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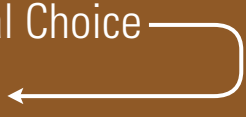
# THE SCHOOL STARTER CHECKLIST

Meeting the Private Education Regulations  
in States with School Choice

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Andrew D. **Catt**

OCTOBER **2014**

**The Friedman Foundation**  
for Educational Choice  
**edchoice.org** 

## **About the Friedman Foundation for Educational Choice**

The Friedman Foundation for Educational Choice is a 501(c)(3) nonprofit and nonpartisan organization, solely dedicated to advancing Milton and Rose Friedman's vision of school choice for all children. First established as the Milton and Rose D. Friedman Foundation in 1996, the Foundation promotes school choice as the most effective and equitable way to improve the quality of K-12 education in America. The Friedman Foundation is dedicated to research, education, and outreach on the vital issues and implications related to school choice.

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## Introduction

Entrepreneurs looking to start a private school might behoove themselves by focusing on states with private school choice programs. This checklist assists by examining the regulations affecting private schools in states with such programs.

This compilation is organized alphabetically, by state, with the following information, where applicable:

- School choice program(s) with latest stats and governing statutes (in case some of the regulations are not captured in the rest of the state page)
- Registration
- Length of School Year and Day
- State Approval
- State Accreditation
- Licensing
- Curriculum
- Textbooks
- Testing
- Teaching Certification
- Professional Development
- Transportation
- Health and Safety Requirements
- Reimbursement for Performing State and Local Functions
- Recordkeeping and Reports
- Special Education

- Nursing and Health
- Technology
- and Other requirements.

It is worth noting that not all of the categories are listed for each state, as many of the states do not have requirements in several of the categories.

All statistical data for school choice programs are for the 2013-14 school year, unless explicitly stated otherwise, and were mostly obtained from the Friedman Foundation's 2014 edition of *The ABCs of School Choice: The Comprehensive Guide to Every Private School Choice Program in America*, which can be accessed at [edchoice.org/ABCs](http://edchoice.org/ABCs).<sup>1</sup>

All requirements were pulled directly from the governing statutes for the school choice program(s) and/or were found either in the U.S. Department of Education's (USDOE) 2009 report on regulations or on their interactive state regulation map.<sup>2</sup>

The Friedman Foundation and author of this compilation do not claim this list to be completely comprehensive. Because regulations are routinely updated and added for each state, the most up-to-date links at the time of this writing are provided for each state's statutes, administrative code, and department of education websites.

As parent demand for educational options continues to grow, this compilation by the Friedman Foundation for Educational Choice is part of its ongoing effort to address the supply side of private school choice and thus meet the diverse needs of America's students.

1. Alabama data was obtained from the scholarship granting organizations' 2013 annual public report, available at <http://revenue.alabama.gov/accountability>; Arizona tax-credit scholarship data was obtained from the 2013 Private School Tuition Organization Income Tax Credit Reports, available at <http://www.azdor.gov/ReportsResearch/SchoolTaxCredit.aspx>; District of Columbia data was partially obtained from the OSP Program Summary for 2013-14, available at <http://www.dcscholarships.org/news/default.asp>; Florida McKay data was obtained from the June 2014 quarterly report, available at [http://www.floridaschoolchoice.org/Information/McKay/quarterly\\_reports.asp](http://www.floridaschoolchoice.org/Information/McKay/quarterly_reports.asp); Florida Tax Credit Scholarship data was obtained from the June 2014 quarterly report, available at [http://www.floridaschoolchoice.org/Information/CTC/quarterly\\_reports.asp](http://www.floridaschoolchoice.org/Information/CTC/quarterly_reports.asp); Georgia's tax-credit scholarship data was obtained from the

calendar year 2013 qualified education expense credit report, available at <https://etax.dor.ga.gov/gaforms/publica.aspx>; Iowa's tax-credit scholarship data was obtained via e-mail from the Iowa Alliance for Choice in Education; Rhode Island data was calculated by the author based on data obtained from the 2013 year end summary reports, available at <http://www.tax.state.ri.us/Credits/2007summary.php>.

2. Office of Non-Public Education, *State Regulation of Private Schools*, (Washington, DC: US Dept. of Education, Office of Innovation and Improvement, Office of Non-Public Education, 2009), <http://www2.ed.gov/admins/comm/choice/regprivschl/regprivschl.pdf>; "State Regulation of Private and Home Schools," US Dept. of Education, last modified June 13, 2014, <http://www2.ed.gov/about/offices/list/oii/nonpublic/regulation-map.html>.

# ALABAMA

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Transcribed from “Alabama,” US Dept. of Education, last modified Apr. 30, 2013,  
<http://www2.ed.gov/about/offices/list/oii/nonpublic/alabama.html>.

**Statutes:** <http://alisondb.legislature.state.al.us/acas/codeofalabama/1975/coatoc.htm>

**Administrative Code:** <http://www.alabamaadministrativecode.state.al.us>

**DOE Website:** <http://www.alsde.edu>

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## SCHOOL CHOICE PROGRAMS

### Alabama Accountability Act of 2013 Parent-Taxpayer Refundable Tax Credits

Individual Tax Credit/Rebate – Launched 2013

**Taxpayers participating:** N.A.

**Average tax credit/rebate value:** N.A.

### Alabama Accountability Act of 2013 Tax Credits for Contributions to Scholarship Granting Organizations

Tax-Credit Scholarship – Launched 2013

**Scholarships awarded:** 9

**Schools participating:** N.A.

**Scholarship organizations:** 2

**Average scholarship value:** \$2,699

**Governing Statutes:** *Code of Alabama 1975* §§40-2A-7(a)(5); 16-6D-1

## PRIVATE SCHOOL REGULATIONS

**Registration:** Mandatory. All private schools, except church schools, 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.

**Length of School Year and Days:** Every child between the ages of six and 17 is required to attend a 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, 16-28-1, 16-28-7.

**State Approval:** No requirements.

**School Accreditation:** No requirements.

**Licensing:** No requirements.

**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 and 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).

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.

**Testing:** No requirements.

**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).

**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.

**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).

**Health and Safety Requirements:** A certificate of immunization or testing for the prevention of communicable diseases designated by the state health officer is required prior to admittance to a private school. *Code of Alabama 1975* §16-30-4.

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.

A nonpublic school must seek and obtain a criminal history background information check on all "applicants seeking positions with, and on all current employees and current employees under review employed by, any nonpublic school who have unsupervised access to or who provide education, training, instruction, or supervision for children in an educational setting." Chapter 22A, Alabama Child Protection Act of 1999. *Code of Alabama 1975* §16-22A-5(b).

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).

**Recordkeeping and 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 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.

# ARIZONA

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Transcribed from "Arizona," US Dept. of Education, last modified July 31, 2012,  
<http://www2.ed.gov/about/offices/list/oii/nonpublic/arizona.html>.

**Statutes:** <http://www.azleg.gov/ArizonaRevisedStatutes.asp>

**Administrative Code:** [http://www.azsos.gov/public\\_services/table\\_of\\_contents.htm](http://www.azsos.gov/public_services/table_of_contents.htm)

**DOE Website:** <http://www.azed.gov>

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## SCHOOL CHOICE PROGRAMS

### Original Individual Income Tax Credit Scholarship Program

Tax-Credit Scholarship – Launched 1997

**Scholarships awarded:** 25,720 (2012-13)

**Schools participating:** 337 (2012-13)

**Scholarship organizations:** 47 (2012-13)

**Average scholarship value:** \$1,927 (2012-13)

**Governing Statutes:** *Ariz. Rev. Stat. Ann.* §§43-1089; 43-43-1601 through 1605

### Low-Income Corporate Income Tax Credit Scholarship Program

Tax-Credit Scholarship – Launched 2006

**Scholarships awarded:** 11,653 (2012-13)

**Schools participating:** 216 (2012-13)

**Scholarship organizations:** 26 (2012-13)

**Average scholarship value:** \$1,524 (2012-13)

**Governing Statutes:** *Ariz. Rev. Stat. Ann.* §§43-1183; 43-1501 through 1507

### Lexie's Law for Disabled and Displaced Students Tax Credit Scholarship Program

Tax-Credit Scholarship – Launched 2009

**Scholarships awarded:** 218 (2012-13)

**Schools participating:** 61 (2012-13)

**Scholarship organizations:** 6 (2012-13)

**Average scholarship value:** \$3,360 (2012-13)

**Governing Statutes:** *Ariz. Rev. Stat. Ann.* §§43-1184; 43-1501 through 1507

### Empowerment Scholarship Accounts

Education Savings Account – Launched 2011

**Students participating:** 731

**Schools participating:** 75

**Average annual award value:** \$14,500 (projected)

**Governing Statutes:** *Ariz. Rev. Stat. Ann.* §§15-2401 to 2404



## “Switcher” Individual Income Tax Credit Scholarship Program

Tax-Credit Scholarship – Launched 2012

**Scholarships awarded:** 4,668 (2012-13)

**Schools participating:** 260 (2012-13)

**Scholarship organizations:** 37 (2012-13)

**Average scholarship value:** \$1,089 (2012-13)

**Governing Statutes:** *Ariz. Rev. Stat. Ann.* §43-1089.03

### PRIVATE SCHOOL REGULATIONS

**Registration:** No requirements.

**Length of School Year and 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.1.

**State Approval:** No requirements.

**School Accreditation:** No requirements.

**Licensing:** No requirements.

**Curriculum:** Reading, grammar, mathematics, social studies, and science are required. *Ariz. Rev. Stat. Ann.* §15-802A.

**Testing:** No requirements.

**Teacher Certification:** Schools participating in the Original Individual Income Tax Credit Scholarship, Low-Income Corporate Income Tax Credit Scholarship, Lexie’s Law for Disabled and Displaced Students Tax Credit Scholarship, and “Switcher” Individual Income Tax Credit Scholarship programs must require all teaching staff and personnel that have unsupervised contact with students to be fingerprinted. *Ariz. Rev. Stat. Ann.* §§43-1501, 43-1601.

**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.

Arizona requires students, teachers, and visitors in private schools to use protective eyewear while participating in or observing certain educational activities in vocational, technical, and industrial arts, art, or laboratory science. Private or parochial schools must equip their schools with the appropriate protective eyewear. *Ariz. Rev. Stat. Ann.* §15-151.

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.

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

Within five school days after enrolling a transfer student from a private school or another school district, 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 do so within 10 days unless financial debt is owed or the record has been flagged pursuant to section 15-829 referencing a missing child reported by a parent or guardian. 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, and 3) the number of students exempt from immunization. *Ariz. Rev. Stat. Ann.* §15-874 D.

**Other:** To be a state-qualified school for purposes of the Original Individual Income Tax Credit Scholarship, Low-Income Corporate Income Tax Credit Scholarship, Lexie's Law for Disabled and Displaced Students Tax Credit Scholarship, and "Switcher" Individual Income Tax Credit Scholarship programs or Empowerment Scholarship Accounts, the school may not discriminate on the basis of race, color, disability, familial status, or national origin. *Ariz. Rev. Stat. Ann.* §§15-2401, 43-1501, 43-1601.

