

PRIVATE SCHOOL Governance Information



**U.S. Department of Education
Executive Assistant to the Secretary
Office of Private Education**

The following pages represent a compilation of private school governance data excerpted from an official survey recently conducted by the Florida State Department of Education (completed in 1980-81), and from research conducted by the Education Commission of the States.

STATE	GOVERNANCE				STATE ASSOCIATIONS		TOTAL Number of Private Schools	TOTAL Private School Enrollment
	State Accred.	State Approval	State Licensure	State Teacher Certification	State Umbrella Assoc.	State Advisory Group		
Montana	Vol (1948 act only)	No	No	Vol	Yes	No	10 (Accred.)	-
Nebraska	Vol	Mand	Mand	Mand	Yes ("By-pass" Fed. funds)	No	220	37,522
Nevada	No	Vol (Church affiliated)	Vol (Church affil.) Mand (Non church affiliated)	Vol (Church affil.) Mand (Non church affiliated)	No	No	73	5,154
New Hampshire	No	Mand	No	Vol	No	Yes	122	18,366
New Jersey	No	Vol	No	No	Yes	No	1,050+	210,000+
New Mexico	No	No	No	No	No	No	68	-
New York	Mand	No	No	Vol	No	No	2,015	583,873
North Carolina	Vol	No	No	Vol	Yes	No	326	56,023
North Dakota	Vol	Mand	No	Mand	Yes (Also accredited.)	No	72	10,305
Ohio	No	Mand	No	Mand	No	No	804	249,454
Oklahoma	Vol	No	No	Vol	No	No	-	-
Oregon	Vol	Vol	Vol	No	Yes	Yes	196	25,440
Pennsylvania	No	No	Mand (For non- collg. sch.)	No	Yes (Also accredited.)	No	1,667	406,485
Rhode Island	Vol	Mand	No	Vol	Yes	No	106	29,075
South Carolina	No	No	No	Upon Request	Yes	No	429	54,047
South Dakota	Vol (1917 act) Mand (1917 act)	No	No	Vol (1917 act) Mand (1917 act)	No	No	161	12,883
Tennessee	No	Vol	No	No	No	No	441	-
Texas	Vol	No	Vol	Vol	No	No	413	113,290
Utah	Vol	Vol	Vol	Vol	No	No	-	-
Vermont	No	Mand	No	No	Yes	No	60	9,253
Virginia	Vol	No	No	Vol	Yes	No	419	63,983
Washington	Vol	Mand	No	Mand (Except for teach. collg.)	Yes (Also Accred.)	No	362	54,000+
West Virginia	Mand (Classifi- cation)	Mand (Co. Board approval)	No	Mand	No	No	22	4,930
Wisconsin	No	No	No	Vol	Yes	No	930	163,251
Wyoming	Vol (Equivalent)	No	No	No	No	No	40	4,000

PRIVATE SCHOOL REGULATIONS FACTS

- 9 states have NO state accreditation, approval, or licensure regulations for private schools:

California
Delaware
Florida

Massachusetts
Minnesota
Mississippi

New Mexico
South Carolina
Wisconsin

- 23 states have voluntary accreditation, approval, or licensure:

Alabama
Arizona
Colorado
Georgia
Idaho
Illinois
Indiana

Iowa
Kansas
Louisiana
Mississippi
Montana
New Jersey
North Carolina

Oklahoma
Oregon
Tennessee
Texas
Utah
Virginia
Wyoming

- 13 states have mandatory teacher certification.
 - 6 not enforced or have special exemptions.
 - 13 states have NO certification process for private school faculty.
- New York, South Dakota, West Virginia and Illinois have mandatory accreditation programs.
- 11 states do not have the reporting capabilities by which they can provide ~~private school enrollment data.~~

