. Law* §712.

### **Testing**

- Nonpublic school students are required to participate in the Regents competency testing program before graduation from high school.
- Nonpublic school students must participate in the Pupil Evaluation Program (PEP) and Preliminary Competency Tests (PCT) at appropriate grade levels.

### **Special Education**

- Upon written request by the parent or guardian, nonpublic schools students may receive services for gifted pupils, occupational and vocational education, and education for students with disabling conditions and related services provided the instruction is given to public school students. Transportation is provided if the distance between the nonpublic school and the public school exceeds one-quarter mile except disabled students receive transportation according to their needs. *N.Y. Educ. Law* §3602-c.
- School district's may provide students with disabilities special services or programs through contracts with private residential and nonresidential schools approved by the Commissioner. *N.Y. Educ. Law* §4401.2 (e), (f), (g). *N.Y. Comp. Codes R. & Regs. Title 8, Part 200.6*.
- All professional instructional and supervisory personnel at private schools providing public placements for disabled children must be appropriately certified. *N.Y. Comp. Codes R. & Regs. Title 8, Part 200.7(b)(6)*.

## State Regulation of Private Schools—New York

- School boards must provide suitable transportation up to a distance of fifty miles to and from a nonpublic school which a disabled child attends to receive special education services. *N.Y. Educ. Law* §4402.4.d.
- The State Department of Education has a duty to audit nonpublic schools receiving public moneys for services to children with disabilities. *N.Y. Educ. Law* §4403.5.

### **Nursing and Health**

- Local school districts must provide all health and welfare services and facilities that are available to public school students to students attending schools other than public, when requested. Services may include, but are not limited to, services performed by a physician, dentist, dental hygienist, nurse, school psychologist, social worker, speech correctionist and maintenance of health records and emergency care programs for ill or injured pupils. *N.Y. Educ. Law* §912.
- Private schools are eligible to apply to the Office of Mental Health for education grants for the identification and treatment of adolescents who are at high risk for suicide. *N.Y. Mental Hyg. Law* §41.49

### **Technology**

- Upon request, local school districts will loan computer software to private school students free of charge. Software programs must be designated for use in any public school or approved by school authorities. *N.Y. Educ. Law* §752.
- The commissioner of education may approve school district and boards of cooperative educational services applications for funding of approved learning technology programs, including services benefiting nonpublic school students. §550 of Chapter 170 of the N.Y. *Laws of 1994*.

### **Professional Development**

- There is no state policy at this time.

### **Reimbursement for Performing State/Local Functions**

- The state commissioner of education annually apportions to qualifying schools (nonprofit nonpublic schools providing instruction in accordance with *N.Y. Educ. Law* §3204) the actual cost incurred by each school for compliance with state requirements of the pupil evaluation program, basic educational data system, regents examinations, the statewide evaluation plan, uniform procedure for pupil attendance reporting and other similar state prepared examinations and reporting procedures. 1974 *N.Y. Laws*, Chapter 507, as amended by Chapter 508.
- Appropriations have been made annually since 1974, most recently in 1994 *N.Y. Laws*, Chapter 53, §1.

### **Tax Exemption**

- Real property owned by nonprofit corporations or associations conducted exclusively for religious or educational purposes is exempt from real property tax. *N.Y. Real Prop. Tax* §420-a.

- Sales by or to nonprofit corporations or associations, organized exclusively for religious or educational purposes, are exempt from state sales and compensating use tax. *N.Y. Tax Law §1116(a)*.

### **Public Aid for Private Education**

- **Constitutional provisions:** The New York Constitution prohibits appropriations by the state or any subdivision, directly or indirectly, to a sectarian school except for examination or inspection. *New York Constitution Art. XI, Sec. 3.*
- **Programs for financial assistance for attendance at private schools:** There is no such program at this time.

### **Homeschooling**

- Parents of students of compulsory school attendance age must submit written notice to the superintendent of schools of their school district of residence of their intention to educate their child at home by July 1st of each school year. *Regulations of the New York State Commissioner of Education §100.10*.
- The school district must provide parents a copy of Regulations of the New York State commissioner of education §100.10 and a form to submit an individualized home instruction plan (IHIP) within ten business days of receiving the parent's notice of intention. *Regulations of the New York State Commissioner of Education §100.10*.
- The parent must submit a completed IHIP within four weeks of receiving the materials, or by August 15, whichever is later. If the parent needs assistance in preparing the forms the district must provide it upon request. *Regulations of the New York State Commissioner of Education §100.10*.
- The school district must notify the parent within ten business days, or by August 31, whichever is later, whether or not the IHIP complies with state requirements. If the IHIP is found deficient, the school district must provide written notice of its deficiency.
- If the IHIP is found deficient, the parent must submit a revised IHIP, correcting the deficiency, within 15 days of receiving notice of the deficiency or by September 15, whichever is later. *Regulations of the New York State Commissioner of Education §100.10*.
- The IHIP must include: the child's name, age and grade level; a list of the syllabi, curriculum materials, textbooks or plan of instruction to be used in each of the required subjects; the dates for submission to the school district of the parents' quarterly reports; the names of the individuals providing instruction; and a statement that the child will be meeting the compulsory educational requirements of Education Law, Section 3205 through full-time study at a degree-granting institution. *Regulations of the New York State Commissioner of Education §100.10*.
- Required courses for grades one through six are arithmetic, reading, spelling, writing, the English language, geography, United States history, science, health education, music, visual arts, physical education, bilingual education or English as a second language where the need is indicated. *Regulations of the New York State Commissioner of Education §100.10*.
- Required courses for grades seven and eight are English; history and geography; science; mathematics; physical education; health education; art; music; practical arts;

and library skills. *Regulations of the New York State Commissioner of Education* §100.10.

- Required courses for grades nine through twelve are English; social studies, including American history, government, and economics; mathematics; science; art or music; health education; physical education; and three electives. *Regulations of the New York State Commissioner of Education* §100.10.
- Parents must maintain a record of attendance, quarterly reports, and annual assessment (results from a commercially published norm referenced achievement test). *Regulations of the New York State Commissioner of Education* §100.10.
- Home instruction students are allowed to take five specific Regents examinations or approved alternative examinations for the purpose of meeting the preliminary education requirement for earning a college degree. *Regulations of the New York State Commissioner of Education* §100.10.

### **Information resources**

- [New York State Education Department: Home Instruction](http://www.emsc.nysesd.gov/nonpub/homeinstruction/home.html)  
<http://www.emsc.nysesd.gov/nonpub/homeinstruction/home.html>
- [New York State Education Department: Nonpublic Schools](http://www.emsc.nysesd.gov/nonpub/)  
<http://www.emsc.nysesd.gov/nonpub/>
- [New York State Education Department: Manual for New Administrators of Nonpublic Schools](http://www.emsc.nysesd.gov/nonpub/manualfornewadministratorsofnps/home.html)  
<http://www.emsc.nysesd.gov/nonpub/manualfornewadministratorsofnps/home.html>
- [New York State Education Department: Policy & Guidance](http://usny.nysesd.gov/policy.html)  
<http://usny.nysesd.gov/policy.html>
- New York State Education Department  
Education Building  
Room 111  
89 Washington Avenue  
Albany, NY 12234  
Phone: 518-474-5844  
Fax: 518-473-4909  
Web site: <http://www.nysesd.gov/>
- U.S. Department of Education, [New York](#)

*Updated December 15, 2008*

# NORTH CAROLINA

## **Accreditation/Registration/Licensing/Approval**

- *Accreditation* is optional.
  - Qualified nonpublic schools are schools that are 1) *accredited* by the State Board of Education; 2) *accredited* by the Southern Association of Colleges and Schools; 3) active members of the North Carolina Association of Independent schools; or, 4) schools that receive no funding from the state of North Carolina. *N.C. Gen. Stat.* §115C-555.
  - The State Board of Education ceased accrediting schools on June 30, 2000. All school accreditation is now done by accrediting organizations which are independent of direct governmental control.
- *Registration* is mandatory.
  - A new school must send to a duly authorized representative of the State of North Carolina a notice of intent to operate, name and address of the school, and name of the school's owner and chief administrator. Similarly, a school that is closing must notify a duly authorized representative of the State of North Carolina upon termination of the school. *N.C. Gen. Stat.* §§115C-552, 553 and *N.C. Gen. Stat.* §115C-560, 561.
- No requirements for *Licensing*.
- *Approval* is optional.
  - Private church schools or schools of religious charter and qualifying nonpublic schools which comply with the provisions of *N.C. Gen. Stat.* §§115C-547 through 562 are not subject to any other educational provisions except requirements respecting fire, safety, sanitation and immunization. *N.C. Gen. Stat.* §§115C-554, 562. (Although *N.C. Gen. Stat.* §115C-378 refers to "approved nonpublic schools," according to the North Carolina Department of Education, in practice, nonpublic schools are no longer approved by the Department. No approval of a nonpublic school has taken place since 1979. In May of 1979, the North Carolina General Assembly transferred legal oversight of nonpublic schools from the State Board of Education and the NC Department of Public Instruction to the Office of the Governor.

## **Teacher Certification**

- Teacher certification is not required of nonpublic schools.

## **Length of School Year/Days**

- Children in North Carolina may attend private church schools or schools of religious charter under *N.C. Gen. Stat.* §115C-547 et seq., or nonpublic schools which qualify under *N.C. Gen. Stat.* §115C-555 et seq. *Delconte v. State*, 329 S.E.2d 636 (1985).
- Attendance at a private church school or school of religious charter satisfies the compulsory school attendance requirements provided the school operates on a regular

schedule, excluding reasonable holidays and vacations, during at least nine calendar months of the year. *N.C. Gen. Stat.* §115C-548.

- Attendance at a qualified nonpublic school satisfies the compulsory school attendance requirements provided the school operates on a regular schedule, excluding reasonable holidays and vacations, during at least nine calendar months of the year. *N.C. Gen. Stat.* §115C-556.
- To satisfy the compulsory attendance statute, attendance at an approved nonpublic school must be for a period equal to the time the local public school is in session. *N.C. Gen. Stat.* §115C-378. The North Carolina Division of Non-Public Education defines this as a “a school term of at least nine calendar months on a regular schedule excluding reasonable holidays and vacations,” advising at least 180 instructional days per year.

### **Curriculum**

- Private school students may enroll in driver education programs offered by the state superintendent of public instruction at local public high schools. *N.C. Gen. Stat.* §20-88.1.
- There are no curriculum requirements for nonpublic schools; however, nationally standardized testing in certain subject areas is mandated. *N.C. Gen. Stat.* §115C- 549 and Gen. Stat. § 115C-557. See *Testing*, below.

### **Recordkeeping/Reports**

- Private church schools or schools of religious charter and qualifying nonpublic schools must make and maintain annual attendance and disease immunization records for each student. *N.C. Gen. Stat.* §§115C-548, 556.
- Private church schools or schools of religious charter and qualifying nonpublic schools must make and maintain student nationally standardized test result records every year for each student enrolled in grades 3, 6, 9 and 11 for at least one year and make them available for annual inspection in the school's office by the duly authorized representative of the state of North Carolina. *N.C. Gen. Stat.* §§115C-549, 550, 557 and 558.
- Qualified nonpublic schools must send a notice of intent to operate, the name and address of the school, and the name of the school's owner and chief administrator to the duly authorized representative of the state designated by the governor. *N.C. Gen. Stat.* § 115C-560(a), 561.
- Qualified nonpublic schools that comply with the requirements under *N.C. Gen. Stat.* §115C-555 et seq., are not subject to any other educational provision except requirements respecting fire, safety, sanitation and immunization. *N.C. Gen. Stat.* §115C-562.
- When the school terminates operation, the school must also notify the state's designated representative. *N.C. Gen. Stat.* §115C-560(b), 561.
- Private church schools or schools of religious charter must send a notice of intent to operate, the name and address of the school, and the name of the school's owner and chief administrator to the duly authorized representative of the state designated by the governor. *N.C. Gen. Stat.* §§115C-552(a), 553.

- Private schools operated by any church or other organized religious group that complies with the requirements under *N.C. Gen. Stat.* §115C-547 et seq. are not subject to any other educational provision except requirements respecting fire, safety, sanitation and immunization. *N.C. Gen. Stat.* §115C-554.
- When the school terminates operation, the school must also notify the state's designated representative. *N.C. Gen. Stat.* §115C-552(b), 553.
- Information acquired by a certified private school counselor through student counseling is privileged unless the student waives the privilege or a judge compels disclosure. *N.C. Gen. Stat.* §8-53.4.

### **Health and Safety Requirements**

- Private church schools or schools of religious charter and qualifying nonpublic schools are subject to the state requirements respecting fire, safety, sanitation and immunization. *N.C. Gen. Stat.* §115C-554, 562.
- No child may attend a K-12 private or religious school unless a certificate of immunization is presented to the school or the child has received a medical or religious exemption. If a certification of immunization is not presented on the first day of classes, the principal must present a notice of deficiency to the parent or guardian. The parent has 30 days to obtain the required immunizations and additional days if needed upon certification of a physician. Upon termination of the 30 days or the extended period, the principal shall not permit the child to attend the school unless the child has been immunized or has obtained the necessary exemption. *N.C. Gen. Stat.* §§130A-155, 157.
- Children entering kindergarten in private church schools, schools of religious charter, or qualified nonpublic schools are exempt from the state's statutory requirement for health assessments. (By inference, kindergarten students enrolled in approved nonpublic schools must receive a health assessment prior to admission. The assessment must include a medical history and physical examination with screening for vision and hearing, and if appropriate, testing for anemia and tuberculosis.) *N.C. Gen. Stat.* §130-440.
- Private church schools or schools of religious charter and qualifying nonpublic schools are subject to reasonable fire, health and safety inspections by state, county and municipal authorities as required by law. *N.C. Gen. Stat.* §§115C-548, 554, 556, 562.
- Private schools must conduct at least one fire drill every month during the regular school session in each building where children are assembled. The commissioner of insurance, the superintendent of public instruction, and the State Board of Education are under a duty to provide instructions for properly conducting fire drills. October 9th of every year is set aside as "Fire Prevention Day." *N.C. Gen. Stat.* §§58-79-35.
- Private schools must provide eye protective devices free of charge to students and teachers participating in shop or laboratory classes involving hazardous materials as defined by statute. Students and teachers are required to wear the devices at all times when participating in such a program. *N.C. Gen. Stat.* §115C-166.
- The board of transportation or local authorities may set lower speed limits for areas adjacent to private or parochial schools to be enforced on days when schools are in session. *N.C. Gen. Stat.* §20-141.1.

## State Regulation of Private Schools—North Carolina

- The North Carolina Department of Justice may provide a criminal record check to nonpublic school employers for school employees or applicants if the individual consents to a record check. The Department will charge a reasonable fee not to exceed the actual cost of locating, editing, researching, and retrieving the information. *N.C. Gen. Stat.* §§114-19.2(b), (c).
- Any person who wantonly and willfully sets fire to a private school or attempts to set fire to a private school commits a felony. *N.C. Gen. Stat.* §§14-60, 67.
- It is illegal to carry any gun, rifle, pistol, dynamite cartridge, bomb, grenade, mine, powerful explosive, bowie knife, dirk, dagger, slingshot, leaded cane, switch-blade knife, blackjack, metallic knuckles or any other weapon of like kind on private school property unless for instructional or sanctioned ceremonial purposes. *N.C. Gen. Stat.* §14-269.2.
- North Carolina's criminal law makes it a misdemeanor to engage in disorderly conduct by disrupting the teaching of students at any private educational institution. *N.C. Gen. Stat.* §14-288.4.

### **Transportation**

- Students with special needs may be transported by public school buses to and from the nearest appropriate private school having a special education program approved by the state if the child is publicly placed by the state or local school administrative unit. *N.C. Gen. Stat.* §115c-242(1). See *Special Education*, below.

### **Textbooks**

- State law authorizes the State Board of Education or any other state agency to provide instructional materials purchased with federal funds for the use of children and teachers in private elementary and secondary schools as required by acts of Congress. *N.C. Gen. Stat.* §115C-409(b).

### **Testing**

- Private church schools or schools of religious charter must administer a nationally standardized test to students in grades three, six and nine at least once each school year. The test must measure achievement in English grammar, reading, spelling and mathematics. The results of the test must be made available for one year after the testing for inspection by an authorized representative of the state of North Carolina. *N.C. Gen. Stat.* §§115C-549, 553.
- Private church schools or schools of religious charter must administer a nationally standardized test to students in grade 11 to measure competencies in the verbal and quantitative areas. The school must establish a minimum score for graduation. Test results must be made available for one year after the testing for inspection by an authorized representative of the State of North Carolina. *N.C. Gen. Stat.* §§115C-550, 553.
- Private church schools or schools of religious charter may participate voluntarily in high school competency testing and statewide testing programs at the school's expense. However, because the standardized tests used by the public schools of North Carolina are state standardized (rather than nationally standardized), they do

not satisfy the annual nationally standardized testing requirement for nonpublic schools. *N.C. Gen. Stat.* §115C-551.

- Qualified nonpublic schools must administer a nationally standardized test to students in grades three, six and nine at least once each school year. The test must measure achievement in English grammar, reading, spelling and mathematics. The results of the test must be made available for one year after the testing for inspection by an authorized representative of the state of North Carolina. *N.C. Gen. Stat.* §§115C-557, 561.
- Qualified nonpublic schools must administer a nationally standardized test to students in grade eleven to measure competencies in the verbal and quantitative areas. The school must establish a minimum score for graduation. Test results must be made available for one year after the testing for inspection by an authorized representative of the state of North Carolina. *N.C. Gen. Stat.* §§115C-558, 561.
- Qualified nonpublic schools may participate voluntarily in high school competency testing and statewide testing programs at the school's expense. However, because the standardized tests used by the public schools of North Carolina are state standardized (rather than nationally standardized), they do not satisfy the annual nationally standardized testing requirement for nonpublic schools. *N.C. Gen. Stat.* §115C-559.
- The State Board of Education may use tests to assure that graduates of nonpublic schools supervised by the State Board of Education possess the skills and knowledge necessary to function independently and successfully in assuming the responsibilities of citizenship. *N.C. Gen. Stat.* §115C-174.11(b). However, no nonpublic schools have been supervised by the State Board of Education since 1979. See *Approval under Accreditation/Registration/Licensing/Approval*, above.

### **Special Education**

- North Carolina publicly places students requiring special education in private schools without cost to the parents. The private schools must meet standards that apply to state and local educational agencies and secure the rights the students would have if served by the state or local education agency. *N.C. Gen. Stat.* §115C-111.2. See *Transportation*.

### **Nursing and Health**

- There is no state policy at this time.

### **Technology**

- There is no state policy at this time.

### **Professional Development**

- There is no state policy at this time.

### **Reimbursement for Performing State/Local Functions**

- There is no state policy at this time.

### Tax Exemption

- The North Carolina Constitution provides that the General Assembly may exempt property held for educational purposes from state and local taxation. *N.C. Const.* Art. V, Sec. 2.
- Food sold not for profit by private school cafeterias within school buildings during the regular school day are exempt from state retail sales tax. *N.C. Gen. Stat.* §105-164.13(26).

### Public Aid for Private Education

- **Constitutional provisions:** The North Carolina Constitution provides that the state school fund and the county school funds must be faithfully appropriated and used exclusively for free public schools. *N.C. Const.* Art. IX, Sec. 6, 7.
- **Program for financial assistance for attendance at private schools:** There is no such program at this time.

### Homeschooling

- A home school<sup>8</sup> means a nonpublic school in which one or more children of not more than two families or households receive academic instruction from parents or legal guardians, or a member of either household. *N.C. Gen. Stat.* §115C-563.
- Home schools elect to be either a Private Church School or School of Religious Character or a Qualified Nonpublic School and must then meet the requirements for that type of school except that the building inspections are waived if the school meets in a private residence and that the nationally standardized testing requirement for the students is annual. The person providing instruction in the home school must hold at least a high school diploma or its equivalent. *N.C. Gen. Stat.* §115C-564.
- Any new home school must send a notice of intent to operate to the North Carolina Division of Non-Public Education. Notice must be provided when the home school is terminated. *N.C. Gen. Stat.* §§115C-552, 560, 563b.
- Any new school may, on a voluntary basis, participate in any state operated or sponsored program which would otherwise be available to such school, including but not limited to the high school competency testing and statewide testing programs. However, since the standardized tests used by the public schools of North Carolina are state standardized (rather than nationally standardized), they do not satisfy the annual nationally standardized testing requirement for home schools. *N.C. Gen. Stat.* §§115C-551, 559.
- Home schools must maintain records to ensure that students are immunized. *N.C. Gen. Stat.* §§115C-548; 556. Students attending home school must be tested academically once each year through a nationally standardized test or other nationally standardized equivalent measurement. The test must measure achievement in English grammar, reading, spelling, and mathematics for students and verbal and quantitative areas for grade 11 students. *N.C. Gen. Stat.* §§115C-549, 550; 557, 558.
- Home schools that comply with the requirements under *N.C. Gen. Stat.* §115C-563 et seq. are not subject to any other educational provision except requirements respecting immunization. *N.C. Gen. Stat.* §115C-565.

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<sup>8</sup> “Home school” is the term written in state law.

**Information resources**

- [State of North Carolina: Department of Administration, Division of Non-Public Education](http://www.ncdnpe.org/index.asp) <http://www.ncdnpe.org/index.asp>
- [North Carolina Division of Non-Public Education: Private School Requirements](http://www.ncdnpe.org/hhh104.asp) <http://www.ncdnpe.org/hhh104.asp>
- [North Carolina Division of Non-Public Education: Home School Information](http://www.ncdnpe.org/homeschool.asp) <http://www.ncdnpe.org/homeschool.asp>
- [North Carolina Division of Non-Public Education: Frequently Asked Home School Question Topics](http://www.ncdnpe.org/hhh114.asp) <http://www.ncdnpe.org/hhh114.asp>
- *North Carolina General Statutes*  
<http://www.ncleg.net/gascripts/Statutes/StatutesTOC.pl>  
[Chapter 115C, Article 39: Nonpublic Schools](#)
- North Carolina Department of Administration  
Division of Non-Public Education  
1309 Mail Service Center  
Raleigh, North Carolina 27699-1309  
Web site: <http://www.ncdnpe.org>  
Phone: 919-733-4276
- North Carolina Department of Public Instruction  
301 North Wilmington Street  
Raleigh, NC 27601  
Phone: 919-807-3300  
Fax: 919-807-3445  
E-mail: [information@dpi.state.nc.us](mailto:information@dpi.state.nc.us)  
Web site: <http://www.ncpublicschools.org/>
- U.S. Department of Education, [North Carolina](#)

*Updated December 2, 2008*

# NORTH DAKOTA

## **Accreditation/Registration/Licensing/Approval**

- *Accreditation* is optional.
- No requirements for *Registration*.
- No requirements for *Licensing*.
- *Approval* is mandatory.
  - The superintendent of public instruction must approve all nonpublic schools offering elementary or secondary education. *N.D. Cent. Code §15.1-06-06*.
  - The superintendent of public instruction may not approve a school unless each teacher is licensed to teach by the education standards and practices board or approved to teach by the education standards and practice board; teacher is only teaching courses in fields in which he or she is licensed; students are offered all subjects required by law; the school is in compliance with all local and state health, fire and, safety laws; and the school has conducted criminal history record checks on employees. *N.D. Cent. Code §15.1-06-06*.
  - The superintendent of public instruction may approve a nonpublic secondary school with enrollment of 50 students or fewer if the school provides courses in all subjects required by law, complies with statutes regarding the length of the school year, and meets all health, fire, and safety standards. The school must have at least one state-licensed high school teacher for each 25 students. *N.D. Cent. Code §15.1-06-07*.

## **Teacher Certification**

- Teacher certification is mandatory.
- Elementary school (grades 1–6) teachers must be licensed by the education standards and practices board or approved to teach by the education standards and practiced board and have a major in elementary education or its equivalent. *N.D. Cent. Code §15.1-18-07*.
- Middle school teachers (grades 5–8) must be licensed by the education standards and practices board or approved to teach by the education standards and practices board and have a major in middle level education with content in areas specific to the courses he or she is teaching or its equivalent. *N.D. Cent. Code §15.1-18-08*.
- High school teachers (grades 7–12) must be licensed by the education standards and practices board or approved to teach by the education standards and practices board and have a major in the areas taught by the individual or its equivalent. *N.D. Cent. Code §15.1-18-09*.

## **Length of School Year/Days**

- Elementary and secondary schools must provide for a school calendar of at least 180 days, which include 173 full days of instruction, three holidays, two days for teacher education association meetings, two parent-teacher conference days, and two days for professional development activities. *N.D. Cent. Code §15.1-06-04*.

### **Curriculum**

- To be approved by the superintendent of public instruction, each public and nonpublic elementary and middle school shall provide to students instruction in: English language arts, including reading, composition, creative writing, English grammar, and spelling; mathematics; social studies, including: the United States Constitution; United States history; geography; government; and North Dakota studies, with an emphasis on the geography, history, and agriculture of the state, in grades 4 and 8; science, including agriculture; physical education; health, including physiology, hygiene, disease control, and the nature and effects of alcohol, tobacco, and narcotics. *N.D. Cent. Code §15.1-21-01.*
- Course offerings must include the following units of study: English (4); Mathematics (4); Science (4); Social Studies (4 including world history and United States history); Health (1/2), Physical Education (1/2); Art (2, at least one music); Foreign Language (2); and, career and technical education (2). Further, each public and nonpublic school must, at least once every two years, make available at least one-half unit of North Dakota studies with an emphasis on geography, history, and agriculture of the state to each student. *N.D. Cent. Code §15.1-21-02.*
- Beginning in 2008–09 school year, graduation requirements include: four units of English language arts; two units of mathematics; two units of science; three units of social studies, which may include one-half unit of North Dakota studies and one-half unit of multicultural studies; one unit of physical education, which may include up to one-half unit of health; and one unit of a foreign or native American language, fine arts, or career and technical education. *N.D. Cent. Code §15.1-21-02.2.*

### **Recordkeeping/Reports**

- The Superintendent of Public Instruction is required by law to include in his biennial report to the Governor and the Office of Management and Budget, the condition, educational and financial, of the private schools and academies of the state as far as it can be ascertained. *N.D. Cent. Code §15.1-02-09.*
- Students enrolled in private or parochial schools must be registered in their legal surname and for all records maintained by the school and in all communications requiring the use of a surname. *N.D. Cent. Code §15.1-19-01.*

### **Health and Safety Requirements**

- Each nonpublic school must be inspected at least once every three years by the state fire marshal. The state fire marshal will prepare an inspection report, and provide copies of the report to the administrator of the school and the superintendent of public instruction. *N.D. Cent. Code §15.1-06-10.*
- If a nonpublic school is found deficient in the fire marshal's inspection report the school administrator must submit a plan of correction to the state fire marshal and remedy the deficiency within an acceptable time period. *N.D. Cent. Code §15.1-06-10.*
- To meet state approval requirements, parochial and private schools must be in compliance with all municipal and state health laws. *N.D. Cent. Code §15.1-06-06.*

## State Regulation of Private Schools—North Dakota

- Private school teachers, administrators, parents and guardians are prohibited from permitting children with significant contagious or infectious diseases to attend school until permitted to do so under the regulations of the local board of health. *N.D. Cent. Code* §23-07-16.
- Plans and specifications for all new private school buildings and for additions and remodeling for existing school buildings must be submitted to the state fire marshall. *N.D. Cent. Code* §18-12-03; § 18-12-05.
- Private schools may organize and supervise school safety patrols to direct students when and where to cross highways, streets, and roads. *N.D. Cent. Code* §15.1-19-11.

### **Transportation**

- Nonpublic school students may receive transportation to school on public school buses running on public school routes if authorized by the local school board, passenger room is available, and no state funds are paid for mileage costs for any deviation from the established public routes. *N.D. Cent. Code* §15.1-30-15.

### **Textbooks**

- There is no state policy at this time.

### **Testing**

- There is no state policy at this time.

### **Special Education**

- School districts must contract with accredited private nonsectarian nonprofit corporations within or without the state or out-of-state public schools for the education of students with disabilities that are unable to attend public schools in the district because of their disability if there are no public schools in the state with the necessary facilities. *N.D. Cent. Code* §15.1-32-15.
- If a student's individualized education program or services plan requires the provision of transportation services, the student's school district of residence must provide it by any reasonably prudent means, including a regularly scheduled schoolbus, public transit, commercial transportation, chartered or other contracted transportation, and transportation provided by the student's parent or other responsible party. *N.D. Cent. Code* §15.1-32-16.

### **Nursing and Health**

- There is no state policy at this time.

### **Technology**

- There is no state policy at this time.

### **Professional Development**

- There is no state policy at this time.

### **Reimbursement for performing state/local functions**

- There is no state policy at this time.

### **Tax Exemption**

- Gross receipts from the sale of textbooks to private school students and the sale of textbooks, yearbooks, school supplies and food supplies to private nonprofit elementary and secondary schools are exempt from state sales tax. *N.D. Cent. Code §57-39.2-04.5, 20.*

### **Public Aid for Private Education**

- **Constitutional Provisions:** “No money raised for the support of the public schools of the state shall be appropriated to or used for the support of any sectarian school.” *N.D. Const. art. 8, §5.*
- **Programs for financial assistance for attendance at private schools:** There is no such program at this time.

### **Homeschooling**

- “Home education” is defined as “a program of education supervised by a child's parent, in the child's home, in accordance with the requirements of this chapter.” *N.D. Cent. Code §15.1-23-01.*
- A parent intending to supervise home education must submit an annual statement with the superintendent of the public school district in which the child resides at least 14 days prior to the beginning of home education. The statement must include the names and addresses of the parent who will supervise and the child who will receive home education; the date of birth and grade level of the child; the intention of the parent to supervise home education; the qualifications of the parent who will supervise home education; a list of courses in which the child intends to enroll and the public school district offering the courses; a list of extracurricular activities in which the child intends to participate and the public school district or approved nonpublic school offering the activities; proof of immunizations; and proof of identity. *N.D. Cent. Code §15.1-23-02.*
- The home education must include instruction in those subjects required by law to be taught to public school students and must have a duration of at least four hours each day for a minimum of 175 days each year. *N.D. Cent. Code §15.1-23-04.*
- The parent supervising home education must maintain an annual record of courses taken by the child and the child's academic progress assessments, including any standardized achievement test results. *N.D. Cent. Code §15.1-23-05.*
- A parent is qualified to supervise home education if he or she has a high school diploma or a general education development certificate. However, for the first two years of home education a teacher licensed by the education standards and practices board or approved to teach by the education standards and practices board must complete the monitoring. If the child being instructed receives a composite standardized achievement test score below the 50th percentile nationally, the required monitoring must continue. *N.D. Cent. Code §15.1-23-06* and *N.D. Cent. Code §15.1-23-07.*
- A student receiving home education must take the standardized test used by the school district in which the student resides in grades four, six, eight, and ten or, if requested by the parent, a nationally normed standardized achievement test. The

student may take the test in his or her learning environment or, if requested by the parent, in a public school. The test must be administered by an individual licensed to teach by the education standards and practices board or approved to teach by the education standard and practice board. If the student takes the standardized test used by the school district in which he or she resides then the school district is responsible for the cost of the test and ensuring a district employee administers the test. If the student takes a nationally normed standardized test then the parent is responsible for the cost of the test and the cost of administering the test. *N.D. Cent. Code §15.1-23-09* and *N.D. Cent. Code §15.1-23-10*.

- The parent supervising home education must file the results of the student's standardized achievement test with the superintendent of the student's resident district. *N.D. Cent. Code §15.1-23-11*.
- If a student receiving home education scores lower than the 30th percentile on the basic composite score on a standardized achievement test then that student will be assessed for potential learning problems by a multidisiplinary assessment team. *N.D. Cent. Code §15.1-23-11*.
- “A child receiving home education may participate in extracurricular activities either: under the auspices of the child's school district of residence; or under the auspices of an approved nonpublic school, if permitted by the administrator of the school.” *N.D. Cent. Code §15.1-23-16*.
- A high school diploma may be issued to a student by the student's school district of resident, a state-approved nonpublic high school, or the North Dakota division of independent study if the student, through home education, has met the issuing entity's requirements for high school graduation and the student's parent or legal guardian provides the issuing entity with the required documentation. *N.D. Cent. Code §15.1-23-17*.

### **Information resources**

- [North Dakota Department of Public Instruction: Home Education](http://www.dpi.state.nd.us/approve/home/)  
<<http://www.dpi.state.nd.us/approve/home/>>
- [North Dakota Century Code](http://www.legis.nd.gov/information/statutes/cent-code.html)  
<<http://www.legis.nd.gov/information/statutes/cent-code.html>>  
[Title 15.1: Elementary and Secondary Education](http://www.legis.nd.gov/cencode/t151.html)  
<<http://www.legis.nd.gov/cencode/t151.html>>
- North Dakota Department of Public Instruction  
Department 201  
600 East Boulevard Avenue  
Bismarck, ND 58505-0440  
Phone: 701-328-2260  
Fax: 701-328-2461  
Web site: <http://www.dpi.state.nd.us/>
- U.S. Department of Education, [North Dakota](#)

*Updated March 5, 2009*

# OHIO

## **Accreditation/Registration/Licensing/Approval**

- No requirements for *Accreditation*.
  - Completing the “*state*” chartering process is optional.
- No requirements for *Registration*.
- No requirements for *Licensing*.
- No requirements for *Approval*.
  - A nonpublic school has the option of seeking a charter from the state board of education. A chartered nonpublic school must assure that students are provided a general education of high quality by either: 1) being accredited by an association approved by the state board of education and with standards reviewed by the state superintendent’s advisory committee on chartered nonpublic schools; or 2) completing the [chartering process](#) and showing compliance with the Operating Standards for Ohio’s Schools, *Ohio Admin. Code* §§3301-35-01–3301-35-07 and §3301-35-11. *Ohio Admin. Code* §3301-35-12.
  - The superintendent of public instruction shall establish an advisory committee on chartered nonpublic schools to make recommendations to the state board of education concerning development and administration of regulations for chartered nonpublic schools. *Ohio Admin. Code* §3301-35-12 (C).

## **Teacher Certification**

- Standards for teacher certification for nontax-supported schools provide for certification without further educational requirements for individuals with a bachelor's degree from an accredited college or university. Standards for teacher certification in nonchartered non-tax-supported schools provide for certification without further educational requirements for individuals who have attended Bible colleges and Bible institutes. Teachers in nonchartered, non-tax-supported schools are exempt from certification fees. *ORC* §3301.071.

## **Length of School Year/Days**

- Students enrolled in schools other than public schools must attend for equivalent hours and term of attendance for public school students. Ohio Department of Education guidance states that, at a minimum, nonpublic schools must have at least 175 days of student instruction (which can include up to two days for parent-teacher conferences) per the law under Section 3313.48 of the Ohio Revised Code that applies to public school districts. *ORC* §3321.07.
- Each school, grades one through six shall provide at least five hours of instruction each school day, excluding the lunch period. The school day for students grades seven through twelve shall consist of at least five and one-half hours, excluding the lunch period. *ORC* §3301.35-06.

