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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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<www.ed.gov/admins/comm/choice/regprivschl/index.html>.

KENTUCKY

Accreditation/Registration/Licensing/Approval

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

Teacher Certification

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

Length of School Year/Days

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

Curriculum

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

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

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

Recordkeeping/Reports

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

Health and Safety Requirements

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

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

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

Transportation

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

Textbooks

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

Testing

- There is no state policy at this time.

Special Education

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

Nursing and Health

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

Technology

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

Professional Development

- There is no state policy at this time.

Reimbursement for Performing State/Local Functions

- There is no state policy at this time.

Tax Exemption

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

Public Aid for Private Education

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

Homeschooling

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

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

Information resources

- [Kentucky Department of Education: Kentucky Constitution and Statutory Requirements for Non-Public Schools](http://www.education.ky.gov/KDE/About+Schools+and+Districts/Kentuckys+Schools+and+Districts/Constitution+and+Statutory+Requirements+for+Non+Public+Schools.htm)
<http://www.education.ky.gov/KDE/About+Schools+and+Districts/Kentuckys+Schools+and+Districts/Constitution+and+Statutory+Requirements+for+Non+Public+Schools.htm>
- [Kentucky Department of Education: Certified Non-Public Schools in Kentucky](http://www.education.ky.gov/KDE/About+Schools+and+Districts/Kentuckys+Schools+and+Districts/Certified+NonPublic+Schools.htm)
<http://www.education.ky.gov/KDE/About+Schools+and+Districts/Kentuckys+Schools+and+Districts/Certified+NonPublic+Schools.htm>
- [Kentucky Department of Education: Home Schooling in Kentucky](http://www.education.ky.gov/KDE/About+Schools+and+Districts/Home+Schooling+in+Kentucky/)
<http://www.education.ky.gov/KDE/About+Schools+and+Districts/Home+Schooling+in+Kentucky/>
- [Kentucky Revised Statutes](http://lrc.ky.gov/krs/titles.htm)
<http://lrc.ky.gov/krs/titles.htm>
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Updated December 15, 2008