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U.S. DEPARTMENT OF EDUCATION

State Regulation of Private Schools

State Regulation of Private Schools

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

2009

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

ARKANSAS

Accreditation/Registration/Licensing/Approval

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

Teacher Certification

- Teacher certification is not required for private school teachers.

Length of School Year/Days

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

Curriculum

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

Recordkeeping/Reports

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

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

Health and Safety Requirements

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

Transportation

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

Textbooks

- There is no state policy at this time.

Testing

- There is no state policy at this time.

Special Education

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

Nursing and Health

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

Technology

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

Professional Development

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

Reimbursement for Performing State/Local Functions

- There is no state policy at this time.

Tax Exemption

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

Public Aid for Private Education

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

Homeschooling

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

² "Home school" is the term written in state law.

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

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

Information resources

- [Arkansas Department of Education: Home Schools](http://arkansased.org/schools/schools_home.html)
<http://arkansased.org/schools/schools_home.html>
- [Arkansas Department of Education: Rules Governing Home Schools, August 2007](http://arkansased.org/rules/pdf/current/ade_262_homesch_0807_current.pdf)
<http://arkansased.org/rules/pdf/current/ade_262_homesch_0807_current.pdf>
- [Arkansas Department of Education: Fact Sheet on Home Schooling in Arkansas](http://www.arkansased.org/schools/pdf/hs_fact_050108.pdf)
<http://www.arkansased.org/schools/pdf/hs_fact_050108.pdf>
- Arkansas State Legislature
[Arkansas Code](http://www.arkleg.state.ar.us/SearchCenter/Pages/arkansascode.aspx)
<<http://www.arkleg.state.ar.us/SearchCenter/Pages/arkansascode.aspx>>
- Arkansas Department of Education
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- U.S. Department of Education, [Arkansas](#)

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