- Private and parochial schools may prescribe when a child may be excused for absence from school for good and sufficient reasons. *ORC §3321.04.*

### **Curriculum**

- A non-chartered, non-tax-supported school must provide courses in the following subjects: language arts; geography, the history of the United States and Ohio, and national state, and local government; mathematics; science; health; physical education; the fine arts, including music; first aid, safety, and fire prevention; and other subjects as prescribed by the school. *Ohio Admin. Code §3301-35-08.*
- Nonpublic school students may participate in public school vocational education programs without assessment other than charges paid by public school students. *ORC §3313.90.*
- Principals of private and parochial schools must display the United States flag, not less than five feet in length, over, near, or within all schoolhouses when in session. *ORC §3313.80.*
- Nonpublic school students may participate in Ohio's postsecondary enrollment options program. Nonpublic schools must provide students information about the program prior to March 1. Students must notify the nonpublic school by March 30 of their intention to participate. The chief administrator of a nonpublic school must counsel students before participation of the possible risks and consequences of participation. Students may elect to receive both college credit and high school credit. *ORC §3365.02.*

### **Recordkeeping/Reports**

- A school that is not chartered or seeking a charter from the state board of education must submit a report to the parents of its pupils that the school meets Ohio minimum standards for non-chartered, non-tax-supported schools annually. A copy of said report shall be filed with the Ohio department of education on or before September 13 each year. *Ohio Admin. Code §3301-35-08.*
- A student enrolling in a nonpublic school must present: 1) records of prior school enrollment; 2) a certified copy of a court order allocating parental rights, if applicable; and, 3) a certification of birth. Within 24 hours of enrollment, a school official must request the pupil's official records from the sending school. If the school claims it has no records of attendance or the records are not received within 14 days, or if the pupil does not present a certification of birth, the school official must notify the local law enforcement agency of the possibility that the pupil is a missing child. *ORC §3313.672.*
- Private and parochial schools must report to the treasurer of the Board of Education the names, ages, and residence of all pupils under 18 within the first two weeks of school to facilitate carrying out the laws relating to compulsory education and the employment of minors. Reports must be updated within the first week of every subsequent school month. *ORC §3321.12.*
- The State Board of Education submits annually a ten-year projection of nonpublic school enrollment, by year and by grade level, to the governor and General Assembly. *ORC §3301.07(F).*

### **Health and Safety Requirements**

- No person may establish an institution for persons suffering from a communicable disease, defined by the director of health, within 2,000 feet of any private or parochial school. *ORC §3313.74.*
- Principals of private schools having an average daily attendance of 50 students or more must instruct and train the students to exit buildings by drills at least once a month. The doors and exits of school buildings must be unlocked during school buildings. *ORC §3737.73.*
- Ohio's Missing Child Educational Program will assist nonpublic schools in developing cooperative programs with local law enforcement agencies for fingerprinting children. The Office of the Attorney General will disseminate periodic information bulletins of missing children to nonpublic schools. If the chief administrator of a nonpublic school is notified that a missing child is attending his school, the administrator must notify the Missing Children Clearinghouse and the local law enforcement agency immediately. *ORC §§109.65; 3301.25.*
- The hiring officer of any chartered nonpublic school must request a criminal records check for any applicant for a position responsible for the care, custody, or control of a child. The request must be made to the superintendent of the Bureau of Criminal Identification and Investigation. If the applicant was convicted or plead guilty to certain crimes listed, the school cannot employ the individual. The cost of the criminal records check is born by the school, but may be passed on to the applicant if notified beforehand. *ORC §3319.39.*
- Chartered nonpublic schools must comply with written requests for student records from entities investigating complaints of child abuse and neglect unless the school determines they are prohibited by law and file a motion with the court. *ORC §2151.141.*
- The State Board of Education will provide technical assistance to chartered nonpublic schools on Block Parent Programs, *i.e.* voluntary programs to provide students temporary refuge. *ORC §3301.076.*
- If known, chartered nonpublic schools will be notified by the prosecuting attorney if an employed certificated teacher is convicted or pleads guilty to certain criminal violations. *ORC §3319.52.*
- Nonpublic school teachers, principals and administrators may use reasonable corporal punishment whenever such punishment is reasonably necessary to preserve discipline, subject to the school's own policies. *ORC §3319.41*

### **Transportation**

- Students, grades K–8, who are enrolled in and attend nonpublic schools may be eligible for transportation from their public school district of residence, providing the distance to travel between the public school building the student would have attended and the nonpublic school is within 30 minutes travel time by yellow school bus, on a school day and during the hours a school bus would normally operate. Payment-in-lieu of transportation may be offered to the parent or guardian of students who are eligible for transportation but where the board of education for public school district of residence has declared transportation to be impractical pursuant to *ORC §3327.02.*

## State Regulation of Private Schools—Ohio

- School boards may provide students, grades 9–12, transportation to and from nonpublic schools, but if transportation is not provided for students attending the public high school(s), transportation will not be provided to those enrolled in nonpublic school. The boards must provide transportation for students with disabilities, if mandated by a student's IEP. Transportation is conditioned on the school's nondiscrimination in the selection of pupils, faculty members, and employees based on race, color, religion or national origin. *ORC §3327.01*.
- Transportation for students attending sectarian schools does not violate the Ohio constitutional provision prohibiting religious control over state school funds. *Honohan v. Holt*, 244 NE2d 537 (1968).
- School districts may lease busses to nonpublic schools located within the district for school related activities that would be approved school related activities offered by a public school. The cost must not exceed the costs of operating the busses. *ORC §3327.13*.

### Textbooks

- State allocations paid to local school districts for chartered nonpublic schools may be used for loaning such textbooks or electronic textbooks to pupils attending nonpublic schools within the district or to their parents upon request nonpublic school pupils or parents. Requests must be submitted to the school district in which the nonpublic school is located. *ORC §3317.06(A)*.

### Testing

- Chartered nonpublic schools may participate in the administration of the Ohio Achievement Tests if the chief administrator submits a written request to the superintendent of public instruction prior to August 1. Ohio's Grade 3–8 Achievement Tests currently are in reading, mathematics, science, social studies and writing and aligned to Ohio's academic content standards. These assessments measure students on what they know and are able to do in mathematics, reading, science, social studies and writing have replaced the previously used Ohio's proficiency tests. *Ohio Admin. Code §3301-13-01*.
- Beginning with the high school graduating class of 2007, students attending charted nonpublic schools must pass all five parts of the Ohio Graduation Tests (OGT) in order to receive high school diplomas and replaces the Ohio Ninth-Grade Proficiency Tests, which were tests aligned to learning outcomes. The OGT are aligned to Ohio's academic content standards, which were adopted by the State Board of Education in English language arts, mathematics, science and social studies. These standards have been carefully designed to ensure that students are armed with the knowledge they need to be successful in higher educational pursuits as well as the jobs and careers of the future. *Ohio Admin. Code §3301-13-01*.
- State allocations paid to local school districts for chartered nonpublic schools may be used for supplying pupils attending nonpublic schools within the district such standardized tests and scoring services as are in use in the public schools of the state *ORC §3317.06(H)*.

### **Special Education**

- The Department of Education will consult with chartered nonpublic schools regarding sign language interpreters for the instruction of hearing-impaired children. *ORC §3323.17.*

### **Nursing and Health**

- State allocations paid to local school districts for chartered nonpublic schools may be used for: 1) speech and hearing diagnostic services; 2) physician, nursing, dental, and optometric services; 3) diagnostic psychological services; 4) therapeutic psychological and speech and hearing services; and 5) guidance and counseling services. *ORC §3317.06(B), (C), (D), (E) and (F).*
- No school district shall provide health or remedial services to nonpublic school pupils as authorized by this section unless such services are available to pupils attending the public schools within the district. *ORC §3317.06.*
- Nonprofit private schools eligible to participate in food service programs should apply to the State Board of Education for assistance. *ORC §3313.813.*

### **Technology**

- State allocations paid to local school districts for chartered nonpublic schools may be used for the purchase or leasing of secular, neutral, and nonideological computer software (including site-licensing), prerecorded video laserdiscs, digital video on demand (DVD), compact discs and video cassette cartridges, wide area connectivity and related technology as it relates to Internet access, mathematics or science equipment and materials generally used in the public schools. *ORC §3317.06(K).*
- Each school district shall label materials, equipment, computer hardware or software, textbooks, and electronic textbooks purchased or leased for loan to a nonpublic school under this section, acknowledging that they were purchased or leased with state funds under this section. However, a district need not label materials, equipment, computer hardware or software, textbooks, or electronic textbooks that the district determines are consumable in nature or have a value of less than \$200. *ORC §3317.06.*

### **Professional Development**

- There is no state policy at this time.

### **Reimbursement for Performing State/Local Functions**

- The superintendent of public instruction is required to annually reimburse each chartered nonpublic school the actual cost for mandated administrative and clerical costs incurred by such school during the preceding school year “in preparing, maintaining, and filing reports, forms, and records, and in providing such other administrative and clerical services that are not an integral part of the teaching process as may be required by state law or rule or by requirements duly promulgated by city, exempted village or local school districts.” *ORC §3317.063.*

### **Tax Exemption**

- The sale of food to students in a cafeteria maintained in a private or parochial school is exempt from sales tax. *ORC §5739.02.*

### **Public Aid for Private Education**

- **Constitutional Provisions:** According to the *Ohio Constitution*, a religious sect may not control any part of the state's school funds. *Ohio Constitution Art. VI, Sec. 2.*
- **Programs for financial assistance for attendance at private schools:**  
Ohio has three such programs.
  - 1) Cleveland Scholarship and Tutoring Program provides scholarships to students who reside in the Cleveland Metropolitan School District (CMSD) to attend a qualifying private school. Students in grades K–8 are eligible to apply for scholarships and recipients may retain their scholarships through grade 12. Students from low-income families have priority in receiving new scholarships.
  - 2) The Autism Scholarship Program provides scholarships to students who have been identified as autistic through their assigned resident school district. These scholarships allow eligible students to receive special education and related services from approved registered providers, including private schools, or alternative public providers, including schools in another district and other public entities. Students participate in the program instead of attending their public district. To be eligible, students must have been enrolled in, or be eligible to enroll in, a school in their assigned resident district, and must have an individualized education program (IEP) developed by the resident district. Registered private providers must, among other requirements, implement the students' IEPs as written and maintained by the resident district.
  - 3) The Educational Choice Scholarship (EdChoice) Pilot Program was created to provide students from underperforming public schools the opportunity to attend participating private schools. The program provides up to 14,000 EdChoice scholarships to eligible students. Students currently attending a public school that has been rated in Academic Emergency or Academic Watch for two of the past three years are eligible to apply. Public school students that will be assigned to such a school in the upcoming school year are also eligible to apply. Students currently attending a charter or community school whose homeschool is an eligible school on our list are also eligible to apply.

### **Homeschooling**

- A parent who elects to provide home education must supply the following information to the superintendent of schools of the district or residence: name and contact information for students, parents and instructor; assurance that home education will follow a prescribed list of subjects to be taught except that home education shall not be required to include any concept, topic, or practice that is in conflict with the sincerely held religious beliefs of the parents; brief outline of the intended curriculum; list of textbooks or other basic teaching materials that the parent intends to use for home education; assurance that the child will be provided a minimum of 900 hours of home education each school year; and assurance that the home teacher has a high school diploma or the certificate of high school equivalence

or standardized test scores that demonstrate high school equivalence or other equivalent credential found appropriate by the superintendent. *ORC §3321.04, Ohio Admin. Code §3301-34-03.*

- The parent shall send to the superintendent an academic assessment report of the child for the previous school year at the time of supplying subsequent notification. *Ohio Admin. Code §3301-34-04.*
- If the annual academic assessment indicates that the child is not demonstrating reasonable proficiency, the parent will be required to develop a plan of remediation and submit a quarterly report to the superintendent. If the child does not demonstrate reasonable progress during remediation, the superintendent may, subsequent to a due process hearing, revoke the child's excuse from attendance and notify the parents in writing to enroll the child within 30 calendar days in a school in compliance with Chapter 3301-35 of the Administrative Code. *Ohio Admin. Code §3301-34-05.*

#### Information resources

- [Ohio Department of Education: Rules and Regulations for Private Schools](http://www.ode.state.oh.us/GD/Templates/Pages/ODE/ODEPrimary.aspx?page=2&TopicRelationID=1332)  
<http://www.ode.state.oh.us/GD/Templates/Pages/ODE/ODEPrimary.aspx?page=2&TopicRelationID=1332>
- [Ohio Department of Education: Chartered Nonpublic Schools](http://www.ode.state.oh.us/GD/Templates/Pages/ODE/ODEDetail.aspx?page=3&TopicRelationID=701&ContentID=1211&Content=58859)  
<http://www.ode.state.oh.us/GD/Templates/Pages/ODE/ODEDetail.aspx?page=3&TopicRelationID=701&ContentID=1211&Content=58859>
- [Ohio Department of Education: Operating Standards for Ohio's Schools](http://www.ode.state.oh.us/GD/Templates/Pages/ODE/ODEDetail.aspx?Page=3&TopicRelationID=1222&Content=58339)  
<http://www.ode.state.oh.us/GD/Templates/Pages/ODE/ODEDetail.aspx?Page=3&TopicRelationID=1222&Content=58339>
- [Ohio Administrative Code](http://codes.ohio.gov/oac) <http://codes.ohio.gov/oac>
- [Ohio Revised Code](http://codes.ohio.gov/orc) <http://codes.ohio.gov/orc>
- Ohio Department of Education  
Nonpublic Educational Options Program  
25 South Front Street, MS 710  
Columbus, OH 43215-4183  
Phone: 614-752-5068  
Toll-Free: 877-644-6338  
Fax: 614-466/8700  
Web site: <http://www.ode.state.oh.us/>
- U.S. Department of Education, [Ohio](#)

Updated February 6, 2009

# OKLAHOMA

## Accreditation/Registration/Licensing/Approval

- Accreditation is optional.
  - Private and parochial schools may apply to the State Board of Education for accreditation and classification in like manner as public schools. For accreditation, private and parochial schools must comply with the standards prescribed for public schools and members of the faculty must hold state certificates as required of teachers in public schools. *Okla. Stat. Title 70, §3-104.*
  - In addition, schools promulgate rules governing the classification, inspection, supervision and accrediting of all public nursery, kindergarten, elementary and secondary schools and on-site educational services provided by public school districts or state-accredited private schools in partial hospitalization programs, day treatment programs, and day hospital programs as defined by law for persons between the ages of three (3) and twenty-one (21) years of age in the state. However, no school shall be denied accreditation solely on the basis of average daily attendance. Any school district which maintains an elementary school and faces the necessity of relocating its school facilities because of construction of a lake, either by state or federal authority, which will inundate the school facilities, shall be entitled to receive probationary accreditation from the State Board of Education for a period of five (5) years after the effective date of this act and any school district, otherwise qualified, shall be entitled to receive probationary accreditation from the State Board of Education for a period of two consecutive years to attain the minimum average daily attendance. The Head Start and public nurseries or kindergartens operated from Community Action Program funds shall not be subjected to the accrediting rules of the State Board of Education. Neither will the State Board of Education make rules affecting the operation of the public nurseries and kindergartens operated from federal funds secured through Community Action Programs even though they may be operating in the public schools of the state. However, any of the Head Start or public nurseries or kindergartens operated under federal regulations may make application for accrediting from the State Board of Education but will be accredited only if application for the approval of the programs is made. The status of no school district shall be changed which will reduce it to a lower classification until due notice has been given to the proper authorities thereof and an opportunity given to correct the conditions which otherwise would be the cause of such reduction. *Okla. Stat. Title 70, §3-104.*
  - Private and parochial schools may be accredited and classified in like manner as public schools or, if an accrediting association is approved by the State Board of Education, by procedures established by the State Board of Education to accept accreditation by such accrediting association, if

application is made to the State Board of Education for such accrediting.  
*Okla. Stat. Title 70, §3-104.*

- No requirement for *Registration*.
- No requirement for *Licensing*.
- No requirement for *Approval*.

### **Teacher Certification**

- Teacher certification is required for accredited private schools. *Okla. Stat. Title 70, §6-189.*

### **Length of School Year/Days**

- A school day shall consist of not less than six hours devoted to school activities, except that a school day for nursery, early childhood education, kindergarten, extended day program, and alternative education programs shall be as otherwise defined by law or as defined by the State Board of Education. Except for schools operating under an extended day schedule as provided for in Section 1-109 of this title, not more than one school day shall be counted for attendance purposes in any 24-hour period. *Okla. Stat. Title 70, §1-111.*
- Students absent from school in which they are regularly enrolled may be considered as being in attendance if the reason for such absence is to participate in scheduled school activities under the direction and supervision of a regular member of the faculty or to participate in a remote Internet-based course approved by the district board of education. The State Board of Education shall adopt rules to provide for the implementation of remote Internet-based courses. *Okla. Stat. Title 70, §1-111.*
- Each district board of education shall adopt policies and procedures that conform to rules for Internet-based courses as adopted by the State Board. Such policies shall include criteria for approval of the course, the appropriateness of the course for a particular student, authorization for full-time students to enroll in Internet-based courses, and establishing fees or charges. No district shall be liable for payment of any fees or charges for any Internet-based course for a student who has not complied with the district's policies and procedures. Districts shall require students enrolled in Internet-based courses to participate in the *Oklahoma School Testing Program Act*. Students participating in Internet-based courses from a remote site will be responsible for providing their own equipment and Internet access, unless the district chooses to provide the equipment. Credit may not be granted for such courses except upon approval of the State Board of Education and the district board of education.
- The school day for kindergarten may consist of six hours devoted to school activities. *Okla. Stat. Title 70, §1-111.*

### **Curriculum**

- The Oklahoma Heritage Association coordinates annual observance of "Oklahoma Heritage Week" and includes parochial schools in its efforts. *Okla. Stat. Title 25, §90.2.*
- Proprietors of private and parochial schools have a duty to display the flag of the United States of America during every school day either from a flagstaff or pole, and in inclement weather within the school building. *Okla. Stat. Title 25, §153.*

- As a condition of receiving accreditation from the State Board of Education, all students in grades nine through twelve shall enroll in a minimum of six periods, or the equivalent in block scheduling, of rigorous academic or rigorous vocational courses each day, which may include arts, vocal and instrumental music, speech classes, and physical education classes. *Okla. Stat. Title 70, §11-103.6H.*
- Private and parochial schools may be accredited and classified in like manner as public schools or, if an accrediting association is approved by the State Board of Education, by procedures established by the State Board of Education to accept accreditation by such accrediting association, if application is made to the State Board of Education for such accrediting. *Okla. Stat. Title 70, §3-104 paragraph 10.*

### **Recordkeeping/Reports**

- Private school principals have a duty to keep complete records of attendance for all children enrolled at the school and to notify the attendance officer of the district of absences and the reasons, if known. Principals have a duty to notify parents of a student's absence unless the parent has already notified the school. *Okla. Stat. Title 70 §10-106.*
- Administrators at private middle, junior high and high schools accredited by the State Department of Education must notify the department of any pupil dropping out from school. Reports must be made on a monthly basis on forms provided. *Okla. Stat. Title 70, §35e.*
- It is a misdemeanor for any teacher to reveal information about a student obtained in his capacity as teacher, except as required in the performance of his duties or upon request by a parent or guardian. *Okla. Stat. Title 70, §6-115.*

### **Health and Safety Requirements**

- Students may not be admitted to any public, private, or parochial school operating in this state unless and until certification is presented to the appropriate school authorities from a licensed physician, or authorized representative of the State Department of Health, that such child has received or is in the process of receiving, immunizations against diphtheria, pertussis, tetanus, haemophilus influenzae type B (HIB), measles (rubeola), (rubella), poliomyelitis, varicella, and hepatitis A or is likely to be immune as a result of the disease. *Okla. Stat. Title 70, §1210.191.*
- Immunization tests required, and the manner and frequency of their administration, as prescribed by the State Board of Health, shall conform to recognized standard medical practices in the state. The State Department of Health shall supervise and secure the enforcement of the required immunization program. The State Department of Education and the governing boards of the school districts of this state shall render reasonable assistance to the State Department of Health in the enforcement of the provisions hereof. *Okla. Stat. Title 70, §1210.191.*
- The State Board of Health, by rule, may alter the list of immunizations required after notice and hearing. Any change in the list of immunizations required shall be submitted to the next regular session of the legislature and such change shall remain in force and effect unless and until a concurrent resolution of disapproval is passed. Hearings shall be conducted by the State Board of Health, or such officer, agents or employees as the board may designate for that purpose. The State Board of Health

shall give appropriate notice of the proposed change in the list of immunizations required and of the time and place for hearing. The change shall become effective on a date fixed by the State Board of Health. Any change in the list of immunizations required may be amended or repealed in the same manner as provided for its adoption. Proceedings pursuant to this subsection shall be governed by the *Administrative Procedures Act*. *Okla. Stat. Title 70, §1210.191*.

- The State Department of Education and the governing boards of the school districts of this state shall provide for release to the Oklahoma Health Care Authority of the immunization records of school children covered under Title XIX or Title XXI of the federal *Social Security Act* who have not received the required immunizations at the appropriate time. The information received pursuant to such release shall be transmitted by the Oklahoma Health Care Authority to medical providers who provide services to such children pursuant to Title XIX or Title XXI to assist in their efforts to increase the rate of childhood immunizations pursuant to the requirements of the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) services provisions. The provisions of this subsection shall not be construed to prohibit or affect the eligibility of any child to receive benefits pursuant to Title XIX or Title XXI of the *Social Security Act* or to require the immunization of any child if such child is exempt from immunization pursuant to Section 1210.192 of this title shall not be included in the information transmitted pursuant to this subsection. *Okla. Stat. Title 21, §1190*.
- Children afflicted with contagious disease or head lice may be prohibited from attending private or parochial schools until they are well. A child excluded for head lice must present certification from a health professional that he is no longer afflicted with head lice prior to reentering school. *Okla. Stat. Title 70, §1210.194*.
- Educational facilities serving grades K–12 may prohibit smoking, snuff, and chewing tobacco on the school grounds. Schools may designate smoking areas only for adults and must offer a nonsmoking area for school personnel for breaks, lunch or similar activities. *Okla. Stat. Title 63, §1-1523*.
- An educational facility which offers an early childhood education program or in which children in grades kindergarten through twelve are educated shall prohibit smoking, the use of snuff, chewing tobacco or any other form of tobacco product in the buildings and on the grounds of the facility by all persons including, but not limited to, full-time, part-time, and contract employees, during the hours of 7:00 a.m. to 4:00 p.m., during the school session, or when class or any program established for students is in session.
- Career and technology centers may designate smoking areas outside of buildings, away from general traffic areas and completely out of sight of children under eighteen (18) years of age, for use by adults attending training courses, sessions, meetings or seminars.
- An educational facility may designate smoking areas outside the buildings for the use of adults during certain activities or functions, including, but not limited to, athletic contests. *Okla. Stat. Title 63, §1-1523*.
- Local law enforcement agencies will assist nonpublic schools that wish to develop voluntary fingerprinting programs for students to identify and locate missing children. *Okla. Stat. Title 10, §1633*.

## State Regulation of Private Schools—Oklahoma

- Oklahoma criminal law provides enhanced penalties for individuals who distribute a controlled substance within 1,000 feet of the real property of a private elementary or secondary school. *Okla. Stat. Title 63*, §§2-401; 2-402.
- It is a criminal offense to possess a weapon on private school property or in a vehicle used for transportation of students or teachers unless authorized. *Okla. Stat. Title 21*, §1280.1.
- Hazing, i.e. an activity endangering the health or safety of a student for the purpose of initiation into an organization operating subject to a private school, is illegal under Oklahoma's criminal law. A copy of a private school's policy prohibiting hazing must be given to each student enrolled. *Okla. Stat. Title 21*, §1190.

### **Transportation**

- There is no state policy at this time.

### **Textbooks**

- Special personnel and instructors and books and equipment paid for or purchased with public funds cannot be furnished students in private or parochial schools unless such students are enrolled in the public schools. *AG Op. Sept. 16, 1965*.

### **Testing**

- There is no state policy at this time.

### **Special Education**

- School districts may join in a written agreement with a private institution within the district to provide special education for children with disabilities. *Okla. Stat. Title 70*, §13-101.

### **Nursing and Health**

- The school shall have a written description of the health services program. The program will function as an integral part of the total education program and provide a program of services for all students. Services of a nurse shall be available. Staff and patrons shall be made aware of program provisions. *State Regulation 210:35-3-107*.

### **Technology**

- There is no state policy at this time.

### **Professional Development**

- By statute, a principal of a private secondary school is appointed by the governor to serve on the Oklahoma School of Science and Mathematics Board of Trustees. *Okla. Stat. Title 70*, §1210.401.

### **Reimbursement for Performing State/Local Functions**

- There is no state policy at this time.

### Tax Exemption

- Property used exclusively for schools or for religious purposes is exempt from taxation. *Okla. Const.* Art. 10, Sec. 6.
- Sales of tangible personal property or services to nonprofit private elementary and secondary schools accredited by the State Department of Education or recognized by the State Board of Education are exempt from Oklahoma sales tax. Tuition and educational fees, fundraising sales, and admission tickets and concessions at athletic events up to \$75,000, are also exempt from sales tax. *Okla. Stat. Title 68*, §1356.
- Coin-operated vending machines owned and located in a private school are exempt from state tax. *Okla. Stat. Title 68*, §1503.1.

### Public Aid for Private Education

- **Constitutional provisions:** The Oklahoma Constitution prohibits the appropriation of public money or property for the use of a sectarian institution. *Okla. Const.* Art. 2, Sec. 5.
- **Programs for financial assistance for attendance at private schools:** There is no such program at this time.

### Homeschooling

- Oklahoma does not have laws governing homeschooling. The compulsory attendance law allows for parents or legal guardians to homeschool their children. A parent of a school-aged child must not “neglect or refuse to cause or compel such child to attend and comply with the rules of some public, private or other school, unless other means of education [i.e., homeschooling] are provided for the full term the schools of the district are in session.” *Okla. Stat. Title 70* §10-105(A).

### Information resources

- [Oklahoma State Department of Education: Oklahoma's Homeschoolers](http://sde.state.ok.us/Schools/HomeSchool/default.html)  
<http://sde.state.ok.us/Schools/HomeSchool/default.html>
- *Oklahoma Statute*  
[Oklahoma Statutes, Title 70: Schools](http://www.lsb.state.ok.us/) <http://www.lsb.state.ok.us/>
- Oklahoma State Department of Education  
2500 North Lincoln Boulevard  
Oklahoma City, OK 73105-4599  
Phone: 405-521-3301  
Fax: 405-521-6205  
Web site: <http://sde.state.ok.us/>
- U.S. Department of Education, [Oklahoma](#)

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# OREGON

*Oregon's constitution prohibits state appropriations for the benefit of any religious institution. Oreg. Const. Art. I, Sec. 5.*

**Registration/Licensing/Accreditation:** Private K–12 schools may, but are not required to be, registered as a private school with the Department of Education. The application for registration must demonstrate: 1) the teachers are qualified, but not necessarily licensed; 2) the owner or principal and employees are qualified by education and experience to provide instruction; 3) the facility is adequate to protect the health and safety of the children; 4) the curriculum considers the goals of modern education and the requirements of a sound, comprehensive curriculum with particular emphasis on the highest practical standards and in secondary schools establishment of academic standards necessary to attend institutions of higher education. Courses should be taught for an equivalent period of time as required for public school students. *Or. Rev. Stat.* §345.525. Registration requirements are set out in detail at *Or. Admin. R.* 581-45-500 through 581-45-580. Representation by a private school that it is registered when it is not a registered private school is a misdemeanor. *Or. Rev. Stat.* §345.990(2). Registration is renewable annually on or before October 15. *Or. Admin. R.* 581-45-500.

Private schools offering residential programs for children must be licensed by the Children's Services Division. The standards for licensing encompass the physical health, care, and safety of the children. The superintendent of public instruction will advise on the education program conducted by the residential school. No licensing fees are charged. *Or. Rev. Stat.* §418.327.

Private schools must be approved for the public placement of students for special education services. *OAR* 581-15-126.

**Recordkeeping/Reports:** Private elementary and secondary schools must transfer student progress records within ten days when notified of the student's enrollment in another school. *Or. Rev. Stat.* §326.575.

**Length of School Year/Day:** Students attending a private or parochial school for a period equivalent to that required of children attending public schools are exempt from public school attendance. *Or. Rev. Stat.* §339.030(1).

**Instruction in English:** Instruction in all subjects in private and parochial schools must be conducted primarily in English, except instruction in foreign languages and bilingual education for pupils whose native tongue is other than English. *Or. Rev. Stat.* §336.074.

**Teacher Certification:** Teachers at registered private schools may demonstrate their qualifications by: 1) possessing a current teaching license; 2) teaching at least half-time

in the subject field in which the bachelor's degree was obtained while actively working toward an Oregon teaching certificate; or 3) possess relevant verifiable experience consistent with the educational goals of the school and the Department of Education. *Or. Admin. R.* 581-45-530.

**Curriculum:** Students being taught the courses of study usually taught in grades 1 through 12 in the public schools at a private or parochial school are exempt from public school attendance. *Or. Rev. Stat.* §339.030(1).

All private schools must provide courses of instruction in the Constitution and history of the United States from grade 8 through grade 12. *Or. Rev. Stat.* §336.057.

Private schools may offer courses in driver instruction. State reimbursement for costs however is provided for private school students only if they complete the course in a public school or other facility. *Or. Rev. Stat.* §§343.720; 343.730.

For Fire and Earthquake Instruction, see *Safety*, below.

**Special Education:** School districts must make available special education designed to meet the needs of resident handicapped children in private schools. Such special education must not be provided in the private school. School districts must provide such children with genuine opportunities for equitable participation in special education consistent with the number of children and their needs. *Or. Admin. R.* 581-15-166 (1978).

Private educational agencies furnishing special education to handicapped children pursuant to a contract with a public agency must have on file with the Oregon Department of Education a plan approved for the special education programs. The plan must 1) describe the population to be served and the instructional services to be provided; 2) include a staff roster indicating name, instructional qualification, and assignment of all special education personnel employed by the private educational agency; 3) describe facilities, equipment and materials to be furnished and utilized; 4) document compliance with state and local health, fire and safety standards; and 4) meet additional minimum standards set out by regulation. *Or. Admin. R.* 581-15-126 (1978).

**Health:** Oregon recognizes immunization as a parental responsibility. Prior to admission to school, students must provide evidence of immunization as required by the Health Division or a statement that they are being reared as an adherent to a religion opposed to immunization. *Or. Rev. Stat.* §§433.240; 433.267.

Private schools may adopt more stringent requirements for measles immunization if medical and religious exemptions are included and the requirements comply with the United States Public Health Service Advisory Committee on Immunization Practices recommendations. *Or. Rev. Stat.* §433.284.

Private schools may not permit persons under 18 to possess tobacco products while present on school grounds unless lawfully prescribed. The school must have written

policies prohibiting possession and written plans to implement the policies. *Or. Rev. Stat.* §339.865.

School administrators may exclude from school a child or employee suspected to be exposed to a "restrictable disease" as defined by the Health Division. *Or. Rev. Stat.* §§433.235; 433.260.

**Safety:** Private and parochial schools having an average daily attendance of 50 or more must provide instruction in exiting the building in an emergency and seeking shelter in case of an earthquake. Drills must be held at least once a month. Exit doors must be maintained so they can open from the inside without a key during school hours. Children in grades 1 through 8 must be instructed in fire and earthquake dangers and drills for 30 minutes in each school month. *Or. Rev. Stat.* §336.072.

Any private official school employee having reasonable cause to believe that a person with whom the official comes in contact in an official capacity has suffered abuse or has abused a child shall make a report immediately to the Children's Services Division or to a law enforcement agency within the county. *Or. Rev. Stat.* §§418.740, 750, 755.

All painting or finish applied to interior combustible surfaces except floors and trim of private school buildings, must be of a fire-retardant material meeting flame spread regulations established by the State Fire Marshall. *Or. Rev. Stat.* §479.140.

It is illegal in Oregon to operate a methadone clinic within 1,000 feet of the real property of a private elementary, vocational, or secondary school. *Or. Rev. Stat.* §430.590.

Unless authorized by law, it is illegal to manufacture or deliver controlled substances within 1,000 feet of the real property of a private elementary, vocational, or secondary school attended by minors. *Or. Rev. Stat.* §475.999.

Oregon assists and regulates traffic patrols appointed by private or parochial schools to protect pupils crossing highways on their way to school. Members must be 18 or older or have parental consent, display a "traffic patrol badge", and may display a directional sign or signal. *Or. Rev. Stat.* §§336.450; 470.480.

It is a criminal offense to possess a firearm in a private school building with some exceptions *Or. Rev. Stat.* §§166.360; 166.370.

Private or parochial schools through secondary level with a capacity greater than 250 individuals are subject to additional building code regulations for structures vulnerable to earthquakes. *Or. Rev. Stat.* §455.447.

**Transportation:** All children attending private or parochial schools under the compulsory school attendance laws are entitled to transportation along or near the designated routes when the district provides transportation for public school students. *Or. Rev. Stat.* §332.415.

**Public Aid for Private Schools/Private School Students:** Oregon's Constitution prohibits any state approval for the benefit of any religious institution. *Ore. Const.* Art. 1, Sec. 5.

An early free textbook statute was struck down based on this provision in 1961. *Dickman v. School District 62C*, 366 P.2d 533, *cert. denied*, *Carlson v. Dickman*, 371 U.S. 823 (1962).

**Miscellaneous:** Church-operated parochial schools are exempt from unemployment compensation taxes. Emp. Div. v. Archdiocese of Portland, 600 P.2d. 926 (1979), but see, *Salem College & Academy, Inc. v. Employment Division*, 695 P.2d 25 (1985).

By statute, Oregon has a Private Elementary and Secondary School Advisory Committee to advise the State Board of Education on minimum criteria for private schools and private school registration. Six members are selected by the State Board from nominees of private school organizations and one member is a lay person not associated with private schools. *Or. Rev. Stat.* §345.575.

Representatives of private and parochial schools serve on the Health Division Advisory Committee to advise on regulations to promote disease control in schools. *Or. Rev. Stat.* §433.245

1993—Archived Chapter<sup>9</sup>

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<sup>9</sup> This chapter on Oregon is from the (archived) 2000 edition of the report on *State Regulation of Private Schools* and was last updated in 1993. It will be replaced with a revised chapter upon completion of review and approval of the updated chapter by Oregon state officials.

# PENNSYLVANIA

## Accreditation/Registration/Licensing/Approval

- *Accreditation* is optional.
  - Private academic schools may choose to become accredited rather than licensed. Schools accredited by accrediting associations approved by the State Board of Education do not need to be licensed. 24 P.S. §6705.
  - Only an accrediting organization approved by the Pennsylvania State Board of Education will be approved to grant accreditation to the schools. An approved accrediting organization annually should make a report to the Department that includes a summary of its accreditation activity, including a listing of schools that have been accredited, the fees collected, its visitation schedule, and other information that the Department might deem appropriate. Accrediting organizations should make an immediate, one-time report to the Department regarding each educational institution that has gained or lost accreditation.
- *Registration* is mandatory.
  - Registration only applies to religious schools.
  - Pennsylvania's compulsory school attendance law requires K–12 schools that are owned or operated by or under the authority of bona fide religious institutions to register with the Department of Education by filing a notarized certification or affidavit of the principal. The notarized document states that subjects prescribed by the school code will be taught or offered in the English language for the amount of time specified, the governing religious body is a nonprofit organization, and that the school is otherwise in compliance with the provisions of the Pennsylvania School Code. 24 P.S. §13-1327(b).
  - There is no accreditation or licensing requirement for religious schools. Non-religious, private schools (K–12) must be either licensed or accredited.
- *Licensing* is mandatory.
  - Pennsylvania mandates licensing for K–12 private academic schools, except schools owned or operated by or under the authority of bona fide religious institutions, schools that are owned by colleges or universities, schools for the blind or deaf receiving commonwealth appropriations, or schools accredited by accrediting associations approved by the State Board of Education.
  - All exempted private schools may voluntarily choose to be licensed.
  - The licensing requirements, enforced by the State Board of Private Academic Schools, govern health and safety, teaching and administrative staff, courses of study and instructional equipment, student attendance, records, fees, transportation, advertising, conditions of the premises, procedures for school closings, and financial responsibility. 24 P.S. §6701 *et seq.*; 22 Pa. Code Chapter 51.
  - Private schools are prohibited from discriminating in enrollment based on race or color. 24 Pa. Cons. Stat. § 15-1521.
- No requirements for *Approval*.

### **Teacher Certification**

- Only teachers holding a valid Pennsylvania professional certificate issued under Chapter 49 (relating to certification of professional personnel) of the State Board of Education Regulation, a private academic teaching certificate or a private academic temporary approval certificate may teach in a licensed private academic school. The commonwealth is not empowered to approve the faculty or staff of any registered, nonlicensed, religious schools. 22 Pa. *Code* §51.34.; 24 P.S. §13-1327(b).

### **Length of School Year/Days**

- Instructional time for a child enrolled in a day school operated by a religious body must be a minimum of 180 days or 900 hours at the elementary level, or 990 hours at the secondary level. 24 P.S. 13-1327(b).
- Licensed K–12 private academic schools must be in session a minimum of 180 days of instruction or the equivalent clock hour requirement with prior approval of the State Board of Private Academic Schools. Upon Request, the Board may approve a school year containing a minimum of 990 secondary or 900 elementary and 450 kindergarten hours of instruction as the equivalent of 180 days, when a meritorious educational program warrants. 22 Pa. *Code* §51.61.

### **Curriculum**

- Courses at an elementary day school operated by a religious body must be taught in: English, including spelling, reading, and writing; arithmetic; science; geography; history of the United States and Pennsylvania; civics; safety education, including regular and continuous instruction in the dangers and prevention of fires; health and physiology; physical education; music; and art. A principal's notarized affidavit filed with the Department of Education stating these subjects are offered in the English language, by a nonprofit school, and in compliance with the law, is sufficient evidence of compliance with this provision. Nothing in this provision empowers the commonwealth and its officers to approve the course content, faculty, staff or disciplinary requirements of any nonpublic religious school without its consent. 24 P.S. §13-1327(b).
- Courses at a secondary day school operated by a religious body must be offered in: English, including language, literature, speech and composition; science, including biology and chemistry; geography; social studies, including civics, economics, world history, history of the United States and Pennsylvania; a foreign language; mathematics, including general mathematics and statistics, algebra and geometry; art; music; physical education; health and physiology; and safety education, including regular and continuous instruction in the dangers and prevention of fires. A principal's notarized affidavit filed with the Department of Education stating these subjects are offered in the English language, by a nonprofit school, and in compliance with the law, is sufficient evidence of compliance with this provision. Nothing in this provision empowers the commonwealth and its officers to approve the course content, faculty, staff or disciplinary requirements of any nonpublic religious school without its consent. 24 P.S. §13-1327(b).