REASONABLY ACCURATE

Alabama
Florida
Idaho
Maine

Massachusetts
Mississippi
Montana
New Jersey

Oklahoma
Tennessee
Utah

OBSERVATIONS

1. Of the 50 states (including Florida) responding to the survey, only 5 administer mandatory accreditation programs, and 28 administer voluntary accreditation programs. However, 3 of the states which require mandatory accreditation only require the accreditation for non-church related schools. A third state requires accreditation for high schools (grades 9-12) only.
2. Thirty-two states administer voluntary and/or mandatory "approval" programs, with religiously affiliated schools allowed to seek the "voluntary" approval status in Maryland and Nevada. A similar exemption is allowed to church-affiliated schools under Pennsylvania's licensure statutes.
3. The terms "approval", "licensure", and "recognition" seem to be somewhat interchangeable among the respondents.
4. Only 13 states require private school faculty members to be state certified. (However, 2 states added that the law was "unenforceable".) Another 26 states provide private school faculty with the opportunity to seek state certification.
- 5. Private school advocacy or "umbrella" organizations are established (or are currently being established) in 22 states. A few other states have private school associations which sometimes double as "umbrella" groups; however, they are not "official" spokesmen for the private sector. Only 6 of these organizations accredit their member schools - with the Connecticut CAPE the sole organization "officially" recognized by the state department of education. Six of the states have created private school advisory committees which work closely with the departments of education.
6. A number of states reported that they were encountering difficulties in administering state accreditation or approval programs in the newer church-related schools.
7. A review of the material provided us by many of the states indicated that there did not seem to be a "good" definition of private school.

SUMMARY OF FINDINGS

<u>Under 50,000 Students</u>	<u>50,001 - 200,000 Students</u>	<u>Over 200,000 Students</u>
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State Accreditation

<u>16</u>	<u>10</u>	<u>2</u>	
<u>3</u>	<u>1</u>	<u>1</u>	Voluntary accreditation program
<u>8</u>	<u>6</u>	<u>5</u>	Mandatory accreditation program
			No state accreditation program

State Approval

<u>9</u>	<u>6</u>	<u>1</u>	
<u>10</u>	<u>4</u>	<u>2</u>	Voluntary approval program
<u>7</u>	<u>8</u>	<u>5</u>	Mandatory approval program
			No state approval program

State Licensure

<u>15</u>	<u>4</u>	<u>0</u>	
<u>3</u>	<u>3</u>	<u>1</u>	Voluntary licensing program
<u>8</u>	<u>11</u>	<u>7</u>	Mandatory licensing program
			No state licensing program

Teacher Certification

<u>11</u>	<u>11</u>	<u>4</u>	
<u>8</u>	<u>3</u>	<u>2</u>	Voluntary teacher certification
<u>8</u>	<u>3</u>	<u>2</u>	Mandatory teacher certification
			No teacher certification requirements for private school faculty

Private School Statewide Umbrella Organization

<u>6</u>	<u>10</u>	<u>6</u>	
<u>1</u>	<u>3</u>	<u>2</u>	Have statewide umbrella organization
<u>0</u>	<u>1</u>	<u>0</u>	-Private school organizations accredit member schools
<u>2</u>	<u>1</u>	<u>3</u>	State "officially" recognizes private school accreditation program
			Advisory group or ad hoc committee representing private school organization and state department of education

Compulsory School-Attendance Laws, By State

These tables on state laws applying to compulsory attendance and home schooling were prepared by the staff of the Law and Education Center at the Education Commission of the States in Denver.

In all states in the compulsory-attendance table, attendance at a private school either is allowed under the basic requirement or is a well-established

exception to a public-school attendance requirement.

In the home-instruction survey, the E.C.S. researchers asked whether state law permitted a parent to instruct a child at home, even if the parent was not certified as a teacher and the home did not qualify as a school.

Throughout both tables, the term "parent" refers to any person having control or custody of a child.