# COLORADO

Transcribed from “Colorado,” US Dept. of Education, last modified Oct. 20, 2014,  
<http://www2.ed.gov/about/offices/list/oii/nonpublic/colorado.html>.

**Statutes:** <http://www.sos.state.co.us/pubs/elections/statutes.html>

**Administrative Code:** <http://www.sos.state.co.us/CCR/Welcome.do>

**DOE Website:** <http://www.cde.state.co.us>

## SCHOOL CHOICE PROGRAM

### Douglas County Choice Scholarship Pilot Program

Voucher – Launched 2011

**Students participating:** 494 (2011-12)

**Schools participating:** 21 (2011-12)

**Average voucher value:** \$1,143 (one-fourth of 2011-12 school year)

## PRIVATE SCHOOL REGULATIONS

**Registration:** No requirements.

**Length of School Year and Days:** A minimum of 172 days. *C.R.S. 22-33-104.*

**State Approval:** No requirements.

**School Accreditation:** 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 from a private agency.

**Licensing:** 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.*

**Curriculum:** Communication skills of reading, writing, and speaking, mathematics, history, civics, literature, and science are required. *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.*

Instruction on the use of the United States flag and information about the honor of the flag shall be given. *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 United States Constitution. This content shall begin no later than grade seven and continue through high school. *C.R.S. 22-1-108 and 22-1-109.*

**Testing:** Optional. A child enrolled in a nonpublic school is not required to take the Colorado Student Assessment Program test (CSAP). 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).

**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.

**Health and 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. C.R.S. 25-1.5-101(1)(H).

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.

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 18 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 both the local city and 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 school 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. 25-4-1606; 25-4-1607 (I).

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.

**Recordkeeping and Reports:** 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 attended 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).*

# DISTRICT OF COLUMBIA

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Transcribed from Office of Non-Public Education, *State Regulation of Private Schools* (Washington, DC: US Dept. of Education, Office of Innovation and Improvement, Office of Non-Public Education, 2009), <http://www2.ed.gov/admins/comm/choice/regprivschl/regprivschl.pdf>.

**Statutes:** <http://dcregs.dc.gov>

**Administrative Code:** <http://dccode.elaws.us>

**DOE Website:** N/A

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## SCHOOL CHOICE PROGRAM

### Opportunity Scholarship Program

Voucher – Launched 2004

**Students participating:** 1,660

**Schools participating:** 46

**Average voucher value:** \$8,483 (2011-12)

## PRIVATE SCHOOL REGULATIONS

**Registration:** No requirements.

**Length of School Year and 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 Schools program. *D.C. Regulations* 2100.2.

**State Approval:** Mandatory. 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.

**State Accreditation:** 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.

**Licensing:** No requirements.

**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.

**Testing:** There is no policy at this time.

**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.

**Health and Safety Requirements:** Private school students are required to submit certificates of health at the prekindergarten, first, second, third, fifth, seventh, ninth, 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 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.

**Recordkeeping and Reports:** School approval for attendance purpose is contingent on the maintenance and submission of attendance records to the District of Columbia 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. Those 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.

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.

# FLORIDA

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Transcribed from Office of Non-Public Education, *State Regulation of Private Schools* (Washington, DC: US Dept. of Education, Office of Innovation and Improvement, Office of Non-Public Education, 2009), <http://www2.ed.gov/admins/comm/choice/regprivschl/regprivschl.pdf>.

**Statutes:** <http://www.leg.state.fl.us/Statutes>

**Administrative Code:** <http://florida.eregulations.us/rule>

**DOE Website:** <http://www.fldoe.org>

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## SCHOOL CHOICE PROGRAMS

### John M. McKay Scholarships for Students with Disabilities Program

Voucher – Launched 1999

**Students participating:** 28,370

**Schools participating:** 1,248

**Average voucher value:** \$6,485

**Governing Statutes:** §§1002.39; 1002.421, *F.S.*

### Florida Tax Credit Scholarship Program

Tax-Credit Scholarship – Launched 2001

**Scholarships awarded:** 59,822

**Schools participating:** 1,429

**Scholarship organizations:** 1

**Average scholarship value:** \$4,589

**Governing Statutes:** §§1002.395; 1002.421, *F.S.*

### Personal Learning Scholarship Account Program

Education Savings Account – Launched 2014

**Students participating:** N.A.

**Schools participating:** N.A.

**Average account value:** N.A.

**Governing Statutes:** §§393.063; 1002.385, *F.S.*

## PRIVATE SCHOOL REGULATIONS

**Registration:** Mandatory. All private schools are required to register with the department of education. §1002.42, *F.S.*

**Length of School Year and Days:** 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; grades one through three, 720 net instructional hours; and, grades four through 12, 900 net instructional hours). Rule 6A-1.09512, *F.A.C.*

**State Approval:** No requirements.

**State Accreditation:** No requirements.



**Licensing:** No requirements.

**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. §1002.42(2)(h), *F.S.*

Private schools keeping live animals on the premises must house them in a humane and safe manner. §1003.47, *F.S.*

**Testing:** The owners of private elementary and secondary schools in Florida are solely responsible for all aspects of their educational programs, including student assessment. §1002.42(2)(h), *F.S.*

Schools participating in the Florida Tax Credit Scholarship Program must annually administer or make for provision for participating students in grades three through 11 to take one of the nationally norm-referenced tests identified by the department of education or the statewide assessments pursuant to §1008.22, *F.S.* Schools must report a student's scores to the parent, submit a request in writing to the department of education by March 1 of each year in order to administer the statewide assessments in the subsequent school year, and annually report by August 15 the scores of all participating students to the independent research organization selected by the department of education. §1002.395(8)(c), *F.S.*

Schools participating in the John M. McKay Scholarships for Students with Disabilities and Florida Tax Credit Scholarship programs must, at a minimum, annually provide parents a written explanation of the student's progress. §§1002.39(8)(c), 1002.395(8)(c), *F.S.*

**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. §1002.42(2)(c)3, *F.S.*

Schools participating in the John M. McKay Scholarships for Students with Disabilities and Florida Tax Credit Scholarship programs must employ or contract with teachers who hold baccalaureate or higher degrees, have at least three years of teaching experience in public or private schools, or have special skills, knowledge, or expertise that qualifies them to provide instruction in subjects taught, require employee and contracted personnel with direct student contact, upon employment or engagement to provide services, to undergo a state and national background screening, pursuant to §943.0542, by electronically filing with the department of law enforcement a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the private school, a school district, or a private company who is trained to take fingerprints and deny employment to or terminate an employee if he or she fails to meet the screening standards under §435.04. §1002.421(h), (i), *F.S.*

**Transportation:** Private schools operating school buses with a seating capacity of 24 or more pupils must comply with state requirements outlined in §§1006 and 316.615(1), *F.S.*

Private schools operating school buses seating fewer than 24 students must comply with state requirements regarding inspections, equipment, liability insurance, and driver physical examination requirements. §316.615(2)(a), *F.S.*

**Health and Safety Requirements:** Private schools must require each student, upon his or her 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. §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. §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. §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. §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. §39.201, *F.S.*

**Recordkeeping and 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 §1003.23. *F.S.*

Prior to admission to prekindergarten 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. §1003.21(4), *F.S.*

An Immunization Annual Report of Compliance must be completed for private schools that enroll kindergarten or seventh grade students. §§1002.42(6), 1003.22 (8), *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 §1002.42(2), *F.S.*

Schools participating in the John M. McKay Scholarships for Students with Disabilities and Florida Tax Credit Scholarship programs must submit an annual, notarized, sworn compliance statement to the department of education certifying compliance with state laws and that all school employees and contracted personnel with direct student contact have undergone background screening pursuant to §943.0542 and schools must notify the department of their intent to participate in a scholarship program. §§1002.39(6)(d), 1002.395(9)(g), 1002.421(2)(b), (e), *F.S.*

Schools participating in the John M. McKay Scholarships for Students with Disabilities and Florida Tax Credit Scholarship programs must provide to the department of education all documentation required for a student's participation, including the private school's and student's fee schedules, at least 30 days before any quarterly scholarship payment is made, and participating schools must complete student enrollment and attendance verification requirements, including use of an online attendance verification form, prior to scholarship payment. §§1002.39(8)(b), 1002.395(8)(b), 1002.421(2)(d), *F.S.*

Schools participating in the John M. McKay Scholarships for Students with Disabilities and Florida Tax Credit Scholarship programs must notify the department of any change in the school's name, school director, mailing address, or physical location within 15 days after the change. §1002.421(2)(c), *F.S.*

Schools participating in the Florida Tax Credit Scholarship Program that receive more than \$250,000 in scholarship funds must annually contract with an independent certified public accountant to produce a report that the school submits by September 15 to the scholarship-funding organization that awarded the majority of the school's scholarship funds. §1002.395(8)(e), *F.S.*

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

**Other:** Schools participating in the John M. McKay Scholarships for Students with Disabilities and Florida Tax Credit Scholarship programs must comply with the antidiscrimination provisions of 42 U.S.C. §2000d. §1002.421(2)(a), *F.S.*

Schools participating in the John M. McKay Scholarships for Students with Disabilities and Florida Tax Credit Scholarship programs must demonstrate fiscal soundness and accountability by being in operation for at least three school years or obtaining a surety bond or letter of credit with the department of education and by requiring the parent of each scholarship student to personally restrictively endorse the scholarship warrant to the school. §1002.421(2)(a), (f), *F.S.*

# GEORGIA

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Transcribed from Office of Non-Public Education, *State Regulation of Private Schools* (Washington, DC: US Dept. of Education, Office of Innovation and Improvement, Office of Non-Public Education, 2009), <http://www2.ed.gov/admins/comm/choice/regprivschl/regprivschl.pdf>.

**Statutes:** <http://www.lexisnexis.com/hottopics/gacode>

**Administrative Code:** <http://rules.sos.state.ga.us/cgi-bin/page.cgi>

**DOE Website:** <http://www.gadoe.org>

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## SCHOOL CHOICE PROGRAMS

### Georgia Special Needs Scholarship Program

Voucher – Launched 2007

**Students participating:** 3,416

**Schools participating:** 245

**Average voucher value:** \$5,386

**Governing Statutes:** O.C.GA §§20-2-2110 through 2118

### Qualified Education Expense Tax Credit

Tax-Credit Scholarship – Launched 2008

**Scholarships awarded:** 13,268 (2013)

**Schools participating:** N.A.

**Scholarship organizations:** 27 (2013)

**Average scholarship value:** \$3,515 (2013)

**Governing Statutes:** O.C.GA §§20-2A-1 through 2A-7; 48-7-29.16

## PRIVATE SCHOOL REGULATIONS

**Registration:** No requirements.

**Length of School Year and Days:** Private schools must provide 180 days of instruction each 12 months, with each school day consisting of four and one-half school hours. O.C.GA §20-2-690(b)(3), (d).