## State Regulation of Private Schools—Pennsylvania

- Private elementary schools are required to teach the following subjects: English, including spelling, reading and writing; arithmetic; geography; the history of the United States and of Pennsylvania; science; civics, including loyalty to the state and national government; safety education, and the humane treatment of birds and animals; health, including physical education and physiology; music and art. 24 P.S. §15-1511.
- Private high schools must provide during grades 7–12 four semesters in the history and government of the United States and Pennsylvania to develop an appreciation for the American republican representative form of government, the benefits of the American way of life, and the individual's duty to exercise the right to vote. 24 P.S. §16-1605.
- A child enrolled in a day or boarding school accredited by an accrediting association approved by the State Board of Education is considered to have met the compulsory attendance requirement. 24 P.S. §13-1327(c).
- K–12 nonpublic and private school students have a right to refuse to dissect, vivisect, incubate, capture or otherwise harm or destroy animals. School administrators have a duty to notify parents and pupils of their rights three weeks prior to a scheduled exercise. Students who choose to opt out of the exercise must be offered an alternative education project. 24 P.S. §15-1523.
- Instruction in the private schools must be in English and from English texts unless a foreign language is permitted by the secretary of education as a part of a foreign language study or bilingual education program. 24 P.S. §15-1511.
- Nonpublic schools may access educational materials on the nature and effects of drugs, alcohol, tobacco and dangerous controlled substances through the intermediate units. Nonpublic school employees may also attend the in-service training programs made available by the Department of Education on these topics and provided by the intermediate units. 24 P.S. §15-1547.
- The Pennsylvania legislature intended that nonpublic school students benefit from drug and alcohol abuse programs piloted by the state. 24 P.S. §5311 et seq.
- Private schools must display the United States flag, not less than three feet in length, in all school buildings during each day that schools are in session. In addition, the schools must provide instruction to develop allegiance to the flag and to promote a clear understanding of the American way of life. 24 P.S. §7-771.
- Private schools may join the Pennsylvania Interscholastic Athletic Association for athletic competition. 24 P.S. §5-511(b.1).
- Private and parochial school organizations that promote extracurricular activities may sponsor small games of chance for the purpose of raising funds for public interest purposes. The organizations must be recognized by the governing body of the private or parochial school. The games are strictly regulated by the state. 10 P.S. §312 et seq.
- Parochial, private and nonpublic schools have the option of providing armed forces recruiters a list of prospective graduating seniors for recruitment purposes. Costs incurred by a nonpublic school are reimbursed by the armed forces recruiters. 51 P.S. §20221 et seq.

### **Recordkeeping/Reports**

- Private schools have an obligation to furnish district superintendents a list of the names and residences of all resident children between 6 and 18 enrolled in the school, to report the name and date of any pupil withdrawing, and the name of any child absent three days or the equivalent without lawful excuse. 24 P.S. §13-1332.
- School administrators failing to comply with the reporting requirements may be fined. 24 P.S. §13-1355.
- Student health records maintained by private schools are confidential and may be released only when necessary for the health of the child or at the request of the parent or guardian. Records must be transferred upon request when a student relocates to another school. Private schools must not destroy a student's health record for two years after the child's withdrawal, but may give them to the child's parent or guardian if the child does not reenroll in another Pennsylvania school. 24 P.S. §14-1409.
- Private school guidance counselors, nurses, psychologists or clerical workers working for a guidance counselor, will not be compelled to disclose information during any legal proceeding or investigation that was obtained from a student without the student's consent if over 18 or without the parent's consent if the student is under 18. However, no such person shall be excused or prevented from complying with the Child Protective Services Law. 42 P.S. §5945.

### **Health and Safety Requirements**

- As directed by the secretary of health, private and parochial school administrators have a duty to ensure that every student, prior to admission to school, is immunized against diseases or parents have filed a request for exemption for religious or medical reasons. Certificates of immunization or exemption must be issued in accordance with regulations promulgated by the Secretary of Health. 24 Pa. Cons. Stat. §13-1303a.
- The State Advisory Health Board regulates the prevention and control of disease in private schools. 35 P.S. §521.2.
- Local county or city health officers are charged with notifying public, parochial and other school teachers and administrators of the need to exclude children who are suffering from, or residing with persons suffering from communicable diseases and to make sanitary inspections. 16 Pa. Cons. Stat. 2190; 53 Pa. Cons. Stat. 37306.
- Nonpublic school employees acting in good faith in the scope of their official duty are immune from civil liability for negligent statements, acts or omissions made relating to student drug or alcohol abuse. 42 P.S. §8337.
- Administrators of private schools have a duty to provide instruction and training in the proper procedures to exit school buildings in an emergency without confusion or panic. Drills must be conducted at least once a month when the schools are in session. All schools are required to provide some regular instruction in the dangers of fire and the prevention of fire waste during the school year. 24 P.S. §15-1518.
- Private school administrators must require applicants for positions with direct contact with children to produce with their applications a criminal history report from the Pennsylvania State Police and a clearance statement resulting from a background check for employment conducted by the Department of Public Welfare within the immediately preceding year. Persons not receiving a clearance statement are ineligible for employment. 23 Pa. Cons. Stat. §6355.

## State Regulation of Private Schools—Pennsylvania

- Persons convicted within five years of certain crimes specified by statute are ineligible for employment with some exceptions. 24 P.S. §1-111.
- A school employee who has reasonable cause to suspect, on the basis of professional or other training and experience, that a student coming before the employee in the employee's professional or official capacity is a victim of serious bodily injury or sexual abuse or sexual exploitation by a school employee shall make a report to law enforcement officials and the district attorney. 23 P.S. §6352.
- School administrators may use the resources of the Office for Safe Schools established by the Department of Education through legislation designed to combat school violence. 24 P.S. §1302A.
- School administrators shall maintain updated records of all incidents of violence, incidents involving possession of a weapon and convictions or adjudications of delinquency for acts committed on school property by students enrolled therein. A statistical summary of these records shall be made accessible to the public for examination by the public during regular business hours. 24 P.S. §1307A.
- Upon adjudication, a delinquent child's building principal and teacher is notified of specific circumstances for the limited purposes of protecting school personnel and students from danger from the child and of arranging appropriate counseling and education for the child. Information provided to and maintained by the principal is maintained separately from the official school record. 42 P.S. §6341.
- It is a misdemeanor to carry a weapon, i.e. an instrument capable of inflicting serious bodily injury, e.g. a knife, cutting instrument, cutting tool, nunchaku sticks, firearm, shotgun, or rifle, on the grounds or in transport to a licensed elementary or secondary private school or parochial school. 18 P.S. §912.
- An attempt to intentionally cause bodily injury to a teaching staff member, school board member, employee or student of any licensed elementary or secondary private school or parochial school while the person is acting within the scope of his or her employment is an aggravated assault and a felony of the second degree. 18 P.S. §2702.
- The sale of a controlled substance to a minor within 1,000 feet of a private or parochial school brings an additional minimum sentence of at least two years confinement. 18 P.S. §6314.
- Fire extinguishers containing carbon tetrachloride are illegal when used in private or parochial school buildings or buses used to transport school children. School administrators permitting their use are guilty of a summary offense. 18 P.S. §7304.
- Industrial quality eye protective devices are required for teachers, students, and visitors at private schools when engaged in dangerous activities, e.g. the use of hot liquids, solids or gases; milling, sawing, turning, or grinding of solid materials; and repairing or servicing vehicles. 24 P.S. §5301.
- Permits for new municipal waste landfills, commercial residual waste treatment facilities or resource recovery facilities will not be issued for property located within 300 yards of a building owned by a parochial school and used for instructional purposes. 53 P.S. §4000.511.
- No street may be laid out and opened through any grounds occupied by a building used as a parochial school or educational institution unless the owner consents. 53 P.S. §§57006.

## State Regulation of Private Schools—Pennsylvania

- No property used for a parochial school or educational institution can be taken by a township for the purpose of extending the system of water distribution or to erect public buildings. 53 P.S. §§57703; 57803.

### Transportation

- Local school boards that provide transportation for public school students to school must provide identical transportation services for nonpublic school students enrolled in nonprofit schools within the district boundaries or outside the district boundaries at a distance not exceeding ten miles by the nearest public highway. Transportation must be provided when the nonpublic school is in session as determined by the directors of the nonpublic school. Local school districts transporting nonpublic students receive per capita subsidy from the commonwealth. 24 P.S. §13-1361, 21-2114, 25-2509.3.
- School vehicles owned by or under contract with a parochial or private school that are used for the transportation of students must conform with Department of Transportation standards governing design, construction, equipment and operation. 75 P.S. §4551.
- School bus drivers must complete basic and refresher training courses with the costs borne by the school district or private or parochial school for which the drivers operate. 75 P.S. §1509(C).
- Private schools must ensure that every student is familiar with school bus emergency procedures and equipment and safe loading and unloading operations. The school must conduct a minimum of two emergency evacuation drills each year. 75 P.S. § 4552.
- Motor vehicles bearing school bus or school vehicle registration plates must be used exclusively for the transportation of children and their chaperons to the private, parochial, Sunday school or related activity. The school adopts regulations governing the number of chaperones necessary. When the school bus is being used for other purposes, the words "school bus" on the front and rear should be concealed and the red and amber visual signals not operated. 75 P.S. §1343.

### Textbooks

- Under Pennsylvania law, the secretary of education has a duty to loan textbooks and instructional materials at no cost to children enrolled in K-12 nonpublic schools. The Secretary is not required to spend an amount in excess of \$20 for textbooks and \$10 for instructional materials per student. 24 P.S. §9-973.

### Testing

- There is no state policy in Pennsylvania that requires or provides testing for nonpublic schools students. Nonpublic and private school may elect to participate in the use of the state testing used in public schools.

### Special Education

- Pennsylvania enrolls exceptional children in approved private schools when there is no public school special education program that meets the student's needs. An exceptional child is defined as "blind or deaf, or has cerebral palsy and/or

neurological impairment and/or muscular dystrophy and/or is mentally retarded and/or has a serious emotional disturbance and/or has autism/pervasive developmental disorder." Costs are shared between the local school district and the Department of Education. 24 P.S. §13-1376. When requested, these schools must provide for administrative purposes, the names, ages, and residences of all pupils enrolled, specifying the school districts liable for part of the tuition and maintenance and the per capita cost of and maintenance of pupils to the Department of Education. 24 P.S. §13-1377.

- All Pennsylvania private and nonpublic schools may offer special education programs. Such programs do not come under federal or state special education due process procedures.

### **Nursing and Health**

- Private school students are entitled to auxiliary services through the intermediate unit on an equal basis with public school students of the school district within which the nonpublic school is located. Auxiliary services include but are not limited to: guidance counseling and testing services, psychological services, visual services, services for exceptional children, remedial services, speech and hearing services, and services for the improvement of the educationally disadvantaged. 24 P.S. §9-972.1.
- The Pennsylvania General Assembly has determined that speech and hearing correctional services are health services. The secretary of education has a duty to furnish these services free to nonpublic school students on the grounds of the school, provided that the services are also afforded to public school students of the school district wherein the private school is located. 24 P.S. §9-971A.
- The General Assembly has determined diagnostic and evaluative psychological services and visual services are health services that must be afforded to nonpublic school students on the premises of the nonpublic school, provided that the services are also afforded to public school students of the school district wherein the private school is located. 24 P.S. §9-973.1, 2.

### **Technology**

- Legislation authorizes the Department of Education, through the intermediate units, to purchase technology items including computer hardware, software, connectivity and related materials to loan to Pennsylvania nonpublic students enrolled in grades K–12. 24 P.S. §1505-A.
- Professional development opportunities for teachers can also be provided through the intermediate units to ensure teachers can use the technology within the curriculum. 24 P.S. §1505-A.

### **Professional Development**

- There is no state policy at this time.

### **Reimbursement for performing state/local functions**

- There is no state policy at this time.

### Tax Exemption

- No information available.

### Public Aid for Private Education

- **Constitutional Provisions:** The Pennsylvania Constitution prohibits any appropriation of money raised for the public schools to a sectarian school. *Pennsylvania Constitution* Art. 3, Sec. 15.  
Appropriations to educational institutions not under the absolute control of the Commonwealth, other than teacher training schools, are prohibited unless passed by two-thirds of all the members elected to each House. *Pennsylvania Constitution* Art. 3, Sec. 30.
- **Programs for financial assistance for attendance at private schools:** Educational Improvement Tax Credit was implemented in 2001 and allows corporations to receive Pennsylvania tax credits for charitable contributions to scholarship organizations (SOs) or to educational improvement organizations (EIOs). SOs provide scholarships for attendance at a private school or at a public school outside a student's district of residence; EIOs provide grants to public schools for innovative educational programs. SOs award scholarships according to a household income limit of \$50,000 plus an allowance of \$10,000 for each dependent member. The amount of credit is equal to 75 percent of the amount contributed and may not exceed \$300,000 in any year. Tax credits are awarded to corporations on a first-come, first-served basis.

### Homeschooling

- A home education program is not considered a nonpublic school in Pennsylvania. The parent or guardian or such person having legal custody of the child or children, who has a high school diploma or its equivalent, is designated as the "supervisor" and is responsible for the provision of instruction. A notarized affidavit must be filed at the commencement of the home education program and each August 1 thereafter with the superintendent of the school district of residence. The affidavit must contain the name of the supervisor; the name and age of each child participating in the home education program; the address and telephone number of the home education site; a statement that such subjects as are required by law are offered in the English language, including an outline of proposed education objectives by subject area, evidence that each child has been immunized and received the health and medical services required for his or her age or grade, and a certification that the supervisor and all adults living in the home and persons having legal custody of the child or children have not been convicted of certain criminal offenses related to children. 24 P.S. §13-1327.1
- The supervisor of the home education program shall maintain a portfolio of records and materials, including a log of time spent, title of reading materials and samples of writings, worksheets, workbooks or creative materials used or developed by the child and results of standardized tests in grades 3, 5, and 8 with an evaluation of the student's education progress by a licensed clinical or school psychologist or a certified teacher with two years experience or a nonpublic school teacher or administrator with two years experience in the last 10 and provide it to the superintendent annually by June 30 or as requested in writing.

## State Regulation of Private Schools—Pennsylvania

- The school district of residence shall, at the request of the supervisor, lend to the home education program copies of the school district's planned courses, textbooks, and other curricular materials appropriate to the student's age and grade level. 24 P.S. §13-1327.1
- A home education program for a child who has been identified under the *Education of the Handicapped Act* (now *IDEA*) as needing special education services (not gifted) must be a program which addresses the child's specific needs and written approval of the program be received from a certified special education teacher or licensed clinical or certified school psychologist and submitted by the supervisor with the affidavit prior to beginning the home education program and annually thereafter.

### Information resources

- [Pennsylvania Department of Education: Division of Nonpublic School and Private School Services](http://www.pde.state.pa.us/non%5Fpublic/site/default.asp) <http://www.pde.state.pa.us/non%5Fpublic/site/default.asp>
- [Pennsylvania Department of Education: Home Education and Private Tutoring](http://www.pde.state.pa.us/home%5Feducation/site/default.asp) <http://www.pde.state.pa.us/home%5Feducation/site/default.asp>
- [Pennsylvania Code](http://www.pacode.com/) <http://www.pacode.com/>
- [Pennsylvania General Assembly](http://www.legis.state.pa.us/) <http://www.legis.state.pa.us/>  
*Link under Law Information directs users to the Pennsylvania Statutes*
- Pennsylvania Department of Education  
333 Market Street  
Harrisburg, PA 17126-0333  
Phone: 717-787-5820  
Fax: 717-787-7222  
Web site: <http://www.pde.state.pa.us/>
- U.S. Department of Education, [Pennsylvania](#)

*Updated March 6, 2009*

# PUERTO RICO

## Accreditation/Registration/Licensing/Approval

- Accreditation is optional.
  - Accredited elementary and secondary private schools must meet public education minimum requirements for academic work, administrative procedures, and physical plant and school equipment facilities. *P.R. Laws Ann.* Title 18, §57.
  - Accredited private schools may serve as practice centers for students serving internships prior to certification *P.R. Laws Ann. Title 18*, §§471, 472.
- No requirements for Registration.
- Licensing is mandatory.
  - Under the Organic Act of the Department of Education of 1990, the General Council of Education has the power to issue licenses and authorize the establishment and operation of elementary and secondary educational institutions and to accredit public and private schools. Accreditation by the General Council on Education is optional for private schools. 1990 *P.R. Laws* 68 §5, 6.
  - Licensing standards include the following minimum requirements: 1) a permit for use of the physical plant; 2) faculty with the necessary educational preparation and experience; 3) facilities, equipment, library and laboratory services in the proportion compatible with the objectives and nature of the institution; 4) an educational plan and the ways and means to implement it; 5) permits to protect the health and safety of the students; 6) an economic viability study; 7) a copy of the institutional regulations regarding academic matters, student affairs, administrative and fiscal matters; and, 8) address information for the institution, board of directors and chief officials.
  - Licensing is compulsory for all private educational institutions at the elementary and secondary levels. Minimum requirements for licensing include: 1) teacher certification or provisional certification issued by the secretary; 2) facilities, equipment, library and laboratory services compatible with the school's objectives; 3) an educational plan and the means to implement the plan; and, 4) an economic viability study that shows the institution can reasonably comply with its commitments. Licenses must be renewed every four years. Schools submitting evidence of accreditation will have their licenses automatically renewed. *P.R. Laws Ann. Title 18*, §§2111, 2113, 2119, 2120.
- No requirements for Approval.

## Teacher Certification

- Teachers in accredited private schools must hold a current teacher's certificate appertaining to their position. *P.R. Laws Ann. Title 18*, §266.

- Teachers in licensed private schools must hold a current teacher's certificate or obtain a provisional certificate from the secretary of education. Provisional certificates may be issued if the school shows the faculty member has the necessary academic degree or proper professional experience compatible with the practice and standards prevailing in the academic community, or holds a master's degree or Ph.D. in the academic field. *P.R. Laws Ann. Title 18, §2113(b)*.
- Private school teachers and support staff, including parochial school teachers and support staff, are protected by Puerto Rico's minimum wage provision. *P.R. Laws Ann. Title 29, §245; Luis Cardenal Aponte Martinez, et al v. Miguel Guardiola and Ferdinand Ferrer, et al.*, 628 F. Supp. 1173 (D.C.P.R. 1985).

#### **Length of School Year/Days**

- Puerto Rico's compulsory school attendance law requires private school students to regularly attend school during the period of each year the public schools are in session, on the customary days and during the regular hours of the school term. *P.R. Laws Ann. Title 29, §450*.

#### **Curriculum**

- Accredited elementary and secondary private schools must meet public education minimum requirements for academic work. *P.R. Laws Ann. Title 18, §57*.

#### **Recordkeeping/Reports**

- The principal or teacher of a private school must report the names of students under 16 who are absent for a week of school for employment purposes to the secretary of labor and human resources. *P.R. Laws Ann. Title 29, §452*.
- The General Council on Education may waive the responsibility to keep minors under 18 in school if parents present proof that their children are currently employed or studying in a recognized educational institution. *P.R. Laws Ann. Title 3, §397f(19)*.
- An attempt to inspect a Catholic school's internal records by the Puerto Rico Department of Consumer Affairs was found unconstitutional. In an effort to restrain inflationary trends and establish price controls, the Department sought to review annual budgets, sources of finances, costs of transportation, etc. The First Circuit declared the practice an impermissible burden on the free exercise of religion and threat of entanglement between the affairs of church and state. *Bishop Ricardo Surinach etc., et al., v. Carmen T. Pesquera de Busquets*, 604 F.2d 73 (1st. Cir. 1979).
- The secretary of the treasury is authorized to distribute copies of existing consumer protection legislation and regulations, free of charge, to private schools. *P.R. Laws Ann. Title 3, §341e*.
- Use of a loudspeaker near a private school during school hours in a manner that disturbs the normal functioning of the school is a misdemeanor. *P.R. Laws Ann. Title 18, §128*.

#### **Health and Safety Requirements**

- Students are required to have the proper immunizations in order to be admitted or enrolled in school. *P.R. Laws Ann. Title 24, §182 et seq.*

## State Regulation of Private Schools—Puerto Rico

- Any person who knowingly and intentionally distributes or possesses a controlled substance in a private school or in its surroundings is guilty of a felony and will be punished twice the penalties for a first offense, and three times the penalties for subsequent offenses. *P.R. Laws Ann. Title 24, §2411a.*
- The secretary of the treasury may deny a license to sell alcoholic beverages at retail from premises less than 25 meters from a private school. *P.R. Laws Ann. Title 13, §6080.*
- Establishments providing access to coin- or token-operated electronic games, pinball machines, or lotteries may not be located within 200 meters from a private school. *P.R. Laws Ann. Title 15, §§701; 809.*
- Any person who enters the building or grounds of an elementary, junior or senior high school without permission of the director or person in charge, his substitute, or official or employee of a higher rank, or who remains within said institution after being ordered to leave, shall incur in a misdemeanor. *P.R. Laws Ann. Title 33, §§2091.*

### **Transportation**

- The Commission of Public Services is the government entity responsible for issuing the licenses and establishing the regulations that govern the private companies that provide transportation to public and nonpublic school students. *Law Núm. 109 of June 28, 1962.*

### **Textbooks**

- Puerto Rico law does not allow nonpublic students access to textbooks purchased with public funds. *Puerto Rico Constitution Art. II, §5; P.R. Laws Ann. Title 18, §3.*

### **Testing**

- Puerto Rico does not require assessment of students attending nonpublic schools. Most nonpublic schools test their students at year-end because it is required for their accreditation. 1990 *P.R. Laws 68 §5, 6.*

### **Special Education**

- Special education falls under the Department of Education of Puerto Rico, 1996 *P.R. Laws 51* from June 7, 1996, as amended.

### **Nursing and Health**

- Puerto Rico has no policy at this time.

### **Technology**

- Puerto Rico has no policy at this time.

### **Professional Development**

- Puerto Rico has no policy at this time.

### **Reimbursement for Performing State/Local Functions**

- Puerto Rico has no policy at this time.

### Tax Exemption

- Nonprofit private schools are exempted from paying the sales tax. *Law Núm.* 120 of Oct 31, 1994 and its amendments.

### Public Aid for Private Education

- **Constitutional provisions:** Puerto Rico's Constitution prohibits the appropriation of public funds for schools other than commonwealth schools; but, the Constitution expressly provides that this mandate does not prevent the Commonwealth from extending noneducational services for the protection or welfare of children. *Puerto Rico Constitution* Art. II, §5; *P.R. Laws Ann. Title 18*, §3.  
Puerto Rico statutory law ensures that no person can be required to support any ministry, religious sect or denomination against his consent. *P.R. Laws Ann. Title 1*, §9.
- **Programs for financial assistance for attendance at private schools:** There is no such program at this time.

### Homeschooling

- There is no legislation in Puerto Rico regarding homeschooling.

### Information resources

- [Puerto Rico Department of Education](http://de.gobierno.pr/dePortal/Inicio/Inicio.aspx)  
<<http://de.gobierno.pr/dePortal/Inicio/Inicio.aspx>>
- Puerto Rico Department of Education  
P.O. Box 190759  
San Juan, PR 00919-0759  
Phone: 787-773-5800  
Fax: 787-250-0275  
E-mail: [webmaster@ogp.gobierno.pr](mailto:webmaster@ogp.gobierno.pr)
- U.S. Department of Education, [Puerto Rico](#)

*Updated December 11, 2008*

# RHODE ISLAND

## **Accreditation/Registration/Licensing/Approval**

- No requirement for *Accreditation*.
- *Registration* is mandatory.
  - Registration for a directory is required for all private schools. The directory must show: location, name, director or principal of school, grade span, enrollment, and school approval status. *RIGL 16-40-11*.
- No requirement for *Licensing*.
- *Approval* is mandatory.
  - Approval by the Rhode Island Department of Elementary and Secondary Education is required for private schools. *RIGL 16-19-2*.
  - The Rhode Island Department of Elementary and Secondary Education approves private schools that comply with requirements for curriculum, teacher quality, and attendance to the length of school year and instructional time, student health and safety, record keeping, and compliance with state and municipal school site regulations. The commissioner of elementary and secondary education will grant a hearing to private schools that are denied approval. On appeal, the decision of the Board of Regents is final. *RIGL 16-19-2, 16-22-1 et.seq., 16-60-4(10)*.

## **Teacher Certification**

- Certification is not required, but all teachers in nonpublic schools must have a bachelor's degree, a criminal records check, and demonstrated competency in the content area or grade levels they teach. Teachers are expected maintain and develop up to date competencies with appropriate professional development. *RIGL 16-2-18.1, 16-19-2; Regents Regulations L-6-4.4*.

## **Length of School Year/Days**

- The period of attendance for private schools must be substantially equal to that required in public schools. The period of attendance, calculated from an approved school calendar and the hours of core instruction must be substantially equal to that required in public schools. Five and one half hours per day, totaling 180 days or the equivalent is required for approval. *RIGL 16-19-2; Regents Regulations L-6-4.4*.

## **Curriculum**

- A full curriculum for all grades and subjects must be submitted and be substantially equivalent to that taught in the public schools. Instruction must be provided in reading, writing, geography or social studies, mathematics, and science, the history of the United States and Rhode Island, civic education, and the principles of American government. These subjects must be taught in the English language substantially to the same extent as required in the public schools. Instruction in the principles of popular and representative government under the Rhode Island and United States

Constitutions must be provided as well as instruction in health and physical education similar to that required in public schools. *RIGL 16-19-2, 16-22-2, 16-22-4.*

- Each school shall have a carefully planned program of study and activities consistent with its policy and objectives, which shall be approved by the commissioner of education. *RIGL 16-19-2.*

### **Recordkeeping/Reports**

- Private school teachers must keep a register of the names of all students, their sex and age, names of parents or guardians, the time when each student enters and leaves the school, and their daily attendance. Private schools are obligated to prepare reports required by the school committee or Department of Elementary and Secondary Education. *RIGL 16-12-4.*
- Whenever a K-9 pupil fails to report to school and no indication has been received by the private school that the pupil's parent or guardian is aware of the pupil's absence, the school must make a reasonable effort to notify the parents of the child's absence. School personnel or volunteers organized for this purpose are immune from any civil or criminal liability in connection with the notice to parents. *RIGL 16-19-10.*
- Private schools that provide multiple kindergarten sessions must make every effort to give written notice to parents which session their child has been placed 30 days before the start of the school year. *RIGL 16-2-28.2.*

### **Health and Safety Requirements**

- Students entering private schools must furnish evidence of immunization as prescribed by regulation of the Director of Health and the commissioner of elementary and secondary education, or a certificate from a licensed physician stating the student is not a fit subject for immunization for medical reasons or a certificate signed by the parent or guardian stating that immunization is contrary to their beliefs. *RIGL 16-38-2.*
- Private schools must comply with building code standards established by the state building code standards committee. By August 1 of each year, the local fire chief, local building inspector, the director of the State Department of Health and the director of the State Labor Department must determine and notify the private schools as to whether the schools conform to state law and regulation. Private school officials must ensure that schools are not opened until notification is received; neglect is a misdemeanor punishable by a fine not exceeding \$500. *RIGL 16-21-3, 3.1.*
- Private schools must instruct and train the pupils by means of drills to leave school buildings or be locked down in an emergency in the shortest possible time and without confusion or panic. Fifteen drills are required annually, at least eight held during September, October, and November. At least four drills must be obstructed, i.e. at least one or more exits and stairways blocked; two of the obstructed drills must be held during September and October and four drills must exercise lockdown or emergency procedures. Neglect by a private school to comply is a misdemeanor punishable by a fine not exceeding \$500. *RIGL 16-21-4*
- Private schools must provide students, teachers, and visitors, approved eye protective devices for specified vocational or industrial arts classes and chemical laboratory

classes. Students and teachers are required to wear protective devices at all times while participating in the courses. *RIGL 16-21-15.*

- Retail licenses to sell alcoholic beverages are restricted in areas within 200 feet of any private or parochial K–12 school. *RIGL 3-7-19.*
- Willful disturbance of a private school is a criminal offense punishable by imprisonment not exceeding one year or a fine not exceeding \$500. *RIGL 11-11-1.*
- It is a criminal offense to willfully trespass on private school property after being suspended from attendance or forbidden by a police officer, guard or school official, punishable by incremental fines for repeated offenses. *RIGL 11-44-26.1.*
- Possession of a firearm on private school grounds, except for educational purposes, is a criminal offense punishable by imprisonment for not less than one year nor more than five years, or a fine not less than \$500 nor more than \$5,000. *RIGL 1-47-60.*

### **Transportation**

- Rhode Island is divided into five regional transportation areas. Districts must provide transportation for private school students within the district and within the region if no other similar school operates within the district. School committees must provide transportation to and from school for elementary and high school pupils attending private schools if the pupil resides so far from the school as to make the pupil's attendance impractical, or if a student's physical disability or infirmity would make attendance impracticable. Private schools operated for profit are not eligible. *RIGL 16-21-1, 1-1, 1-2.*

### **Textbooks**

- Rhode Island loans textbooks free of charge to all pupils of elementary and secondary schools including private schools. Local school districts must loan textbooks in reading and language arts, history and social studies, science, math, and modern foreign languages, as well as texts for some other subject areas. However, the only books that can be loaned are books being used in the public schools of Rhode Island as published on a state approved textbook list. Other instructional materials will have to be purchased. *RIGL 16-23-2.*

### **Testing**

- Private school students' participation in state testing is voluntary. *RIGL 16-22-9.*

### **Special Education**

- Notwithstanding any other federal or state law or regulation, the school committee where a parentally placed child who has or develops a disability in private school resides, shall provide the child with the same free and appropriate education as it provides to children in public schools. These children shall have the same rights and remedies in the regulations of the board of regents for elementary and secondary education governing the education of children with disabilities as children in public school relative to initially determining eligibility, implementation or any other rights and remedies relative to any special education services the child may be eligible or receive from the public school district. *RIGL 16-24-1.*

### **Nursing and Health**

- Private schools are required to have a comprehensive health and physical education program. All private school students must participate in health screening requirements. Private schools have regulations for the investment of school nurses that ensure students quality services. *RIGL 16-21 et.seq.*
- Private schools may participate in the federally funded school lunch program operated in the state. *RIGL 16-8-7 et seq.*

### **Technology**

- There is no state policy at this time.

### **Professional Development**

- Private school faculty is encouraged to continue professional development throughout their careers. Opportunities for professional development may be sent to private schools by the state through the private school list serve.

### **Reimbursement for Performing State/Local Functions**

- There is no state policy at this time.

### **Tax Exemption**

- Rhode Island has a state policy that recognizes tax-exempt status for private schools. *RIGL 44-3-3.*

### **Public Aid for Private Education**

- **Constitutional provisions:** No person shall be compelled to frequent or to support any religious worship, place, or ministry whatever, except in fulfillment of such person's voluntary contract. *Rhode Island Constitution Art. I, §3.*
- **Programs for financial assistance for attendance at private schools:** In 2007, Rhode Island began the *Corporate Scholarship Tax Credit Program*, which provides tax credits to corporations that contribute to Scholarship Organizations (SOs). Corporations received a credit valued at 75 percent of the contributions made or 90 percent if the second-year donation is worth at least 80 percent of the first year's donation, with a maximum credit of \$100,000. The state has capped the amount of credits available to be \$1 million. In order for students to be eligible for these corporate scholarships they must be from families whose income does not exceed 250 percent of the federal poverty level. *RIGL 42-16.*

### **Homeschooling**

- Approval of home instruction occurs at the local level with the local school committee. *RIGL 16-19-2.*
- At-home instruction is approved when it complies with the following requirements: the period of attendance is substantially equal to that required in public schools, which is five and one half hours per day for a minimum of 180 days; attendance registers and registers indicating the amount of daily instruction by subject are kept. *RIGL 16-19-2.*

## State Regulation of Private Schools—Rhode Island

- State law requires the instruction be in English and the curriculum to include: reading, writing, geography, arithmetic, history of the United States, history of Rhode Island, principles of American government, health and physical education. Also, beginning with fourth grade, history and government of Rhode Island must be taught. In high school, the U.S. Constitution and Rhode Island Constitution must be taught. *RIGL 16-19-2.*
- A teaching certificate is not required, but the instructor is expected to provide “thorough and efficient instruction.” *RIGL 16-19-2.*
- The parent and the local school committee must agree on a method of evaluating the student’s progress in all required subjects. *RIGL 16-19-2.*
- Local school districts must loan textbooks in science, math, and modern foreign languages, as well as texts for some other subject areas. However, the only books that can be loaned are books being used in the public schools of Rhode Island. Other instructional materials will have to be purchased. *RIGL 16-23-2.*

### Information resources

- [Rhode Island Department of Elementary and Secondary Education: Guidance for the Approval of Non-Public Schools](http://www.ride.ri.gov/PSI/SupportIntervention/Docs/Guidance%20for%20Non-Public%20Schools.doc)  
<http://www.ride.ri.gov/PSI/SupportIntervention/Docs/Guidance%20for%20Non-Public%20Schools.doc>
- [Rhode Island Department of Elementary and Secondary Education: Frequently Asked Questions on Home Instruction](http://www.ride.ri.gov/Commissioner/Legal/DOCUMENTS/FAQs/HomeInstructionFAQ2006.pdf)  
<http://www.ride.ri.gov/Commissioner/Legal/DOCUMENTS/FAQs/HomeInstructionFAQ2006.pdf>
- [State of Rhode Island General Laws](http://www.rilin.state.ri.us/Statutes/TITLE16/INDEX.HTM)  
[Title 16](http://www.rilin.state.ri.us/Statutes/TITLE16/16-40/INDEX.HTM) <http://www.rilin.state.ri.us/Statutes/TITLE16/INDEX.HTM>  
[§16-40](http://www.rilin.state.ri.us/Statutes/TITLE16/16-40/INDEX.HTM) <http://www.rilin.state.ri.us/Statutes/TITLE16/16-40/INDEX.HTM>
- Rhode Island Department of Elementary and Secondary Education  
255 Westminster Street  
Providence, RI 02903-3400  
Web site: <http://www.ride.ri.gov/>
- State Contact for Rhode Island Private Schools  
Becky Wright  
Education Specialist  
School Approval and Development  
Rhode Island Department of Elementary and Secondary Education  
Phone: 401-222-8404  
E-mail: becky.wright@ride.ri.gov
- U.S. Department of Education, [Rhode Island](#)

Updated December 12, 2008

# SOUTH CAROLINA

## **Accreditation/Registration/Licensing/Approval**

- *Accreditation* is optional.
  - Accreditation is one alternative to satisfy South Carolina's compulsory school attendance statute. Attendance at a private school satisfies South Carolina's compulsory school attendance statute if the school is a member school of the South Carolina Independent School Association or a similar organization.
  - There are very few laws and regulations that address private schools in South Carolina. The schools which are accredited are governed by their accrediting organizations and may have to meet specific requirements regarding teacher certification, school term, curriculum, and other areas where state law does not specifically regulate with regard to private schools.
- No requirements for *Registration*.
- No requirements for *Licensing*.
- *Approval* is optional.
  - Approval by the State Board of Education is one alternative to satisfy South Carolina's compulsory school attendance statute. Attendance at a nonsectarian private school satisfies South Carolina's compulsory school attendance statute if the State Board of Education has approved the school.
  - Attendance at parochial, denominational, and church-related schools also satisfies this requirement. *S.C. Code §59-65-10(A)*.
  - The Attorney General has determined that the State Board of Education has authority to establish minimum standards for private school approval under the Compulsory School Attendance Act. 1967-68 Ops. Atty. Gen., No. 2585, p. 291; however no standards have been developed at this time.
- The clerk of the House of Representatives may distribute the legislative manual to private schools without charge. *S.C. Code §2-1-130*.

## **Teacher Certification**

- Teacher certification is not required for private school teachers.

## **Length of School Year/Days**

- There is no state requirement for private schools' length of the school year.

## **Curriculum**

- There are no state requirements for the curriculum of private schools.

## **Recordkeeping/Reports**

- Private schools must report annually to the local superintendent of education the following information: 1) the number of students receiving instruction; 2) the number of students in regular attendance; 3) the number of teachers employed; and 4) such

other facts demonstrating the grade and amount of educational work actually done in the private school. *S.C. Code §59-13-130.*

- A private school failing to file the information within two weeks after the close of the regular session is subject to a fine not more than \$25. *S.C. Code §59-13-130.*

### **Health and Safety Requirements**

- The Department of Health and Environmental Control has the authority to inspect private school lunchrooms and sanitary facilities. 1982 Op. Atty. Gen., No. 82-10, p. 12.
- Potential staff members of a private school must be evaluated for tuberculosis prior to hiring. Applicants must present a health certificate certifying that they do not have tuberculosis in an active stage as a prerequisite to employment. *S.C. Code §§44-29-150, 160.*
- No child shall be admitted to any public, private, or parochial school, grades kindergarten through twelve (K–12), or any child development program under the control of the Department of Education without first presenting a valid South Carolina Certificate of Immunization. 24 *S.C. Code Regs.* 61-8.
- The distribution of a controlled substance within a radius of one-half mile of a private elementary, middle, or secondary school is a criminal offense and punishable by fine or imprisonment. *S.C. Code §44-53-445.* *S.C. Code §16-17-420* (Disturbing Schools); *S.C. Code §16-11-110* (Arson).