States	Attendance Law	Provision for Home Schooling by Noncertified Teacher
Alabama	A child must attend a public school, private school, denominational school, parochial school or be instructed by a competent private tutor. . . . Ala Code Sec 16-28-3 (1975)	Instruction at home may only be by a certified private tutor. No statutory provisions were found indicating how difficult it would be for a parent to become certified. Ala Code Sec. 16-28-3 (1975).
Alaska	Every child between 7 and 18 years of age shall attend school at the public school in the district in which the child resides during each school term. Alaska Stat. Sec. 14.30.010(a) (Cum. Supp. 1981).	A child may be taught at home if enrolled in a full-time program of correspondence study approved by the department; in those school districts providing an approved study program, a student may be enrolled in either the district correspondence program or in the centralized correspondence program. Alaska Stat. Sec. 14.30.010(b)(10) (1981). Second, a child may be exempted from the compulsory school requirement if equally well served by an educational experience approved by the school board as serving his educational interests despite an absence from school. . . . The parent must request the exemption in writing and obtain approval from the local principal. Alaska Stat. Sec. 14.30.010(b)(11) (Supp. 1981).
Arkansas	Parents shall send children to a public, private or parochial school. Ark Stat Ann Sec 90-1502 (1980).	No provision. See Ark Stat Ann Sec 1502 (1980).
Arizona	Parents shall send the child to a school. Ariz Rev Stat Ann Sec 15-801 (1981).	The instruction must be by a competent teacher in the same subjects as are taught in public schools. Ariz Rev Stat Ann Sec. 15-802(B)(1) (Supp. 1981).
California	The child must attend public school. Cal Educ Code Sec. 49200 (West 1978).	A teacher at home must be a certified tutor. Cal. Educ. Code Sec. 49224 (West 1978).
Colorado	The child must attend public school. Colo. Rev Stat Sec 22-33-104(1) (Supp 1981).	If the program is approved by the state board. Colo Rev Stat Sec. 22-33-104(2)(1) (1973). Note that this section also authorizes instruction at home by a certified teacher.
Connecticut	The child must attend a public day school unless receiving equivalent instruction. . . . Conn. Gen. Stat Ann Sec 10-184 (West Cum Supp 1981).	Instruction must be equivalent to public-school instruction. Conn Gen Stat Sec 10-184 (1981).
Delaware	The child must attend public school. Del Code Ann tit 14, Sec 2702 (1981).	This section provides that the school-attendance requirement will not apply if it can be shown, and witnessed by written endorsement, to the satisfaction of an official designated by the State Board of Education, and by a written examination, that a child is elsewhere receiving regular and thorough instruction in the subjects prescribed for the elementary schools of the state. Del Code Ann. tit. 14, Sec. 2702 (1981).