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.

**State Approval:** No requirements.

**State Accreditation:** No requirements. To qualify for participation in the Georgia Special Needs Scholarship (GSNS) or Qualified Education Expense Tax Credit programs a private school must be accredited or be in the process of becoming accredited by a state-approved agency. O.C.GA §§20-2-2112(6); 20-2A-1(2).

**Licensing:** No requirements.

**Curriculum:** Reading, language arts, mathematics, social studies, and science are required. *O.C.GA §20-2-690(b)(4), (d).*

**Testing:** Parents of participating students in the GSNS program may request participation in state testing opportunities. *O.C.GA §20-2-2114(d).* GSNS schools must regularly report to the parent and the department of education on the student's academic progress, including the results of pre-academic and post-academic assessments given to the student. *O.C.GA §20-2-2115(a).*

**Teacher Certification:** Teacher certification is not required. However, a participating private school that enrolls students under the GSNS program must employ or contract with teachers who hold a bachelor's degree or higher or have at least three years of experience in education or health and provide to the parents the relevant credentials of the teachers who will be teaching their students. *O.C.GA §20-2-2115(a).*

**Transportation:** 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.*

**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).*

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).*

**Recordkeeping and Reports:** Private school administrators must report their enrollment, including the name, age, and residence of each student, to the local public school superintendent where the student resides within 30 days of the beginning of each school year. 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 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.*

Schools intending to enroll GSNS students shall submit an application to the department by June 30 of the school year preceding the school year in which it intends to enroll scholarship students. The notice shall specify the grade levels and services that the school has available for students with disabilities who are participating in the scholarship program. *O.C.GA §20-2-2115(e).*

**Other:** Schools participating in the GSNS program must demonstrate fiscal soundness by having been in operation for one school year or by submitting a financial information report for the school that complies with uniform financial accounting standards established by the department of education and conducted by a certified public accountant and must comply with the antidiscrimination provisions of 42 U.S.C. Section 2000d. *O.C.GA §20-2-2115(a).* Schools participating in the Qualified Education Expense Tax Credit must adhere to the provisions of the federal Civil Rights Act of 1964. *O.C.GA §20-2A-1(2).*

# ILLINOIS

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Transcribed from Office of Non-Public Education, *State Regulation of Private Schools* (Washington, DC: US Dept. of Education, Office of Innovation and Improvement, Office of Non-Public Education, 2009), <http://www2.ed.gov/admins/comm/choice/regprivschl/regprivschl.pdf>.

**Statutes:** <http://www.ilga.gov/legislation/ilcs/ilcs.asp>

**Administrative Code:** <http://www.ilga.gov/commission/jcar/admincode/titles.html>

**DOE Website:** <http://www.isbe.state.il.us>

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## SCHOOL CHOICE PROGRAM

### Tax Credits for Educational Expenses

Individual Tax Credit – Launched 2000

**Taxpayers participating:** 293,509 (2011)

**Average tax credit value:** \$277 (2011)

**Governing Statutes:** 35 *ILCS* 5/2-201(m)

## PRIVATE SCHOOL REGULATIONS

**Registration:** 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 Illinois State Board of Education (ISBE) a “Nonpublic School Registration, Enrollment, and Staff Report,” which must be filed between October 1 and December 31 each year. That 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.

**Length of School Year and Days:** At least 176 days of at least five hours of instruction, or a total of 880 hours of instruction per year for registered and recognized schools. *Policy and Guidelines for Registration and Recognition of Nonpublic Elementary and Secondary Schools*, February 2004.

**State Approval:** Optional. Nonpublic schools in Illinois may pursue recognition through the ISBE. 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 composed of representatives from the ISBE, the Regional Office of Education, a public school, and a nonpublic school will visit the school. The ISBE will then review and determine if those schools 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.

**State Accreditation:** 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.

**Licensing:** No requirements.

**Curriculum:** Human growth and development, family life instruction, AIDS education (grades 6–12), alcohol, tobacco, and drug abuse courses are required. Pupils are not required to study AIDS or family life instruction if the parent or guardian submits a written objection. 105 ILCS 110/3-4.

Attendance at a nonpublic or a parochial school satisfies the Illinois compulsory attendance statute if the children are taught, in English, the branches of education taught to children of corresponding age and grade in the public schools. 105 ILCS 5/26-1 and 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. Recognized schools must provide a program of instruction to the ISBE 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.

**Testing:** Optional. The 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 the ISBE. Nonpublic school students are not required to take the ISAT or Prairie State exams.

**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 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, the ISBE will note it in a report. That policy does not vary depending on the school's recognition status.

**Transportation:** 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).

**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 ISBE 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).

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.

**Recordkeeping and Reports:** Every school shall report to the ISBE 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 (eight 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.



# INDIANA

Transcribed from Office of Non-Public Education, *State Regulation of Private Schools* (Washington, DC: US Dept. of Education, Office of Innovation and Improvement, Office of Non-Public Education, 2009), <http://www2.ed.gov/admins/comm/choice/regprivschl/regprivschl.pdf>.

**Statutes:** <https://iga.in.gov/legislative/laws/2014/ic>

**Administrative Code:** [http://www.in.gov/legislative/iac/iac\\_title](http://www.in.gov/legislative/iac/iac_title)

**DOE Website:** <http://www.doe.in.gov>

## SCHOOL CHOICE PROGRAMS

### School Scholarship Tax Credit

Tax-Credit Scholarship – Launched 2010

**Scholarships awarded:** 4,638 (2012-13)

**Schools participating:** N.A.

**Scholarship organizations:** 5 (2012-13)

**Average scholarship value:** \$1,017 (2012-13)

**Governing Statutes:** *IC* §§20-51-1 through 51-3

### Choice Scholarship Program

Voucher – Launched 2011

**Participating students:** 19,809

**Participating schools:** 313

**Average voucher value:** \$3,962 (2012-13)

**Governing Statutes:** *IC* §§20-51-1 through 51-4

### Private School/Homeschool Deduction

Individual Tax Deduction – Launched 2011

**Taxpayers participating:** 51,018 (2012)

**Average tax deduction value:** \$1,732 (2012)

**Governing Statutes:** *IC* §6-3-2-22

## PRIVATE SCHOOL REGULATIONS

**Registration:** 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. *IC* §20-33-2-21.

**Length of School Year and Days:** 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. *IC* §20-33-2-5.

Nonpublic schools that seek accreditation shall conduct at least 180 student instructional days for all students grades one through 12. 511 *IAC* 6.1-3.1.

**State Approval:** 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 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. 511 IAC 6.1-9-4.

**State Accreditation:** 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. IC §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 IC §20-28-11, and a completed school improvement plan. IC §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, (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, and (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 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 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. IC §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. *IC* §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.

Schools participating in the School Scholarship Tax Credit and Choice Scholarship Program must be accredited by either the state board or a national or regional accreditation agency that is recognized by the state board. *IC* §§20-51-1-6(a)(3); 20-51-1-4.7(4).

**Licensing:** No requirements.

**Curriculum:** Nonpublic schools that voluntarily seek state accreditation shall provide instruction in: (1) the Constitutions of Indiana and the United States in grades six 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 six 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 one through 12; (4) safety education for one semester in grade eight; (5) AIDS. *IC* §20-30-5.

Nonpublic, nonaccredited, and nonapproved 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. *IC* §20-33-2-12.

Courses must be “taught in the English language.” *IC* §20-33-2-4.

**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. *IC* §20-33-5-9.

The school board may rent those 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. *IC* §20-26-12-2.

**Testing:** Nonpublic schools that voluntarily seek state accreditation, including all Choice Scholarship schools, 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. *IC* §§20-32-5-17; 20-51-1-4.7(5).

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.

Schools participating in the School Scholarship Tax Credit must administer the ISTEP or another nationally recognized and norm-referenced assessment of the school's students. IC §20-51-1-6(a)(4).

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

**Professional Development:** 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. IC §20-20-31.

**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. IC §20-27-11-1.

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. IC §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. IC §20-27-8-9.

If a bus driver has less than 30 days experience in the three prior years, he or she 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. IC §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. IC §20-27-7-1.

**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.

**Recordkeeping and 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. IC §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. *IC §20-33-2-10(C)*.

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. *IC §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 students' names, addresses, and ages for those 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 or she withdrew. *IC §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. *IC §20-33-2-21*.

**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.

**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. *IC §20-31-5-6*.

**Other:** A Choice school may not discriminate on the basis of race, color, or national origin and shall abide by the school's written admission policy fairly and without discrimination with regard to students who apply for or are awarded scholarships. If the number of applicants for enrollment in a school under a Choice Scholarship exceeds the number of Choice Scholarships available to the eligible school, the school must draw at random in a public meeting the applications of applicants who are entitled to a Choice Scholarship from among the applicants who meet the requirements for admission to the school. Each Choice school shall grant the INDOE reasonable access to its premises, including access to the school's grounds, buildings, and property. Each year the principal of each eligible school shall certify under penalties of perjury to the department that the eligible school is complying with those requirements. *IC §20-51-4-3*.

# IOWA

Transcribed from Office of Non-Public Education, *State Regulation of Private Schools* (Washington, DC: US Dept. of Education, Office of Innovation and Improvement, Office of Non-Public Education, 2009), <http://www2.ed.gov/admins/comm/choice/regprivschl/regprivschl.pdf>.

**Statutes:** <http://www2.legis.state.ia.us/IowaLaw.html>

**Administrative Code:** <http://www.legis.state.ia.us/IAC.html>

**DOE Website:** <http://educateiowa.gov>

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## SCHOOL CHOICE PROGRAMS

### Tuition and Textbook Tax Credit

Individual Tax Credit – Launched 1987

**Taxpayers participating:** 145,792 (2012)

**Average tax credit value:** \$103 (2012)

**Governing Statutes:** *Iowa Code* §422.12

### School Tuition Organization Tax Credit

Tax-Credit Scholarship – Launched 2006

**Scholarships awarded:** 10,475

**Schools participating:** 153 (2012-13)

**Scholarship organizations:** 12

**Average scholarship value:** \$1,209

**Governing Statutes:** *Iowa Code* §422.11S

## PRIVATE SCHOOL REGULATIONS

**Registration:** No requirements.

**Length of School Year and Days:** At least 180 days. *Iowa Code* §280.3.

**State Approval:** No requirements.

**State Accreditation:** 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 authorities in charge of an accredited nonpublic school must prescribe reasonable rules for the punishment of truants. *Iowa Code* §299.9.

For participation in the School Tuition Organization Tax Credit, schools must be accredited. *Iowa Code* §422.11S.

**Licensing:** No requirements.

**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 U.S. 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.*

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 non-English-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. *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.*

**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.*

**Teacher Certification:** Required. Accredited nonpublic schools must employ certified teachers. *Iowa Admin. Code R. 281-12.4(8).*

An accredited nonpublic school must maintain adequate staffing. *Iowa Code §280.14.*

**Transportation:** 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.*

**Health and Safety Requirements:** 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.

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.