### **Transportation**

- School buses owned and operated by private schools or under contract for a private school must conform to state laws and regulations of the State Board of Education. Buses failing to comply with the laws and regulations must be painted a color other than yellow and are not entitled to the privileges and protection of a school bus operating on the highways. *S.C. Code §59-67-40.*
- Private school bus drivers must be certified by the State Board of Education. *S.C. Code §59-67-108* (Supp. 2007).

### **Textbooks**

- There is no state policy at this time.

### **Testing**

- There is not state policy at this time.

### **Special Education**

- Handicapped students may be placed in private schools that maintain approved special education facilities if the school district cannot provide an appropriate education. *S.C. Code §59-33-50.*
- South Carolina school districts place handicapped students in private schools provided the school accepts children into the program regardless of color, race, sex, or religion. *S.C. Code §59-33-50.*
- All private school administrators must report the names of visually handicapped students to the Commission for the Blind. The Commission may provide itinerant

teachers to assist private school teachers who are responsible for teaching visually handicapped children. *S.C. Code §43-25-60.*

**Nursing and Health**

- There is not state policy at this time.

**Technology**

- There is not state policy at this time.

**Professional Development**

- There is no state policy at this time.

**Reimbursement for Performing State/Local Functions**

- There is not state policy at this time.

**Tax Exemption**

- The South Carolina Constitution exempts private schools from property taxes except where profits are applied to private use. *S.C. Const. Art. 10, 4.*

**Public Aid for Private Education**

- **Constitutional Provisions:** The South Carolina Constitution prohibits public appropriations for the direct benefit of any religious or private educational institution. *S.C. Const. Art. 11, Sec. 4.*
- **Programs for financial assistance for attendance at private schools:** There is no such program at this time.

**Homeschooling**

- In general, home schooling<sup>10</sup> programs are approved by the local school district.
- Parents or guardians may teach their children at home if the district board of trustees in the district in which the child resides approves the instruction. *S.C. Code §59-65-40(A).*
- A home school parent must hold at least a high school diploma or the equivalent GED certificate. *S.C. Code §59-65-40(A).*
- The instructional day must at least four and one-half hours, excluding lunch and recesses, and the instructional year is at least 180 days. *S.C. Code §59-65-40(A).*
- The curriculum must include, but is not limited to, the basic instructional areas of reading, writing, mathematics, science, and social studies and, in grades 7 through 12, composition and literature. *S.C. Code §59-65-40(A).*
- As evidence that a student is receiving regular instruction, the parent shall maintain the following records for inspection upon reasonable notice by a representative of the school district: a plan book, diary, or other written record indicating subjects taught and activities in which the parent and student engage; a portfolio of samples of the student's work; and a record of evaluations of the student's academic progress. *S.C. Code §59-65-40(A).*
- The student must have access to library facilities. *S.C. Code §59-65-40(A).*

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<sup>10</sup> "Home school" is the term written in state law,

## State Regulation of Private Schools—South Carolina

- Students must participate in the annual statewide testing program and the Basic Skills Assessment Program approved by the State Board of Education for their appropriate grade level. *S.C. Code §59-65-40(A)*.
- Should a student in a home schooling program score below the test requirements of the promotion standards prescribed for public school students by the State Board of Education for one year, the district board of trustees shall decide whether or not the student shall receive appropriate instructional placement in the public school, special services as a handicapped student, or home schooling with an instructional support system at parental expense. *S.C. Code § 59-65-40(D)*.
- The right of a parent to enroll his child in a private or parochial school as provided in *S.C. Code §59-65-10(A)* is unaffected by this provision. *S.C. Code §59-65-40(D)*.
- A parent or guardian denied permission by a district board of trustees to begin or continue a program of home instruction may appeal that decision to the State Board of Education. *S.C. Code of Regs. Rule 43-246*.
- The parent must agree in writing to hold the district, the district board of trustees and the district's employees harmless for any educational deficiencies of the student sustained as a result of home instruction. *S.C. Code §59-65-40(A)*.
- The following option is a non-district approved home school option. In lieu of the requirements of *S.C. Code §59-65-40*, parents or guardians may teach their children at home if the instruction is conducted under the auspices of the South Carolina Association of Independent Home Schools. Bona fide membership and continuing compliance with the academic standards of South Carolina Association of Independent Home Schools exempts the home school from the further requirements of *S.C. Code §59-65-40*.
- The following option is a non-district approved home school option. In lieu of the requirements of *S.C. Code §59-65-40* or *§59-65-45*, parents or guardians may teach their children at home if the instruction is conducted under the auspices of an association for home schools which has no fewer than 50 members and meets the following requirements, determined by the State Department of Education through an annual review of the association: a) a parent must hold at least a high school diploma or the equivalent GED certificate; b) the instructional year is at least 180 days; c) the curriculum includes, but is not limited to, the basic instructional areas of reading, writing, mathematics, science, and social studies, and in grades 7 through 12, composition and literature; and d) educational records maintained by the parent-teacher. *S.C. Code §59-65-47*.
- The State Department of Education shall conduct annually a review of the association standards to insure that requirements of the association, at a minimum, include a) a parent must hold at least a high school diploma or the equivalent GED certificate; b) the instructional year is at least 180 days; and c) the curriculum includes, but is not limited to, the basic instructional areas of reading, writing, mathematics, science, and social studies, and in grades 7 through 12, composition and literature. *S.C. Code §59-65-45*.

**Information resources**

- [South Carolina Department of Education: Homeschooling](http://ed.sc.gov/topics/educationinsc/homeschool/)  
<http://ed.sc.gov/topics/educationinsc/homeschool/>
- [South Carolina Code of Laws](http://www.scstatehouse.gov/code/statmast.htm) <http://www.scstatehouse.gov/code/statmast.htm>  
[Title 59: Education](http://www.scstatehouse.net/code/titl59.htm) <http://www.scstatehouse.net/code/titl59.htm>
- [South Carolina Code of Regulations](http://www.scstatehouse.gov/coderegs/statmast.htm)  
<http://www.scstatehouse.gov/coderegs/statmast.htm >
- South Carolina Department of Education  
1006 Rutledge Building  
1429 Senate Street  
Columbia, SC 29201  
Phone: 803-734-8815  
Fax: 803-734-3389  
E-mail: [info@ed.sc.gov](mailto:info@ed.sc.gov)  
Web site: <http://ed.sc.gov/>
- U.S. Department of Education: [South Carolina](#)

*Updated December 29, 2008*

# SOUTH DAKOTA

## Accreditation/Registration/Licensing/Approval

- Accreditation is optional.
  - The secretary of the Department of Education shall be responsible for the classification and accreditation of all public and nonpublic schools under the rules established by the South Dakota Board of Education pursuant to chapter 1-26. *S.D. Codified Laws §13-3-47.*
  - The South Dakota Board of Education shall promulgate rules pursuant to chapter 1-26 to establish standards for the classification and accreditation of schools within this state, to establish standards for preparation of certified personnel, to set forth procedures for determining the eligibility of school districts to receive state foundation aid effective Jan. 1, 1997, to adopt policies and rules necessary to establish standards and procedures for vocation-technical education and to establish curriculum requirements for both a basic high school program and for a recommended high school program for all public and nonpublic schools within the state. Both programs shall include a rigorous high school curriculum, and the recommended high school program shall be more academically challenging in the areas of mathematics and science than the basic high school program. Both programs shall enhance and may not diminish the academic preparation necessary for students to complete high school. The requirements of the basic program shall be aligned to the academic content standards developed pursuant to *S.D. Codified Laws §13-3-48* and shall, at a minimum, include the content standards tested pursuant to *S.D. Codified Laws §§13- 3-55, 13-1-12.1.*
  - The school board of a public or the governing body of a nonpublic school, approved and accredited by the secretary of the Department of Education, may delegate, on a year to year basis, the control, supervision, and regulation of any high school interscholastic activities to any association which is voluntary and nonprofit if membership in such association is open to all high schools approved and accredited by the secretary of the Department of Education, including any school that allows participation by students receiving alternative instruction as set forth in § 13-27-3, pursuant to the provisions of this title, and if the constitution, bylaws, and rules of the association are subject to ratification by the school boards of the member public school districts and the governing boards of the member nonpublic schools and include a provision for a proper review procedure and review board. *S.D. Codified Laws §13-36-4.*
  - Any association which complies with this section may exercise the control, supervision, and regulation of interscholastic activities, including interscholastic athletic events of member schools. Such association may promulgate reasonable uniform rules, to make decisions and to provide and

enforce reasonable penalties for the violation of such rules. *S.D. Codified Laws* §13-36-4.

- No requirements for *Registration*.
- No requirements for *Licensing*.
- *Approval* is optional.

### **Teacher Certification**

- The South Dakota Board of Education is authorized to establish standards for certified personnel in all schools. *S.D. Codified Laws* §13-1-12.1.
- By statute, one member of the 12-member South Dakota Advisory Council on Certification must be an active nonpublic school classroom teacher. *S.D. Codified Laws* §13-42-23.
- Instructors in nonaccredited nonpublic schools do not have to be certified but cannot teach more than 22 students. Instructors do not have to be certified but cannot teach more than 22 students. *S.D. Codified Laws* §13-27-3.

### **Length of School Year/Days**

- The school fiscal year shall begin July first and end June thirtieth. Each local school board shall set the number of days in a school term, the length of a school day, and the number of school days in a school week. The local school board or governing body shall establish the number of hours in the school term for kindergarten programs. The Board of Education shall promulgate rules pursuant to chapter 1–26 setting the minimum number of hours in the school term for grades one through three. The number of hours in the school term for grades four through 12 may not be less than 962.5 hours, exclusive of intermissions. An intermission is the time when pupils are at recess or lunch. *S.D. Codified Laws* §13-26-1, (effective until July 1, 2010).
- The minimum length of time a student shall be in attendance during a school term in grades one, two, and three is 875 hours, exclusive of intermissions. *South Dakota Administrative Rule* 24:43:09:05.
- The school board or governing body shall operate kindergarten through grade twelve in its schools. The school board shall operate grades one through twelve for at least a nine-month regular term in any one school year, and the number of hours in a school term for kindergarten shall be set pursuant to *S.D. Codified Laws* §13-26-1. The regular school term may be conducted on a year-round basis and shall begin on a date established by the school board. The Board of Education shall promulgate rules pursuant to chapter 1–26 governing the operation and scheduling of year-round schools. Any school board or governing body may release graduating high school seniors from school before the end of the regular term. Make up time for school closing because of weather, disease, or emergency need not exceed ten school days. Graduating seniors are excused from make-up time if the make-up time occurs after the students have graduated or after graduation exercises have been held. If classes have been convened and then are dismissed, or if classes convene at a time later in the day than normal, because of inclement weather, that day constitutes a school day in session equal to the number of hours planned for that day as established in the local school district calendar for the year. *S.D. Codified Laws* §13-26-2.

## State Regulation of Private Schools—South Dakota

- School boards are encouraged to provide time within the regular school term for curriculum and staff development which shall be in addition to the time required in this section. Each school board shall determine the appropriate amount of time for this activity and how best to use the time based on local needs for program development, increased parent participation, student contact, teachers' preparation, or other needs of the schools in the district. School is in session only when classes are held and as provided in *S.D. Codified Laws §§13-26-4* and *13-26-4.1*. A school board may operate a special term during the summer months. *S.D. Codified Laws §13-26-2*.

### **Curriculum**

- The secretary of the Department of Education shall prepare and submit for approval of the South Dakota Board of Education academic content standards in language arts, mathematics, social studies, and science for kindergarten through grade twelve. Each school district shall adopt and implement clearly defined and measurable course guidelines so as to meet the state academic content standards. *S.D. Codified Laws §13-3-48*.
- Instruction in any school must promote a mastery of the English language in oral and written communications. *S.D. Codified Laws §13-33-11*.
- All schools must provide regular courses in the Constitution of the United States and the state of South Dakota beginning not later than the eighth grade and continuing through high school as determined by the South Dakota Board of Education. *S.D. Codified Laws §13-33-4*.
- Moral and character instruction must be given in all nonpublic elementary and secondary schools that is intended to impress upon the minds of students the importance of citizenship, patriotism, honesty, self discipline, self respect, sexual abstinence, respect for the contributions of minority and ethnic groups to the heritage of South Dakota, regard for the elderly, and respect for authority. *S.D. Codified Laws §13-33-6.1*.
- Nonaccredited nonpublic schools, including church sponsored programs, operating as "alternative education programs" must provide instruction in the basic skills of language arts and mathematics for an equivalent period of time as in the public schools. Children in attendance must annually take a nationally standardized achievement test (basic skills) that is currently used in the public school district where the child is instructed. Instructors do not have to be certified but cannot teach more than 22 students. *S.D. Codified Laws §13-27-3*.

### **Recordkeeping/Reports**

- A person enrolling a student in a nonpublic school must submit a certified copy of a birth certificate or an affidavit issued by the Department of Health within 30 days of enrollment. *S.D. Codified Laws §13-27-3.1*.
- The superintendent of any nonpublic school must regularly report to the state's attorney the name and address of any child who has not presented a certified copy of a birth certificate. *S.D. Codified Laws §13-27-3.3*.
- South Dakota prohibits discrimination in private educational institutions based on race, color, creed, religion, sex, ancestry, disability or national origin. Segregation by sex in athletic activities does not constitute discrimination if the opportunity to

participate in athletic activities offered by the institution is substantially equal for both sexes. Bona fide religious institutions that have a qualification based on religion are exempt if the qualification is related to a bona fide religious purpose. *S.D. Codified Laws §§20-13-1; 20-13-22.*

- Minimum age for enrollment in kindergarten and first grade. Any child who is 5 years old on the first day of September is eligible for enrollment in kindergarten during that school year. Any child who is 6 years old by September first is eligible for enrollment in first grade during that school year. Any child who transfers from another state may proceed in a continuous educational program without interruption. *S.D. Codified Laws §13-28-2*, (effective until July 1, 2010).
- Transfer from another state. Any child who is 5 years old on the first day of September is eligible for enrollment in kindergarten during that school year. Any child who transfers from another state may proceed in a continuous educational program without interruption. *S.D. Codified Laws §13-28-2*, (effective until July 1, 2010).
- Nonpublic schools are subject to the same legal age provisions applicable to public schools. The minimum age for enrollment in first grade is 6 years old by September 1st. *S.D. Codified Laws §§13-28-2; 13-28-4.*
- South Dakota includes private school students in the school district's average daily membership to calculate the apportionment among school districts of the school fund income. *S.D. Codified Laws §§13-13-1; 13-13-2.*

### **Health and Safety Requirements**

- The governing body of a nonpublic school is under a duty to provide sanitary facilities and a supply of water suitable for drinking; to maintain sanitary conditions; and to install electrical services, adequate lighting and a telephone unless operating for less than one school term. *S.D. Codified Laws §13-24-16.*
- Any pupil entering school or an early childhood program in this state, shall, prior to admission, be required to present to the appropriate school authorities certification from a licensed physician that the child has received or is in the process of receiving adequate immunization against poliomyelitis, diphtheria, pertussis, rubeola, rubella, mumps, tetanus, and varicella, according to recommendations provided by the Department of Health. The Department of Health may modify or delete any of the required immunizations. As an alternative to the requirement for a physician's certification, the pupil may present: (1) certification from a licensed physician stating the physical condition of the child would be such that immunization would endanger the child's life or health; or (2) a written statement signed by one parent or guardian that the child is an adherent to a religious doctrine whose teachings are opposed to such immunization; or (3) a written statement signed by one parent or guardian requesting that the local health department give the immunization because the parents or guardians lack the means to pay for such immunization. The Department of Health may promulgate reasonable rules, in accordance with chapter 1–26, to require compliance and documentation of adequate immunization, to define appropriate certification, and to specify standard procedure. *S.D. Codified Laws §13-28-7.1*
- Nonpublic schools must be constructed, equipped, operated and maintained in a safe condition with respect to type of construction and materials used, fireproofing, the

number and types of ways of egress, aisles and passageways, stairs and fire escapes, wall openings, exits and exit signs, doors and doorways, shaft ways and other vertical openings, fire alarm systems, electrical equipment, flammable and explosive materials, heating systems and fuel storage, numbers of occupants, ventilation, and all other emergency protection. *S.D. Codified Laws §13-25-1.*

- State fire marshal's power to inspect buildings. The state fire marshal may make inspection of all school buildings, auditoriums, gymnasiums, dormitories, shops, or other buildings operated as a part of or in conjunction with school activities of any school, public or nonpublic, whether owned by the school or not. *S.D. Codified Laws §13-25-3.*
- Any person who has contact with children while serving at a private school and suspects child abuse or neglect must notify the school principal, superintendent, or designee. *S.D. Codified Laws §26-8A-7.* The school principal must report the information orally and immediately to the state's attorney of the county, the Department of Social Services, or to law enforcement officers *S.D. Codified Laws §26-8A-8.*
- Criminal conduct involving controlled substances and marijuana that occur within 1,000 feet of a private elementary or secondary school is a felony punishable by a minimum sentence of five years. *S.D. Codified Laws §22-42-19.*
- Nonpublic or parochial schools may develop a fingerprinting program for students. The program must ensure that: 1) participation is voluntary; 2) the program is executed with parental consent; 3) the program is operated under the supervision of local law enforcement agencies; 4) all completed fingerprint forms are given to the parents and 5) no school maintains a copy of the completed fingerprint forms. *S.D. Codified Laws §§26-15-1; 26-15-2.*

## **Transportation**

- Each school bus used for the transportation of school children, which is owned by a school district, a nonpublic school or alternative education program or privately owned and operated under a contract with a school board or nonpublic school or alternative instruction program, shall be inspected before the beginning of each school year by a representative of the Division of Highway Patrol to certify that the vehicle complies with state law, and rules of the South Dakota Board of Education, the Department of Public Safety, and the Division of Highway Patrol. However, if a school bus is purchased from a licensed motor vehicle dealer during the school year, the dealer may inspect and certify that the vehicle complies with such law and rules. The owner of any bus certified by a dealer shall have the bus inspected by the Division of Highway Patrol before the beginning of the next school year. The owner of the bus shall display a certificate certifying that the school bus has successfully passed inspection issued by the Division of Highway Patrol or the dealer in a form prescribed by the Division of Highway Patrol in the vehicle above the windshield. Any school board, contractor, or person operating a school bus that has not been certified commits a petty offense. This section does not apply to federally regulated charter bus service operations. *S.D. Codified Laws §13-29-6.*

**Textbooks**

- Each public school board shall loan without charge to all persons ages 5 through 19 who are either enrolled in a public school, or in a school supervised in accord with chapter 13-4, or who are engaged in a course of instruction pursuant to *S.D. Codified Laws* §13-27-3, within the school district under such board's jurisdiction, or who are residing in such district but are not enrolled in any such school or engaged in any such course of instruction, such nonsectarian textbooks and text-related workbooks designed for individual use as are normally furnished by such school board to individual students enrolled in the public schools of the district under such board's jurisdiction. All such textbooks and text-related workbooks shall be approved by the respective school boards. *S.D. Codified Laws Ann.* § 13-34-16-3.

**Testing**

- Children in attendance must annually take a nationally standardized achievement test (basic skills) that is currently used in the public school district where the child is instructed. *S.D. Codified Laws* §13-27-3.

**Special Education**

- A student's Individual Education Program (IEP) can specify the type of transportation or special equipment required but cannot mandate the selection of the company that would perform the service. *Manville Bd. of Educ.*, 36 IDELR 177 (SEA NJ 2002).

**Nursing and Health**

- There is no state policy at this time.

**Technology**

- There is no state policy at this time.

**Professional Development**

- Elementary, secondary and vocational teachers may attend undergraduate and graduate courses at state institutions for 50 percent of the tuition costs. Certain requirements apply including: 1) courses must be a condition of employment or necessary to maintain a certificate to teach; 2) space must be available; 3) the teacher must be a resident of the state and employed by an accredited school as a teacher; and 4) the teacher must maintain an average academic grade of 3.0. The maximum credit hours for reduced tuition is six per year. *S.D. Codified Laws* §§13-55-24 to 13-55-28.

**Reimbursement for Performing State/Local Functions**

- There is no state policy at this time.

**Tax Exemption**

- All property owned by any educational institution in this state as a school, which is accredited or approved as a school by the accreditation division within the Department of Education, by the board of regents or by a nationally recognized accreditation service, is exempt from taxation. However, if any such property consists of agricultural land or improved or unimproved municipal property not occupied or

directly used in carrying out the primary object of the educational institution owning the same, it shall be taxed the same as other property of the same class is taxed. However, if any such educational institution is operated for profit, this exemption applies only to that portion of property which is used exclusively for student housing, student and administrative parking and instructional or administrative purposes *S.D. Codified Laws* §10-4-13.

- Religious educational institutions and nonprofit private educational institutions are exempt from retail sales and service taxes. *S.D. Codified Laws* §10-45-14.
- Employment at an elementary or secondary school is exempt from coverage under South Dakota's unemployment compensation provisions. *S.D. Codified Laws* §61-1-10.4(a)(3).

### **Public Aid for Private Education**

- **Constitutional provisions:** "Public support of sectarian instruction prohibited. No appropriation of lands, money, or other property or credits to aid any sectarian school shall ever be made by the state, or any county or municipality within the state, nor shall the state or any county or municipality within the state accept any grant, conveyance, gift, or bequest of lands, money, or other property to be used for sectarian purposes, and no sectarian instruction shall be allowed in any school or institution aided or supported by the state." *S.D. Const.*, Art. VIII, §16.  
"No money or property of the state shall be given or appropriated for the benefit of any sectarian or religious society or institution." *S.D. Const.*, Art. VI, §3.
- **Programs for financial assistance for attendance at private schools:** There are no such programs at this time.

### **Homeschooling**

- A child shall be excused from school attendance, pursuant to *S.D. Codified Laws* §13-27-2, because the child is otherwise provided with alternative instruction for an equivalent period of time, as in the public schools, in the basic skills of language arts and mathematics. The parent or guardian of the child shall identify in the application the place where the child will be instructed and any individual who will instruct the child. The individuals are not required to be certified. The secretary of the Department of Education may investigate and determine whether the instruction is being provided. Failure to provide instruction is grounds for the school board, upon 30 days' notice, to revoke the excuse from school attendance. The secretary of the Department of Education may inspect the records of an alternative education program with 14 days' written notice if the secretary has probable cause to believe the program is not in compliance with this section. The records to be inspected are limited to attendance and evidence showing academic progress. *S.D. Codified Laws* §13-27-3.
- No individual may instruct more than 22 children. All instructions shall be given so as to lead to a mastery of the English language. Children receiving alternative instruction who are in grades two, four, eight, and eleven shall take a nationally standardized achievement test of the basic skills. The test may be the test provided by the state and used in the public school district where the child is instructed or another nationally standardized achievement test chosen by and provided at the expense of the child's parent, guardian, or school giving alternative instruction. The test may be

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monitored by the local school district where the child is instructed. *S.D. Codified Laws* §13-27-3.

### Information resources

- [South Dakota Department of Education: Home School/Alternative Education](http://doe.sd.gov/oatq/accreditation/altinstruction.asp)  
<http://doe.sd.gov/oatq/accreditation/altinstruction.asp>
- [South Dakota Codified Laws](http://legis.state.sd.us/statutes/index.aspx) <http://legis.state.sd.us/statutes/index.aspx>
- South Dakota Department of Education  
700 Governors Drive  
Pierre, SD 57501-2291  
Phone: 605-773-5669  
Fax: 605-773-6139  
Web site: <http://doe.sd.gov/>
- U.S. Department of Education, [South Dakota](#)

*Updated January 26, 2009*

# TENNESSEE

## Accreditation/Registration/Licensing/Approval

- *Accreditation* is optional.
  - *Accreditation* is never mandated by the department of education but schools must satisfy the accreditation standards of their affiliate association.
  - Church-related schools are required to meet the standards of accreditation or membership of the Tennessee Association of Christian Schools (TACS), the Association of Christian Schools International (ACSI), the Tennessee Association of Independent Schools (TAIS), the Southern Association of Colleges and Schools (SACS), the Tennessee Association of Non-Public Academic Schools, the Tennessee Association of Non-Public Academic Schools (TANAS), or a school affiliated with Accelerated Christian Education, Inc. *TCA 49-50-801*. Therefore, church-related schools may fall into Category II if fully accredited or Category IV if only an affiliate member. Neither TAIS or SACS allow satellite schools. See *Approval*, below.
- No requirement for *Registration*.
  - However, state law gives the commissioner of education authority and the duty to “inspect, approve and classify” private schools that request “such inspection, approval and classification.” *TCA 49-1-201(19)*. See *Approval*, below.
- No requirement for *Licensing*.
  - The Department of Children’s Services or the Department of Human Services may require licenses for a Category VII school.
- *Approval* is optional.
  - In order for students to satisfy the compulsory attendance laws, they must attend a public school or a school that meets the standards of one of seven categories established by the State Board of Education.
  - Category I schools are approved by the State Department of Education.
  - Category II schools are approved by a private school accrediting agency which has been approved by the Tennessee State Board of Education. Schools holding full accreditation status with an approved agency are approved by the State Department of Education.
  - Category III schools are approved by one of the five regional accrediting agencies (such as the Southern Association of Colleges and Schools (SACS), now a part of Advance-Ed).
  - Category IV schools are Church-Related Schools as recognized by associations mentioned in *TCA 49-50-801*.
  - Category V schools are *Acknowledged for Operation*.
  - Category VI provides for International schools associated with a state university and currently has no members.
  - Category VII schools are Special Purpose schools encompassing some Pre-K programs and transient care facilities serving DCS students.

- Church-related schools may voluntarily seek approval by the State Board of Education. *TCA 49-50-801.*

### **Teacher Certification**

- Schools in Categories I and VII are considered to be state-approved schools; therefore their teachers must meet the same licensure and certification standards as those teaching in Tennessee public schools. Teachers serving in Categories II and III must meet the licensure and certification standards set forth by their agency/association.
- Category IV teachers must satisfy association requirements. Category V teachers must hold a baccalaureate degree, but are not required to have a teaching certificate.

### **Length of School Year/Days**

- Church-related schools must be conducted for the same length of term as public schools. *TCA 49-50-801(c).*
- Schools in Categories I, II, and VII must be conducted for the same length of term as public schools (200 days with 180 student contact days). *TCA 49-6-3004.*
- Tennessee Code Annotated does not address the length of school year or days in Category IV and V schools.

### **Curriculum**

- Private high schools which offer a four-year course must require every student to have one year of instruction in American history and government. *TCA 49-6-1202.*
- Category I, II, and VII schools must meet the state's minimum graduation requirements for public schools. *State Board of Education Rule No. 0520-7-2.*

### **Recordkeeping/Reports**

- Principals and teachers of private, denominational or parochial schools must report to the local superintendent the names, ages and residence of all pupils in attendance at their schools within 30 days after the beginning of the school year. *TCA 49-6-3007(c).* Pursuant to State Board rule, attendance is reported to the local education agency (LEA) in which the student resides. For a student attending a virtual school based in Georgia, for example, attendance would be reported to the Tennessee LEA where the student resides. *State Board of Education Rule No. 0520-7-2.*
- All private and parochial schools shall keep daily reports of attendance, verified by the teacher making such record and open for inspection by the local superintendent. *TCA 49-6-3007(d).*
- Private schools are under a duty to report promptly to the local superintendent the names of students who have withdrawn or who have been absent five days without adequate excuse. *TCA 49-6-3007(e).*
- Each nonpublic school shall maintain cumulative records on each student. *State Board of Education Rule No. 0520-7-2-03.*
- All nonpublic schools in categories I and VII shall submit annually: 200 Day Accountability Report, Non-public Reporting Form; S-File (for student numbers); T-File (for teacher information). *State Board of Education Rule No. 0520-7-2.*

### **Health and Safety Requirements**

- The commissioner of health is authorized, subject to the approval of the public health council, to designate diseases against which children must be immunized prior to attendance at any school of Tennessee. Parents may file a written statement with the school authorities that such immunizations conflict with their religious tenets and practices. *TCA 49-6-5001*.
- Fire drills must be held at least twice a month in private schools. A record of all fire drills, including the time and date, must be kept in the respective school and made available upon request to the state fire marshal. *TCA 68-102-137*.
- All doors serving as exits must be kept unlocked during the periods that a building is occupied. *TCA 68-102-137*.
- It is a criminal offense in Tennessee for a student to carry a firearm, not for instruction or school-sanctioned ceremonial purposes, in a private school building, bus, campus or athletic field. Private school administrators must display in prominent locations a sign, at least six inches high and 14 inches wide, stating: FELONY. State law prescribes a maximum penalty of six years imprisonment and a fine not to exceed \$3,000 for carrying weapons on school property. *TCA 39-17-1309*.
- The chief administrative officer of any private, denominational or parochial school, who has probable cause to believe that any person has committed a drug-related offense on school grounds has a duty to report such probable cause to the local law enforcement official. *TCA 53-11-405(b)*.
- Sentencing under a conviction for the sale of a controlled substance may be enhanced if the sale was to a minor within 1,000 feet of a private school building. *TCA 40-35-114*.
- School personnel having knowledge of any child who is suffering from any physical or mental condition which reasonably appears to have been caused by brutality, abuse or neglect, must report the harm immediately. *TCA 37-1-403*.
- School personnel who know or have reasonable cause to suspect that a child has been sexually abused must report such knowledge or suspicion. *TCA 37-1-605*.
- Community residential facilities that accommodate state or federal adult prisoners on release programs are prohibited within 1,000 feet of a private school in counties with populations of 750,000 or more, or counties having a metropolitan form of government. *TCA 41-22-128*.
- Annual inspections by the Fire Marshal's Office and the Health Department are required for all categories of schools. *State Board of Education Rule No. 0520-7-2*.

### **Transportation**

- Nonpublic schools in Tennessee are not required to furnish transportation. If, however, they do opt to provide such, then they are governed by the same statutes and regulations as public schools

### **Textbooks**

- Tennessee Code Annotated does not prohibit nonpublic schools or students from borrowing textbooks from the local school district. It is not addressed by statute, so is therefore a decision of local school boards.

### **Testing**

- Category I schools must test in accordance with public school requirements. *State Board of Education Rule No. 0520-7-2.*
- Category II schools test according to their affiliating agency policies. At least once every school year, each school shall give a nationally standardized achievement test covering the areas of reading, language arts, spelling, math, science, and social science to each pupil in grades 2 through 8 and grade 10, the results must be communicated to teachers and parents and kept on file at the school for one calendar year. *State Board of Education Rule No. 0520-7-2.*
- Category III schools test according to the criteria established by the association. *State Board of Education Rule No. 0520-7-2.*
- Category IV schools have no testing requirements. *State Board of Education Rule No. 0520-7-2.*
- Category V schools must administer a nationally standardized achievement test covering the basic academic areas at grades 2 through 8 and grade 10. Students must be tested before reentering public schools and are places according to the results of the test. *State Board of Education Rule No. 0520-7-2.*
- Category VII must test in accordance with public school requirements. *State Board of Education Rule No. 0520-7-2.*

### **Special Education**

- Every school district must test and examine, or cause to be tested and examined, each Tennessee resident attending a private school within its boundaries to determine whether such child is handicapped. *TCA 49-10-108.*
- The Department of Education is empowered to provide special schools and special classes in private schools, and transportation to and from school for physically handicapped, visually handicapped and crippled children. *TCA 68-12-109.*
- Blind students have the option of attending any private school that teaches the course of study used in the public schools, or a course of study adapted for the blind and approved by the commissioner of education. *TCA 49-6-3015(c).*
- A Special Education Services Association may make arrangements and pay private schools for services to handicapped children if the association is unable to provide satisfactory service with its own facilities or the facilities of member school districts. *TCA 49-10-205.*

### **Nursing and Health**

- Category I, III, and VII nonpublic schools: issue a health report card on each child enrolled in their school unless parents request exclusion; are encouraged to have staff or volunteer trained in CPR; are authorized to allow students to self-administer asthma medication; are authorized to train school personnel to assist students with diabetes care; are authorized to allow students with anaphylaxis to self-administer medication while on school property or at school events; shall promulgate rules to regulate items sold or offered for sale in vending machines; shall provide at least two hours of suicide prevention training; shall collect proof of immunization prior to admission to school. *State Board of Education Rule No. 0520-7-2.*

- Category II nonpublic schools establish nursing and health policies according to their affiliating agency policies. *State Board of Education Rule* No. 0520-7-2.
- Category IV and V nonpublic schools have no nursing or health requirements other than annual inspection by the State Health Department. *State Board of Education Rule* No. 0520-7-2.

### **Technology**

- There is no state policy at this time.

### **Professional Development**

- Schools in Categories I, II, and VI must meet the state public school requirements of five professional development days each school year. *State Board of Education Rule* No. 0520-7-2.
- Schools in Category III must meet the professional development standards of the regional accrediting association. *State Board of Education Rule* No. 0520-7-2.
- Schools in Category IV and V have no requirements. *State Board of Education Rule* No. 0520-7-2.

### **Reimbursement for Performing State/Local Functions**

- There is no state policy at this time.

### **Tax Exemption**

- Admission to events or activities sponsored by private schools, K–12, is exempt from amusement tax. *TCA 67-6-330(a)(1)*.

### **Public Aid for Private Education**

- **Constitutional provisions:** No related provisions.
- **Programs for financial assistance for attendance at private schools:** A program does not exist at this time.

### **Homeschooling**

- Independent homeschooling in Tennessee is delivered by the parent or legal guardian who meets educational requirements. Additionally, parents who do not meet the educational requirement may associate with a church-related school to deliver instruction at home. These students, however, are considered Category IV nonpublic students.
- All homeschool students registered with a state-recognized church-related school in grades 9 through 12 must register with the local school system as well as the state-recognized church-related school. *TCA 49-6-3050*.
- Parents or legal guardians conducting a state-recognized church-related homeschool in grades K–8 must have an educational level as determined by the church-related school; those teaching grades 9–12 must have a high school diploma or GED. A parent who meets these educational requirements may start a church-related homeschool at any time during the school year set by the state-recognized church-related school. *TCA 49-6-3050*.

## State Regulation of Private Schools—Tennessee

- Testing in grades K–8 State-recognized church-related homeschools is under the supervision of the church-related schools. State-recognized church-related homeschool students in grades 9–12 must take the Secondary Subject Area Test. *TCA 49-6-3050*.
- An independent homeschool is a school conducted by parents or legal guardians for their own children that is not a church-related school. The intent to operate an independent homeschool must be submitted to the local superintendent before the commencement of each school year. These homeschools register only with the local school system. *TCA 49-6-3050(b)*. Health records must be included the first time an application is filed.
- Parents or legal guardians conducting an independent homeschool must register their child by August 1 of each year with the superintendent of schools. There is a provision for late registration and possible payment of a late fee.
- Parents or legal guardians conducting an independent homeschool must have a high school diploma or a GED to teach grades K–8 or a B.A. degree to teach grades 9–12. Parents or legal guardians conducting an independent homeschool may subscribe to any curriculum they choose.
- Students must receive a minimum of four hours of instruction per day for 180 days per year. Attendance records are sent to the Superintendent at the end of the school year.
- Independent homeschool students are required to take the same State Board approved secure standardized tests required of public school students in grades 5, 7, and 9, except that the high school proficiency test is not required of ninth-graders who are homeschooled.
- If students score one year or more below grade level for two years in a row, the Superintendent may request that the parent enroll the child in public or private school, unless the child is learning disabled.
- Homeschool students entering public schools are treated as students entering from other non-approved schools regarding credit for work transferred and examinations that may be required. *State Board of Education Rule No. 0520-1-2-03 (11)*.
- No diplomas or certificates of attendance are given by Tennessee to students who are homeschooled.