Maryland	The child shall attend a public school unless receiving regular thorough instruction in the studies usually taught in the public schools Md Educ Code Ann Sec 7-301 (1978)	No provision See Md Educ Code Ann Sec 7-301 (1978)
Massachusetts	The child shall attend a public day school in said town or some other day school approved by the school committee Mass Gen Laws ch 76 Sec 1 (West Supp 1981)	No provision See Mass Gen Laws ch 76 Sec 1 (West Supp 1981)
Michigan	The parent shall send such child to the public schools Mich Comp Laws Ann Sec 380 1561 (Cum Supp 1981)	Teachers for home instruction must be certified and instruction must be comparable to that provided in public schools See ARI Op No 5578, Sept 27 1978
Minnesota	The child shall attend a public school or a private school Minn Stat Ann Sec 129 18 (West Cum Supp 1981)	No provision See Minn Stat Ann Sec 129 18 (West Cum Supp 1981)
Mississippi	The child shall attend a public private or parochial school Miss Code Ann Sec 37-13-95 (Cum Supp 1981)	The compulsory attendance statute shall not apply to any child who is receiving proper instruction in the home Miss Code Ann Sec 37-13-97 (1981 Cum Supp)
Missouri	The child is to attend some day school public private parochial or parish Mo Ann Stat Sec 167 031 (Non-Cum Supp 1981)	The parent must send the child to school or provide the child at home with regular daily instruction during the usual school hours which shall in the judgment of a court be at least substantially equivalent to the instruction given children of the age in the day schools in the locality in which the child resides Mo Ann Stat Sec 167 031 (Supp 1981)
Montana	The parents must cause the child to be instructed in the program prescribed by the [state] board Mont Rev Code Ann Sec 20-5-107 (1981) The parent shall enroll the child in the school assigned by [the local board] unless the child is enrolled in a private institution or in another approved program or is exempted for some other reason Mont Rev Codes Ann Sec 20-5-107(2) (1981)	Only for those who live in an isolated area (where the school trip is over one hour) Mont Codes Ann Sec 20-5-107(h) (1981) These children are provided with supervised correspondence study Sec 20-10-121(3-4) (1981) A child with a mental or physical incapacity may also qualify for supervised correspondence study Mont Codes Ann Sec 20-7-116 (1981)
Nebraska	The child must attend regularly the public private denominational or parochial day schools each day that such schools are open Neb Rev Stat Sec 79 202 (1978)	No provision See Neb Rev Stat Sec 79 201 (1978)
Nevada	The parent must send the child to public school Nev Rev Stat Sec 392 040(1) (1979)	The compulsory attendance requirement is met if the child receives equivalent instruction at home or in a private school Nev Rev Stat Sec 392 070 (1979)
New Hampshire	The child shall attend the public school within the district, or an approved private school NH Rev Stat Ann Sec 193 1 (1977)	No provision See NH Rev Stat Ann Sec 193 1 (1977)
New Jersey	The child must attend public school or receive equivalent instruction NJ Stat Ann Sec 18A 38 25 (West 1968)	One exception to the school attendance requirement is equivalent instruction elsewhere than school NJ Stat Ann Sec 18a 38 25 (West 1968)
New Mexico	The child shall attend a public school a private school or a state institution NM Stat Ann Sec 22-12-2 (Supp 1981)	No provision See NM Stat Ann Sec 22-12-2 (Supp 1981)
New York	The child shall attend a public school or elsewhere NY Educ Law Sec 3204 1 (McKinney 1981)	If instruction is at least substantially equivalent to the instruction offered in public schools NY Educ Law Sec 3204 2 (McKinney 1981)
North Carolina	The parent shall cause the child to attend school The term school explicitly includes private schools but they must have state department of education approved teachers and curricula NC Gen Stat Sec 115C-378 (Cum Supp 1981)	No provision See NC Gen Stat Sec 115C-378 (Cum Supp 1981)
North Dakota	The child is to attend public school ND Cent Code Sec 15-34 1 01 (1981)	No provision See ND Cent Code Sec 15 34 1 01 (1981)
Ohio	The parent must cause the child to attend school participate in a special education program, or cause him to be otherwise instructed in accordance with law Ohio Rev Code Sec 3321 03 (page 1981)	The local superintendent may excuse a child from the school attendance requirement upon a satisfactory showing (1) that he is being instructed at home by a person qualified to teach the branches in which instruction is required Ohio Rev Code Sec 3321 04(A)(2) (Page 1980)
Oklahoma	The child is to attend and comply with the rules of some public private or other school, unless some other means of education are provided Okla Stat Ann tit 70, Sec 10-105 (West Cum Supp 1981)	The child must be sent to school unless some other means of education are provided Okla Stat Ann tit 70 Sec 10-105 (West Cum Supp 1981)