**Recordkeeping and 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 to the county commissioner of elections the names, addresses, and dates of birth of currently enrolled students who have attained age 18 or will be 18 within six months. The list must be submitted on September 30 and March 30 of each year. The commissioner may use that list to send voter registration forms to the student. *Iowa Code* §280.9A.2.

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.

For participation in the School Tuition Organization Tax Credit, schools must annually submit a participation form to the department of education providing certified enrollment as of October 1, or the first Monday in October if October 1 falls on a Saturday or Sunday, and providing the information for the school tuition organization representing the school. *Iowa Code* §422.11S.

**Other:** For participation in the School Tuition Organization Tax Credit, schools must adhere to the provisions of the federal Civil Rights Act of 1964. *Iowa Code* §422.11S.



# KANSAS

Transcribed from Office of Non-Public Education, *State Regulation of Private Schools* (Washington, DC: US Dept. of Education, Office of Innovation and Improvement, Office of Non-Public Education, 2009), <http://www2.ed.gov/admins/comm/choice/regprivschl/regprivschl.pdf>.

**Statutes:** [http://www.kslegislature.org/li/b2013\\_14/statute](http://www.kslegislature.org/li/b2013_14/statute)

**Administrative Code:** [https://www.kssos.org/pubs/pubs\\_kar.aspx](https://www.kssos.org/pubs/pubs_kar.aspx)

**DOE Website:** <http://www.ksde.org>

## SCHOOL CHOICE PROGRAM

### Tax Credit for Low Income Students Scholarship Program

Tax-Credit Scholarship – Launched 2014

**Scholarships awarded:** N.A.

**Schools participating:** N.A.

**Scholarship organizations:** N.A.

**Average scholarship value:** N.A.

## PRIVATE SCHOOL REGULATIONS

**Registration:** 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 State Board of Education. The purpose of that 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.*

**Length of School Year and Days:** 1,116 hours per year for grades 1–11 and 1,086 hours per year for grade 12. *K.S.A. §72-1106(b).*

**State Approval:** Optional. Approval by the Kansas State 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).*

**School Accreditation:** Optional. The Kansas State 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.*

**Licensing:** No requirements.

**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; 73-712.*

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 January 1, 2005. *K.S.A. 2007 Supp. §72-1127(a).*

**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).*

**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).*

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.*

**Transportation:** Privately owned school buses operated under contract with a nonpublic school must comply with state rules and regulations, which govern the design and operation of school buses, adopted by the state board of education. *K.S.A. §8-2009.*

**Health and Safety Requirements:** Every pupil up to the age of nine 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

that 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 that 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; 72-5205.*

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.*

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 marshal'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 marshal. In addition, private schools are required to conduct at least three tornado drills during the school year subject to the fire marshal's approval. *K.S.A. 2007 Supp. §31-133(a)(5), (8).*

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.*

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.*

**Recordkeeping and 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.*

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).*

# LOUISIANA

Transcribed from “Louisiana,” US Dept. of Education, last modified Nov. 15, 2012, <http://www2.ed.gov/about/offices/list/oii/nonpublic/louisiana.html>.

**Statutes:** <http://legis.la.gov/lss/lss.asp?folder=75>

**Administrative Code:** <http://www.doa.louisiana.gov/osr/lac/lac.htm>

**DOE Website:** <http://www.doe.state.la.us>

## SCHOOL CHOICE PROGRAMS

### Elementary and Secondary School Tuition Deduction

Individual Tax Deduction – Launched 2008

**Taxpayers participating:** 106,549 (2012)

**Average tax deduction value:** \$4,060 (2012)

**Governing Statutes:** *La. R.S. Ann.* §§47:293(9)(a)(xiv); 47:297.10

### Louisiana Scholarship Program

Voucher – Launched 2008

**Students participating:** 6,775

**Schools participating:** 126

**Average voucher value:** \$5,311 (estimate)

**Governing Statutes:** *La. R.S. Ann.* §§17:4011 through 4025

### School Choice Program for Certain Students with Exceptionalities

Voucher – Launched 2011

**Students participating:** 224

**Schools participating:** 17

**Average voucher value:** \$2,201

**Governing Statutes:** *La. R.S. Ann.* §17:4031

### Tuition Donation Rebate Program

Tax-Credit Scholarship – Launched 2012

**Scholarships awarded:** 15

**Schools participating:** 4

**Scholarship organizations:** 1

**Average scholarship value:** \$3,867

**Governing Statutes:** *La. R.S. Ann.* §47:6301

## PRIVATE SCHOOL REGULATIONS

**Registration:** Mandatory. If a nonpublic school chooses not to seek state approval, the school must register with the state each school year to comply with Louisiana’s statute, *La. R.S. Ann.* §17:232 (C) and (D). Nonpublic registered

schools (not seeking state approval) may include: (1) educational programs or (2) traditional schools with a physical plant that make the choice, based on a variety of reasons, not to obtain state approval. One example of the latter is a school where staff do not all meet minimum qualifications. To register, a nonpublic school must submit a signed letter including the name of the school, contact information, and total number of students enrolled, to the department of education by the 30th day after the school session begins. *La. R.S. Ann.* §17:232 (C).

**Length of School Year and Days:** At least 180 days. *La. R.S. Ann.* §17:236.

For grades 1–12, the minimum school day shall include 330 minutes of instruction time exclusive of recess, lunch, and planning periods. For kindergarten, the minimum instructional day for a full-day program shall be 330 minutes and for a half-day program, 165 minutes. *Louisiana Department of Education (Nonpublic) Bulletin 741: Louisiana Handbook for Nonpublic School Administrators* §705.

**State Approval:** Optional. The Louisiana Board of Elementary and Secondary Education approves any private elementary, secondary, or proprietary school upon application, if the school meets and maintains a sustained curriculum or specialized course of study of a quality at least equal to that prescribed for similar public schools. *La. Const.* Art. VIII, § 4; *La. R.S. Ann.* §17:11.

Schools are evaluated annually. A school can be classified “approved” if the school meets all the standards specified in the state’s standards for approval of nonpublic schools, “provisionally approved” if the school has deficiencies based on the standards, “probationally approved” if the school assumes one or more of three defined errors, or “unapproved.” An unapproved school becomes ineligible for state and federal funding. *Louisiana Department of Education (Nonpublic) Bulletin 741: Louisiana Handbook for Nonpublic School Administrators* §107.

Only state-approved nonpublic schools are eligible to participate in the Louisiana Scholarship Program (LSP) and the School Choice Program for Certain Students with Exceptionalities. *La. R.S. Ann.* §§17:4021; 17:4031.

**State Accreditation:** No requirements.

**Licensing:** No requirements.

**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 24 credits is required for incoming freshmen, who will complete the Louisiana Core 4 Curriculum. The minimum course requirements are four units of English, mathematics, science, and social studies, two units of health and physical education, two units of foreign language or speech, one unit of art, and three units of electives. Specific details of those requirements can be found in *Louisiana Department of Education (Nonpublic) Bulletin 741: Louisiana Handbook for Nonpublic School Administrators* §2109.

Prekindergarten programs may be operated as part of an approved elementary school program in conjunction with other grades or may be operated solely as an approved prekindergarten program. Prekindergarten includes developmental programs for children ages three to four, with a minimum age of three by September 30 of the year the child enters prekindergarten. Children in prekindergarten programs are eligible to enter kindergarten at the established age requirement for those programs. Nonpublic schools are not required to offer prekindergarten

programs nor are children required to attend those programs. Any other program that operates in a school as a childcare program shall follow the daycare standards as prescribed by the appropriate agency. *2011 Legislative Session HB 373 (Act 102)*.

No more than 35 students can be enrolled in one class except for certain activity classes such as physical education, art, music, etc. *Louisiana Department of Education (Nonpublic) Bulletin 741: Louisiana Handbook for Nonpublic School Administrators §707*.

**Testing:** Optional. Any approved nonpublic school that participates in the state Exit Testing Program shall award a state and/or school diploma to a student who successfully completes the state's minimum graduation requirements and meets the following assessment requirements: (1) Students must pass three end-of-course tests in English II or English III, Algebra I or geometry, biology, or American history; (2) a student who attends an approved nonpublic school that opts to participate in the state Exit Testing Program but who does not successfully complete the state's minimum graduation requirements and meet the assessment requirements shall not be eligible for either a state or a school diploma. Regarding a school that is a participating nonpublic school within any of the state student scholarship programs, the nonpublic school shall ensure that scholarship recipients are administered all examinations required pursuant to the Louisiana School and District Accountability System at the prescribed grade levels including the Louisiana Educational Assessment Program, the integrated Louisiana Educational Assessment Program (iLEAP), and graduation exit examinations. *La. R.S. Ann. §17:4023*.

**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 Louisiana 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*.

Instructional staff at nonpublic schools must meet one of the following three criteria: hold a valid Louisiana teaching certification for the courses he/she instructs; qualify to teach in a nonpublic school (as qualified by guidance outlined by the Louisiana Department of Education), or obtain a one-year Nonpublic Temporary Teaching Authorization (NTTA) issued by the department of education or diocesan superintendent for schools within the diocesan system. Specific details of these qualifications can be found in *Louisiana Department of Education (Nonpublic) Bulletin 741: Louisiana Handbook for Nonpublic School Administrators §303*.

**Professional Development:** A minimum of two days of professional development shall be held each school year. *Louisiana Department of Education (Nonpublic) Bulletin 741: Louisiana Handbook for Nonpublic School Administrators §305*.

**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 those 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*.

**Reimbursement for Performing State and Local Functions:** Annually, the superintendent of education 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, and annual school data. *La. R.S. Ann.* §17:361.

**Recordkeeping and Reports:** Nonpublic schools must keep registration and attendance records of students and maintain a current permanent record of the student's individual data and academic progress through school. *Louisiana Department of Education (Nonpublic) Bulletin 741: Louisiana Handbook for Nonpublic School Administrators*, §505.

Nonpublic schools must maintain a health record for each student from prekindergarten to grade 12. *Louisiana Department of Education (Nonpublic) Bulletin 741: Louisiana Handbook for Nonpublic School Administrators* §519.

A nonpublic school is required to submit an annual school report to the state department of education by October 15. *Louisiana Department of Education (Nonpublic) 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 the 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.* §§17:167, 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. Within 30 days after the beginning of the school term, principals must report in writing to the visiting teacher or supervisor of child welfare and attendance the name, birth date, race, parents' names, and residence of each pupil in attendance at their schools, 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 where neither students nor parents are recipients or beneficiaries of such funds, 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.

Schools wishing to participate in the LSP and enroll scholarship recipients shall annually notify the department of its intent to participate in the program by February 1 of the previous school year. The notice shall specify the number of seats the school will have available for scholarship recipients at each grade level and the maximum amount of tuition attributable to each available seat, as applicable. *La. R.S. Ann.* §17:4020.B.