### Information resources

- [Tennessee Department of Education: School Approval](http://www.state.tn.us/education/schapproval/)  
<http://www.state.tn.us/education/schapproval/>
- [Tennessee Department of Education: Requirements for Homeschools in Tennessee](http://www.state.tn.us/education/homeschool/)  
<http://www.state.tn.us/education/homeschool/>
- [Tennessee Department of Education: Key to Understanding School Category](http://www.state.tn.us/education/schapproval/doc/pvtcategory.doc)  
<http://www.state.tn.us/education/schapproval/doc/pvtcategory.doc>
- [Tennessee Department of Education: Licensed Educators Teaching in Non-Public Schools](http://www.state.tn.us/education/lic/nonpublic.shtml) <http://www.state.tn.us/education/lic/nonpublic.shtml>
- [Tennessee Department of Education: Curriculum Standards](http://state.tn.us/education/curriculum.shtml)  
<http://state.tn.us/education/curriculum.shtml>
- [Tennessee Department of Education: Benefits to Private School Students and Teachers](http://www.state.tn.us/education/fedprog/fpprivate.shtml) <http://www.state.tn.us/education/fedprog/fpprivate.shtml>

## State Regulation of Private Schools—Tennessee

- The Tennessee General Assembly: *Tennessee Code*  
[Title 49: Education](#)
- Tennessee Department of Education  
Andrew Johnson Tower, Sixth Floor  
710 James Robertson Parkway  
Nashville, TN 37243-0375  
Phone: 615-741-2731  
Fax: 615-532-4791  
E-mail: [Education.Comments@state.tn.us](mailto:Education.Comments@state.tn.us)  
Web site: <http://www.state.tn.us/education/>
- U.S. Department of Education, [Tennessee](#)

*Updated December 12, 2008*

# TEXAS

## Accreditation/Registration/Licensing/Approval

- Accreditation is optional.
  - The accreditation of nonpublic schools through the Texas Private School Accreditation Commission (TEPSAC) became effective on Feb. 12, 1986. Accreditation of nonpublic schools directly by the Texas Education Agency ceased after May 31, 1989. Through a Letter of Understanding, the commissioner of education recognizes the accreditation of nonpublic schools accredited by associations that are members of TEPSAC.
  - Teacher service in accredited private schools may be claimed for salary increment purposes. *Texas Administrative Code*, Title 19, Part II, §153.1021(h)(8) states: (A) For experience prior to the 1986–87 school year, accreditation by the Texas Education Agency or the Southern Association of Colleges and Schools is required; (B) For experience in the 1986–87, 1987–88, and 1988–89 school years, service shall be acceptable if the school was accredited by the Texas Education Agency, or a recognized regional accrediting agency; (C) For experience in the 1989–90 school year and thereafter, service shall be acceptable if the school was accredited by the Texas Private School Accreditation Commission; (D) During the 1986–87, 1987–88, and 1988–89 school years, private schools accredited by the Texas Education Agency, a recognized regional accrediting agency, or an association recognized by the commissioner of education will be listed in the Texas School Directory; (E) Beginning with the 1989–90 school year and thereafter, private schools accredited by the Texas Private School Accreditation Commission will be listed in the Texas School Directory; and (F) Beginning with the 2004–05 school year and thereafter, private schools accredited by the Texas Private School Accreditation Commission will be listed on the Texas Education Agency Web site." *Texas Administrative Code*, Title 19, Part II, § 153.1021(h)(8).
- No requirements for Registration.
- No requirements for Licensing.
- No requirements for Approval.

## Teacher Certification

- Teacher certification is not required for private schools that are not accredited.
- All teachers in accredited private schools must be "highly qualified" but each accrediting agency is allowed to define what that means as part of their approval process. The accrediting agency may choose to use the Texas state teacher certification or may develop its own standards that are higher than the Texas state teacher certification. The accrediting agency also has the option of recognizing out-of-state credentials.

### **Length of School Year/Days**

- Accredited private schools must meet or exceed the minimum seat time required of public schools.

### **Curriculum**

- Students attending a private or parochial school are exempt from compulsory attendance at a public school if the school includes in its course a study of good citizenship. *Tex. Education Code Ann.* §25.086(a)(1).
- A school district must ensure that records or transcripts of a transfer student from a Texas nonpublic school are evaluated and that the student is placed in appropriate classes promptly. *Texas Administrative Code*, Title 19, Part II, §74.26(a)(2).
- A transfer student from a Texas nonpublic school must complete all state requirements for graduation. *Texas Administrative Code*, Title 19, Part II, §74.11(f).
- The district may use a variety of methods to verify the content of courses for which a transfer student has earned credit. *Texas Administrative Code*, Title 19, Part II, §74.26(a)(2).
- A driver's education school shall receive approval from the Texas Education Agency prior to conducting a course at a private school. An application for a school license for a primary or branch driver education school shall be made on forms supplied by the Texas Education Agency (TEA). *Texas Administrative Code*, Title 19, Part II, §176.1003.
- Parochial and private schools are expected to observe Texas Week, the week of March 2. *Tex. Civ. Stat. Art.* 6144(a).

### **Recordkeeping/Reports**

- Private school administrators or designees have an obligation to report suspected criminal conduct occurring on school grounds or at school-sponsored activities to the local police/sheriff. *Tex. Education Code Ann.* §37.015.
- Law enforcement agencies will notify the school principal of an arrest or conviction of delinquent conduct of an individual enrolled in a private school. *Tex. Code Crim. Proc. Ann.* §15.27(e).

### **Health and Safety Requirements**

- Children may not be admitted to any elementary or secondary school unless they have been immunized as required by the Texas Board of Health in Health Services, *Texas Administrative Code*, Title 25, §§97.61-97.72, present an affidavit signed by a physician stating the immunization would be injurious to the health of the student or his family, or present an affidavit that the immunization conflicts with the tenets of his or her church or religious denomination. A religious exemption does not apply in times of emergency or epidemic. *Tex. Education Code* §38.001.
- The chief administrator of a private school must report the names of children suspected of having a communicable disease, *i.e.* diseases listed by the Texas Board of Health, to the local health authority or the Department of Health regional director. *Tex. Health and Safety Code Ann.* §§81.003(10); 81.042(c).

- Municipalities with populations greater than 850,000 must provide school crossing guards to assist children going to or leaving a parochial or private elementary or secondary school. *Tex. Government Code* Chapter 343.014.
- Private schools are entitled to access all criminal history record information that relates to employees, applicants for employment, and volunteers. The school may obtain this information from any law enforcement or criminal justice agency. *Tex. Education Code Ann.* §22.083.
- Private schools are entitled to obtain criminal history records through the Department of Public Safety for employees, applicants, or volunteers, including those who drive or will serve as a monitor or aide on a bus in which students are transported. *Tex. Government Code* 411.097.
- Private schools may participate in a missing child prevention and identification program in accordance with state provisions. Under the program, schools distribute program information to the parents and request written consent to take the child's fingerprints. Schools may charge a reasonable fee to cover the costs not to exceed \$3. *Tex. Education Code Ann.* §33.052.
- Private primary schools are required to request records when enrolling a child under 11 years of age to verify the child's name, birth date, and previous school records. If documentation is not provided, the school shall notify the appropriate law enforcement agency to determine if the child has been reported missing. Law enforcement agencies shall immediately notify each school, including private primary schools, when a report of a missing child is received. *Tex. Code of Criminal Proc. Ann.* Chapter 63.
- It is a criminal offense to possess or consume alcoholic beverages on a public street, alley, or sidewalk within 600 feet of a facility that the person knows is a private school offering K–12 instruction. *Tex. Alco. Bev. Code Ann.* §101.75.
- Acts of hazing that occur on or off the campus of an educational institution, including a private high school, must be reported to the appropriate official of the institution. *Tex. Education Code Ann.* §37.151 *et seq.*

### **Transportation**

- Street railways or motor buses operating in cities of not less than 20,000 inhabitants are required to sell tickets to children attending private schools for one-half of the adult fare when school is in session. *Tex. Rev. Civ. Stat.* art. 4008b; *Tex. Rev. Civ. Stat.* Art. 6544.

### **Textbooks**

- The State Board of Education may enter into an agreement with a private nonprofit school to provide special textbooks and instructional aids for the instruction of blind or visually impaired students, if state funds, other than for administrative costs, are not involved. *Tex. Education Code Ann.* §31.028(c).

### **Testing**

- A private school may administer the state assessment instrument required for all public schools. The private school must reimburse the agency for the cost of administering the assessment, not to exceed the cost for administering the same

assessment to a student enrolled in a public school. *Tex. Education Code Ann.* §39.033.

- A private school administering the state assessment instrument shall provide to the commissioner performance results on the academic excellence indicators adopted by the State Board of Education. *Texas Administrative Code*, Title 19, Part II, §101.1(j). The private school shall notify the student and his or her parents or guardian of test results. *Texas Administrative Code*, Title 19, Part II, §101.5.

### **Special Education**

- Local school districts may contract with approved private facilities for residential special education services. Facilities are considered for approval based on a programmatic evaluation of personnel qualifications, adequacy of physical plant and equipment, and curriculum content. Facilities may be approved in whole or in part. *Tex. Education Code Ann.* §29.008.
- When a private school student with disabilities is referred to the local district, the district is not responsible for providing services unless the parent(s) choose to enroll the child in the public school full-time or request services under dual enrollment. All state requirements concerning referral, assessment, and determination of eligibility are applicable to students placed in private schools by their parents once the students are referred. *Texas Administrative Code*, Title 19, Part 2, §89.1095.

### **Nursing and Health**

- Private school students must be screened to detect vision and hearing disorders and any other special senses or communication disorders specified by the Board of Health. The Department of Health may coordinate screening activities of private schools with school districts, state agencies and volunteer organizations so that efforts are complementary and not fragmented or duplicative, and provide screening personnel, equipment, and services if the requirements cannot be otherwise met. *Tex. Health and Safety Code Ann.* §36.004.
- Screening to detect abnormal spinal curvature is mandatory for private school children in grades 6 and 9. The Department of Health may coordinate screening activities and provide technical assistance and educational materials to assist private schools. *Tex. Health & Safety Code Ann.* §37.001.

### **Technology**

- There is no state policy at this time.

### **Professional Development**

- There is no state policy at this time.

### **Reimbursement for performing state/local functions**

- There is no state policy at this time.

### **Tax Exemption**

- Food products served by private schools, student organizations, and parent-teacher organizations are exempt from sales tax when served during the regular school day or

during a fundraiser when the proceeds do not benefit an individual. *Tex. Tax Code Ann.* 151.314(d)(1).

### **Public Aid for Private Education**

- **Constitutional Provisions:** The Texas Constitution prohibits the state legislature from granting any part of the permanent or available school fund to any sectarian school. *Texas Constitution* Art. VII, Sec. 5(a). No money from the State Treasury or property belonging to the State may be appropriated for the benefit of any sect or religious society. *Texas Constitution* Art. 1, Sec. 7. The attorney general has ruled that this provision does not prevent a school district from providing band lessons to private school students at a public school. Op. Atty. Gen. 1972, No. M-1074. *Texas Constitution* Art. 1, sec 7, Art. 3, Sections 51, 52.
- **Programs for financial assistance for attendance at private schools:** There are no such programs at this time.

### **Homeschooling**

- Texas has no laws or regulations related to homeschooling. The State of Texas does not regulate, monitor, approve, register, or accredit programs available to parents who choose to homeschool their children. In addition, the State of Texas does not award a diploma to students who are homeschooled. However, in accordance with *Texas Education Code* 51.9241, the State of Texas considers the successful completion of a homeschool education to be equivalent to graduation from a public or private high school.

### **Information resources**

- [Texas Private School Accreditation Commission](http://www.tepsac.com) <www.tepsac.com>
- [Texas Association of Nonpublic Schools](http://www.abouttans.org/index.cfm) <http://www.abouttans.org/index.cfm>
- [Texas Education Agency: Home School Information](http://www.tea.state.tx.us/home.school/)  
<http://www.tea.state.tx.us/home.school/>
- [Texas Education Agency: Education Laws and Rules](http://www.tea.state.tx.us/educationlaw.html)  
<http://www.tea.state.tx.us/educationlaw.html>
- [Texas Administrative Code](http://www.sos.state.tx.us/tac/) <http://www.sos.state.tx.us/tac/>
- [Texas Constitution and Statutes](http://www.statutes.legis.state.tx.us/) <http://www.statutes.legis.state.tx.us/>
- Texas Education Agency  
1701 North Congress Avenue  
Austin, TX 78701-1494  
Phone: 512-463-9734  
Fax: 512-463-9838  
E-mail: [teainfo@tea.state.tx.us](mailto:teainfo@tea.state.tx.us)  
Web site: <http://www.tea.state.tx.us/>
- U.S. Department of Education, [Texas](#)

*Updated March 9, 2009*

# UTAH

## **Accreditation/Registration/Licensing/Approval**

- *Accreditation* is optional.
- No requirements for *Registration*.
- No requirements for *Licensing*.
- No requirements for *Approval*.

## **Teacher Certification**

- Teacher certification is not required for private school teachers.

## **Length of School Year/Days**

- There is no state requirement for private schools' length of the school year.

## **Curriculum**

- Private school students may enroll in public schools for dual enrollment purposes and participate in any academic activity subject to the same rules applicable to full-time students. *Utah Code Ann.* §53A-11-102.5.
- "A school district maintaining driver education classes shall allow pupils enrolled in grades nine to 12 of regularly established private schools located within the school district to enroll in the most accessible public school in the school district to receive driver education. Enrollment is on the same terms and conditions as applies to students in public schools within the district, as such terms and conditions relate to the driver education classes only." *Utah Code Ann.* §53A-13-203.
- A private or parochial school may exempt itself from the state prohibition of corporal punishment by adopting a school policy and notifying the parent or guardians of the exemption. *Utah Code Ann.* §53A-11-802.

## **Recordkeeping/Reports**

- Private schools must retain official certificates of immunization for every student as part of the individual's permanent school record. The Department of Health provides official certificate forms. *Utah Code Ann.* §53A-11-304.
- Private schools have a duty to cooperate with employers by issuing age certificates or lists of students or recent students showing their dates of birth according to school records. *Utah Code Ann.* §34-23-209.
- In September and March of each year, accredited nonpublic schools must provide the county clerk an estimate of the number of enrolled students who are 18 years of age or who will be 18 within six months. The county clerk will provide sufficient by-mail voter registration forms, free of charge, to be disseminated to the students. *Utah Code Ann.* §§20A-2-302; 53A-3-402.5.
- The superintendent of public instruction includes applicable private school data in his annual report to the Governor and the Legislature on the public school system. *Utah Code Ann.* §53A-1-301.

### **Health and Safety Requirements**

- Students may not attend private K–12 schools without certification of immunization unless exempted for personal, medical, or religious reasons. *Utah Code Ann.* §§53A-11-301; 53A-11-302.
- Private K–12 schools may administer medication to students if policies and procedures are adopted in consultation with the Department of Health. The policies must provide for the designation and training of employees who administer medication, proper identification and safekeeping of medication, and the maintenance of records of administration. Medication may be administered only if the parent or guardian has provided a written request and the student's health professional has signed a statement describing the method, amount, and time schedule for the administration necessary during school hours. School employees in substantial compliance with the physician's orders are not civilly or criminally liable for a student's adverse reaction to the medicine or discontinuing the medicine following actual notice to the parent or guardian. *Utah Code Ann.* §53A-11-601.
- Private school administrators have a duty to report the name and address of a person suspected of having a communicable disease, and the facts relating to the case, to the Department of Health. *Utah Code Ann.* §26-6-6.
- Local health departments have the statutory authority to close private schools when necessary to protect the public health. *Utah Code Ann.* §26A-1-114.
- It is illegal to smoke or use tobacco on the property of a private elementary or secondary school with the exception that adults may smoke in designated areas during nonschool hours. *Utah Code Ann.* §76-10-106.
- Utah restricts the establishment of state liquor stores, package agencies, restaurants and private clubs serving liquor, and on-premise beer retailers in the proximity of private schools. *Utah Code Ann.* §§32A-2-101; 32A-3-101; 32A-4-101; 32A-5-101; 32A-10-201.
- The Utah Fire Prevention Board establishes the minimum standards for the prevention of fire, the protection of life and property against fire, and panic in private schools. *Utah Code Ann.* §53-7-204.
- Law enforcement agencies have a duty to notify the administrator of a private school if an employee has been arrested for a controlled substance or sex offense. *Utah Code Ann.* §53-5-218.
- Private schools may require potential employees or volunteers to submit to a criminal background check through the Law Enforcement and Technical Services Division as a condition for employment or appointment and, where reasonable cause exists, schools may require an existing employee or volunteer to submit to a criminal background check. Only job-related convictions should be considered by the school. The private school must pay the cost unless the applicant has passed an initial review; is one of a pool of five candidates or less; and, has not been the subject of a criminal background check during the preceding two years. If an individual is denied employment based on the background check, the person has a right to written notice of the reasons for the denial and an opportunity to respond. *Utah Code Ann.* §53A-3-410.

## State Regulation of Private Schools—Utah

- Possession of a weapon, explosive, flammable material, or other dangerous material in a private elementary or secondary school building, grounds, or area used for a school activity is a criminal offense unless approved by a responsible school official or used in an approved activity. *Utah Code Ann.* § 53A-3-502.
- Utah's criminal code provides enhanced penalties for the use of a firearm in an offense committed on or about school premises. *Utah Code Ann.* §76-3-203.2.
- Anyone who knowingly assaults an employee or volunteer at a private school when the victim is acting within the scope of his employment is guilty of a class A misdemeanor. *Utah Code Ann.* §76-5-102.3.
- A person who enters or remains on private school property and is intent to cause harm, commit a crime, is reckless as to the safety of others, or enters or remains without authorization if notice against entry has been given, commits a misdemeanor of criminal trespass on school property. *Utah Code Ann.* §53A-3-503.
- A person who is asked to leave by a school official and remains to disrupt an activity of a private school commits a misdemeanor. *Utah Code Ann.* §76-9-106.
- Private school students who participate in industrial education, physics laboratory, and chemistry laboratory activities that may endanger one's vision, must wear quality eye protective devices. *Utah Code Ann.* §53A-13-103.

### **Transportation**

- The Utah Department of Transportation regulates the design and operation of school buses privately owned for use by private schools. Private schools and their employees are subject to the regulations. *Utah Code Ann.* §41-6-115.
- The Highway Patrol safety inspects biannually all school buses operated by private schools for the transportation of students. *Utah Code Ann.* §53-8-211.

### **Textbooks**

- There is no state policy at this time.

### **Testing**

- Private school students who are Utah residents have the option to participate in U-PASS. A private school student who is not a Utah resident may participate in U-PASS if he or she pays the full cost of individual assessments as determined by local board policy in advance to participation in the U-PASS. *State Board of Education Rule R277-604-3.*
- Private schools interested in participating in the U-PASS may do so at the discretion of the public school district in which the school is located. *State Board of Education Rule R277-604-3.*

### **Special Education**

- The state director of special education is responsible for the general supervision of all public programs offered through private agencies for students with disabilities and has a duty to cooperate with private schools and agencies concerned with education and training students with disabilities. *Utah Code Ann.* §53A-15-302.

**Nursing and Health**

- There is no state policy at this time.

**Technology**

- There is no state policy at this time.

**Professional Development**

- There is no state policy at this time.

**Reimbursement for Performing State/Local Functions**

- There is no state policy at this time.

**Tax Exemption**

- Property owned by a nonprofit entity used exclusively for religious, charitable, or educational purposes is exempt from property tax. *Utah Constitution* Art. XIII, Sec. 3.

**Public Aid for Private Education**

- **Constitutional provisions:** The Utah Constitution prohibits the appropriation of public money or property for religious instruction or for the support of any ecclesiastical establishment. *Utah Constitution*, Art. I, Sec. 4.  
In addition, the Utah Constitution further prohibits appropriations by the state and its political subdivisions for the direct support of any religiously controlled school. *Utah Constitution*, Art. X, Sec. 9.
- **Programs for financial assistance for attendance at private schools:**  
The Carson Smith Scholarships for Students with Special Needs Program provides scholarships for attendance at approved private schools to students with qualifying disabilities. To be eligible, students must have been enrolled in Utah public schools and have a current Individual Education Program (IEP), or have been admitted to an approved private schools specializing in serving students with disabilities and receive an assessment determining that student qualifies for special education. *Utah Code Ann.* §§53A-1a-701–53A-1a-710.

**Homeschooling**

- Each year parents must submit a signed affidavit<sup>11</sup> to the school district of residence stating that “the child will attend home school<sup>11</sup> and will receive instruction in the subjects the State Board of Education requires and for the same length of time minors are required to be taught in public schools, as determined by the State Board of Education rules.” The statute does not specify a form for the affidavit, but a school district may provide a form to parents. A school district that requires a specific form or format for the affidavit is exceeding the requirements of the statute. *Frequently Asked Questions about School District Responsibilities and Home Schools*, May 2007, Utah State Office of Education and *Utah Code Ann.* §53A-11-102(2)(b).
- Home school students will receive a certificate from the local school board excusing their attendance from the public schools. *Frequently Asked Questions about School*

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<sup>11</sup> “Home school” is the term written in state law.

*District Responsibilities and Home Schools*, May 2007, Utah State Office of Education and *Utah Code Ann.* §53A-11-102(3).

- The resident school district has no responsibility or authority regarding home schools' curriculum, student assessment, instructional materials, or instruction evaluation. *Frequently Asked Questions about School District Responsibilities and Home Schools*, May 2007, Utah State Office of Education and *Utah Code Ann.* §53A-11-102(2)(c).
- Home school students who are Utah residents have the option to participate in U-PASS if they satisfy state home school requirements. *State Board of Education Rule R277-604-4*.

**Information resources**

- [Utah State Office of Education: Home Schooling](http://www.schools.utah.gov/curr/main/homeschool.htm)  
<http://www.schools.utah.gov/curr/main/homeschool.htm>
- [Utah Code](http://le.utah.gov/~code/TITLE53A/TITLE53A.htm)  
[Title 53A: State System of Public Education](http://le.utah.gov/~code/TITLE53A/TITLE53A.htm)  
<http://le.utah.gov/~code/TITLE53A/TITLE53A.htm>
- Utah State Office of Education  
250 East 500 South  
P.O. Box 144200  
Salt Lake City, UT 84114-4200  
Phone: 801-538-7500  
Fax: 801-538-7521  
Web site: <http://www.schools.utah.gov/>
- U.S. Department of Education, [Utah](#)

*Updated December 1, 2008*

# VERMONT

## **Accreditation/Registration/Licensing/Approval**

- No requirements for *Accreditation*.
- No requirements for *Registration*.
- No requirements for *Licensing*.
- *Approval* is optional.
  - An independent school is defined by statute as "a school other than a public school, which provides a program of elementary or secondary education, or both." 16 VSA §11(8).
  - Independent schools may apply for approval by the State Board of Education or file an enrollment notice as a recognized independent school. Tutorial programs, providing education to a pupil who is placed in a short term program for evaluation or treatment, may also apply for approval by the State Board of Education. Approved schools are in the position to receive public tuition monies. 16 VSA §828.
  - Distance learning schools located in Vermont may apply for approval but are not eligible to receive tuition from public funds. 16 VSA §166(b)(6).
  - Distance learning schools located in Vermont may apply for approval but are not eligible to receive tuition from public funds. Distance Learning Schools shall meet the procedures and standards set forth for approved independent schools, which because of the schools' structure can be applied, and additional rules adopted by the State Board of Education. The additional rules address tuition, admission policies, and communications with customers. 16 VSA §166(b)(6).
  - The State Board of Education approves independent schools if the school provides a minimum course of study and substantially complies with the board's rules for approved independent schools. The board's rules require at a minimum: 1) adequate resources to meet the school's objectives, including financial capacity; 2) faculty qualified by training and experience in the areas assigned; 3) physical facilities and special services in accordance with state and federal law. Approval may be granted without state board evaluation if the school is accredited by a private, state or regional agency recognized by the State Board. Approval may be revoked or suspended, after opportunity for a hearing, for failure to comply with state requirements. 16 VSA §166(b).
  - The State Board of Education is charged with adopting rules for approved independent schools relating to instruction, faculty, curriculum, libraries, educational materials and physical facilities, which are necessary to provide an acceptable educational opportunity for pupils in those schools. 16 VSA §164(14).
  - A recognized independent school may operate in Vermont upon filing an enrollment notice with the state commissioner of education. The notice must include: 1) a statement that the school will be in session an amount of time

substantially equivalent to public schools; 2) a detailed description of the minimum course of study for each grade level and how the annual assessment will be performed; and 3) assurances that the school maintains attendance records, maintains annual assessments of each pupil's progress that is reported to parents or guardians, provides the minimum course of study as provided by 16 VSA §906 employs teachers and materials sufficient to carry out the educational program, and meets applicable state and federal laws concerning physical facilities and health and safety matters. An enrollment notice must be renewed annually unless the school has been recognized or accredited by a state approved organization for the purpose of recognizing and accrediting purposes. If a school is unable to comply with any requirement due to a deep religious conviction shared by an organized group, the commissioner may waive the requirement if the educational purposes are being met. 16 VSA §166(c). See *Curriculum*.

- If the commissioner has information that creates significant doubt that the school is able to meet the recognition requirements, or once in operation, is meeting the requirements, he may call a hearing for a determination on the matter. If a school fails to establish that it can meet or has met the requirements, the commissioner will require specific action to come into compliance or the students must attend another school, or the school may be closed for the remainder of the year. 16 VSA §166(c).
- Independent schools that offer kindergarten, but no other graded education, may be approved by the state if the school substantially complies with the board's rules for approved independent kindergartens. 16 VSA §166(b)(1).
- Religious schools may apply to be either approved or recognized independent schools and follow the State Board of Education rules and the Vermont Statute for Independent Schools but they are not eligible to receive tuition from public funds.
- The State Board of Education may approve tutorial programs if the program substantially complies with the board's rules for approved tutorial programs. The board's rules require at a minimum: 1) adequate resources to meet the school's objectives, including financial capacity; 2) faculty qualified by training and experience in the areas assigned; 3) physical facilities and special services in accordance with state and federal law; and 4) policies for coordination with each student's responsible school district.
- Vermont has a council of independent schools to advise the commissioner on policies and procedures with respect to independent schools. The commissioner appoints the 11-member board. Nine members come from within the independent schools' community and two members from the community at large. At least three members must be representatives of recognized independent schools. 16 VSA §166(d).

### **Teacher Certification**

- Independent school educators are not required to possess teacher licensure. However, an approved independent school providing special education services shall satisfy the state licensure requirements for personnel who are responsible for the provision or

supervision of special education and related services. *State Board Manual of Rules and Practices* 2228.3.2.

- Superintendents, principals, and teachers must subscribe to an oath prior to discharging their duties. The oath affirms their support for the Constitutions and the laws of the United States and Vermont. Foreign citizens serving as superintendents, principals or teachers are not required to take the oath. 16 VSA §12.
- Quasi-public or private elementary or secondary schools that directly or indirectly receive support from public funds are considered municipal employers under the *Vermont Municipal Labor Relations Act*. 21 VSA §1735.

#### **Length of School Year/Days**

- Recognized independent schools must be in session an amount of time substantially equivalent to that required for public schools. 16 VSA §(c)(1)(A).
- School year is defined under Vermont's general provisions as beginning July 1 and ending the next June 30. 16 VSA §11(12).
- The minimum number of days is 175. 16 VSA §1071.

#### **Curriculum**

- Approved and recognized nonpublic schools must provide a minimum course of study in the following fields: basic communication, including reading, writing, and the use of numbers; citizenship, history, and government in Vermont and the United States; physical education and comprehensive health education; English, American, and other literature; the natural sciences; and the fine arts. 16 VSA §906 (a) and (b).
- Independent schools must annually conduct exercises in commemoration of the birth, life, and services of Abraham Lincoln on the last school day before February 12. 16 VSA §907.
- It is the commissioner of education's duty to distribute, at his discretion and upon request, forms and materials relating to the Vermont state basic competency program for elementary and secondary pupils to approved independent schools. 16 VSA §212(12).
- Subject to the approval of the commissioner, local superintendents of schools must arrange for the establishment of a driver education and training course for approved independent schools located within his or her supervisory jurisdiction at their request. 16 VSA §1046.

#### **Recordkeeping/Reports**

- An approved independent school must provide parents or guardians a statement of its status under Vermont's approval requirements and a copy of 16 VSA §166 prior to accepting any tuition payments. 16 VSA §166(b)(3).
- A recognized independent school must provide parents or guardians a copy of its currently filed statement of objectives and a copy of 16 VSA §166 upon enrollment or September 1, whichever comes later. Failure to do so may create a permissible inference of false advertising.
- Recognized independent schools and approved independent schools must provide the names and addresses of enrolled pupils to the commissioner on October 1 of each year. The school must also notify the commissioner of the names and addresses of

any pupils withdrawing from the school within seven days of their withdrawal. 16 VSA §166(b)(4), (c)(6).

### **Health and Safety Requirements**

- No person may enroll as a student in a Vermont school unless the appropriate person has received a record of certificate of immunization issued by a licensed physician or health clinic that the person has received immunizations appropriate to age as specified by the Vermont Department of Health. Exemptions to this requirement are allowed if the immunizations are in process, would be detrimental to the person's health or not appropriate, or contrary to the person's or parent or guardian's religious beliefs. 16 VSA §§1121, 1122.
- Approval for independent residential schools is contingent upon proof of the school's satisfactory completion of an annual fire safety inspection by the Department of Public Safety or its designee pursuant to Subchapter 2 of Chapter 173 of Title 20.
- A certificate executed by the inspecting entity, declaring satisfactory completion of the inspection and identifying the date by which a new inspection must occur, shall be posted at the school in a public location. The school shall provide a copy of the certificate to the commissioner of education after each annual inspection. The school shall pay the actual cost of the inspection unless waived or reduced by the inspecting entity. 16 VSA §166(b)(7).
- Independent schools must drill the pupils once each month during the school year so that they may be able to leave the school building in the shortest possible time or without panic or confusion. A record of the date, time and time consumed in vacating the building shall be kept in the official school register and be open at all times for inspection by the Department of Labor and Industry or the Department of Education. A principal who willfully neglects to comply will be fined not more than \$20.00.
- Independent schools shall request a finger-print supported criminal record check on the person(s) recommended for any full-time, part-time, or temporary employment. The request is conducted through the Vermont Crime Information Center (VCIC). A notice of any criminal record is reported by VCIC to the independent school; except for a record relating to any crimes of a sexual nature involving children. Such a record is sent to the commissioner of education who shall notify the headmaster in writing, with a copy to the person about whom the request was made. Any information sent to a person by a headmaster or the Commission of Education shall be accompanied by a written notice of the person's rights enumerated under the statute. 16 VSA §251-260.
- The board of trustees of an independent school shall adopt harassment policies and establish procedures for dealing with harassment. 16 VSA §166(e).
- Independent schools shall adopt a gun-free school policy for any portion of the school day during which the students participate in local education agency (LEA) programs or activities. Nothing prohibits an independent school from adopting a gun-free school policy for the entire school program. 16 VSA §1166.
- Persons knowingly and unlawfully delivering or selling a regulated drug on a school bus or in real property comprising a private elementary, secondary, or vocational school will, in addition to any other penalty, be sentenced to a term of imprisonment of not more than ten years. 18 VSA §4237.

**Transportation**

- Each legal pupil, as defined in Section 1073 of this title, entitled or required to attend an elementary school, or a secondary school may be furnished with total or partial transportation to school, or board, as in the opinion of the board of school directors is reasonable and necessary to enable him to attend school. Each board shall adopt a transportation policy for pupils required to attend school in accordance with the procedure specified in Section 563(1) of this title. 16 VSA §1222.

**Textbooks**

- The state librarian will deliver a published copy of the state papers of Vermont to the library of a private high school, upon request. 3 VSA §117.

**Testing**

- An approved independent school accepting students for whom the district of residence pays tuition under Chapter 21 of this title shall use the assessment or assessments required under Subdivision 164(9) of this title to measure attainment of standards for student performance of those pupils. In addition the school shall provide data related to the assessment or assessments as required by the commissioner. 16 VSA §166(g).

**Special Education**

- The commissioner of education establishes minimum standards of services for students receiving special education in independent schools; maximum rates to be paid by the department and school districts for tuition, room, and board, based on the level of services; and may advise independent schools as to the need for certain special education services in Vermont. 16 VSA §2973.

**Nursing and Health**

- Independent schools may participate in Vermont's school lunch program operating under federal programs. 16 VSA §172. 1946-48 Op. Atty. Gen. 92.

**Technology**

- There is no state policy at this time.

**Professional Development**

- There is no state policy at this time.

**Reimbursement for Performing State/Local Functions**

- There is no state policy at this time.

**Tax Exemption**

- There is no state policy at this time.

### **Public Aid for Private Education**

- **Constitutional provisions:** The Vermont Supreme Court has held that a reimbursement of tuition to a sectarian high school under this provision is not prohibited by the Establishment Clause of the First Amendment to the United States Constitution. *Campbell v. Manchester Bd. of School Directors*, 641 A.2d 352 (Vt. 1994).
- **Programs for financial assistance for attendance at private schools:** Tuition assistance began with an 1869 law that allowed for tuition support of students to attend private school when the local Vermont school district does not have available public schooling.

State general aid may be used by a town school district or an incorporated school district for tuition to approved independent schools. 16 VSA §3445.

The electorate of a school district that does not maintain an elementary school may grant authority to the school board to pay tuition for elementary pupils at approved independent nonresidential elementary schools upon request of the parent or guardian, if in the board's judgment, the pupil's educational interests can be better served there than at another public school district. 16 VSA §821.

The electorate of a school district that does not maintain an approved high school may provide for the high school education of its pupils by paying tuition to an approved public or independent high school selected by the parents or guardians of the pupil, within or without the state. 16 VSA §822.

School districts will pay high school tuition charged its resident pupils who attend an independent school in Vermont that functions as an approved area technical center or an independent school meeting public school standards. 16 VSA §824.

Vermont school districts that do not maintain an approved public high school may designate an approved independent school as the public school of the district and pay the tuition charges to the independent school. If a parent or guardian is dissatisfied with the instruction, cannot obtain a course or instruction desired, or whose child can be better accommodated in an approved high school nearer to his home, he may request the school board to pay tuition to another approved high school. 16 VSA §827. Religious schools may not be designated by school districts and tuition charges cannot be paid to the religious school. *Chittenden Town School District v. Vermont Department of Education*, 738 A.2d 539 (Vt.1999).

Persons aggrieved by a school board's decision relating to tuition payments may appeal to the state board and its decision shall be final. 16 VSA §828.

An independent school serving publicly placed students must notify the sending school board and the commissioner of any proposed tuition increases on or before February 1 in any year. The increase will not become effective without the notice and not until the following school year. 16 VSA §826.

The state treasurer may issue bonds to assist independent schools meeting public school standards which serve as public high schools, receive their principal support from public funds, and are supervised by a board of trustees, two-thirds of the membership being appointed by the selectmen of a town or by the city council or both. Independent schools aggrieved by an allocation or award may appeal to the county superior court. 16 VSA §§3447, 3450. These independent schools may also

apply to the State Board for construction aid for additions, alterations, and acquisition of facilities. 16 VSA §3448.

### **Homeschooling**

- Homeschooling is an education program offered through home study that provides a minimum course of study and is open to no more than the children residing in that home and two or fewer children not residing in that home from one family. 16 VSA §11(21).
- Parents wishing to homeschool their child must file a written notice with the commissioner each year. The notice must contain the name and age of the child, contact information for parent and instructor, assessment of the previous year if the child was homeschooled in the previous year, evidence that the child is or is not handicapped, a description of the content in each area, the name of the resident school district, and the signature of the parents. 16 VSA §166b
- Home study programs in Vermont must provide a minimum course of study in the following fields: basic communication, including reading, writing, and the use of numbers; citizenship, history, and government in Vermont and the United States; physical education and comprehensive health education; English, American, and other literature; the natural sciences; and the fine arts. 16 VSA §906(a) and (b).
- Students 13 years or older in a home study program are no longer required to study physical education, comprehensive health, and the fine arts. *An Act Relating to Home Study Programs*, signed into law 2006. 16 VSA §166(b).
- Qualified home study programs do not have to submit the minimum course of study to the Department of Education. A qualified home study program is a program that has, for two consecutive years, not been disallowed by the order of a hearing officer, meets home study program requirements by the state, and the student's progress commensurate with the age and ability in all subject areas of the minimum course of study. *An Act Relating to Home Study Programs*, signed into law 2006. 16 VSA §166(b).
- An annual assessment is required. Several options are open to parents, including assessment by a Vermont certified teacher or a teacher from an approved Vermont private school, a standardized achievement test, or a report by the instructor accompanied by a portfolio of the child's work.
- Public schools may allow homeschooled children to use the resources of the public school. A child eligible for special education services does not lose the right to services if homeschooling is chosen. Acceptance of homeschool credit is at the discretion of the receiving school or college. No public high school diploma is issued for a homeschooled child.