District of Columbia	The child must attend a public or private school or be instructed privately, so long as instruction is equivalent to public-school instruction D.C. Code Sec. 81-301 (1981)	The child must attend school or be instructed privately. Instruction must be equivalent to public-school instruction D.C. Code Sec. 31-401 (1981)
Florida	The child must attend a public or private school Fla. Stat. Ann. Sec. 232.01 (West Cum. Supp. 1981); or receive instruction at home by a private tutor who meets state board criteria Fla. Stat. Ann. Sec. 232.02(4) (West 1977)	Home instruction must be by a tutor meeting state criteria. See Fla. Stat. Ann. Sec. 232.02(4) (1977). See also Op. Atty. Gen. 872-90, Mar. 22, 1972 (Local school boards are to determine whether a tutorial service in private homes meets the requirements of state law.)
Georgia	The child must attend public or private school Ga. Code Ann. Sec. 92-2104 (1980)	No provision. See Ga. Code Ann. Sec. 92-21 (1980, as amended by Supp. 1981)
Hawaii	Child must attend public or private school Hawaii Rev. Stat. Sec. 298-9 (Supp. 1981)	Provides for an exemption where a competent person is employed as a tutor and proper instruction is thereby imparted as approved by the superintendent Hawaii Rev. Stat. Sec. 298-9(2) (1976). See also Hawaii Rev. Stat. Sec. 298-9(6) (Supp. 1981). [where the child is enrolled in an appropriate alternative education program as approved by the superintendent in accordance with the plans and policies of the department of education]
Idaho	The parent or guardian shall cause the child to be instructed in subjects commonly and usually taught in the public schools. Unless the child is otherwise comparably instructed, as may be determined by the board of trustees, the parent or guardian shall cause the child to attend a public, private or parochial school during a period in each year equal to that in which the public schools are in session. Idaho Code Sec. 33-202 (1981)	Unless the child is otherwise comparably instructed, as may be determined by the board of trustees, the child must attend school. Idaho Code Sec. 33-202 (1981)
Illinois	The child is required to attend some public school Ill. Ann. Stat. Ch. 122, Sec. 28-1 (Cum. Supp. 1981)	No provision. See Ill. Ann. Stat. Ch. 122, Sec. 28-1 (Supp. 1981-1982)
Indiana	The child shall attend either a public school or some other school open to inspection by state attendance officer. Ind. Code Ann. Sec. 20-8-1-3-14 (Burns Cum. Supp. 1981)	No provision. See Ind. Code Ann. Sec. 20-8-1-3-1 of et seq. (Cum. Supp. 1981)
Iowa	The child is "to attend some public school... or equivalent instruction by a certified teacher elsewhere." Iowa Code Ann. Sec. 299-1 (West Cum. Supp. 1981)	A parent may provide home instruction only if certified and he or she provides equivalent instruction. Iowa Code Sec. 299-1 (1981). See also Iowa Code Sec. 299-4 (1981).
Kansas	The child is to attend public or private school Kan. Stat. Sec. 72-1111 (1981)	There is an exception for children who have completed the eighth grade and who have religious objections to the public-school program. These children must nonetheless participate in an education program meeting specified requirements. Kan. Stat. Sec. 72-1111(d) (1981)
Kentucky	The child must attend public or private day school. Ky. Rev. Stat. Ann. Sec. 159.010 (Bohn Merrill 1980)	No provision. See Ky. Rev. Stat. Ann. Sec. 159.010 (Bohn Merrill 1980)
Louisiana	The child must "attend public or private day school." La. Rev. Stat. Ann. Sec. 17:221(A). The law also provides, under the definition of the term school, that "[s]olely for purposes of compulsory attendance in a nonpublic school, a child who participates in a home study program approved by the [state board]... shall be considered in attendance at a day school; a home study program shall be approved if it offers a sustained curriculum of a quality at least equal to that offered by public schools of the same grade level." La. Rev. Stat. Ann. Sec. 17:236 (West Supp. 1981)	"Solely for purposes of compulsory attendance in a nonpublic school, a child who participates in a home study program approved by the [State Board]... shall be considered in attendance at a day school; a home study program shall be approved if it offers a sustained curriculum of a quality at least equal to that offered by public schools of the same grade level." La. Rev. Stat. Ann. Sec. 17:236 (West Supp. 1981)
Maine	The child must attend public school. Me. Rev. Stat. Ann. tit. 20, Sec. 911(1) (Supp. 1981)	The child may be excused from public-school attendance if he or she obtains equivalent instruction in any other manner arranged for by the school committee and approved by the commissioner. Me. Rev. Stat. Ann. tit. 20, Sec. 911(3)(a) (Supp. 1981-1982)

SOURCE: Private Education Alternatives and State Regulation, by Patricia M. Lines, The Education Commission of the States