**Technology:** Nonpublic schools choosing to implement a distance education program shall establish policies and procedures for reviewing and approving programs that meet the Standards for Distance Education as established by the Louisiana Board of Elementary and Secondary Education. *Louisiana Department of Education (Nonpublic) Bulletin 741: Louisiana Handbook for Nonpublic School Administrators* §2523.

**Other:** Schools participating in the LSP that have been approved, provisionally approved, or probationally approved for less than two years shall not have scholarship recipients comprising more than 20 percent of their total enrollment. *La. R.S. Ann.* §17:4021.

# MAINE

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Transcribed from “Maine,” US Dept. of Education, last modified Nov. 20, 2012,  
<http://www2.ed.gov/about/offices/list/oii/nonpublic/maine.html>.

**Statutes:** <http://www.mainelegislature.org/legis/statutes>

**Administrative Code:** <http://www.maine.gov/sos/cec/rules/rules.html>

**DOE Website:** <http://www.maine.gov/doe>

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## SCHOOL CHOICE PROGRAM

### Town Tuitioning Program

Voucher – Launched 1873

**Students participating:** 5,646

**Schools participating:** 50

**Average voucher value:** (2012-13): \$7,347 (K-8), \$9,317 (9-12), \$8,873 (out of state)

**Governing Statutes:** *Me. Rev. Stat. Ann.* title 20-A, §§2951 through 2955

## PRIVATE SCHOOL REGULATIONS

**Registration:** No requirements.

**Length of School Year and 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

**State Approval:** Mandatory. Attendance at a private school satisfies the compulsory attendance requirement only if the private school is approved for attendance purposes or is recognized by the state 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 of education on a timely basis and notify the commissioner of any determination made that the school is not accredited or is 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 comply with applicable state requirements regarding (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 (6) any additional approval requirements adopted by the state board and the commissioner. In addition, private secondary schools applying for approval for attendance purposes must meet the following requirements: a minimum school year, a sufficient school day length, a student-teacher ratio of not more than 30 to one, not fewer than two consecutive grades, and adequate maintenance for safely protecting 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 from any private school for failure to meet applicable approval requirements. *Me. Rev. Stat. Ann.* title 20-A, §2904.

A private school that has chosen not to seek approval by the state department of education may voluntarily provide information on an annual basis to the commissioner and/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 provides attendance notifications to the local superintendent. 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 having: (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 state 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 needs of Maine students regarding their aspirations; and (11) scholarship assistance for the state's youths. *Me. Rev. Stat. Ann.* title 20-A, §2907.1. *Code Me. R.* §250.

**State Accreditation:** No requirements.

**Licensing:** No requirements.

**Curriculum:** Private elementary schools approved for attendance purposes by the department must provide instruction in career and education development, English language arts, world languages, health education and physical education, mathematics, science and technology, social studies, and visual and performing arts, as described in the parameters for essential instruction and graduation requirements subject to the schedule specified in section 6209. In addition, instruction in American history, government, citizenship, and Maine studies requirements must occur and follow section 6209 specifications. *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, 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.

English is the basic language of instruction in all schools except that, 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 as a second language. *Me. Rev. Stat. Ann.* title 20-A, §4701.

**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 and whose enrollment includes at least 60 percent publicly funded students, must participate in the Statewide Assessment Program. The assessment program measures on a sampling basis in alternate years the academic achievement of students in grades four, eight, and 11 in basic subjects, i.e. reading, writing, and mathematics, and potentially science and social studies. *Me. Rev. Stat. Ann.* title 20-A, §6202.

**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 it, 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.

**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.

**Recordkeeping and 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 the 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 student at that school has been signed by the school administrator and filed with the school officials of the local administrative unit. *Me. Rev. Stat. Ann.* title 20-A, §5001-A.3.A.(2).

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 15, 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 1 of each year. *Me. Rev. Stat. Ann. title 20-A, §2953.*

**Special Education:** 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.*

**Nursing and Health:** Health and remedial services, instructional materials, and equipment provided with appropriated public funds, as well as the admission of students to the nonpublic schools, must be provided without distinction as to the race, creed, color, or national origin of the pupil and of their teachers. Instructional materials or instructional equipment may be loaned to pupils in nonpublic schools or their parents if similar instructional materials or equipment is available for public school students within a local school district. *Me. Rev. Stat. Ann. title 30-A, §5724.9.*

Private schools that enroll more than 60 percent of their students at public expense are required to adopt a policy on management of head injuries. *Me. Rev. Stat. Ann. title 20-A, §§254, 1001.*

**Other:** Private schools receiving students under the Town Tuitioning program must (1) meet the requirements for basic school approval; (2) be nonsectarian schools; (3) be incorporated under the laws of Maine or the United States; (4) comply with reporting and auditing requirements; and (5) if the school enrolls 60 percent or more publicly funded students, participate in the Statewide Assessment Program. *Me. Rev. Stat. Ann. title 20-A, §2951.*

# MINNESOTA

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Transcribed from “Minnesota,” US Dept. of Education, last modified Nov. 20, 2012, <http://www2.ed.gov/about/offices/list/oii/nonpublic/minnesota.html>.

**Statutes:** <https://www.revisor.leg.state.mn.us/statutes>

**Administrative Code:** <https://www.revisor.mn.gov/rules>

**DOE Website:** <http://education.state.mn.us/mde/index.html>

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## SCHOOL CHOICE PROGRAMS

### Education Deduction

Individual Tax Deduction – Launched 1955

**Taxpayers participating:** 224,716 (2011)

**Average tax deduction value:** \$1,157 (2011)

**Governing Statutes:** *Minn. Stat. Ann.* §2901.01, subdivision 19b(3)

### K-12 Education Credit

Individual Tax Credit – Launched 1998

**Taxpayers participating:** 57,331 (2011)

**Average tax credit value:** \$273 (2011)

**Governing Statutes:** *Minn. Stat. Ann.* §290.0674

## PRIVATE SCHOOL REGULATIONS

**Registration:** No requirements.

**Length of School Year and Days:** The state does not regulate the length of the school year for students attending nonpublic schools.

**State Approval:** No requirements.

**State Accreditation:** Optional. The Nonpublic Education Council may recognize educational accrediting agencies. *Minn. Stat. Ann.* §123B.445.

Minnesota nonpublic schools (traditional private schools or home schools) that are directly accredited by an organization that has been recognized by the Minnesota Nonpublic Education Council or the Commissioner of Education are eligible for reduced reporting requirements to the superintendents of the districts where their students reside, as outlined in *Minn. Stat. Ann.* §120A.22, Minnesota Compulsory Instruction Law.

**Licensing:** No requirements.

**Curriculum:** Minnesota’s compulsory education law requires instruction in (1) basic communication skills, including reading, 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.

**Testing:** Students attending private 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 private schools accredited by a state-recognized accrediting agency are exempt from the testing requirement. *Minn. Stat. Ann.* §120A.22, Subd. 11.

**Teacher Certification:** Optional. An instructor in Minnesota must meet one of the following criteria: hold a valid Minnesota teaching license for the grade level at which he or she will teach; 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. *Minn. Stat. Ann.* §122A.15; 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.

**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.

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 lockdown 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.

Private 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 marshal. *Minn. Stat. Ann.* §299F.30.

All schools must be operated in compliance with the uniform fire code. *Minn. Stat. Ann.* §299F.391.

**Recordkeeping and Reports:** Nonpublic schools must complete and submit the Minnesota Compulsory Instruction Report to the local superintendent by October 1 of each school year. The report requires the name, age, and address of each child receiving instruction. 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 and evidence of their qualifications; and they must make available documentation that the requisite subjects are being taught and provide 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.

**Special Education:** 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 from failing to ensure physical and program access for persons with disabilities. 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:** 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.

**Other:** Must provide similar health, counseling, and guidance services as the local public school. *Minn. Stat. Ann.* §123B.44.

Private schools must adhere to nondiscrimination policy. *Minn. Stat. Ann.* §123B.41, Subd. 9



# MISSISSIPPI

Transcribed from “Mississippi,” US Dept. of Education, last modified July 12, 2013, <http://www2.ed.gov/about/offices/list/oii/nonpublic/mississippi.html>.

**Statutes:** <http://www.lexisnexis.com/hottopics/mscode>

**Administrative Code:** <http://www.sos.ms.gov/admincodesearch/default.aspx>

**DOE Website:** <http://www.mde.k12.ms.us>

## SCHOOL CHOICE PROGRAMS

### Mississippi Dyslexia Therapy Scholarship for Students with Dyslexia Program

Voucher – Launched 2012

**Students participating:** 71 (Fall 2013)

**Schools participating:** 3 (Fall 2013)

**Average voucher value:** \$4,530 (Fall 2013)

**Governing Statutes:** *Miss. Code Ann.* §§37-173-1 through 173-31

### Nate Rogers Scholarship for Students with Disabilities Program

Voucher – Launched 2013

**Students participating:** N.A.

**Schools participating:** N.A.

**Average voucher value:** N.A.

**Governing Statutes:** *Miss. Code Ann.* §§37-175-1 through 175-29

## PRIVATE SCHOOL REGULATIONS

**Registration:** No requirements.

**Length of School Year and 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).

**State Approval:** Optional. Nonpublic schools may request approval by the Mississippi 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 standards for public schools. *Miss. Code Ann.* §37-17-7. *Miss. State Board of Education Policy Manual*, §1000, revised September 2012.

Standards for state approval or accreditation are set out in the policy document *Nonpublic Schools Accountability Standards, 2.2*, 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*, 7.1, 2004.

The Mississippi Board of Education assigns an accreditation status from the following four options: accredited, advised, probation, and withdrawn. *Nonpublic Schools Accountability Standards*, 2.3, 2004.

The first year an accredited 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 and be required to develop a corrective action plan. If the school with an assigned “probation” status fails to meet the approved corrective action plan’s goals and timelines, the school will receive a “withdrawn” status. *Nonpublic Schools Accountability Standards*, 2.3, 2004.

Nonpublic schools must be special-purpose schools and accredited to participate in the Mississippi Dyslexia Therapy Scholarship for Students with Dyslexia and Nate Rogers Scholarship for Students with Disabilities programs.

**State Accreditation:** Optional. Nonpublic schools may be accredited by independent nonpublic school accrediting agencies. *Miss. Code Ann.* §37-17-9.

Nonpublic schools “serving school age students” may request to be accredited by the state board of education. *Miss. Code Ann.* §37-17-7. *Nonpublic Schools Accountability Standards*, 1.0, 2004.

**Licensing:** No requirements.

**Testing:** Nonpublic schools do not participate in the statewide assessment system and are not assigned a school performance classification. *Nonpublic Schools Accountability Standards, Introduction*, 2004.

**Teacher Certification:** Teacher certification is required for those schools that choose to be accredited by the state board of education. *Nonpublic Schools Accountability Standards*, 12, 2004.