### **Information resources**

- [Vermont Department of Education: Home Study](http://education.vermont.gov/new/html/pgm_homestudy.html)  
<[http://education.vermont.gov/new/html/pgm\\_homestudy.html](http://education.vermont.gov/new/html/pgm_homestudy.html)>
- [Vermont Statutes](http://www.leg.state.vt.us/statutes/statutes2.htm) <<http://www.leg.state.vt.us/statutes/statutes2.htm>>
- Vermont Department of Education  
120 State Street  
Montpelier, VT 05620-2501

State Regulation of Private Schools—Vermont

- Phone: 802-828-3135  
Fax: 802-828-3140  
E-mail: [doe-Edinfo@state.vt.us](mailto:doe-Edinfo@state.vt.us)  
Web site: <http://www.education.vermont.gov/>
- U.S. Department of Education, [Vermont](#)

*Updated October 29, 2008*

# VIRGIN ISLANDS

**Registration/Licensing/Accreditation:** The commissioner of education will accredit parochial or private schools on a voluntary basis if the building, equipment, curriculum and teaching personnel have "efficiency substantially equal" to public schools of like grade. The commissioner will not issue a certificate of accreditation unless the commissioner has conducted a qualitative review and assessment, and approved each program or course of study of the school; and, the school has submitted data on its facilities, financial resources, administrative capabilities and faculty to afford and require of students the completion of an educational program. Accredited schools are subject to annual inspections by the commissioner to determine whether the school's standards have been maintained. Accredited schools must display the certificate of accreditation in a conspicuous place. The commissioner may recognize a certificate of accreditation issued from recognized regional accrediting agencies. *V.I. Code Ann. Title 17, §§192, 193.*

No nonpublic school may operate in the Virgin Islands without a certificate of operation. The criteria for operation need not be as high as those that qualify a school for a certificate of accreditation. The Department of Education will review all applications to operate nonpublic schools and issue the Certificate of Operation if the school satisfies the rules and regulations of the Virgin Islands Board of Education regarding: 1) the quality and content of educational courses proposed; 2) adequate space, equipment, instructional material, and personnel; 3) enrollment that is within reason; 4) instructors that hold credentials of their profession; 5) administrators, owners, and directors are of good and moral reputation and demonstrate professional character; 6) school compliance with local and federal regulations; 7) school records that show student attendance, progress and financial stability; 8) a course outline given to students upon enrollment; 9) a written copy of course outline, schedule of tuition, fees, and enrollment information. *V. V.I. Code Ann. Title 17, §194.*

**Recordkeeping/Reports:** Private, denominational and parochial schools must report the name, age, and grade of every child enrolled and other requested information to the Department of Education at the opening of school and at other times when directed by the Commissioner. *V.I. Code Ann. Title 17, §96.*

**Length of School Year/Day:** The school year begins no earlier than the first Tuesday after the first Monday in August and ends not later than the last Friday in May, provided that the school calendar includes no less than 1,080 hours of pupil instruction. Act No. 5961, April 6, 1994.

Students attending parochial, denominational or private schools regularly and punctually and enrolled in the appropriate grade are exempt from attendance in public schools. *V.I. Code Ann. Title 17, §85.*

**Discrimination:** Under the Virgin Islands' nondiscrimination statute, parochial and denominational schools may modify tuition expenses and give preference in admission to members of the religious body maintaining the school. *V.I. Code Ann. Title 10, §5.*

**Teacher Certification:** All persons teaching in nonpublic schools must be licensed by the Virgin Islands Board of Education. *V.I. Code Ann. Title 17, §126.*

**Special Education:** The Department of Education may contract with private schools to provide services to children with disabilities when the Department is unable to provide services *V.I. Code Ann. Title 17, §288.*

**Health:** Health services, *i.e.*, medical and dental health appraisals, vaccinations and immunizations, are provided to private and parochial school students prior to entrance into kindergarten or 1st grade, 5th grade and 9th grade, or upon entrance to the school if that pupil has not been previously examined at another school. *V.I. Code Ann. Title 17, §111.* Parents may provide health services at their own expense and furnish the physician's report to the Department of Education. *V.I. Code Ann. Title 17, §114(c).*

**Safety:** Individuals apprehended for the distribution of a controlled substance within 1,000 feet of a private or parochial school will be sentenced an additional minimum sentence of at least two years confinement. *V.I. Code Ann. Title 19, §604.*

**Transportation:** It is the policy of the Virgin Islands to provide free transportation to school for school-age children residing within and without the urban areas of the Virgin Islands. *V.I. Code Ann. Title 17, §1; V.I. R. & Regs, title 17, § 101-1 et seq.*

**Homeschooling:** Parents must file with the commissioner of education a Notice of Intent Home Instruction of Student At Home form. A Notice of Intent will be effective for up to one school year. The filing of the Notice of Intent must occur within 10 days of the start of the home instruction program. A completed form is one that provides basic program information, including the name of teacher, subjects to be taught, days of instruction, and teacher's method of assessment. The Department of Education will conduct a semi-annual Portfolio Review. By filing the Notice of Intent, the parent acknowledges full responsibility for the education of his or her child, but in no way constitutes approval by the school district of the program of home instruction. The school district shall provide whatever reasonable assistance it can to ensure that children instructed at home benefit appropriately from home instruction, including but not limited to, Promotional and Retention Policies, grade level standards, and sample portfolios. *V.I. Code Ann. Title 17, §84.*

**Public Aid for Private Schools/Private School Students:** Government subsidies may be granted to nonpublic schools for strictly educational purposes, but not to denominational or sectarian schools. *V.I. Code Ann. Title 17, §191.*

Seniors attending accredited private or parochial high schools may apply for partial grants for educational or cultural class trips abroad. *V.I. Code Ann. Title 17, §371.*

Graduates from parochial high schools are eligible to apply for scholarships in nursing and related medical fields that are awarded by the commissioner of health. *V.V.I. Code Ann. Title 17, §180.*

**Miscellaneous:** Private elementary and secondary schools are subject to an annual license fee of \$200. *V.I. Code Ann. Title 27, §302.*

The commissioner of education is responsible for disseminating materials to private and parochial school for the celebration of John P. Scott Day, Melvin H. Evans Day, Rothschild Francis Day, and Cyril Emmanuel King Day. *V.I. Code Ann. Title 1, §§180, 186-188.*

Nonpublic school libraries may participate in the Virgin Islands Library Network, a cooperative, coordinated, multi-type network of libraries located on the Virgin Islands. *V.I. Code Ann. Title 3, §28d.* In addition, private and parochial school libraries can access public government documents through depository libraries maintained by the territorial librarian. *V.I. Code Ann. Title 3, §883.*

The Commissioner of education has a statutory duty to promulgate rules and regulations to implement the federal *Family Educational and Privacy Rights Act* as applicable to private schools to ensure privacy and confidentiality of student educational records. *V.I. Code Ann. Title 17, §98.*

2000—Archived Chapter<sup>12</sup>

Virgin Islands Department of Education  
1834 Kongens Gade  
Charlotte Amalie, VI 00802  
Phone: 340-774-0100  
Fax: 340-779-7153  
Website: <http://www.doe.vi/>

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<sup>12</sup> This chapter on the Virgin Islands is from the (archived) 2000 edition of the report on *State Regulation of Private Schools*. It will be replaced with a revised chapter upon completion of review and approval of the updated chapter by Virgin Island officials.

# VIRGINIA

## **Accreditation/Registration/Licensing/Approval**

- *Accreditation* is optional.
  - The Board of Education does not accredit private schools. The Virginia Council for Private Education (VCPE), a private umbrella organization of associations whose membership is comprised associations that are approved to accredit private schools. The board recognizes accreditation by VCPE member organizations. *Va. Code §22.1-19.*
  - State law only guarantees that private school course credits will be recognized if they were completed at a state-recognized accredited school. *Va. Code §22.1-19.*
- No requirement for *Registration*.
- *Licensing* is optional.
  - Licensing by the Board of Education is *mandatory* for private schools serving students with disabilities unless otherwise approved or accredited. *Va. Code §22.1-320.*
  - The license of each school that continues to operate as such shall be renewed on or before the anniversary date set by the Department. Every license that has not been renewed in accordance with these provisions shall expire and a new license shall be obtained from the board before such school may continue to operate, for which an original application must be submitted. The application shall be accompanied by such information deemed necessary by the board. *Va. Code §22.1-328.*
  - Licensing for preschools is mandatory unless the school qualifies for an exemption from the state. *Va. Code §63.2-1717.*
- *Approval* is optional.
  - Approval is one option to satisfy the licensing requirement for private schools serving students with disabilities.

## **Teacher Certification**

- Teacher certification is not required by the state; however, an approved accrediting association may set its own requirements for teacher credentials.

## **Length of School Year/Days**

- Virginia's compulsory attendance laws require children to attend school, public, private, denomination or parochial, during the period of each year the public schools are in session and for the same number of days and hours per day as the public schools. The length of the school term for public schools is 180 days or 990 hours. *Va. Code §22.1-254.*

## **Curriculum**

- The state does not require a specific curriculum for private schools.

### **Recordkeeping/Reports**

- Every teacher in Virginia must keep an accurate daily record of attendance of children enrolled. The record must be open for inspection and may be admitted into evidence for prosecutions of violations of the compulsory school attendance laws. *Va. Code §22.1-259.*
- Schools must record each student's immunizations on the school immunization record provided by the State Department of Health for the student's permanent record. The record must be kept open for inspection by the State Department of Health and the local health department. Within 30 days of the start of school, private schools must file a report with the local health department stating the number of students admitted with documentary proof of immunization, the number of students admitted with a medical or religious exemption, and the number of students conditionally admitted. *Va. Code §22.1-271.2.E.*

### **Health and Safety Requirements**

- No student may be admitted by a school unless the student submits documentary proof of immunization, an affidavit stating the immunizations conflict with the student's religious tenets, or certification from a physician that the immunization is detrimental to the student's health. Students may be admitted conditionally if their immunizations are incomplete and they submit a schedule for completion within 90 days. The state health commissioner has the authority to exclude children from school who are not immunized in the event of an outbreak, potential epidemic, or epidemic. *Va. Code §22.1-271.2, §32.1-47.*
- The state health commissioner has the authority to inspect dining accommodations of private schools upon presentation of credentials and consent by the owner. *Va. Code §35.1-1* [includes school cafeterias in the definition of "restaurant"]; *35.1-5* [Gives the commissioner of the Virginia Department of Health the right to inspect].
- Employees of private schools who have reason to suspect that a child is an abused or neglected child must report the matter immediately to the local social services department of the county or city where the child resides or where the alleged abuse occurred. *Va. Code §63.1-248.3.* [*Va. Code §63.2-1509.* (Effective March 31, 2009)].
- It is a criminal offense in Virginia to distribute any controlled substance, imitation controlled substance, or marijuana on the property of a private elementary or secondary school, within 1,000 feet of the school, or on any school bus. *Va. Code §18.2-255.2A.*
- Virginia's criminal code prohibits 1) the willful discharge of a firearm, unless justifiable by law; 2) brandishing a firearm in such a manner as to reasonably induce fear of being shot or injured; and 3) possession of a stun weapon, taser, or weapon other than a firearm, in any private or parochial elementary, middle or high school or within 1,000 feet of the school. *Va. Code §§18.2-280B; 18.2-282A; 18.2-308.1.*
- It is a misdemeanor to possess a beeper or similar portable communications device on the grounds of any private elementary, middle or secondary school. *Va. Code §18.2-322.1A.*

## State Regulation of Private Schools—Virginia

- The Virginia Alcoholic Beverage Control Board may refuse to grant a liquor license if the location of the applicant would adversely affect the operations of a private or parochial school. *Va. Code §4.1-222.*
- The governing board of a private school must furnish protective eye devices, free or at cost, for students, teachers, and visitors participating in specified vocational or industrial arts shops or laboratories. *Va. Code §22.1-275.*
- All applicants for full-time, part-time, permanent or temporary employment at an accredited private school are required to submit to fingerprinting and to provide personal descriptive information to be forwarded along with the applicant's fingerprints through the Central Criminal Records Exchange to the FBI for the purpose of obtaining criminal history record information as a condition of employment. This is not a requirement for non-accredited schools. *Va. Code §22.1-296.3.*

### **Transportation**

- Local school districts may enter into agreements with private schools to provide transportation but are not required to do so. *Va. Code § 22.1-176.1.*
- Parochial and private schools may not hire a school bus driver unless the individual meets the qualifications required of public school bus drivers and presents the necessary documentation. *Va. Code §22.1-180.*
- School buses transporting pupils to and from private or parochial schools, may not discharge pupils in a manner that the child must cross a highway with two or more roadways separated by a physical barrier or unpaved area, or a highway with five or more lanes with the center lane a flush median marked for turning traffic only. *Va. Code §46.2-918.*

### **Textbooks**

- “With the approval of the local school board and the publisher, any private school within the school division that so requests may purchase from the local school board's contract with the publisher. Such private school shall be fully responsible for ordering, purchasing, and receiving shipments of books to be provided from the publisher pursuant to this section. The local school board shall be immune from any civil liability as a result of a private school purchasing from the local school board's contract.” *Va. Code §22.1-241.D.*

### **Testing**

- Private school students are not required to participate in state administered tests.

### **Special Education**

- A school division may publicly place a disabled child in a nonsectarian private school approved by the Board of Education or another licensing agency if the school division is unable to provide a free appropriate public education for the child. *Va. Code §22.1-216.*
- The *Individuals with Disabilities Education Act*, 20 U.S.C. §1400 et seq. does not require Virginia to place handicapped children in nonapproved private schools. *Schimmel ex rel. Schimmel v. Spillane*, 819 F.2d 477 (4th Cir. 1987).

## State Regulation of Private Schools—Virginia

- Facilities housing schools for children with disabilities must be inspected and approved by the board. At least one unannounced inspection of each residential school for children with disabilities must be made annually. *Va. Code §22.1-319 et seq.*
- Private educational institutions that accept state funds may not deny admission, full and equal access, or the enjoyment of any educational or extracurricular program to an otherwise qualified person with a disability. *Va. Code §51.5-42.*

### Nursing and Health

- There is no state policy at this time.

### Technology

- There is no state policy at this time.

### Professional Development

- There is no state policy at this time.

### Reimbursement for Performing State/Local Functions

- There is no state policy at this time.

### Tax Exemption

- Property owned by nonprofit institutions of learning and used primarily for educational purposes is exempt from state and local taxation. *Va. Const. Art. X, Section 6(4).*
- Fairfax, Arlington, Dinwiddie and Prince George counties are authorized to tax admission charged for attendance at private elementary and secondary school-sponsored events, including events sponsored by school-recognized student organizations. Charlotte County, Clarke County, Madison County, Nelson County, and Sussex County are authorized to levy a tax on admissions charged for attendance at any spectator event—however “spectator event” is not defined. *Va. Code §§ 8.1-3817; 58.1-3818.*

### Public Aid for Private Education

- **Constitutional provisions:** Under Virginia's constitution, no appropriation may be made to any school not owned or exclusively controlled by the state or a political subdivision; provided, the General Assembly may make appropriations for the elementary and secondary education of Virginia students in nonsectarian private schools. *Va. Const. Art. VIII, Section 10.*
- **Programs for financial assistance for attendance at private schools:** A program does not exist at this time.

### Homeschooling

- Instruction in the home of a child or children by the parent, guardian, or other person having control or charge of such child or children shall not be classified or defined as a private, denominational or parochial school. *Va. Code §22.1-254.A.*

- Parents providing home instruction are in compliance with the compulsory attendance law if you have met all of the requirements of the Code of Virginia governing home instruction. *Va. Code §22.1-254.1.*
- Parents may also teach their own children under the “tutor” provision or the “religious exemption” provision of the compulsory attendance law. *Va. Code §§22.1-254.A, 22.1-254.B.1.*
- Parents are permitted to provide home instruction in lieu of school attendance if they meet any one of the following four conditions. The teaching parent: 1) holds a high school diploma or higher credential certificate (a high school equivalency will not satisfy this requirement); 2) meets the qualifications for a teacher prescribed by the board of education; 3) enrolls the child or children in a correspondence course; or 4) provides evidence that parent is able to provide an adequate education for the child. *Va. Code §22.1-254.1.*
- To assess a parent’s ability to provide an adequate education, the school division superintendent should determine whether the information submitted exhibits a mastery of language by the writer; whether it includes plans for instructional activities; and whether it presents a reasonable scope and sequence of content that shows a broad overview of what the parent plans to teach the child during the school year. Effective July 1, 2008, parents are no longer required to use correspondence courses approved by the superintendent of public instruction and local school division superintendents no longer have to review the program of study or curriculum provided to ensure that it contains the Standards of Learning (SOL) for language arts and mathematics. *Va. Code §22.1-254.1.A.*
- The parent also is required to provide the school division with a description of the curriculum to be followed. Curriculum submission is for informational purposes only; the school division superintendent is not required to evaluate or judge the curriculum. *Va. Code §22.1-254.1.*
- A parent who elects to home instruct must: 1) notify the school division superintendent no later than August 15 of the intent to do so for the coming school year; 2) provide a description of the curriculum to be followed for the coming year; and 3) provide evidence of having met one of the criteria to permit home instruction. Parents who move into the school division or begin home instruction after the school year has begun must notify the school division superintendent of their intent to provide home instruction as soon as practicable and comply with the provisions of the statute within 30 days of this notice. *Va. Code §22.1-254.1.B.*
- By August 1, the parent is required to submit evidence of the child’s academic achievement in one of the following ways: 1) evidence that the child has attained a composite score in or above the fourth stanine on a batter of achievement tests approved for use in the public schools; or 2) an evaluation or assessment which, in the judgment of the division superintendent, indicates that the child is achieving an adequate level of education growth and progress. *Va. Code § 22.1-254.1.C.*
- The 2008 General Assembly session passed new language in the Code that allows parents additional options as evidence of the child’s academic achievement “including but not limited to: (a) an evaluation letter from a person licensed to teach in any state, or a person with a master’s degree or higher in an academic discipline, having knowledge of the child’s academic progress, stating that the child is achieving

an adequate level of educational growth and progress; or (b) a report card or transcript from a community college or college, college distance learning program, or home-education correspondence school.” The amended law clarifies that these are acceptable options but maintains the requirement that the division superintendent determine that the child is achieving an adequate level of educational growth and progress. *Va. Code §22.1-254.1.C.*

- Local school boards may permit part-time attendance of homeschooled and private school students. Students may be allowed to enroll in classes in English, mathematics, science, history or social science, foreign language, vocational education, and fine arts. *Va. Code §22.1-253.13:2.N.*
- Participation in certain interscholastic activities such as varsity sports is governed by policies of the Virginia High School League. Other extracurricular activities are governed by policies of the local school board. *Virginia Administrative Code, 8 VAC 20-131-200.*
- It is not required that children being taught at home be allowed to participate in extracurricular or special programs offered by the school division. In the absence of program guidelines for the specific request, local school board policy prevails.

### **Information resources**

- [Virginia Council for Private Education](http://www.vcpe.org/) <<http://www.vcpe.org/>>
- [Virginia Department of Education: Home Instruction Index](http://www.doe.virginia.gov/VDOE/Parents/index.html#homeinstruction)  
<<http://www.doe.virginia.gov/VDOE/Parents/index.html#homeinstruction>>
- [Virginia Department of Education: Home Instruction Frequently Asked Questions](http://www.doe.virginia.gov/VDOE/Parents/home-instruction-faq.pdf)  
<<http://www.doe.virginia.gov/VDOE/Parents/home-instruction-faq.pdf>>
- [Virginia Department of Education: Home Instruction in Virginia](http://www.doe.virginia.gov/VDOE/Parents/homeinst.pdf)  
<<http://www.doe.virginia.gov/VDOE/Parents/homeinst.pdf>>
- [Virginia Department of Education: Regulations Establishing Standards for Accreditation of Public Schools in Virginia \(8 VAC 20-131-200\)](http://www.doe.virginia.gov/VDOE/Accountability/soafulltxt.pdf)  
<<http://www.doe.virginia.gov/VDOE/Accountability/soafulltxt.pdf>>
- Virginia General Assembly: [Code of Virginia](http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+TOC2201000)  
[Title 22.1: Education](http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+TOC2201000)  
<<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+TOC2201000>>
- Virginia Department of Education  
P.O. Box 2120  
James Monroe Building  
101 North 14th Street  
Richmond, VA 23218-2120  
Phone: 804-225-2420  
Web site: <http://www.doe.virginia.gov/>
- U.S. Department of Education: [Virginia](#)

*Updated February 11, 2009*

# WASHINGTON

## **Accreditation/Registration/Licensing/Approval**

- *Accreditation* is optional.
  - The Washington State Board of Education will accredit private schools that voluntarily apply for accreditation and meet established standards and procedures so long as no secret societies are knowingly allowed to exist among its students. *RCW 28A.305.130(5)*.
- No requirements for *Registration*.
- No requirements for *Licensing*.
- *Approval* is mandatory.
  - Attendance at a private school complies with Washington's compulsory school attendance statute if the school is approved. Washington approves private schools based on their compliance with minimum requirements pertaining to (1) length of school year/day; (2) teacher certification; (3) safeguarding of permanent records; (4) compliance with reasonable health and fire safety requirements; (5) curriculum; and (6) an up-to-date policy statement regarding the administration and operation of the school. *RCW 28A.305.130(5); 28A.195.010; 28A.225.010(1)(a)*.
  - The Washington State Board of Education denies approval to any private school engaging in a policy of racial segregation or discrimination. *RCW 28A.195.040*.
  - By statute, the Washington State Board of Education has one member to represent the private schools elected by the members of the boards of directors of approved private schools in the state that meet the minimum requirements of *RCW 28A.305.010*.
  - By statute, the superintendent of public instruction is directed to appoint a private school advisory committee that is broadly representative of educators, legislators, and various private school groups in the state of Washington. *RCW 28A.195.050*.

## **Teacher Certification**

- All classroom teachers must hold appropriate Washington state certification except teachers for religious courses or courses for which no counterpart exists in the public schools. In exceptional cases, people of unusual competence without certification may teach so long as a certified person exercises general supervision. Annual written statements must be submitted to the superintendent of public instruction reporting and explaining such circumstances. *RCW 28A.195.010(3)*.

## **Length of School Year/Days**

- The minimum school year consists of no less than one hundred eighty school days or the equivalent in annual minimum program hour offerings, *i.e.* grade kindergarten—450 hours; Grades 1 through 12—1,000 hours. The state requirements relating to

assigned percentages of total program hour offerings prescribed for public schools do not apply to private schools and private sectarian schools. *RCW 28A.195.010(1), (2).*

### **Curriculum**

- Private school curriculum shall include instruction of the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading writing, spelling, and the development of appreciation of art and music, all in sufficient units for meeting state board of education graduation requirements. All selection of books, teaching material, curriculum (except as provided above) are the responsibility of the administration of the particular private school. *RCW 28A.195.010(7)(8) et seq.*
- Private schools may voluntarily choose to have their students master Washington's essential academic learning requirements, take state assessments, and obtain certificates of mastery, but are not required to do so. *RCW 28A.195.010.*
- By statute, Washington recognizes the rights of private schools to teach their religious beliefs, to pray, to teach patriotism, require students to salute the flag, and to require prior written consent by the parent or guardian for the administration of psychological testing or group therapy. *RCW 28A.195.020.*
- School districts shall permit private school students to enroll part time in the local public schools to take courses or receive ancillary services offered by the public school and not available in the private school. *RCW 28A.150.350(1)(d).*
- The Educational Service District Boards may give private schools access to the depository and distribution centers for films, tapes, charts, maps and other instructional materials so long as the schools pay the actual costs for services established by the board. *RCW 28A.310.180.*

### **Recordkeeping/Reports**

- Principals of private schools or superintendents of private school districts must file each year with the superintendent of public instruction a statement certifying that minimum requirements are being met. (See above factors on approval.) If the private school notes any deviation from the minimum requirements, the state superintendent will notify the school of the deviations which must be corrected. In case of major deviations, the school may request provisional status for one year to meet the requirements. *RCW 28A.195.010; WAC 180-90-139.*
- Private schools shall report the school's attendance to the educational service district superintendent by June 30th of each year on forms provided. *RCW 28A.195.060.*
- Private schools shall take appropriate measures to safeguard all permanent records against loss or damage. *RCW 28A.195.010(5).*
- Private K–12 schools must provide parents access to academic, attendance, and disciplinary records, absent a court order to the contrary. Neither parent may veto the access requested by the other parent. *RCW 26.09.225.*
- The county governing authority and the development disability board shall be eligible to obtain confidential information from private schools to provide requisite services for the developmentally disabled. *RCW 71A.14.070.*
- Private schools must maintain up-to-date immunization records for each student in attendance. *RCW 28A.210.080.* See *Health and Safety Requirements*, below.

- Private schools must maintain up-to-date policy statements regarding the administration and operation of the school. All decisions of policy, philosophy, school rules, and administration, unless specifically regulated under *RCW 28A.195.010*, are the responsibility of the administration of the particular private school. *RCW 28A.195.010(8) et seq.*
- Private schools may appeal the actions of the state superintendent of public instruction or the state board of education. *RCW 28A.195.030*.

### **Health and Safety Requirements**

- Attendance at private schools is conditioned upon proof of either (1) full immunization; (2) the initiation of compliance with a schedule of immunization; or (3) a certificate of exemption. *RCW 28A.210.080*.
- A private school's chief administrator, or his designee, shall (1) retain each child's proof of immunization or certification of exemption while the child is enrolled; (2) retain records for three years of each child excluded from school for failure to comply with the immunization requirements; (3) file a written annual report on forms provided by the Department of Health on the immunization status of students enrolled; and (4) allow agents of the state and local health departments to access the records during business hours for the purpose of inspection and copying. *RCW 28A.210.110*.
- Prior to the exclusion of a child, the private school must provide written notice to the parent or guardian concerning: (1) the immunization requirements; (2) prohibited attendance until compliance; (3) procedural due process rights as required by the state; and (4) immunization services available through the local health department and other public agencies. *RCW 28A.210.120*.
- Private K–12 schools may administer oral medication to students but are not required to do so. If a private school administers medication, the school must adopt policies, under the advice of a licensed physician or nurse, addressing: (1) the designated responsible employees; (2) parental requests and instructions; (3) in the case of medication for more than 15 consecutive school days, a dentist's or physician's request and instructions; (4) identification of medicine; (5) safekeeping of medicines; and (6) maintaining records of the administration of medication. Parental and dentist/physician requests must be in writing and current. Employees administering medication must be trained by a professional and take precautions to determine that the medication appears to be in its original container and properly labeled. *RCW 28A.210.260*.
- Private school employees administering oral medication to a student in compliance with state requirements are not liable in any criminal action or civil action for damages. The administration of oral medication may be discontinued without liability provided that the school's chief administrator or his designee has given notice in advance of the date of discontinuance to the parent or guardian. *RCW 28A.210.270*.
- Private schools may provide for, but are not required to, the catheterization of students without liability provided they comply with requirements adopted by the state nursing care quality assurance commission, the school's own written policies, and state requirements. *RCW 28A.210.280, 290, 295; 41.56, 59*.

## State Regulation of Private Schools—Washington

- State grants awarded to school districts under the Substance Abuse Awareness Program for drug and alcohol abuse prevention and intervention programs may be used to provide services for students enrolled in approved private schools. *RCW 28A.170.090(2)*.
- By statute, the Liquor Control Board does not intend to issue a retail liquor license to a proposed licensee if it would adversely affect an approved private school located within 500 feet. If a license is issued, the board will inform the private school of the reasons for issuing the license. *RCW 66.24.010(9)*.
- The physical facilities of a private school must be adequate to meet the program offered by the school. Each school building must meet reasonable health and fire safety requirements. *RCW 28A.195.010(6)*.
- It is a criminal act in Washington to threaten to bomb or otherwise injure any private school, or to communicate any information concerning such a threat knowing the information is false with an intent to cause alarm. *RCW 9.61.160*.
- The superintendent of public instruction, through a superintendent of schools of any school district or an office or board performing like functions, may appoint a school patrol from the student body of a private school to assist in school children crossing public highways. *RCW 46.61.385*.
- Persons intentionally manufacturing, selling, delivering or possessing a controlled substance to a person in a school, school bus, within 1,000 feet of a school bus stop, or within 1,000 feet of the perimeter of the school grounds, may receive up to twice the usual fines and imprisonment. *RCW 69.50.435*.

### **Transportation**

- Local school district boards may jointly make purchases with private schools for supplies, equipment, and services, including, but not limited to, school bus maintenance services, so long as the private schools pay in advance or provide a surety bond for their proportionate share of the costs involved. *RCW 28A.320.080*.

### **Textbooks**

- Surplus texts and other education aids are available to private schools. *RCW 28A.335.180*.
- Private schools have the same rights as any other person to submit bids for the rental, lease, or sale of surplus real property owned by the local school districts. *RCW 28A.335.040; 28A.335.120*.

### **Testing**

- The state board of education shall not require private school students to meet the student learning goals, obtain a certificate of academic achievement, or a certificate of individual achievement to graduate from high school, to master the essential academic learning requirements, or to be assessed pursuant to *RCW 28A.655.061*. However, private schools may choose, on a voluntary basis, to have their students master these essential academic learning requirements, take the assessments, and obtain a certificate of academic achievement or a certificate of individual achievement. *RCW 28A.195.010*.

### **Special Education**

- “In addition to services to private school students who are unilaterally enrolled by their parents, private school students and homeschooled students are entitled to enroll on a part-time basis in their resident district and receive special education and related services for which they are enrolled, pursuant to Chapter [392-134 WAC](#).” WAC 392-172A-04000 thru 04015 and 392-172A-04075.
- “No services, material, or equipment of any nature shall be provided to any private school or agency subject to sectarian (i.e., religious) control or influence.” In addition, “No services, material, or equipment of any nature shall be provided to students on the site of any private school or agency subject to sectarian control or influence.” WAC 392-172A-04075.

### **Nursing and Health**

- The superintendent of public instruction with regard to public schools and the state board of education with regard to private schools, in consultation with the state board of health, shall each adopt rules pursuant to Chapter [34.05 RCW](#) that establish the procedural and substantive due process requirements governing the exclusion of children from schools pursuant to [RCW 28A.210.120](#). RCW 28A.210.160.

### **Technology**

- There is no state policy at this time.

### **Professional Development**

- A holder of a certificate subject to expiration may renew such certificate subject to the rules in effect at the time of such renewal, unless otherwise stipulated by the provisions of [WAC 181-79A-123](#). WAC 181-79A-127; [RCW 28A.410.010](#).

### **Reimbursement for Performing State/Local Functions**

- There is no state policy at this time.

### **Tax Exemption**

- To qualify for exempt tax status for real or personal property, private schools must file an initial application on or before March 31 with the Washington State Department of Revenue. To requalify, applicants must file an annual renewal application on or before March 31. Schools must annually file an affidavit on prescribed forms certifying the exempt status of the property. When a school acquires real property qualified for the exemption or converts real property to exempt status, the school must file an initial application for the property within 60 days, or bear a late filing penalty. Computer software is specifically exempt from property taxation by statute. [RCW 84.36.815](#), [84.36.600](#).

### **Public Aid for Private Education**

- **Constitutional Provisions:** "All schools maintained or supported wholly or in part by the public funds shall be forever free from sectarian control." *Wash. Const. Art. IX, §4.*

"No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or the support of any religious establishment...."  
*Wash. Const.* Art. I, §11.

- **Programs for financial assistance for attendance at private schools:** There are no such programs at this time.

### **Homeschooling**

- Each parent whose child is receiving home-based instruction shall have the duty to: 1) File annually a signed declaration of intent to homeschool his or her child, including whether a certified person will be supervising the instruction; 2) Ensure that test scores or annual academic progress assessments and immunization records are forwarded to any public or private school to which the student may later transfer; 3) Ensure that a standardized achievement test approved by the state board of education is administered annually to the child by a qualified individual or that an annual assessment of the child's academic progress is written by a certificated person who is currently working in the field of education. If, as a result of the annual test or assessment, it is determined that the child is not making reasonable progress consistent with his or her age or stage of development, the parent shall make a good faith effort to remedy any deficiency. *RCW 28A.200.010*.
- All decisions relating to philosophy or doctrine, selection of books, teaching materials and curriculum, and methods, timing, and place in the provision or evaluation of home-based instruction shall be the responsibility of the parent except for matters specifically referred to in *RCW 28A.200.010*; *28A225.010*. *RCW 28A.200.020*. Furthermore, the legislature recognizes that home-based instruction is less structured and more experimental in nature than instruction normally provided in a classroom setting. Therefore, the provisions relating to the nature and quantity of instructional and related educational activities shall be liberally construed. *RCW 28A.225.010(4)*.
- Home-based instruction shall consist of planned and supervised instructional and related educational activities, including a curriculum and instruction in the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of an appreciation of art and music, provided for a number of hours equivalent to the total annual program hours per grade level established for approved private schools under *RCW 28A. 195.010*.
- The instruction must be provided by the parent who is instructing only his or her own child and supervised by a certificated person; or provided by the parent who is instructing only his or her own child and who has earned either 45 college level quarter credit hours or its equivalent in semester hours or has completed a course in home-based instruction at a postsecondary institutions or vocational-technical institute; or provided by a parent who is deemed sufficiently qualified to provide home-based instruction by the superintendent of the local school district in which the child resides. *RCW 28A.225.010(4)*.

### **Information resources**

- [Washington Office of the Superintendent of Public Instruction: Office of Private Education](http://www.k12.wa.us/PrivateEd/default.aspx) <<http://www.k12.wa.us/PrivateEd/default.aspx>>

## State Regulation of Private Schools—Washington

- [Washington Office of the Superintendent of Public Instruction: Private Schools Statutes and Regulations](#)  
<<http://www.k12.wa.us/PrivateEd/PrivateSchools/regulations.aspx>>
- [Washington Office of the Superintendent of Public Instruction: Home Based Instruction Regulations](#)  
<<http://www.k12.wa.us/PrivateEd/HomeBasedEd/regulations.aspx>>
- [Revised Code of Washington](#) <<http://apps.leg.wa.gov/rcw/>>
- [Washington Administrative Code](#) <<http://apps.leg.wa.gov/wac/>>
- Washington Office of the Superintendent of Public Instruction  
Old Capitol Building  
600 Washington Street, S.E.  
P.O. Box 47200  
Olympia, WA 98504-7200  
Phone: 360-725-6000  
Fax: 360-753-6712  
TTY: 360-664-3631  
Web site: <http://www.k12.wa.us/>
- U.S. Department of Education, [Washington](#)

*Updated December 5, 2008*

# WEST VIRGINIA

## **Accreditation/Registration/Licensing/Approval**

- No requirements for *Accreditation*.
- *Registration* is optional.
  - *Registration* is one option for a nonpublic school to operate in West Virginia as noted in *WV Code §18-8-1* paragraph (k), the first section of state law involved.
  - Schools may "register" with the state superintendent of schools. If a school registers to operate, it follows Chapter 18, Article 28, and administers a comprehensive test of basic skills on an annual basis. If a school complies with Article 28, no other education provisions apply except requirements respecting fire, safety, sanitation and immunization. *WV Code §18-28-6*. See *Curriculum* and *Testing*, below.
- No requirements for *Licensing*.
- *Approval* is optional.
  - *Approval* is a second option for a nonpublic school to operate in West Virginia as noted in *WV Code §18-8-1* paragraph b), the first section of state law involved.
  - Schools may seek "approval" to operate from the local board of education. See *Curriculum, Recordkeeping/reports*, and *Testing*, below.
  - Attendance at an approved or registered private or parochial school exempts students from compulsory public school attendance. *WV Code §18-8-1*.
- In order to operate as a nonpublic school in West Virginia the entity must register with the state superintendent of schools or seek approval from the local board of education.

## **Teacher Certification**

- Teacher certification is not required for teachers at private schools.

## **Length of School Year/Days**

- "Approved" private and parochial schools serving students in lieu of public school must be open for a time equal to the county school term. *WV Code §18-8-1*.
- Private, parochial or church schools that are "registered" must observe a minimum instructional term of 180 days with an average of five hours of instruction per day. *WV Code §18-28-2*.

