

U.S. DEPARTMENT OF EDUCATION

State Regulation of Private Schools



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

2009

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July 2009

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This report is available on the Department's Web site at:
<www.ed.gov/admins/comm/choice/regprivschl/index.html>.

ALABAMA

Accreditation/Registration/Licensing/Approval

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

Teacher Certification

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

Length of School Year/Days

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

Curriculum

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

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

Recordkeeping/Reports

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

Health and Safety Requirements

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

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

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

Transportation

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

Textbooks

- There is no state policy at this time.

Testing

- There is no state policy at this time.

Special Education

- There is no state policy at this time.

Nursing and Health

- There is no state policy at this time.

Technology

- There is no state policy at this time.

Professional Development

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

Reimbursement for Performing State/Local Functions

- There is no state policy at this time.

Tax Exemption

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

Public Aid for Private Education

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

Homeschooling

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

Information resources

- [Alabama State Department of Education: Private School Licensure in Alabama](ftp://ftp.alsde.edu/documents/89/state_law_for_lic.PDF)
<ftp://ftp.alsde.edu/documents/89/state_law_for_lic.PDF>
- [Alabama State Department of Education: Application for License to Operate a Private School in Alabama](ftp://ftp.alsde.edu/documents/89/Ps1.pdf) <ftp://ftp.alsde.edu/documents/89/Ps1.pdf>
- [Alabama Legislative Information System Online](http://alisondb.legislature.state.al.us/acas/ACASLogin.asp)
<http://alisondb.legislature.state.al.us/acas/ACASLogin.asp>
- [HB227: Autism Scholarship Act](http://www.legislature.state.al.us/SearchableInstruments/2008RS/Bills/HB227.htm)
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Updated December 23, 2008