**Recordkeeping and Reports:** All children of compulsory school age must be enrolled in a public school, private school, or home school program. The parents or guardians of the child 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/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*, 7.1, 2004.

# NEW HAMPSHIRE

Transcribed from Office of Non-Public Education, *State Regulation of Private Schools* (Washington, DC: US Dept. of Education, Office of Innovation and Improvement, Office of Non-Public Education, 2009), <http://www2.ed.gov/admins/comm/choice/regprivschl/regprivschl.pdf>.

**Statutes:** <http://www.gencourt.state.nh.us/rsa/html/indexes/default.html>

**Administrative Code:** <http://gencourt.state.nh.us/rules/index.html>

**DOE Website:** <http://www.education.nh.gov>

## SCHOOL CHOICE PROGRAM

### Education Tax Credit Program

Tax-Credit Scholarship – Launched 2013

**Scholarships awarded:** 103 (Spring 2013)

**Schools participating:** 47 (Spring 2013)

**Scholarship organizations:** 1 (Spring 2013)

**Average scholarship value:** \$1,246 (Spring 2013)

**Governing Statutes:** *N.H. Rev. Stat. Ann* §§77-G:1 through 10

## PRIVATE SCHOOL REGULATIONS

**Registration:** Mandatory. Every sole proprietor doing business in the state under any name other than the sole proprietor's own name, and every partnership, trust, or association doing business in the 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.

**Length of School Year and 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.

**State Approval:** 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.

**State Accreditation:** No requirements (as of July 2009). 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.

**Licensing:** No requirements.

**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.*

**Testing:** 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.*

**Teacher Certification:** Teacher certification is not required for teachers at private schools.

**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).*

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 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.*

**Recordkeeping and 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, dropouts, 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.*

# NORTH CAROLINA

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Transcribed from “North Carolina,” US Dept. of Education, last modified Jan. 28, 2013, <http://www2.ed.gov/about/offices/list/oii/nonpublic/northcarolina.html>.

**Statutes:** <http://www.ncga.state.nc.us/gascripts/Statutes/StatutesTOC.pl>

**Administrative Code:** <http://ncrules.state.nc.us/ncac.asp>

**DOE Website:** <http://www.ncdnpe.org>

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## SCHOOL CHOICE PROGRAMS

### Special Education Scholarship Grants for Children with Disabilities

Voucher – Launched 2014

**Students participating:** N.A.

**Schools participating:** N.A.

**Maximum voucher value:** \$3,000 per semester

**Governing Statutes:** *N.C. Gen. Stat.* §§112.2 through 112.5

### Opportunity Scholarships

Voucher – Launched 2014

**Students participating:** N.A.

**Schools participating:** N.A.

**Maximum voucher value:** \$4,200

**Governing Statutes:** *N.C. Gen. Stat.* §§115C-562.1 through 562.7

## PRIVATE SCHOOL REGULATIONS

**Registration:** 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.

**Length of School Year and Days:** 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. The state’s private school attendance statute defines that as “a school term of at least nine calendar months on a regular schedule excluding reasonable holidays and vacations.” North Carolina’s Division of Non-Public Education, within the North Carolina Department of Administration,

advises that the school term have at least 180 instructional days per year with typical school days of at least five and one-half hours in length and typical class periods of 50 minutes for grades nine through 12. *N.C. Gen. Stat.* §115C-378 and *N.C. Gen. Stat.* §115C-548.

**State Approval:** Optional. Private church schools or schools of religious charter and qualifying nonpublic schools that comply with the provisions of *N.C. Gen. Stat.* §§115C-547 through 562 are not subject to any other educational provisions except requirements regarding fire, safety, sanitation, and immunization. *N.C. Gen. Stat.* §§115C-554, 562.

**State Accreditation:** Optional. Qualified nonpublic schools shall have one or more of the following characteristics: (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, and/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.

**Licensing:** No requirements.

**Curriculum:** 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.

**Testing:** Private church schools or schools of religious charter, and other 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-549, 553, 557, 174.

Private church schools or schools of religious charter, and other qualified nonpublic schools, 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, 558, 174.

Nonpublic schools participating in the Opportunity Scholarship program must administer a nationally standardized test to all scholarship students enrolled in grades three or higher at least once a year. The test must measure performance in the areas of English grammar, reading, spelling, and mathematics, and scores must be reported to the North Carolina State Education Assistance Authority (NCSEAA) each year by July 15. Schools enrolling more than 25 scholarship students must report test performance data in the aggregate.

**Teacher Certification:** Teacher certification is not required of nonpublic schools. Nonpublic schools participating in the Opportunity Scholarship program must conduct a criminal background check for the staff member with the highest decision-making authority to make sure he or she has not been convicted of any crime.

**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 or guardian has 30 days from the first day of the child’s attendance in school 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, 156, 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. Note: 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.* §130A-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 printed instructions for properly conducting fire drills. October 9 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.

**Recordkeeping and 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 three, six, nine, 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.

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.*

**Special Education:** A North Carolina local education agency may place a student requiring special education in a private school having a special education program approved by the state board of education without cost to the parents. The private schools must meet standards that apply to state and local education 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.*

**Other:** Nonpublic schools participating in the Opportunity Scholarship program must provide the NCSEAA with documentation for tuition and fees charged to the student, graduation rates of scholarship students, and must contract with a CPA to perform a financial review if they accept students who receive a collective total of more than \$300,000 in scholarship grants.

# OHIO

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Transcribed from Office of Non-Public Education, *State Regulation of Private Schools* (Washington, DC: US Dept. of Education, Office of Innovation and Improvement, Office of Non-Public Education, 2009), <http://www2.ed.gov/admins/comm/choice/regprivschl/regprivschl.pdf>.

**Statutes:** <http://codes.ohio.gov/orc>

**Administrative Code:** <http://codes.ohio.gov/oac>

**DOE Website:** <http://education.ohio.gov>

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## SCHOOL CHOICE PROGRAMS

### Cleveland Scholarship Program

Voucher – Launched 1996

**Students participating:** 6,027

**Schools participating:** 35

**Average voucher value:** \$4,112 (2012-13)

**Governing Statutes:** *ORC* §§3313.974 through 979

### Autism Scholarship Program

Voucher – Launched 2004

**Students participating:** 2,496

**Service providers participating:** 267

**Average voucher value:** \$19,103 (2012-13)

**Governing Statutes:** *ORC* §§3310.41 through 43

### Educational Choice Scholarship Program

Voucher – Launched 2006

**Students participating:** 16,999

**Schools participating:** 443

**Average voucher value:** \$4,105 (2012-13)

**Governing Statutes:** *ORC* §§3310.01 through 17

### Jon Peterson Special Needs Scholarship Program

Voucher – Launched 2012

**Students participating:** 2,204

**Service providers participating:** 194 (2012-13)

**Average voucher value:** \$8,543 (2012-13)

**Governing Statutes:** *ORC* §§3310.51 through 64

### Income-Based Scholarship Program

Voucher – Launched 2013

**Students participating:** 937

**Schools participating:** 443

**Maximum voucher value:** \$4,250

**Governing Statutes:** *ORC* §3310.032

## PRIVATE SCHOOL REGULATIONS

**Registration:** No requirements.

**Length of School Year and Days:** 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 12 shall consist of at least five and one-half hours, excluding the lunch period. *ORC §3301.35-06.*

**State Approval:** No requirements. 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.*

**State Accreditation:** No requirements.

**Licensing:** No requirements.

**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.*

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.*

**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 three through eight Achievement Tests currently are in reading, mathematics, science, social studies, and writing and are aligned to Ohio's academic content standards. Those assessments measuring 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 chartered nonpublic schools must pass all five parts of the Ohio Graduation Tests (OGT) to receive high school diplomas and that 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. According to state code, those standards have been designed to ensure 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).

**Teacher Certification:** Standards for teacher certification for non-tax-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.

**Health and Safety Requirements:** 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 hours. *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 or her 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.

**Reimbursement for Performing State and 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.

**Recordkeeping and 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.*

# OKLAHOMA

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Transcribed from Office of Non-Public Education, *State Regulation of Private Schools* (Washington, DC: US Dept. of Education, Office of Innovation and Improvement, Office of Non-Public Education, 2009), <http://www2.ed.gov/admins/comm/choice/regprivschl/regprivschl.pdf>.

**Statutes:** <http://www.oklegislature.gov/osstatuestitle.html>

**Administrative Code:** <http://www.oar.state.ok.us/oar/codedoc02.nsf>

**DOE Website:** <http://www.ok.gov/sde>

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## SCHOOL CHOICE PROGRAMS

### Lindsey Nicole Henry Scholarships for Students with Disabilities

Voucher – Launched 2010

**Students participating:** 282

**Schools participating:** 33

**Average voucher value:** \$7,831 (2012-13)

**Governing Statutes:** *Okla. Stat. Title 70, §§13-101.1; 13-101.2*

### Oklahoma Equal Opportunity Education Scholarships

Tax-Credit Scholarship – Launched 2013

**Scholarships awarded:** 467

**Schools participating:** 33

**Scholarship organizations:** 2

**Average scholarship value:** \$270

**Governing Statutes:** *Okla. Stat. Title 68, §2357.206*

## PRIVATE SCHOOL REGULATIONS

**Registration:** No requirements.

**Length of School Year and 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.*

**State Approval:** No requirements.

**State Accreditation:** 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 onsite 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 and 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 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.*

**Licensing:** No requirements.

**Curriculum:** 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 12 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.*

**Testing:** No requirements.

**Teacher Certification:** Teacher certification is required for accredited private schools. *Okla. Stat. Title 70, §6-189.*

**Health and Safety Requirements:** Students may not be admitted to any public, private, or parochial school operating in the 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.*

An educational facility, which offers an early childhood education program or in which children in grades kindergarten through 12 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. *Okla. Stat. Title 63, §1-1523.*

**Recordkeeping and 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.*

**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.*



# PENNSYLVANIA

Transcribed from “Pennsylvania,” US Dept. of Education, last modified July 10, 2013, <http://www2.ed.gov/about/offices/list/oii/nonpublic/pennsylvania.html>.

**Statutes:** <http://www.legis.state.pa.us/cfdocs/legis/li/public>

**Administrative Code:** <http://www.pacode.com/secure/search.asp>

**DOE Website:** <http://www.pde.state.pa.us>

## SCHOOL CHOICE PROGRAMS

### Educational Improvement Tax Credit Program

Tax-Credit Scholarship – Launched 2001

**Scholarships awarded:** 59,218 (2012-13)

**Schools participating:** N.A.

**Scholarship organizations:** 266 (2012-13)

**Average scholarship value:** \$990 (2011-12)

**Governing Statutes:** 72 P.S. §§5-8701-F through 8708-F; 5-9902E

### Opportunity Scholarship Tax Credit Program

Tax-Credit Scholarship – Launched 2012

**Scholarships awarded:** N.A.

**Schools participating:** N.A.

**Scholarship organizations:** N.A.

**Average scholarship value:** N.A.

**Governing Statutes:** 72 P.S. §§5-8701-G.1 through 8712-G.1

## PRIVATE SCHOOL REGULATIONS

**Registration:** 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 principal’s notarized certification or affidavit. The notarized document states that subjects prescribed by the PA Public School code will be taught or offered in the English language for the amount of time specified, that the governing religious body is a nonprofit organization, and that the school is otherwise in compliance with the provisions of the PA Public School Code. 24 P.S. §13-1327(b).