## **Curriculum**

- All nonpublic schools—private, parochial, or denominational—whether approved or registered are required to provide at least one year of instruction in West Virginia history prior to completion of the eighth grade. In addition, such schools must require regular courses in the history of the United States in civics, the Constitution and the government of both West Virginia and the United States by the completion of the

twelfth grade. The boards of private, parochial, and denominational schools have a duty to prescribe courses covering these subjects similar to those required in the public schools. *WV Code §18-2-9.*

- Private, parochial, and church schools that elect to administer a standardized test on an annual basis in lieu of approval requirements must establish curriculum objectives and provide an instructional program to develop the students' potential for becoming literate citizens. *WV Code §18-28-3.* See *Testing*, below.
- All nonpublic schools, private and parochial schools are required to use a state prescribed course of study in fire prevention. *WV Code §18-2-8.*
- Driver education courses offered by all nonpublic schools, private, parochial, or denominational schools, must comply with minimum standards established by the State Board of Education. *WV Code §18-6-3.*
- The basic language of instruction for all approved and registered private and parochial schools is the English language. *WV Code §18-2-7.*
- All nonpublic secondary schools may elect to join the West Virginia Secondary School Activities Commission for interscholastic athletic events and band activities on the same basis as public schools. *WV Code §18-2-25.*

### **Recordkeeping/Reports**

- "Approved" private and parochial schools serving students in lieu of public school are required to furnish county boards of education any information and records requested regarding attendance, instruction, and progress of pupils under 16 years of age. *WV Code §18-8-1* (Exemption b).
- Registered private, parochial and church schools are required to maintain annual attendance and disease immunization records for each pupil enrolled. Attendance records must be made available to parents or guardians. Upon request of the county superintendent of schools, the school must furnish a list of names and addresses of all students between 6 and 16 years of age. *WV Code §18-28-2.*
- New schools operating under Chapter 18, Article 28, must send the State superintendent of schools a notice of intent to operate, name and address of the school, and name of the school's chief administrator. Schools must also notify the Superintendent upon termination. *WV Code §18-28-5.*

### **Health and Safety Requirements**

- County boards of education may provide screening tests for vision, hearing, speech and language disabilities upon request for children entering nonpublic schools. *WV Code §18-5-17(a).*
- Registered private, parochial and church schools are subject to reasonable fire, health, and safety inspections by state, county, and municipal authorities as required by law. *WV Code §18-28-2.*
- The state fire marshal will inspect all private schools for fire exits and reasonable safety standards and report his findings and recommendations to the proper administrative heads. *WV Code §29-3-12(d).*
- A person 18 or older convicted of a felony for distribution of a controlled substance within 1,000 feet of the real property of a private elementary or secondary school, if incarcerated, is ineligible for parole for three years. *WV Code §60A-4-406(a).*

- It is a misdemeanor to possess a firearm or other deadly weapon on a school bus or in or on any school building, structure, facility or grounds, except for law enforcement officers in their official capacity, persons authorized by the county board of education or school principal to conduct a program with a valid education purpose, and under some circumstances a person possessing or leaving locked-up an unloaded firearm or other deadly weapon in a motor vehicle. It is a felony to possess any firearm or any other deadly weapon with the intent to commit a crime. Revocation or denial of a motor vehicle license or instruction permit is among possible penalties. It is a misdemeanor for a parent, custodian or legal guardian of a minor, who knows that the minor has violated this provision, or has reasonable cause to believe that a violation is eminent, not to report the belief to the school or law enforcement officials. *WV Code §61-7-11a.*

### **Transportation**

- County boards of education have the authority to provide at public expense transportation for all school age children who live more than two miles distance from school. *WV Code §18-5-13(60)(a).*
- Registered private, parochial, and church schools must comply with the West Virginia school bus safety regulations. *WV Code §§ 18-28-2.*

### **Textbooks**

- County boards of education may provide state-adopted textbooks for pupils enrolled in private schools whose parents are unable to provide textbooks. *WV Code §18-5-21b.*

### **Testing**

- Registered private, parochial and church schools may elect to administer a standardized test on an annual basis in lieu of approval requirements. The school administrator may select the comprehensive test of basic skills, the California Achievement Test, the Stanford Achievement Test or the Iowa Tests of Basic Skills and Tests of Achievement and Proficiency. All students between the ages of 7 and 16 must be tested. Student test results and the school composite test results must be made available to parent or guardians. Upon request, the school composite test results must be furnished to the state superintendent of schools. Each of these schools must establish curriculum objectives and provide an instructional program to develop the students' potential for becoming literate citizens. If a school's composite test results fall below the 40th percentile, the school must initiate a remedial program. If the results are not raised above the 40th percentile level after two consecutive calendar years, attendance at the school may no longer satisfy the compulsory school attendance requirement. *WV Code §18-28-3.* Private, parochial or church schools complying with these provisions may participate in any state-operated program made available by law. *WV Code §18-28-4.*

**Special Education**

- The state superintendent of schools is responsible for assuring that all exceptional children in private schools receive an education in accordance with state and federal laws. *WV Code §18-20-5(5)*.

**Nursing and Health**

- There is no state policy at this time.

**Technology**

- There is no state policy at this time.

**Professional Development**

- There is no state policy at this time.

**Reimbursement for Performing State/Local Functions**

- There is no state policy at this time.

**Tax Exemption**

- The sale of textbooks, tangible personal property and services for nonprofit elementary and secondary schools, and food bought for and sold to students is exempt from consumers sales tax. *WV Code §11-15-9*.

**Public Aid for Private Education**

- **Constitutional provisions:** There is no relevant provision.
- **Programs for financial assistance for attendance at private schools:** There is no such program at this time.

**Homeschooling**

- If the homeschool provider seeks local board approval as noted in *WV Code §18-8-1* paragraph c), paragraph (1), home instruction must be in the home of the child to be instructed or in another approved location and must be for a time equal to the school term of the county.
- If the homeschool provider chooses to file a notice of intent to homeschool as noted in *WV Code §18-8-1* paragraph c), paragraph (2), the person or persons providing home instruction must file a notice of intent to prove home instruction that contains the name, address, and grade level of the child to be instructed. The notice of intent shall be given at least two weeks prior to withdrawing the child from a public school. *WV Code §18-8-1 (a); (b)(2)*
- The person or persons providing the instruction must submit satisfactory evidence of a high school diploma or its equivalent. The person providing home instruction must outline a plan of instruction for the ensuing school year. *WV Code §18-8-1 (b)(2)(3)*.
- The person or persons providing the instruction shall annually obtain an academic assessment of the child for the previous school year. This can be satisfied by 1) an approved standardized test; 2) participating in the state's testing program; 3) a written narrative indicating that a portfolio of samples of the child's work has been reviewed by a certified teacher, and that the child's academic progress is in accordance with the

child's abilities; or 4) evidence of an alternative assessment of the child's proficiency mutually agreed upon by the parent and the superintendent. The assessment of progress must be submitted on or before the 30 of June of the school year covered by the assessment. *WV Code §18-8-1 (b)(4)*.

- The superintendent or a designee shall offer such assistance, including textbooks, other teaching materials and available resources, as may assist the person or persons providing home instruction subject to their availability. Any child receiving home instruction may, upon approval of the county board of education, exercise the option to attend any class offered by the county board of education as the person or persons providing home instruction may deem appropriate subject to normal registration and attendance requirements. *WV Code §18-8-1 (b)(4)(iii)*.

### **Information resources**

- [West Virginia Code](#)  
Chapter 18 Education  
[Article 8: Compulsory School Attendance](#)  
<<http://www.legis.state.wv.us/WVCODE/Code.cfm?chap=18&art=8#08>>  
[Article 28: Private, Parochial, or Church](#)  
<<http://www.legis.state.wv.us/WVCODE/Code.cfm?chap=18&art=28#28>>
- West Virginia Department of Education  
Building 6, Room 358  
1900 Kanawha Boulevard East  
Charleston, WV 25305-0330  
Phone: 304-558-2681  
Fax: 304-558-0048  
Web site: <http://wvde.state.wv.us/>
- U.S. Department of Education, [West Virginia](#)

*Updated December 12, 2008*

# WISCONSIN

## Accreditation/Registration/Licensing/Approval

- *Accreditation* is optional.
  - Private schools that participate in the Milwaukee Parental Choice Program under s. 119.23, Wis. Stats., are required to either: (1) achieve accreditation by the Wisconsin North Central Association, the Wisconsin Religious and Independent Schools Accreditation, the Independent Schools Association of the Central States, The Archdiocese of Milwaukee, the Institute for the Transformation of Learning at Marquette University or any other organization recognized by the National Council for Private School Accreditation by December 31, of the third year of the school's participation in the Milwaukee Parental Choice Program; or (2) have been approved for scholarship funding for the 2005–06 school year by Partners Advancing Values in Education (PAVE). *Wis. Stats.* §119.23(2)(a)7.
  - Private schools that do not participate in the Milwaukee Parental Choice Program are not required to be accredited.
  - If an accrediting agency submits an affidavit that a private educational institution meets the criteria of *Wis. Stats.* §118.165 and the state superintendent determines that the institution does meet or exceeds the criteria, the superintendent shall determine that the institution is a private school. *Wis. Stats.* §118.167.
- No requirements for *Registration*.
- No requirements for *Licensing*.
- *Approval* is optional.
  - An institution may request the state superintendent to approve its educational program as a private school. The state superintendent must base his or her approval solely on whether the educational program meets the following criteria: 1) the primary purpose is to provide private or religious-based education; 2) the program is privately controlled; 3) the program provides at least 875 hours of instruction each school year; 4) the program provides a sequentially progressive curriculum of fundamental instruction in reading, language arts, mathematics, social studies, science and health; 5) the program is not operated or instituted to circumvent the compulsory school attendance requirement; and, 6) the pupils return home annually for not less than 2 months of summer vacation, or the institution is a licensed child welfare agency. *Wis. Stats.* §118.165(2).

## Teacher Certification

- Private schools are not obligated to employ licensed or certified teachers. However, the State Superintendent of Public Instruction has the authority to license or certify teachers employed at private schools. *Wis. Stats.* §115.28(7)(b).

- Teachers employed by a school participating in the Milwaukee Parental Choice Program are required to have graduated from high school or been granted a declaration of equivalency of high school graduation. *Wis. Stats.* §119.23(2)(a)6.

### **Length of School Year/Days**

- According to Wisconsin's statutory definition of private school, a private school must provide at least 875 hours of instruction each school year. *Wis. Stats.* §118.165(c).

### **Curriculum**

- According to Wisconsin's statutory definition of private school, the private school must provide a sequentially progressive curriculum of fundamental instruction in reading, language arts, mathematics, social studies, science and health. This requirement does not mandate teachings in conflict with the school's religious doctrines or exclude any teachings consistent with the school's religious doctrines. *Wis. Stats.* §118.165(d).
- Private schools must display the U.S. flag during the school hours of each school day. Each private school must offer the pledge of allegiance or the national anthem in grades 1–12 each school day unless the governing body of the private school determines that the requirement conflicts with the school's religious doctrines. No student may be compelled to recite the pledge or sing the anthem against the pupil's objections or those of the pupil's parent or guardian. *Wis. Stats.* §118.06.
- The school board of a school district operating high school grades shall allow a pupil enrolled in a private school, who has met the school district's standards for admission to high school, to take up to two courses during each school semester if the pupil resides in the school district in which the public school is located and if the school board determines that there is sufficient space in the classroom. *Wis. Stats.* §118.145(4).

### **Recordkeeping/Reports**

- By October 15, private school administrators must report to the Department of Public Instruction the school enrollment on the third Friday of September. Based on this information, the Department will prepare reports to enable the private schools to make projections for school buildings, teacher supply, and necessary funds. In addition, private schools must report whether the school meets the criteria under *Wis. Stats.* §118.165(1) (cited above). Reporting forms are provided by the Department. *Wis. Stats.* §115.30(3).
- Private schools must maintain records required under *Wis. Stats.* §115.30(2) and *Wis. Stats.* §120.18. Records must be open to inspection of school attendance officers. When requested by a school attendance officer, the private school must provide information regarding any pupil enrolled. *Wis. Stats.* §118.16(3).
- Private schools must provide all necessary information and reports to the local school board, when requested, to assist in coordinating public and private school bus transportation. *Wis. Stats.* §121.56.
- Also see *Health and Safety Requirements* regarding annual reports of fire drills.

### **Health and Safety Requirements**

- Private school buildings may be inspected for communicable diseases under a warrant. *Wis. Stats.* §252.02(1).
- The Wisconsin Department of Health Services (DHS) may close a private school to control outbreaks or epidemic. *Wis. Stats.* §252.02(3).
- During a disease outbreak, the DHS may order a private school to exclude students who are not immunized. *Wis. Stats.* §252.04(7).
- If a teacher, school nurse or principal of any school or day care center knows or suspects that a communicable disease is present in the school or center, he or she shall at once notify the local health officer. *Wis. Stats.* §252.21(1).
- By the 15th and 25th day after admission to school, a private school must provide written notification to the parent or guardian of a pupil who has not met the state's requirements for immunizations or received a waiver from the requirements. The school is required to notify the district attorney of the county in which the pupil resides of any minor student who fails to provide evidence of required immunizations or a written waiver within 60 days after being admitted to the school. *Wis. Stats.* §252.04.
- Private schools are required to conduct fire drills monthly unless inclement weather endangers the health of the students. Private schools are required to conduct tornado or other hazard drills at least twice annually. The governing body of the private school shall maintain for at least seven years a record of each fire drill and tornado or other hazard drill conducted. In each community having a recognized fire department, the private school shall annually file a report pertaining to such drills, on a form furnished by the Wisconsin Department of Commerce, with the chief of the fire department. When no fire drill is held during any month, or when only one or no tornado or other hazard drill is held in a year, the person having direct charge of the school shall state the reasons in the report. *Wis. Stats.* §118.07(2).
- At the beginning of the 2006–07 to 2011–12 school years, each private school shall provide the parents and guardians of pupils enrolled in grades 6 to 12 in the school with information provided by the Department of Public Instruction about meningococcal disease, including the causes and symptoms of the disease, how it is spread, and how to obtain additional information about the disease and the availability, effectiveness, and risks of vaccinations against the disease. At the beginning of the 2012–13 school year and each school year thereafter, each private school shall provide the parents and guardians of pupils enrolled in grade 6 in the school district or school with the information. *Wis. Stats.* §118.07(3).
- The administrator of a private school is required to report to the state superintendent certain instances of engagement in immoral conduct by school employees and convictions of school employees of certain crimes. *Wis. Stats.* §115.31.
- No person may possess or consume alcoholic beverages on private school premises, in a school's motor vehicle if a pupil is present, or at a school-sponsored activity unless approved by the school administrator in writing and consistent with applicable laws and school policies. *Wis. Stats.* §125.09.
- Licenses to serve or sell alcoholic beverages may be restricted on premises located within 300 feet of a private school. *Wis. Stats.* §125.68(3).

- Private school employees are prohibited from conducting a strip search of any pupil. *Wis. Stats.* §118.32; 948.50.
- Private schools must maintain a standard first aid kit for emergencies. *Wis. Stats.* §118.07(1).
- School warning signs will be placed on any street or highway bordering a private school by the applicable authority. The authority may also designate school crossings across any street or highway whether or not it borders on the grounds of a school. *Wis. Stats.* §118.08.
- Private school administrators, principals, pupil services professionals, and teachers are not liable for referring pupils to law enforcement authorities or removing pupils from school or school-sponsored activities for suspicion of possession, distribution or consumption of alcohol or a controlled substance or a controlled substance analog. *Wis. Stats.* §118.257.
- A private school employee or volunteer, with written authorization from the private school administrator or principal, may administer certain over the counter and prescription drugs to a pupil under certain circumstances and with specified written instructions and consent from the student's parent or guardian or practitioner. The private school administrators and principals as well as the employees and volunteers so authorized are immune from civil liability unless their actions or omissions constitute a high degree of negligence. *Wis. Stats.* §118.29(2).
- A private school employee or volunteer, other than a health care professional, who in good faith renders emergency care to a pupil is immune from civil liability for his or her acts or omissions in rendering such emergency care. *Wis. Stats.* §118.29(3).
- In consultation with one or more appropriate health care professionals, the governing body of a private school whose employees or volunteers may be authorized to administer drugs or prescription drugs to pupils under this section must adopt a written policy governing the administration of drugs to pupils. *Wis. Stats.* §118.29(4).

### **Transportation**

- With some exceptions, school boards operating high schools must provide transportation for private school students if all of the following conditions are met: (1) the pupil resides two miles or more from the private school they attend; (2) the pupil resides within the private school's approved attendance area; and (3) the private school is located not more than five miles beyond the boundaries of the pupil's resident school district measured along the usually traveled route. *Wis. Stats.* §121.54(2)(b).
- By April 1 of each year, each private school must submit its proposed attendance area for the next school year to the school board of each school district having territory within the proposed attendance area. If no proposal is submitted, the existing attendance area remains in effect. *Wis. Stats.* §121.54(2)(b)3.
- The attendance areas of private schools affiliated with the same religious denomination may not overlap unless one school limits its enrollment to pupils of the same sex and the other school limits its enrollment to pupils of the opposite sex or admits pupils of both sexes. *Wis. Stats.* §21.51(1).
- By May 15 of each year, each private school must notify the school board of the names, grade levels, locations of all pupils, if any, eligible to have transportation for

the next term. The deadline may be extended by the school board. *Wis. Stats.* §151.54(2)(b)4.

- School boards providing transportation to private school pupils may do so by contract with the proper officials of any private school, school association or the parent or guardian of the pupil to be transported. *Wis. Stats.* §121.55.
- School boards may provide transportation for private school extracurricular activities if the private school reimburses the board for the costs. *Wis. Stats.* §121.54(7).
- The local school board coordinates public and private school transportation to ensure the safety and welfare of the pupils. *Wis. Stats.* §121.56.
- Private schools operating school buses must maintain an insurance policy covering bodily injury and property damage. *Wis. Stats.* §121.53.

#### **Textbooks**

- There is no state policy at this time.

#### **Testing**

- Assessment is not required for pupils attending private schools with the exception of limited assessment requirements for pupils attending private schools under the Milwaukee Parental Choice Program as set out in *Wis. Stats.* §119.23(7)e.
- Private schools may purchase the Wisconsin Knowledge and Concepts Examination (WKCE) directly from the vendor. The WKCE is a customized instrument designed for use in public schools to measure student performance and to comply with the federal *ESEA* assessment requirements.

#### **Special Education**

- Wisconsin may authorize the payment of board, lodging, and transportation costs for students with disabilities who are enrolled by a public agency in private, nonsectarian special educational programs. *Wis. Stats.* §115.88(3).

#### **Nursing and Health**

- There is no state policy at this time.

#### **Technology**

- The Department of Public Instruction is required to make online courses available for a reasonable fee, through a statewide web academy, to private schools located in Wisconsin. *Wis. Stats.* §115.28(53).
- The Wisconsin Department of Administration is required to provide subsidized access to data lines and video links to educational agencies including private schools. *Wis. Stats.* §16.997.

#### **Professional Development**

- The Department of Public Instruction is required to develop and conduct training programs for the professional staff of public and private schools in the following subject areas: (1) alcohol and other drug abuse prevention, intervention and instruction programs; (2) suicide prevention programs; and (3) protective behaviors programs and anti-offender programs. The Department is also required to provide

consultation and technical assistance to private schools for the development and implementation of these programs and their coordination with those programs of state and local agencies. *Wis. Stats.* §§115.36, 115.365 and 115.368.

### **Reimbursement for Performing State/Local Functions**

- See information under *Special Education* above.

### **Tax Exemption**

- Property owned and used exclusively by educational institutions offering regular courses six months in the year; or by churches or religious, educational or benevolent associations may be exempt from general property taxes. *Wis. Stats.* §7.011(4).

### **Public Aid for Private Education**

- **Constitutional provisions:** The *Wisconsin Constitution* prohibits any withdrawal from the state treasury for the benefit of religious societies or religious or theological seminaries. *Wis. Const.*, Art. 1, Sec. 18. The term "religious seminaries" has been interpreted to include nonpublic schools where religious instruction is provided. *State ex rel. Reynolds v. Nusbaum* 115 N.W.2d 761 (Wis. 1962). Wisconsin's Constitution expressly permits the state legislature to provide for the transportation of children to and from any parochial or private school. *Wis. Const.*, Art. 1, Sec. 23. Parent or guardians may request the school board to provide a child with a program modification which includes enrollment in any nonsectarian private school located in the school district which complies with federal civil rights laws. *Wis. Stats.* §118.15(1)(d).
- **Programs for financial assistance for attendance at private schools:** The Milwaukee Parental Choice Program (MPCP) provides state aid payments to parents who attend participating private schools in Milwaukee. To be eligible, students must be from families who reside in Milwaukee and whose household income does not exceed 175 percent of the federal poverty level. A student participating in the program, and whose family income increases, may remain in the program until the family's income exceeds 220 of the federal poverty level. Participating private schools may not charge eligible students tuition to attend the school.

### **Homeschooling**

- A parent, guardian, or designee has the right to select a home-based private education program for his or her child or children, in order to comply with the compulsory school attendance law. *Wis. Stats.* §118.15 (4).
- An instructional program provided to more than one family unit does not constitute a home-based private educational program. *Wis. Stats.* §115.001 (3g).
- Annually by October 15, the parent or guardian is required to submit a statement of enrollment in the home-based educational program by completing and submitting a form to the Wisconsin Department of Public Instruction. *Wis. Stats.* §115.30(3).
- The program of instruction must provide a sequentially progressive curriculum of fundamental instruction in reading, language arts, mathematics, social studies,

science, and health for at least 875 hours each year. Testing of students is not mandatory under Wisconsin law. A student enrolled in a home-based private educational program may pursue the requirements for a GED certificate but do not receive a traditional Wisconsin high school diploma. *Wis. Stats.* §118.165 (1)(d).

- Home-based private education students are allowed to attend their local public high school on a part time basis. A school district, space permitting, must admit a home-based private education student to take up to two courses per semester in the high school in which the student is a resident. Students must satisfy the high school admission standards of the school district. *Wis. Stats.* §118.145(4).
- A home-based private educational program is not a private school under state law.

#### **Information resources**

- [Wisconsin Department of Public Instruction: Private Schools Information](http://www.dpi.wi.gov/sms/private.html)  
<http://www.dpi.wi.gov/sms/private.html>
- [Wisconsin Department of Public Instruction: Home Based Private Education Program \(Home Schooling\)](http://www.dpi.wi.gov/sms/homeb.html) <http://www.dpi.wi.gov/sms/homeb.html>
- [Wisconsin Statutes](http://www.legis.state.wi.us/rsb/Statutes.html) <http://www.legis.state.wi.us/rsb/Statutes.html>
- Wisconsin Department of Public Instruction  
125 South Webster Street  
P.O. Box 7841  
Madison, WI 53707-7841  
Phone: 608-266-3390  
Toll-Free: 800-441-4563  
Fax: 608-267-1052  
Web site: <http://dpi.wi.gov/>
- U.S. Department of Education, [Wisconsin](#)

*Updated February 25, 2009*

# WYOMING

## **Accreditation/Registration/Licensing/Approval**

- No requirement for *Accreditation*.
- No requirement for *Registration*.
- *Licensing* is mandatory.
  - The Wyoming Department of Education is charged with the responsibility of licensing all private schools with the exception of religious K–12 schools. W.S. §21-2-401(c).
  - A license issued to a private school permits the school to solicit (with agent license), offer, and maintain courses of instruction. *Chapter 18, Section 5(c), Wyoming Department of Education Rules and Regulations*.
  - The licensing provisions, W.S. §21-2-401 through W.S. §21-2-407, authorize minimum standards, degree, performance bond, and requirements.
  - The provisions do not apply to private K–12 parochial, church or religious schools, W.S. §21-2-406(a)(i)(A); home-based educational programs defined by W.S. §21-4-101(a)(v), *See W.S. §21-2-406(a)(ii)*; aircraft flight training schools approved and authorized by the federal aviation agency of the United States of America W.S. §21-2-406(a)(iii); or a non-degree-granting school teaching techniques of outdoor recreation, leadership, ecology or conservation domiciled in the state of Wyoming. W.S. §21-2-406(a)(iv).
  - The private school must submit evidence of compliance with the licensing requirements stated in W.S. §21-2-401 through W.S. §21-2-407 and an application on such forms required by the State Department of Education. Each year, the private school must submit an application to renew the license by July 1 using the forms prescribed by the State Department of Education along with a \$200 application or renewal fee. *Chapter 18, Section 17, Wyoming Department of Education Rules and Regulations*.
- No requirement for *Approval*.

## **Teacher Certification**

- Teacher certification is not mandatory for K–12 private schools. If a staff member does not qualify for certification a school must notify all parents that the teacher is not certified by the state. *Chapter 18, Section 12, Wyoming Department of Education Rules and Regulations*.

## **Length of School Year/Days**

- K–12 private schools must be open during the entire time that the public schools are in session in the district in which the pupil resides in order to satisfy compulsory attendance law. (Public schools are required by statute to operate 175 days each school year unless an alternative schedule is approved by the state board.) W.S. §§21-4-102(a); 21-4-301.

### **Curriculum**

- Applicable only to K–12 private schools, all students in licensed nonreligious private schools must meet the student performance standards at the level set by the school in: (a) language Arts; (b) social studies; (c) mathematics; (d) science; (e) fine arts and performing arts; (f) physical education; (g) health and safety; (h) humanities; (i) career options; (j) foreign cultures including language; and, (k) applied technology. *Chapter 18, Section 7, Wyoming Department of Education Rules and Regulations.*
- Applicable only to K–12 private schools, all students in licensed nonreligious private schools must meet the student performance standards at the level set by the school in the following skills: (a) problem solving; (b) interpersonal communications; (c) keyboarding and computer applications; (d) critical thinking; (e) creativity; (f) life skills, including cardiopulmonary resuscitation. *Chapter 18, Section 8, Wyoming Department of Education Rules and Regulations.*
- Applicable only to K–12 private schools, Wyoming curriculum requirements “do not require any private school or home-based educational program to include in its curriculum any concept, topic or practice in conflict with its religious doctrines...” W.S. §21-4-102(a)(vi).
- Licensed nonreligious, K–12 private schools must provide instruction in the essentials of the United States Constitution and the Constitution of the State of Wyoming, including the study of and devotion to American institutions and ideals. *Chapter 18, Section 9, Wyoming Department of Education Rules and Regulations.*

### **Recordkeeping/Reports**

- Applicable only to K–12 private schools, private schools must provide an annual report to the State Board of Education that includes: (a) Dropout rates for grades 9 through 12; (b) School averages for standard achievement tests given to all students or classes within the school; (c) The number of hours of classroom instruction during the school year by grade level kindergarten through 12; (d) The school’s recommended course of study for college-bound students and percent of students who have successfully completed the course of study; (e) The types of and number of participants in parent and community involvement programs within the school; (f) The number of parental visits to the schools; (g) The number of students involved in extra-curricular activities and events; (h) The percentage of the school’s budget spent on instruction, instructional support, general support and community support; (I) School goals for the year; (j) A description of efforts being made to reform, restructure and improve the educational quality and equity in the school, including teacher recommendations; (k) Any other information the school believes relevant to the parents’ understanding of the performance of the school. *Chapter 18, Section 15, Wyoming Department of Education Rules and Regulations.*

### **Health and Safety Requirements**

- Students attending K–12 private schools must provide documentary proof of immunization within 30 days after school entry. School administrators must not permit a student to attend school beyond that time without proper immunization. W.S. §21-4-309.

## State Regulation of Private Schools—Wyoming

- K–12 private schools are required to conduct a fire drill at least once every month. If a paid fire department is maintained in the area, the school must request a representative to attend and offer instruction and constructive criticism. W.S. §35-9-505.
- It is illegal to operate a commercial oil field waste disposal facility within one mile of a private school without the school's consent. W.S. §35-11-306(a)(ii).

### **Transportation**

- Applicable only to K–12 private schools, “Transportation used for students as part of the private school’s educational program shall comply with the most recent edition of Wyoming Pupil Transportation Manual.” *Chapter 18, Section 12, Wyoming Department of Education Rules and Regulations.*

### **Textbooks**

- There is no state policy at this time.

### **Testing**

- Testing is not required under the private school licensing statutes.

### **Special Education**

- State law authorizes the public placement of children in a private agency, if the local school district cannot provide the necessary and appropriate programs and services. W.S. §21-2-502.

### **Nursing and Health**

- There is no state policy at this time.

### **Technology**

- There is no state policy at this time.

### **Professional Development**

- There is no state policy at this time.

### **Reimbursement for Performing State/Local Functions**

- There is no state policy at this time.

### **Tax Exemption**

- There is no state policy at this time.

### **Public Aid for Private Education**

- **Constitutional provisions:** The Wyoming Constitution prohibits appropriations from the public school fund for any private school, or school controlled by a church or sectarian organization or religious denomination. *Wyoming Constitution* Art. 7, §8.
- **Programs for financial assistance for attendance at private schools:** There is no such program at this time.

### **Homeschooling**

- A home-based education program is instruction provided to a child by the child's parent or legal guardian or by a person designated by the parent or legal guardian. Instruction provided to more than one family unit does not constitute a home-based educational program. W.S. §21-4-101(a)(iii).
- Home-based educational programs shall provide for "a sequentially progressive curriculum of fundamental instruction in reading, writing, mathematics, civics, history, literature, and science." There is not a requirement for the inclusion of any concept, topic, or practice in conflict with the religious doctrines of the parents nor any prohibition against excluding from its curriculum any concept, topic, or practice consistent with the religious doctrines of the parents. W.S. §21-4-101(a)(vi).
- It is the responsibility of every person administering a home-based education program to submit a curriculum to the local board of trustees each year showing that the program complies with the requirements of the law. Failure to comply is evidence that the home-based program does not comply with the requirements of the law. W.S. §21-4-102(b).
- Wyoming does not require testing of home-school students but does allow homeschool students to participate in the state assessment, PAWS, at no expense to the parent or guardian. The assessment currently measures math, reading, and writing grades three through eight and eleventh grades and science at grades four, eight, and eleven. If a homeschool student would like to participate in the assessment the local district must be notified by November 1 of the year the assessment is given.

### **Information resources**

- [Wyoming Department of Education: Private School Licensure - Non-Religious K-12 Institutions](http://www.k12.wy.us/F/psl/religious.pdf) <http://www.k12.wy.us/F/psl/religious.pdf>
- [Wyoming Department of Education: Chapter 18 - Rules and Regulations on Private School Licensing for Students in Non-Religious Elementary and Secondary Schools](http://soswy.state.wy.us/Rules/RULES/5361.pdf) <http://soswy.state.wy.us/Rules/RULES/5361.pdf>
- [Wyoming Department of Education: Frequently Asked Questions Homeschool](http://www.k12.wy.us/eqa/home_school.pdf) <http://www.k12.wy.us/eqa/home\_school.pdf>
- [Wyoming Statutes](http://legisweb.state.wy.us/titles/statutes.htm) <http://legisweb.state.wy.us/titles/statutes.htm>  
Title 21: Education  
<http://michie.lexisnexis.com/wyoming/lpext.dll?f=templates&fn=main-h.htm>
- Wyoming Department of Education  
Hathaway Building  
Second Floor  
2300 Capitol Avenue  
Cheyenne, WY 82002-0050  
Phone: 307-777-7675  
Fax: 307-777-6234  
E-mail: [supt@educ.state.wy.us](mailto:supt@educ.state.wy.us)  
Web site: <http://www.k12.wy.us>
- U.S. Department of Education, [Wyoming](#)

*Updated November 24, 2008*

## APPENDIX A: TABLES ON STATE REQUIREMENTS FOR PRIVATE SCHOOLS

**TABLE A1: ACCREDITATION/REGISTRATION/LICENSING/APPROVAL**

(Summary based on information provided by the states)

<b>STATE</b>	<b>ACCREDITATION/REGISTRATION/LICENSINGAPPROVAL</b>
<b>Alabama</b>	Accreditation: Not required. The state no longer accredits private schools. Registration: Mandatory for private schools, except church private schools. Licensing: Not required. The state no longer licenses private schools. Approval: Not required. <i>Certification:</i> Required, by definition, for private schools but not church private schools to hold a certificate issued by the state superintendent of education showing that the school conforms to state regulations.
<b>Alaska</b>	Accreditation: Voluntary by regional accrediting association. <sup>a</sup> Registration: Not required. Licensing: Not required. The state is not authorized to require licensing of religious or private schools. Approval: Not required. Private schools that elect to comply with <i>Alaska Stat. §§14.45.100–130</i> are considered "exempt schools," i.e. exempt from other state education requirements.
<b>Arizona</b>	No state requirements in these areas. "Nothing in this title shall be construed to provide the state board of education or the governing boards of school districts control or supervision over private schools." <i>Ariz. Rev. Stat. Ann. §15-161.</i>
<b>Arkansas</b>	Accreditation: Voluntary. Private schools may be accredited through other organizations such as the Arkansas Nonpublic School Accrediting Association. Registration: In order to found an institution of learning a school must be incorporated under the name listed in the institution's articles of association. Licensing: Not required. Approval: Not required.
<b>California</b>	Accreditation: Voluntary. <sup>b</sup> Registration: Required, private schools are required to file an affidavit with the superintendent of public instruction annually. Licensing: Not required. Approval: Voluntary. However, nonpublic, nonsectarian special education schools that enroll both privately enrolled and public school-placed students must be certified by the California Department of Education to provide special education services.
<b>Colorado</b>	Accreditation: Voluntary. The Colorado State Board of Education allows private schools to voluntarily choose to seek accreditation by one of the state-approved private agencies. Registration: Not required. Licensing: Required. Nonpublic schools (private, non-state independent and parochial) are considered to be small businesses and must obtain a license from the Secretary of State's office to operate. Approval: Not Required.

<sup>a</sup> Alaska: state law provides for voluntary accreditation by the state department of education, but in practice, Alaska does not accredit private schools and has not adopted accreditation regulations, but has an informal agreement with the Northwest Association of Private schools and Colleges to provide accreditation to public and private schools that request accreditation.

<sup>b</sup> California: the Western Association of Schools and Colleges, one of six regional accrediting agencies in the United States, conducts a comprehensive accreditation of public and private schools and maintains a directory of accredited California schools.

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<b>STATE</b>	<b>ACCREDITATION/REGISTRATION/LICENSINGAPPROVAL</b>
<b>Connecticut</b>	Accreditation: Voluntary, but it is required in order for a school to gain state approval. Registration: Not Required. Licensing: Not Required. However, if a private school is not approved by the state and has students under the age of five then the school must obtain a daycare license from the Department of Public Health. Approval: Voluntary. In order to obtain state approval, nonpublic schools must be accredited by a state approved accrediting agency. Each accrediting agency has its own criteria for accrediting schools.
<b>Delaware</b>	Accreditation: Not required. Registration: Required for all private schools. Licensing: Not required. Approval: Not required.
<b>District of Columbia</b>	Accreditation: Voluntary. Private schools may use accreditation as “satisfactory evidence” for approval. Registration: Not required. Licensing: Not required. Approval: Required. Private schools must provide satisfactory evidence to the superintendent of schools that the amount of instruction, character of instruction, qualifications of staff and other conditions, such as class size, facilities, counseling services, and attendance record-keeping are acceptable to the Board.
<b>Florida</b>	Accreditation: Not required. Registration: Required for all private schools. Licensing: Not required. Approval: Not required.
<b>Georgia</b>	No state requirements in these areas in order to operate a nonpublic school. However, Accreditation by a state-approved agency is required for a private school to qualify for participation in the <i>Georgia Special Needs Scholarship (GSNS)</i> or <i>Georgia Private School Tax Credit</i> programs.
<b>Hawaii</b>	Accreditation: Voluntary. <sup>c</sup> Registration: Required for all private schools to obtain a charter from the State of Hawaii Department of Consumer Affairs as well as an excise tax license. Licensing: Not required, but strongly encouraged. <sup>d</sup> Approval: Not required.
<b>Idaho</b>	Accreditation: Voluntary <sup>e</sup> Registration: Not required. Licensing: Not required. Approval: Not required.
<b>Illinois</b>	Accreditation: Voluntary. Nonpublic schools that gain accreditation through a nonpublic, state-approved accrediting agency may qualify as <i>state-recognized schools</i> . Registration: Voluntary. <sup>f</sup> Licensing: Not required. Approval: <i>Recognition</i> is voluntary. A registered nonpublic school may apply for recognition after one year of registered status.

<sup>c</sup> Hawaii: private schools may seek accreditation with the Hawaii Association of Independent Schools (HAIS), the Hawaii Board of Education's accrediting agency designee Western Association of Schools and Colleges (WASC), and/or other accrediting associations that meet the requirements established by the Hawaii Council of Private Schools.

<sup>d</sup> The Hawaii Council of Private Schools performs the functions and assumes the responsibilities of the Hawaii Department of Education (HDOE) for the licensing of all private schools in Hawaii.

<sup>e</sup> Idaho: non-public schools may choose to seek accreditation with the Northwest Association of Schools and Colleges.

<sup>f</sup> Illinois: a school is registered when it has filed with the State Board of Education a "Nonpublic School Registration, Enrollment, and Staff Report." This form furnishes such evidence as required to assure compliance with federal and state laws regarding health examination and immunization, attendance, length of term, nondiscrimination, and applicable fire and health safety requirements.

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STATE	ACCREDITATION/REGISTRATION/LICENSINGAPPROVAL
<b>Indiana</b>	Accreditation: Voluntary. <sup>g</sup> Registration: Required for nonpublic schools to register with the Indiana Department of Education and be assigned a nonpublic school identification number. Licensing: Not required. Approval: <i>Recognition</i> is voluntary. The system recognizes the distinguishing characteristics of nonpublic schools and is separate from the accreditation standards available to nonpublic schools.
<b>Iowa</b>	Accreditation: Voluntary. By definition, "nonpublic school" means any school not directly supported by taxation that is accredited or which uses licensed practitioners as instructors. Registration: Not required. Licensing: Not required. Approval: Not required.
<b>Kansas</b>	Accreditation: Voluntary. Registration: Required for nonaccredited private elementary or secondary schools. Licensing: Not required. Approval: Mandatory for religious private high schools. <sup>h</sup>
<b>Kentucky</b>	Accreditation: Voluntary. <sup>i</sup> Registration: Not required. Licensing: <i>Certification</i> is voluntary for private, parochial, and church schools that comply with curriculum, certification, and textbook standards established by the Kentucky Board of Education. <i>Certification</i> is a form of licensing. Approval: Synonymous to <i>Certification</i> .
<b>Louisiana</b>	Accreditation: Not required. Registration: Required for all nonpublic schools that choose not to seek approval with the state. Licensing: Not required. Approval: Voluntary through application with the Louisiana Board of Elementary and Secondary Education.
<b>Maine</b>	Accreditation: Not required. Accreditation is permitted as one option for meeting the approval requirement. Registration: Not required. Licensing: Not required. Approval: Required. <sup>j</sup>

<sup>g</sup> The Indiana State Board of Education has established a performance-based accreditation system available to nonpublic schools. The standards for accreditation are the same standards required of all public schools.