There is no accreditation or licensing requirement for religious schools; for those schools accreditation or licensing is optional. Non-religious, private schools (K–12) must be either licensed or accredited.

**Length of School Year and 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.

**State Approval:** No requirements.

**State Accreditation:** 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 Board of Education will be approved to grant accreditation to private academic schools. Approved accrediting organizations report annually to the department with a summary of their accreditation activity, including a listing of schools that have been accredited, the fees collected, visitation schedule, and other information as the department deems appropriate. Accrediting organizations make an immediate, one-time report to the department regarding any educational institution that has gained or lost its accreditation.

**Licensing:** 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.

**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 state department of education stating those 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 state department of education stating those 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).

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.

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.

Private schools must display the United States flag, not less than three feet in length, in all school buildings during each day that school is 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.

**Testing:** Optional. Nonpublic and private school may elect to participate in the use of the state testing used in public schools.

**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, non-licensed religious school. 22 Pa. Code §51.34.; 24 P.S. §13-1327(b).

**Professional Development:** Many private /nonpublic schools employ teachers with public school teaching certification. To stay in active status, Pennsylvania’s public school teaching certificate holders must obtain 180 hours of continuing professional education, or its equivalent in collegiate courses, every five years. Private /nonpublic schools may apply to the state department of education for approval of a professional education plan, which, if approved, enables the private /nonpublic school to provide in-service programs and activities that are creditable toward the five-year 180-hour requirement.

**Transportation:** School vehicles owned by or under contract with a parochial or private school that are used for the transportation of students must conform to department of transportation standards governing design, construction, equipment and operation. 75 P.S. §4551.

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.

**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.

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.

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 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 those records shall be made accessible to the public for examination by the public during regular business hours. 24 P.S. §1307A.

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.

**Recordkeeping and Reports:** Private schools have an obligation to furnish district superintendents a list of the names and residences of all resident children between six 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.

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/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 re-enroll in another Pennsylvania school. 24 P.S. §14-1409.

**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 state department of education. 24 P.S. §13-1376.

When requested, those 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 state department of education. 24 P.S. §13-1377.

# RHODE ISLAND

Transcribed from “Rhode Island,” US Dept. of Education, last modified June 25, 2013, <http://www2.ed.gov/about/offices/list/oii/nonpublic/rhodeisland.html>.

**Statutes:** <http://www.rilin.state.ri.us/statutes>

**Administrative Code:** <http://sos.ri.gov/rules>

**DOE Website:** <http://www.ride.ri.gov>

## SCHOOL CHOICE PROGRAM

### Tax Credits for Contributions to Scholarship Organizations

Tax-Credit Scholarship – Launched 2007

**Scholarships awarded:** 382 (2013)

**Schools participating:** 45 (2013)

**Scholarship organizations:** 5 (2013)

**Average scholarship value:** \$2,690 (2013)

**Governing Statutes:** *RIGL* §§44-62-1 through 62-8

## PRIVATE SCHOOL REGULATIONS

**Registration:** Mandatory. Registration with the office of the department of elementary and secondary education is required for all private schools. The registry must show the location, name, director or principal of school, grade span, enrollment, school approval status, and other pertinent facts. *RIGL* §§16-40-11, 16-97 et. seq.

**Length of School Year and Days:** At least 180 days annually. *RIGL* §16-2-2, §16-19-2.

The minimum amount of daily instructional time for public school students is five and one-half hours. *Rhode Island Board of Education Regulations* G-4-4, G-4-11.

**State Approval:** 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, 16-60-4 (10), 16-97 et. seq.

**State Accreditation:** No requirements.

**Licensing:** No requirements.

**Curriculum:** Reading, writing, geography/social studies, arithmetic, the history of the United States and Rhode Island, civics education, and the principles of American government are required and must be taught in the English

language. 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. *RIGL* §§16-19-2, 16-22-2, 16-22-4. *Rhode Island Board of Education Regulations* L-6-1.0(g).

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.

**Testing:** Private school students' participation in state testing is voluntary. *RIGL* §16-22-9.

**Teacher Certification:** Certification is not required for private school teachers. In general, teachers are expected to maintain and develop up-to-date competencies with appropriate professional development in the content area or grade levels they teach. All teachers in private schools must have a national and state criminal records check. *RIGL* §§16-9-2, 16-2-18.1.

**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 and training 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 to exceed \$500. *RIGL* §§16-21-3, 3.1.

Private schools are subject to the Rhode Island Safe Schools Act on bullying—a statewide bullying policy, ensuring a consistent and unified statewide approach to the prohibition of bullying at school. *RIGL* §§16-21-33, 16-21-34.

Private schools must instruct and train the pupils by means of drills to leave school buildings and/or be locked down in an emergency in the shortest possible time and without confusion or panic. Fifteen drills are required annually, of which at least eight must be 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 and evacuation 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.

**Recordkeeping and 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 that 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 about which session their child has been placed 30 days before the start of the school year. *RIGL §16-2-28.2.*

**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 are subject to the Rhode Island Rules and Regulations for School Health Programs. *RIGL §16-21-7.*

# SOUTH CAROLINA

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Transcribed from Office of Non-Public Education, *State Regulation of Private Schools* (Washington, DC: US Dept. of Education, Office of Innovation and Improvement, Office of Non-Public Education, 2009), <http://www2.ed.gov/admins/comm/choice/regprivschl/regprivschl.pdf>.

**Statutes:** <http://www.scstatehouse.gov/code/statmast.php>

**Administrative Code:** <http://www.scstatehouse.gov/coderegs/statmast.php>

**DOE Website:** <https://ed.sc.gov>

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## SCHOOL CHOICE PROGRAM

### Educational Credit for Exceptional Needs Children

Tax-Credit Scholarship – Launched 2014

**Scholarships awarded:** N.A.

**Schools participating:** N.A.

**Scholarship organizations:** N.A.

**Average scholarship value:** N.A.

**Governing Statutes:** S.C. State Budget Proviso 1.85

## PRIVATE SCHOOL REGULATIONS

**Registration:** No requirements.

**Length of School Year and Days:** There is no state requirement for private schools' length of the school year.

**State Approval:** 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.

**School Accreditation:** 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 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.

**Licensing:** No requirements.



**Curriculum:** There are no state requirements for the curriculum of private schools.

**Testing:** No requirements.

**Teacher Certification:** Teacher certification is not required for private school teachers.

**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).*

**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 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).*

**Recordkeeping and 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 \$25.00. *S.C. Code §59-13-130.*

**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.*

# UTAH

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Transcribed from Office of Non-Public Education, *State Regulation of Private Schools* (Washington, DC: US Dept. of Education, Office of Innovation and Improvement, Office of Non-Public Education, 2009), <http://www2.ed.gov/admins/comm/choice/regprivschl/regprivschl.pdf>.

**Statutes:** <http://le.utah.gov/code/code.htm>

**Administrative Code:** <http://www.rules.utah.gov/publicat/code.htm>

**DOE Website:** <http://www.schools.utah.gov/main>

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## SCHOOL CHOICE PROGRAM

### Carson Smith Special Needs Scholarship Program

Voucher – Launched 2005

**Students participating:** 714 (2012-13)

**Schools participating:** 40 (2012-13)

**Average voucher value:** \$4,733 (2012-13)

**Governing Statutes:** *Utah Code Ann.* §§55A-1a-701 through 1a-710

## PRIVATE SCHOOL REGULATIONS

**Registration:** No requirements.

**Length of School Year and Days:** There is no state requirement for private schools' length of the school year.

**State Approval:** No requirements.

**State Accreditation:** Optional.

**Licensing:** No requirements.

**Teacher Certification:** Teacher certification is not required for private school teachers.

**Testing:** 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.*

**Transportation:** Private schools and their employees are subject to Utah Department of Transportation's regulations on the design and operation of school buses privately owned for use by private schools. *Utah Code Ann.* §41-6-115.

**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 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.

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.

**Recordkeeping and 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.

# VERMONT

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Transcribed from Office of Non-Public Education, *State Regulation of Private Schools* (Washington, DC: US Dept. of Education, Office of Innovation and Improvement, Office of Non-Public Education, 2009), <http://www2.ed.gov/admins/comm/choice/regprivschl/regprivschl.pdf>.

**Statutes:** <http://www.leg.state.vt.us/statutesmain.cfm>

**Administrative Code:** <http://www.lexisnexis.com/hottopics/codeofvtrules>

**DOE Website:** <http://education.vermont.gov>

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## SCHOOL CHOICE PROGRAM

### Town Tuitioning Program

Voucher – Launched 1869

**Students participating:** 2,608

**Schools participating:** 100

**Average voucher value:** \$14,055

**Governing Statutes:** 16 VSA §§821 through 836

## PRIVATE SCHOOL REGULATIONS

**Registration:** No requirements.

**Length of School Year and Days:** At least 175 days. 16 VSA §1071.

School year is defined under Vermont’s general provisions as beginning July 1 and ending the next June 30. 16 VSA §11(12).

**State Approval:** Optional. 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. 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; and (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).

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).

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 or she 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.

**State Accreditation:** No requirements.

**Licensing:** No requirements.

**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.

**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).

**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.

**Transportation:** 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.

**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 that 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.

**Recordkeeping and 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 by 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).

# VIRGINIA

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Transcribed from “Virginia,” US Dept. of Education, last modified Sept. 23, 2014,  
<http://www2.ed.gov/about/offices/list/oii/nonpublic/virgina.html>.

**Statutes:** <http://leg1.state.va.us/000/src.htm>

**Administrative Code:** <http://leg1.state.va.us/cgi-bin/legp504.exe?000+men+SRR>

**DOE Website:** <http://www.doe.virginia.gov>

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## SCHOOL CHOICE PROGRAM

### Education Improvement Scholarships Tax Credits Program

Tax-Credit Scholarship Program – Launched 2013

**Scholarships awarded:** 275

**Schools participating:** 30

**Scholarship organizations:** 7

**Average scholarship value:** \$2,456

**Governing Statutes:** *Va. Code* §§58.1-439.25 through 439.28

## PRIVATE SCHOOL REGULATIONS

**Registration:** No requirements.

**Length of School Year and Days:** 180 days or 990 teaching hours. *Va. Code* §§22.1-254 and 22.1-98.

**State Approval:** Optional. Approval of the licensing application satisfies the licensing requirement for private schools serving students with disabilities. 8 VAC 20-670-40.

**State Accreditation:** Optional. The board of education does not accredit private schools but recognizes accreditation by the Virginia Council for Private Education (VCPE), a private umbrella organization that approves the accreditation process of its association member organizations. 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.

**Licensing:** 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, 22.1-323.

The license of each school that continues to operate as such shall be renewed on or before the anniversary date set by the department of education. 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.

**Testing:** Private school students are not required to participate in state administered tests unless the student is a child with a disability who has been placed by a local school division or is placed for non-educational reasons by a Comprehensive Services Act team that includes the School division. *Virginia Administrative Code*, 8 VAC 20-81-150.A of the *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*.

**Teacher Certification:** Teacher certification is not required by the state; however, an approved accrediting association may set its own requirements for teacher credentials.

**Transportation:** School bus drivers hired by parochial and private schools must meet the qualifications and provide the same documentation required of public school bus drivers. *Va. Code* §§22.1-180, 22.1-178.

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.

**Health and Safety Requirements:** For admittance to a school, a student or the student's parents must submit 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. Conditional admittance is allowed if a student's immunizations are incomplete and she submits a schedule for completion within 90 calendar 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.

Employees of private schools who have reason to suspect that a child is abused or neglected 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 or to the department of social services' toll-free child abuse and neglect hotline. *Va. Code* §63.2-1509.

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, and/or temporary employment at an accredited private or religious K-12 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.

**Recordkeeping and Reports:** Every teacher in Virginia must keep an accurate daily record of attendance for all 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.

**Special Education:** 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.

Students with special needs are eligible to participate in the state tax-credit scholarship program. Those students with a current individualized educational program and whose family's annual household income is not in excess of 400 percent of the current poverty guidelines can be considered. *Va. Code* §§58.1-439.25, 58.1-439.28.

**Nursing and Health:** Any person seeking a first-time teaching license or license renewal to provide emergency first aid, cardiopulmonary resuscitation, and use of an automated external defibrillator must submit written documentation that shows successful completion of a training or certification program that includes all three topics. *Va. Code* §22.1-298.1.D(4). [Note: This provision applies only to teachers seeking initial licensure or licensure renewal from the Virginia Department of Education.] Online training or certification that meets the standards of instruction for these topics may be accepted to meet this requirement. For license renewal, individuals must seek approval of activities for renewal from their school heads of accredited nonpublic schools in Virginia. Virginia Department of Education's Attachment A, Memo No. 156-13; June 7, 2013.

# WISCONSIN

Transcribed from “Wisconsin,” US Dept. of Education, last modified Aug. 16, 2013,  
<http://www2.ed.gov/about/offices/list/oii/nonpublic/wisconsin.html>.

**Statutes:** <https://docs.legis.wisconsin.gov/statutes/prefaces/toc>

**Administrative Code:** <https://docs.legis.wisconsin.gov/code/prefaces/toc>

**DOE Website:** <http://dpi.wi.gov>

## SCHOOL CHOICE PROGRAMS

### Milwaukee Parental Choice Program

Voucher – Launched 1990

**Students participating:** 24,915

**Schools participating:** 110

**Maximum voucher value:** \$6,442

**Governing Statutes:** *Wis. Stats.* §119.23

### Parental Private School Choice Program (Racine)

Voucher – Launched 2011

**Students participating:** 1,183

**Schools participating:** 13

**Maximum voucher value:** \$6,442

**Governing Statutes:** *Wis. Stats.* §118.60

### Parental Choice Program (Statewide)

Voucher – Launched 2013

**Students participating:** 500

**Schools participating:** 25

**Maximum voucher value:** \$6,442

**Governing Statutes:** *Wis. Stats.* §118.60

### K-12 Private School Tuition Deduction

Individual Tax Deduction – Launched 2014

**Taxpayers participating:** N.A.

**Average tax deduction value:** N.A.

**Governing Statutes:** *Wis. Stats.* §71.05(6)(b)49

## PRIVATE SCHOOL REGULATIONS

**Registration:** No requirements.

**Length of School Year and Days:** At least 875 hours of instruction each school year. *Wis. Stats.* §118.165(c).

Private schools participating in the Milwaukee Parental Choice Program (MPCP) and the Parental Private School Choice Program (PPSCP) must provide at least 1,050 hours of direct pupil instruction for grades one through six and 1,137 hours of direct pupil instruction for grades seven through 12. *Wis. Stats.* §119.23(2)(a)8 and §118.60(2)(a)8.

**State Approval:** 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 (a school is not required to “include in its curriculum any concept, topic or practice in conflict with the program’s religious doctrines or to exclude from its curriculum any concept, topic or practice consistent with the program’s religious doctrines”); (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 two months of summer vacation, or the institution is a licensed child welfare agency. *Wis. Stats.* §118.165.

**State Accreditation:** Optional, except for schools participating in one of the three voucher programs: MPCP, PPSCP, and the Wisconsin Parental Choice Program (WPCP). *Wis. Stats.* §119.23(2)(a)7 and §118.60(2)(a)7:

- Under 2011 Act 47, new schools interested in participating in the WPCP, MPCP, or PPSCP must be preaccredited by the Institute for Transformation of Learning at Marquette University, Wisconsin North Central Association, the Wisconsin Religious and Independent Schools Accreditation, the Independent Schools Association of the Central States, Wisconsin Evangelical Lutheran Synod School Accreditation, National Lutheran School Accreditation, Wisconsin Association of Christian Schools, or the archdiocese or diocese within which the private school is located. Schools new to the program for the 2013–14 school year must apply for accreditation by December 31, 2013. *Wis. Stats.* § 119.23(2)(a) 7.b., amended by Act 47 sections 17.
- Preaccreditation is not required if the school is fully accredited by the Wisconsin North Central Association, the Wisconsin Religious and Independent Schools Accreditation, the Independent Schools Association of the Central States, Wisconsin Evangelical Lutheran Synod School Accreditation, National Lutheran School Accreditation, Wisconsin Association of Christian Schools, or the archdiocese or diocese within which the private school is located. *Wis. Stats.* § 119.23(2)(a) 7.b., amended by Act 47 sections 17.
- All private schools participating in the WPCP, MPCP, or PPSCP are required to achieve accreditation by the Wisconsin North Central Association, the Wisconsin Religious and Independent Schools Accreditation, the Independent Schools Association of the Central States, Wisconsin Evangelical Lutheran Synod School Accreditation, National Lutheran School Accreditation, Wisconsin Association of Christian Schools, the archdiocese or diocese within which the private school is located or any other organization recognized by the National Council for Private School Accreditation. Schools new to WPCP, MPCP, or PPSCP for the 2013–14 school year must be accredited by December 31, 2016. *Wis. Stats.* § 119.23 (2)(a)7.a. amended by Act 47 section 16.
- Schools that were approved for scholarship funding for the 2005–06 school year by Partners Advancing Values in Education (PAVE) must be accredited by an approved agency no later than December 31, 2015.

Private schools that do not participate in the WPCP, MPCP, or PPSCP are not required to be accredited.

**Licensing:** No requirements.

**Curriculum:** According to Wisconsin’s statutory definition of a private school, the private school must provide a sequentially progressive curriculum of fundamental instruction in reading, language arts, mathematics, social studies, science, and health. That 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(1)(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 his or her objections or those of his or her parent or guardian. *Wis. Stats.* §118.06.

**Testing:** Assessment is not required for pupils attending private schools with the exception of assessment requirements for pupils attending private schools under the three state choice programs: MPCP as set out in *Wis. Stats.* §119.23(7)e and both PPSCP and WPCP as set out in *Wis. Stats.* §118.60. MPCP, PPSCP, and WPCP schools are required to administer to MPCP, PPSCP, and WPCP pupils in grades three through eight and grade 10 the Wisconsin Knowledge and Concepts Examination (WKCE). *Wis. Stats.* §115.38(4).

MPCP, PPSCP, and WPCP schools report all scores from all standardized tests to the Wisconsin Department of Public Instruction annually.

**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 MPCP and the PPSCP are required to have a bachelor’s degree from an accredited institution of higher education. *Wis. Stats.* §119.23(2)(a)(6)a and *Wis. Stats.* §118.60(2)(a)(6)a.

Administrators at a school participating in the MPCP and the PPSCP must have at least a bachelor’s degree from an accredited institution of higher education *Wis. Stats.* §119.23(2)(a)(6)b and *Wis. Stats.* §118.60(2)(a)(6)b.

MPCP and PPSCP teachers teaching courses only in rabbinical studies are not required to have a bachelor’s degree. MPCP and PPSCP administrators at a school that prepares and trains pupils in rabbinical studies are not required to have a bachelor’s degree. *Wis. Stats.* §119.23(2)(c) and §118.60(2)(c).

Any teacher’s aide employed by a private school in the MPCP and PPSCP must have graduated from high school or have been issued a GED or high school equivalency diploma (HSED). *Wis. Stats.* §119.23(7)(b)3 and §118.60 (7)(b)3.

**Transportation:** 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.* §121.51(1).

By May 15 of each year, each private school must notify the school board of the names, grade levels, and 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.* §121.54(2)(b)4.

Private schools operating school buses must maintain an insurance policy covering bodily injury and property damage. *Wis. Stats.* §121.53.

**Health and Safety Requirements:** If a teacher, school nurse, or principal of any school or daycare 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(5)(a) and *Wis. Stats.* §252.04(6).

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).

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.

Private schools must maintain a standard first aid kit for emergencies. *Wis. Stats.* §118.07(1).

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).

**Recordkeeping and 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 that 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).

Private schools must maintain records required under *Wis. Stats.* §115.30(2) and *Wis. Stats.* §120.18. Records must be open to inspection by school attendance officers at all reasonable times. 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.

## About the Author



Andrew D. Catt is the Research Analyst for the Friedman Foundation for Educational Choice. In that role, Drew conducts analyses on private school choice programs and supports quality control as the Foundation’s research and data verifier.

Prior to joining the Friedman Foundation, Drew served as the Program Associate for The Clowes Fund, a private family foundation located in Indianapolis that awards grants to nonprofits in Seattle, Greater Indianapolis, and Northern New England.

Drew graduated from Vanderbilt University in 2008 with a bachelor’s degree in Human and Organizational Development, specializing in Leadership and Organizational Effectiveness. While at Vanderbilt, Drew served as Research Assistant for North Star Destination Strategies, a community branding organization. During that time, Drew also researched the effects of homeschooling on socialization.

Drew obtained his master’s degree in Nonprofit Management at Indiana University’s School of Public and Environmental Affairs in Indianapolis. He also completed his Master of Arts in Philanthropic Studies through the Lilly Family School of Philanthropy. While in graduate school, Drew’s research focused on teacher performance incentives and collaborative initiatives involving all three sectors.

Drew is a native of central Indiana and currently resides in downtown Indianapolis.

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The views expressed in this report are the author’s and do not necessarily represent the views of the Friedman Foundation for Educational Choice.

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The author welcomes any and all questions related to methods and findings.





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