<sup>h</sup> Kansas: Education provided at the high school level by churches or religious denominations satisfies the Kansas compulsory attendance statute if approved by the Kansas Board of Education. Approval is granted for a two-year period based on five criteria. (However, according to the Kansas Department of Education, no church or religious denomination utilizes these provisions, because they may operate as an accredited or a nonaccredited private school without the restrictions imposed under this subsection of the law.)

<sup>i</sup> Kentucky does not have an accrediting agency at the state department; however, nonpublic schools can be certified based on the accreditation of a recognized regional or national accrediting agency or by a self-study accreditation process through the Kentucky Nonpublic School Commission.

<sup>j</sup> Maine: A private school may operate as an approved private school for attendance purposes (basic school approval) if it meets hygiene, health, and safety standards and is either currently *accredited* by the New England Association of Colleges and Secondary Schools or meets applicable state requirements.

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<b>STATE</b>	<b>ACCREDITATION/REGISTRATION/LICENSINGAPPROVAL</b>
<b>Maryland</b>	<p>Accreditation: Not required.</p> <p>Registration: Required for church-exempt schools. Institutions operated by bona fide church organizations must register the name and address of the school and submit acceptable evidence of the bona fide church organization's legal authority status and certification of the legal authority's assumption of responsibility for governing and operating the nonpublic school to the Maryland Department of Education.</p> <p>Licensing: Child care and nursery schools requiring licensing.</p> <p>Approval: Certificates of approval are required in Maryland to operate "noncollegiate educational institutions," not required for church-exempt schools.<sup>k</sup></p>
<b>Mass.</b>	<p>Accreditation: Not required.</p> <p>Registration: Not required.</p> <p>Licensing: Not required</p> <p>Approval: Required for all private schools to be approved by the local education agency.</p>
<b>Michigan</b>	<p>Accreditation: Voluntary.<sup>l</sup></p> <p>Registration: Required for nonpublic schools to satisfy the compulsory school attendance statute.<sup>m</sup></p> <p>Licensing: Not required.</p> <p>Approval: Approval is required for all nonpublic schools that choose to register.</p>
<b>Minnesota</b>	<p>Accreditation: Voluntary.<sup>n</sup> Nonpublic schools accredited by an approved accrediting agency have reduced reporting requirements.</p> <p>Registration: Not required.</p> <p>Licensing: Not required.</p> <p>Approval: Not required.</p>
<b>Mississippi</b>	<p>Accreditation: Voluntary. Nonpublic schools may be accredited by independent nonpublic school accrediting agencies</p> <p>Registration: Not required.</p> <p>Licensing: Not required.</p> <p>Approval: Voluntary. Nonpublic schools may request approval by Mississippi State Board of Education.</p>
<b>Missouri</b>	<p>Accreditation: Not required.</p> <p>Registration: Required.</p> <p>Licensing: Not required.</p> <p>Approval: Not required.</p>
<b>Montana</b>	<p>Accreditation: Voluntary. Nonpublic schools may be accredited upon request by the superintendent of public instruction in the same manner as public schools.</p> <p>Registration: Not required.</p> <p>Licensing: Not required.</p> <p>Approval: Not required.</p>
<b>Nebraska</b>	<p>A nonpublic school must be either (a) accredited; (b) approved; or (c) receive an exemption from the commissioner of education from the requirements for the operation of approved private schools.<sup>o</sup></p> <p>Accreditation: Accreditation is one option for gaining approval for nonpublic schools that are not 'exempt.'</p> <p>Registration: Not required.</p> <p>Licensing: Not required.</p> <p>Approval: Approval is required unless a school chooses to operate under the provisions for 'exempt' schools.</p>

<sup>k</sup> Maryland: A Certificate of Approval is issued based on the adequacy and appropriateness of the facilities, conditions of entrance and scholarship, educational qualifications and standards for the purpose of the institution, its program, personnel requirements, and certificates or diplomas issued.

<sup>l</sup> Michigan: Nonpublic schools may seek accreditation from Michigan Nonpublic School Accreditation Association or North Central Association.

<sup>m</sup> Michigan: State liaison chose to list this requirement under registration and not approval as if two words have different meanings.

<sup>n</sup> Minnesota: The [Nonpublic Education Council](#) may recognize educational accrediting agencies.

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<b>STATE</b>	<b>ACCREDITATION/REGISTRATION/LICENSINGAPPROVAL</b>
<b>Nevada</b>	<p>Accreditation: Voluntary.</p> <p>Registration: Not required.</p> <p>Licensing: Required. Nevada defines license as “the written authorization of the Board or Commission to operate or to contract to operate a private elementary, secondary or postsecondary educational institution.”<sup>p</sup></p> <p>Approval: Not required.</p>
<b>New Hampshire</b>	<p>Accreditation: Not required. However, schools accredited by NEASC, ASCI, or ACSI are designated as Approved for Attendance and Program (AP) for five years.</p> <p>Registration: Required for all proprietors to register the trade name of the business, trust, or association.</p> <p>Licensing: Not required</p> <p>Approval: Required for all private schools to fulfill compulsory attendance requirements. Approved schools are designated Approved for Attendance (AA) for three years.<sup>q</sup></p>
<b>New Jersey</b>	<p>Accreditation: Not required.</p> <p>Registration: Required for limited category are not operated by charitable institutions or religious denominations.</p> <p>Licensing: Not required.</p> <p>Approval: Required for limited category.<sup>r</sup></p>
<b>New Mexico</b>	<p>Accreditation: Voluntary.<sup>s</sup></p> <p>Registration: Not required.</p> <p>Licensing: Not required.</p> <p>Approval: Not required.</p>
<b>New York</b>	<p>Accreditation: Not required.</p> <p>Registration: Voluntary. Registered secondary schools may administer Regents examinations and award diplomas.</p> <p>Licensing: Not required.</p> <p>Approval: Not required.</p> <p>The state commissioner of education annually apportions to qualifying schools (nonprofit nonpublic schools providing instruction in accordance with <i>N.Y. Educ. Law §3204</i>) the actual cost incurred by each school for compliance with state requirements of the pupil evaluation program, basic educational data system, regents examinations, the statewide evaluation plan, uniform procedure for pupil attendance reporting and other similar state prepared examinations and reporting procedures.</p>

<sup>o</sup> Nebraska: When parents elect to enroll their children in private schools that do not meet state accreditation or approval requirements, parents or guardians must sign a statement that a) the accreditation and approval requirements "violate sincerely held religious beliefs of the parents or legal guardians" or such requirements "interfere with the decisions of the parents or legal guardians in directing their child's education." b) an authorized representative of parent or guardians will submit annually to the commissioner of education information to show the school meets minimum requirements relating to health, fire, and safety standards; report attendance records; maintain a sequential program of instruction in language arts, mathematics, science, social studies, and health; and that parent or guardians are satisfied that individuals monitoring instruction are qualified and have demonstrated an alternative competency.

<sup>p</sup> Nevada: Elementary and secondary educational institutions operated by churches, religious organizations and faith-based ministries may claim an exemption to the provisions of the *Private Elementary and Secondary Education Authorization Act*.

<sup>q</sup> New Hampshire: The Board of Education is charged with adopting rules relative to reasonable criteria for approving nonpublic schools for the purpose of compulsory attendance requirements.

<sup>r</sup> New Jersey law places registration requirements on a limited category of private schools that are not operated by charitable institutions or religious denominations, *i.e.* for-profit nonsectarian private boarding schools established after 1920 and private schools charging tuition for certain vocational education. This limited category of schools must obtain a certificate of approval from the commissioner of education to legally operate within the state. *N.J. Rev. Stat. §18A:69-1 et seq.*

<sup>s</sup> New Mexico: the Public Education Department has a duty to assess and evaluate private schools that desire state accreditation and to prescribe courses of instruction, graduation requirements and standards for private schools seeking state accreditation.

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<b>STATE</b>	<b>ACCREDITATION/REGISTRATION/LICENSINGAPPROVAL</b>
<b>North Carolina</b>	Accreditation: Voluntary. <sup>t</sup> Registration: Required. Licensing: Not required. Approval: Voluntary, although does not occur in practice (last practiced in 1979).
<b>North Dakota</b>	Accreditation: Voluntary. Registration: Not required. Licensing: Not required. Approval: Required.
<b>Ohio</b>	No state requirements in these areas in order to operate a nonpublic school. However, the state <i>chartering</i> <sup>u</sup> process is voluntary.
<b>Oklahoma</b>	Accreditation: Voluntary. Private and parochial schools may apply to the State Board of Education for accreditation and classification in like manner as public schools. Registration: Not required. Licensing: Not required. Approval: Not required.
<b>Oregon<sup>v</sup></b>	Accreditation: Not required. Registration: Voluntary. Private K–12 schools may, but are not required to be, registered as a private school with the Department of Education. Licensing: Required for residential private schools. Approval: Required for private schools with public placement of special education students
<b>Penn.</b>	Accreditation: Not required. Law does not explicitly state accreditation is voluntary, but it is implied. The state does not accredit private schools, but the State Board of Education approves accrediting associations, and accreditation by them is one ground for exemption from the requirement for state licensing. Registration: Required for religious private schools Licensing: Required for some; voluntary for religious, accredited, and other exempted private schools <sup>w</sup> Approval: Not required.
<b>Puerto Rico</b>	Accreditation: Voluntary. General Council on Education accredits education institutions. Registration: Not required. Licensing: Required. The General Council of Education has the power to issue licenses and authorize the establishment and operation of elementary and secondary educational institutions and to accredit public and private schools. Approval: Not required.

<sup>t</sup>North Carolina: Qualified nonpublic schools are schools that are 1) *accredited* by the Southern Association of Colleges and Schools; 2) active members of the North Carolina Association of Independent schools; or, 3) schools that receive no funding from the State of North Carolina.

<sup>u</sup>Ohio: a chartered nonpublic school must assure that students are provided a general education of high quality by either: 1) being accredited by an association approved by the state board of education and with standards reviewed by the state superintendent's advisory committee on chartered nonpublic schools; or 2) completing the [chartering process](#) and showing compliance with the Operating Standards for Ohio's Schools.

<sup>v</sup> The revised chapter on Oregon was not reviewed by the state and could not be included in this update. As a result, the information summarized in this table is from the last approved chapter by an Oregon state official.

<sup>w</sup>Pennsylvania: Licensing for K–12 private academic private schools is mandatory, except private schools owned or operated by or under the authority of bona fide religious institutions, private schools that are owned by colleges or universities, private schools for the blind or deaf receiving commonwealth appropriations, or private schools accredited by accrediting associations approved by the State Board of Education. However, all exempted private schools may voluntarily choose to be licensed. The licensing requirements, enforced by the State Board of Private Academic Private schools, govern health and safety, teaching and administrative staff, courses of study and instructional equipment, student attendance, records, fees, transportation, advertising, conditions of the premises, procedures for school closings, and financial responsibility.

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STATE	ACCREDITATION/REGISTRATION/LICENSINGAPPROVAL
<b>Rhode Island</b>	Accreditation: Not required. Registration: Required is required for all private schools. <sup>x</sup> Licensing: Not required Approval: Required for all private schools to be approved by the Rhode Island Department of Elementary and Secondary Education.
<b>South Carolina</b>	Accreditation: Voluntary. Accreditation is one alternative to satisfy South Carolina's compulsory school attendance statute. Attendance at a private school satisfies South Carolina's compulsory school attendance statute if the school is a member school of the South Carolina Independent School Association or a similar organization. Registration: Not required. Licensing: Not required Approval: Attendance at a nonsectarian private school satisfies South Carolina's compulsory school attendance statute if the State Board of Education has approved the school.
<b>South Dakota</b>	Accreditation: Voluntary. <sup>y</sup> Registration: Not required. Licensing: Not required. Approval: Voluntary, synonym to accreditation. If a school is accredited by the State Department of Education it is also approved.
<b>Tennessee</b>	Accreditation: Voluntary. However, church schools are required to be accredited or a in specified associations. <sup>z</sup> Registration: Not required. Licensing: Not required. Approval: Voluntary. State law gives the commissioner of education authority and the duty to “inspect, approve and classify” private schools that request “such inspection, approval and classification.” However, it is <i>required private schools meet the standards of one of seven categories established by the State Board of Education</i> in order to satisfy compulsory attendance. The four categories that likely apply to private schools are: Category I Schools are approved by the State Department of Education Category II schools are approved by a private school accrediting agency which has been approved by the Tennessee State Board of Education. Schools holding full accreditation status with an approved agency are approved by the State Department of Education Category III schools are approved by one of the five regional accrediting agencies Category IV schools are Church-Related Schools as recognized by associations
<b>Texas</b>	Accreditation: Voluntary. <sup>aa</sup> Registration: Not required. Licensing: Not required. Approval: Not required.
<b>Utah</b>	Accreditation: Voluntary. Registration: Not required. Licensing: Not required. Approval: Not required.

<sup>x</sup> Rhode Island: Registration for a directory is required for all private schools. The directory must show: location, name, director or principal of school, grade span, enrollment, and school approval status.

<sup>y</sup> South Dakota: the secretary of the Department of Education shall be responsible for the classification and accreditation of all public and nonpublic schools under the rules established by the South Dakota Board of Education.

<sup>z</sup> Tennessee: Church-related private schools are required to meet the standards of accreditation or membership of the Tennessee Association of Christian Private schools, the Association of Christian Private schools International, the Tennessee Association of Independent Private schools, the Southern Association of Colleges and Private schools, the Tennessee Association of Non-Public Academic Private schools, or a school affiliated with Accelerated Christian Education, Inc.

<sup>aa</sup> Texas: The commissioner of education recognizes the accreditation of nonpublic private schools accredited by any of the accreditation organizations belonging to the Texas Private School Accreditation Commission (TEPSAC).

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STATE	ACCREDITATION/REGISTRATION/LICENSINGAPPROVAL
<b>Vermont</b>	<p>Accreditation: Voluntary.          Registration: Not required.          Licensing: Not required.          Approval: Voluntary. Independent schools may apply for approval by the State Board of Education or file an enrollment notice as a <i>recognized</i> independent school.          The State Board of Education <i>approves</i> independent schools if the school provides a minimum course of study and substantially complies with the board's rules for approved independent schools. The board's rules require at a minimum: 1) adequate resources to meet the school's objectives, including financial capacity; 2) faculty qualified by training and experience in the areas assigned; 3) physical facilities and special services in accordance with state and federal law. <i>Approval may be granted without state board evaluation if the school is accredited by a private, state or regional agency recognized by the State Board.</i>          A <i>recognized</i> independent school may operate in Vermont upon filing an enrollment notice with the state commissioner of education. The notice must include: 1) a statement that the school will be in session an amount of time substantially equivalent to public schools; 2) a detailed description of the minimum course of study for each grade level and how the annual assessment will be performed; and 3) assurances that the school maintains attendance records, maintains annual assessments of each pupil's progress that is reported to parents or guardians, provides the minimum course of study as provided by 16 VSA §906, employs teachers and materials sufficient to carry out the educational program, and meets applicable state and federal laws concerning physical facilities and health and safety matters. If a school is unable to comply with any requirement due to a deep religious conviction shared by an organized group, the commissioner may waive the requirement if the educational purposes are being met.</p>
<b>Virginia</b>	<p>Accreditation: Voluntary.<sup>bb</sup>          Registration: Not required.          Licensing: Required for private schools serving students with disabilities unless otherwise approved or accredited.          Approval: Voluntary. Approval by the State Board of Education is one option to satisfy the licensing requirement for private schools serving students with disabilities.</p>
<b>Virgin Islands<sup>cc</sup></b>	<p>Accreditation: Voluntary.<sup>dd</sup>          Registration: Not required.          Licensing: Not required.          Approval: Not required.          No nonpublic school may operate in the Virgin Islands without a <i>certificate of operation</i>.</p>
<b>Washington</b>	<p>Accreditation: Voluntary. The Washington State Board of Education will accredit private schools that voluntarily apply for accreditation and meet established standards and procedures so long as no secret societies are knowingly allowed to exist among its students.          Registration: Not required.          Licensing: Not required.          Approval: Required for all private schools to be approved by the State Board of Education.<sup>ee</sup></p>

<sup>bb</sup> Virginia: State Board of Education does not accredit private schools but recognizes accreditation by member organizations of the Virginia Council for Private Education (VCPE), a private umbrella organization of private school associations, accredits private schools. State law only guarantees that private school course credits will be recognized if they were completed at a state-recognized accredited school.

<sup>cc</sup> The revised chapter on the Virgin Islands was not reviewed by the state and could not be included in this update. As a result, the information summarized in this table is from the last approved chapter by a Virgin Islands' official.

<sup>dd</sup> Virgin Islands: The commissioner of education will accredit parochial or private schools on a voluntary basis if the building, equipment, curriculum and teaching personnel have "efficiency substantially equal" to public schools of like grade.

<sup>ee</sup> Washington: Attendance at a private school complies with Washington's compulsory school attendance statute if the school is approved. Washington approves private schools based on their compliance with minimum requirements pertaining to (1) length of school year/day; (2) teacher certification; (3) safeguarding of permanent records; (4) compliance with reasonable health and fire safety requirements; (5) curriculum; and (6) an up-to-date policy statement regarding the administration and operation of the school.

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<b>STATE</b>	<b>ACCREDITATION/REGISTRATION/LICENSINGAPPROVAL</b>
<b>West Virginia</b>	<p>Accreditation: Not required.</p> <p>Registration: Voluntary. Registration is one option for a nonpublic school to operate in West Virginia.<sup>ff</sup></p> <p>Licensing: Not required.</p> <p>Approval: Voluntary. Approval is one option for a nonpublic school to operate in West Virginia. Schools may seek "approval" to operate from the local board of education.</p> <p>In other words, a nonpublic school is required to be either <i>registered</i> or <i>approved</i>.</p>
<b>Wisconsin</b>	<p>Accreditation: Voluntary. However, Private schools that participate in the Milwaukee Parental Choice Program under s. 119.23, <i>Wis. Stats.</i>, are required to either: (1) achieve accreditation by the Wisconsin North Central Association, the Wisconsin Religious and Independent Schools Accreditation, the Independent Schools Association of the Central States, The Archdiocese of Milwaukee, the Institute for the Transformation of Learning at Marquette University or any other organization recognized by the National Council for Private School Accreditation by December 31, of the third year of the school's participation in the Milwaukee Parental Choice Program; or (2) have been approved for scholarship funding for the 2005–06 school year by Partners Advancing Values in Education.</p> <p>Registration: Not required.</p> <p>Licensing: Not required.</p> <p>Approval: Voluntary. An institution may request the state superintendent to approve its educational program as a private school.</p>
<b>Wyoming</b>	<p>Accreditation: Not required.</p> <p>Registration: Not required.</p> <p>Licensing: Required. The Wyoming Department of Education is charged with the responsibility of licensing all private schools with the exception of religious K–12 schools. The licensing provisions, <i>W.S. §21-2-401</i> through <i>W.S. §21-2-407</i>, authorize minimum standards, degree, performance bond, and requirements.</p> <p>Approval: Not required.</p>

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<sup>ff</sup>West Virginia: Schools may "register" with the state superintendent of schools. If a school registers to operate, it follows Chapter 18, Article 28 and administers a comprehensive test of basic skills on an annual basis. If a school complies with Article 28, no other education provisions apply except requirements respecting fire, safety, sanitation and immunization.

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**TABLE A2: ACCREDITATION/REGISTRATION/LICENSING/APPROVAL**  
 (Summary based on information provided by the states)

STATE	ACCREDITATION	REGISTRATION	LICENSING	APPROVAL
Alabama		•		
Alaska				
Arizona				
Arkansas		•		
California		•		• <sup>†</sup>
Colorado			•	
Connecticut			• <sup>†</sup>	
Delaware		•		
District of Columbia	• <sup>‡</sup>			•
Florida		•		
Georgia	• <sup>†</sup>			
Hawaii		•		
Idaho				
Illinois				
Indiana		•		
Iowa	• <sup>†</sup>			
Kansas		• <sup>†</sup>		• <sup>†</sup>
Kentucky				
Louisiana		• <sup>†</sup>		
Maine	• <sup>‡</sup>			•
Maryland		• <sup>†</sup>	• <sup>†</sup>	• <sup>†</sup>
Massachusetts				•
Michigan		•		• <sup>†</sup>
Minnesota				
Mississippi				
Missouri		•		
Montana				
Nebraska	• <sup>‡</sup>			• <sup>†</sup>
Nevada	• <sup>‡</sup>		•	
New Hampshire	• <sup>‡</sup>	•		•
New Jersey		• <sup>†</sup>		• <sup>†</sup>
New Mexico				
New York				
North Carolina	• <sup>‡</sup>	•		

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STATE	ACCREDITATION	REGISTRATION	LICENSING	APPROVAL
North Dakota				●
Ohio				
Oklahoma				
Oregon			●†	●†
Pennsylvania		●†	●†	
Puerto Rico			●	
Rhode Island		●		●
South Carolina	●‡			●‡
South Dakota				
Tennessee	●‡			●‡
Texas				
Utah				
Vermont				
Virgin Islands			●	
Virginia			●†	●‡
Washington				●
West Virginia		●‡		●‡
Wisconsin	●†			
Wyoming			●	
<b>TOTAL</b>	<b>11</b>	<b>18</b>	<b>10</b>	<b>18</b>

See each state's chapter for additional information and details on state law in each of these areas.

Note on symbols:

“●” indicates that state law mandates all private schools must meet the requirement.

“●†” indicates that state law mandates specified private schools must meet the requirement.

“●‡” indicates that state laws allows this practice as one option to comply with a state mandate or requirement.

**TABLE B: REQUIREMENTS FOR TEACHER CERTIFICATION,  
REPORTING, CURRICULUM**  
(Summary based on information provided by the states)

STATE	TEACHER CERTIFICATION	CURRICULUM REQUIREMENTS	REPORTING REQUIREMENTS
Alabama	•†	•†	•
Alaska	•†	•	•
Arizona		•	•
Arkansas			•
California			•
Colorado		•	•
Connecticut		•	•
Delaware		•	•
District of Columbia		•	•
Florida			•
Georgia		•	•
Hawaii			•†
Idaho	•†	•	•
Illinois		•	•
Indiana	•†	•†	•
Iowa	•†	•†	•
Kansas	•†	•†	•
Kentucky		•	•
Louisiana	•	•†	•
Maine	•†	•	•
Maryland	•†	•	•
Massachusetts		•	•
Michigan	•‡	•	
Minnesota	•‡	•	•
Mississippi	•†		•†
Missouri		•	•
Montana	•†	•†	•
Nebraska	•†	•†	•
Nevada	•	•	•
New Hampshire		•	•
New Jersey		•	•
New Mexico			•
New York	•†	•	•
North Carolina			•
North Dakota	•	•	•
Ohio	•‡	•†	•

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STATE	TEACHER CERTIFICATION	CURRICULUM REQUIREMENTS	REPORTING REQUIREMENTS
Oklahoma	●†	●†	●
Oregon	●‡	●	
Pennsylvania	●‡	●	●
Puerto Rico	●†	●†	●
Rhode Island		●	●
South Carolina			●
South Dakota	●†	●	●
Tennessee	●†	●†	●
Texas	●†		●
Utah			●
Vermont	●†	●†	●†
Virgin Islands	●		●
Virginia	●†		●
Washington	●†	●	●
West Virginia		●	●
Wisconsin		●	●
Wyoming		●	●
<b>TOTAL</b>	<b>29</b>	<b>40</b>	<b>51</b>

See each state's chapter for additional information and details on state law in each of these areas.

Note on symbols:

“●” indicates that state law mandates all private schools must meet the requirement.

“●†” indicates that state law mandates specified private schools must meet the requirement.

“●‡” indicates that state laws allows this practice as one option to comply with a state mandate or requirement.

**TABLE C: STATES WITH POLICIES ON SERVICES FOR STUDENTS AND TEACHERS AT PRIVATE SCHOOLS**

(Summary based on information provided by the states)

STATE	TRANSPORTATION	TEXTBOOKS	TESTING	NURSING and HEALTH	TECHNOLOGY	PROFESSIONAL DEVELOPMENT	REIMBURSEMENT for PERFORMING STATE/LOCAL FUNCTION
Alabama						●	
Alaska	●		●‡				
Arizona				●			
Arkansas				●	●	●†	
California	●	○	○	●	●	●	
Colorado		●	●‡			●	
Connecticut	●	●		●		●	
Delaware	●						
District of Columbia	●‡	○		●			
Florida		●		●		●	
Georgia			●†				
Hawaii							
Idaho	●‡			●			
Illinois	●	●		●	●		
Indiana	●	●†	●†			●†	
Iowa	●†	●†	●	●	●†	●	
Kansas	●†	●†		●†	●		●†
Kentucky	●‡	○					
Louisiana	●†	●	●†			●	●†
Maine	●	●	●	●	●		
Maryland		●†	●‡	●†	●		
Massachusetts	●	○		●			
Michigan	●	○	●	●	●		●
Minnesota	●	●	●	●	●‡		

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STATE	TRANSPORTATION	TEXTBOOKS	TESTING	NURSING and HEALTH	TECHNOLOGY	PROFESSIONAL DEVELOPMENT	REIMBURSEMENT for PERFORMING STATE/LOCAL FUNCTION
Mississippi		●†					
Missouri	○	○		●	●		
Montana	●		●‡				
Nebraska	●	●	●‡	●			
Nevada	●						
New Hampshire	●†	●	●	●			
New Jersey	●	●		●	●		
New Mexico		●					
New York	●	●	●‡	●	●		●†
North Carolina	●†	●	●‡				
North Dakota	●						
Ohio	●	●†	●†	●†	●†		●†
Oklahoma		○					
Oregon	●	○					
Pennsylvania	●	●		●	●		
Puerto Rico		○					
Rhode Island	●	●	●	●		●	
South Carolina							
South Dakota		●	●			●	
Tennessee		●	●‡				
Texas	●		●‡	●			
Utah			●				
Vermont	●		●‡				
Virgin Islands	●						
Virginia	●						
Washington	●‡	●	●				

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STATE	TRANSPORTATION	TEXTBOOKS	TESTING	NURSING and HEALTH	TECHNOLOGY	PROFESSIONAL DEVELOPMENT	REIMBURSEMENT for PERFORMING STATE/LOCAL FUNCTION
West Virginia	●	●	● <sup>†</sup>				
Wisconsin	●		● <sup>‡</sup>		● <sup>‡</sup>	●	●
Wyoming							
TOTAL	36	34	26	24	15	12	6

See each state's chapter for additional information and details on state law in each of these areas.

Notes on symbols:

“●” indicates that state policy allows student and teachers at all private schools access to the respective publicly funded services. Some states leave such access to the discretion of local education agencies (LEAs), while other states require that LEAs provide such access.

“●<sup>†</sup>” indicates that state policy allows specified students and teachers at private schools access to the respective publicly funded service.

“●<sup>‡</sup>” indicates that state law mandates a fee for private schools or associates the service with a requirement for specified private schools.

“○” indicates that state policy prohibits students and teachers at private school from access to the respective publicly funded service.

## APPENDIX B: TABLE ON STATE REQUIREMENTS FOR HOMESCHOOLS

**TABLE A: REPORTING, TREACHER CREDENTIALS, TESTING**

(Summary based on information provided by the states)

STATE	APPLICATION OR NOTICE OF INTENT	REPORTING OR RECORDKEEPING	TEACHER QUALIFICATION	STANDARDIZED TESTING
Alabama	•	•	•†	
Alaska			•†	•†
Arizona	•			
Arkansas	•	•		•
California	•			
Colorado	•	•	•†	•‡
Connecticut	•	•		
Delaware	•	•		
District of Columbia		•		
Florida	•	•		•‡
Georgia	•	•	•	•
Hawaii	•	•	•†	•
Idaho				
Illinois				
Indiana	•	•		
Iowa	•	•		•‡
Kansas	•			
Kentucky	•	•		
Louisiana	•	•		•‡
Maine	•	•		•†
Maryland	•	•		
Massachusetts				•‡
Michigan				
Minnesota	•	•	•†	•
Mississippi	•			
Missouri		•		
Montana	•	•		
Nebraska	•	•	•†	
Nevada	•			
New Hampshire	•	•		•‡
New Jersey				
New Mexico	•	•	•	

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STATE	APPLICATION OR NOTICE OF INTENT	REPORTING OR RECORDKEEPING	TEACHER QUALIFICATION	STANDARDIZED TESTING
New York	●	●	●	● <sup>‡</sup>
North Carolina	●	●	●	●
North Dakota	●	●	●	●
Ohio	●	●	●	● <sup>†</sup>
Oklahoma				
Oregon	●			● <sup>‡</sup>
Pennsylvania	●	●	●	●
Puerto Rico				
Rhode Island	●	●		● <sup>‡</sup>
South Carolina	●	●	●	●
South Dakota	●	●		●
Tennessee	●	●	● <sup>†</sup>	● <sup>†</sup>
Texas				
Utah	●	●		
Vermont	●	●		● <sup>‡</sup>
Virgin Islands	●			
Virginia	●	●		● <sup>†</sup>
Washington	●	●	● <sup>†</sup>	● <sup>†</sup>
West Virginia	●	●	●	● <sup>†</sup>
Wisconsin	●			
Wyoming		●		
<b>TOTALS</b>	<b>41</b>	<b>36</b>	<b>17</b>	<b>26</b>

See each state's chapter for additional information and details on state law in each of these areas.

Note on symbols:

“●” indicates that state law mandates all homeschooled, whether treated as homeschooled or private schools or otherwise under state law, must meet the requirement.

“●<sup>†</sup>” indicates that state law mandates specified types of home education must meet the requirement.

“●<sup>‡</sup>” indicates that state laws allows this practice as one option to comply with a state mandate or requirement.

## **APPENDIX C: LEGAL HISTORY OF THE REGULATION OF PRIVATE SCHOOLS (2000)**

*Note to readers:* The following summary on legal history is taken from the report on State *Regulation of Private Schools* (2000), where it appeared in the Introduction. Although the information has not been updated (and thus does not include more recent history and cases such as *Mitchell v. Helms*, 530 U.S. 793 (2000), and *Zelman v. Simmons-Harris*, 536 U.S. 639 (2002)), it is included in this Appendix as a reference for readers.

Under the United States Constitution, parents have a fundamental right to direct the education of their children. In 1925 the Supreme Court recognized that "liberty," protected by the Fourteenth Amendment, includes the right to choose a private education. Confronted with an Oregon statute mandating public school attendance, the Supreme Court ruled the statute unconstitutional. *Pierce v. Society of Sisters of the Holy Names of Jesus and Mary*, 268 U.S. 510 (1925).

In the words of the Court,

The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the state to standardize its children by forcing them to accept instruction from public teachers only. The child is not the mere creature of the state; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations. (268 U.S. at 535)

Today, a parent's right to choose a private education is reflected in the statutes of all 50 states. The compulsory school attendance laws typically specify private education as an alternative or exception to public school attendance requirements.

It is also well-established that states have the power to regulate private schools. Based on the "high responsibility for education of its citizens, [a State] may impose reasonable regulations for the control and duration of basic education." *Wisconsin v. Yoder*, 406 U.S. 205, 213 (1972). *See also Board of Ed. of Cent. Sch. Dist. No. 1 v. Allen*, 392 U.S. 236, 246-247 (1968). The state's interest in an informed and self-sufficient citizenry capable of participating in a democratic society is generally cited to support the regulation of private schools. *Yoder* at 221; *Kentucky State Board v. Rudasill*, 589 S.W.2d 877, 883 (1979).

The right to regulate is not without limitations, however. Since 80 percent of America's private schools are religious institutions, any regulation of these schools must conform to the First Amendment's guarantee of the free exercise of religion. The principle is generally reflected in most, if not all, of the state codes. For example, special provisions are included for church-

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related schools, as in the laws of Alabama and Tennessee, or exemptions are provided for schools operated by religious organizations, as in the laws of Wyoming and Nebraska.

A state's excessive regulation may in fact eliminate a parent's right to direct the education of his or her child. In 1923, the Supreme Court struck down a Nebraska statute that prohibited the teaching of German to elementary school age children. The Court determined that the law unreasonably interfered with the power of parents to control their children's education. *Meyer v. State of Nebraska*, 262 U.S. 390 (1923). Similarly, in 1927, the Supreme Court held a Hawaiian law unconstitutional that regulated the teachers, curriculum, and textbooks of private language schools and placed control of the schools in public officers. "Enforcement," the Court said, "would deprive parents of fair opportunity to procure for their children instruction which they think important and we cannot say is harmful." *Farrington v. T. Tokushige*, 273 U.S. 284, 298 (1927).

In 1976, the Ohio Supreme Court applied *Farrington* in a constitutional challenge to the state's "minimum standards" governing nonpublic schools. The state court determined that the standards were "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 nonpublic education, and thereby deprive these appellants of their traditional interest as parents to direct the upbringing and education of their children." *Ohio v. Whisner*, 351 N.E.2d 750, 768 (1976).

The challenge to state legislators in regulating private schools, then, is to draft legislation that 1) respects the fundamental right of parents to direct the education of their children, 2) protects the state's interest in an informed citizenry but avoids interference with religious beliefs unless compelling interests are at issue, and then only in the least restrictive manner, and 3) avoids comprehensive regulation of private education that would deprive parents of any choice in education.

The public funding of private education is restricted under the United States Constitution. State statutes reflect the numerous decisions handed down by the Supreme Court on the matter. The Establishment Clause of the First Amendment prohibits "government inculcation of religious beliefs." *Agostini v. Felton*, 117 S. Ct. 1997, 2010 (1997). But there is no absolute prohibition against private school children, or even religious institutions, participating in government-sponsored social welfare programs. *Bowen v. Kendrick*, 487 U.S. 589, 609 (1988). The difficulty of applying these principles has produced a wealth of Supreme Court decisions.

The Supreme Court has upheld a New Jersey statute that made transportation equally available to both public and private school children, *Everson v. Board of Education of Ewing Tp.*, 330 U.S. 1 (1947); upheld a New York statute providing free textbooks on loan to parochial school students, *Board of Education of Cent. Sch. Dist. No. 1 v. Allen*, 392 U.S. 236 (1968); invalidated Rhode Island and Pennsylvania provisions that paid salary supplements to nonpublic school teachers of secular subjects, *Lemon v. Kurtzman*, 403 U.S. 602 (1971); struck down a New York statute that reimbursed religious schools for teacher-prepared tests, *Levitt v. Committee for Public Education*, 413 U.S. 472 (1973); upheld an Ohio statute permitting diagnostic and therapeutic services to nonpublic school students but struck down the provision of instructional materials and field trip transportation left within the control of the nonpublic school, *Wolman v. Walter*,

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433 U.S. 229 (1977); upheld a New York statute reimbursing nonpublic schools for state mandated recordkeeping and testing, *Committee for Public Education & Religious Liberty v. Regan*, 444 U.S. 646 (1980); upheld a Minnesota statue providing an income tax deduction for tuition, textbooks, and transportation that benefited parents of children attending public, sectarian and nonsectarian schools, *Mueller v. Allen*, 463 U.S. 388 (1983); permitted an Arizona school district under a federal program (*IDEA*) to place a publicly funded sign language interpreter in a sectarian high school to assist a disabled student, *Zobrest v. Catalina Foothills School District*, 509 U.S. 1, (1993); and, upheld placement of public school teachers in parochial schools to provide remedial educational services under a federal program. *Agostini v. Felton*, 117 S. Ct. 1997 (1997).

The state statutes incorporate these Supreme Court decisions on the types of permissible public aid. Twenty-seven states and the Virgin Islands have provisions permitting public funding of transportation; Idaho law dictates that the costs must be recovered. Seventeen states have the power or duty to loan free textbooks to private school students. Some states provide significant assistance for health needs such as immunization, vision and hearing services, and diagnostic testing. (See e.g. the laws of Michigan, New Hampshire, and New Jersey.)

While the parameters of state regulation of private schools are to a large extent shaped by our federal constitution, it should also be noted that federal law on occasion directly influences the operations of private schools. For example, federal law prohibits discrimination in the admission policies of nonsectarian schools, (42 U.S.C. § 1981; *Runyon v. McCrary*, 427 U.S. 160 (1976)). And the relationship between state governments and private schools can be forged through federal grant statutes. For example, regulations implementing several federal funding grants direct that states and local educational agencies provide private school children with a genuine opportunity to participate, consult with private school officials and provide comparable benefits for the private school students. 34 C.F.R. 76.650 *et seq.*, 299.6 *et seq.* But the actual regulation of private schools remains the prerogative of the state governments.

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