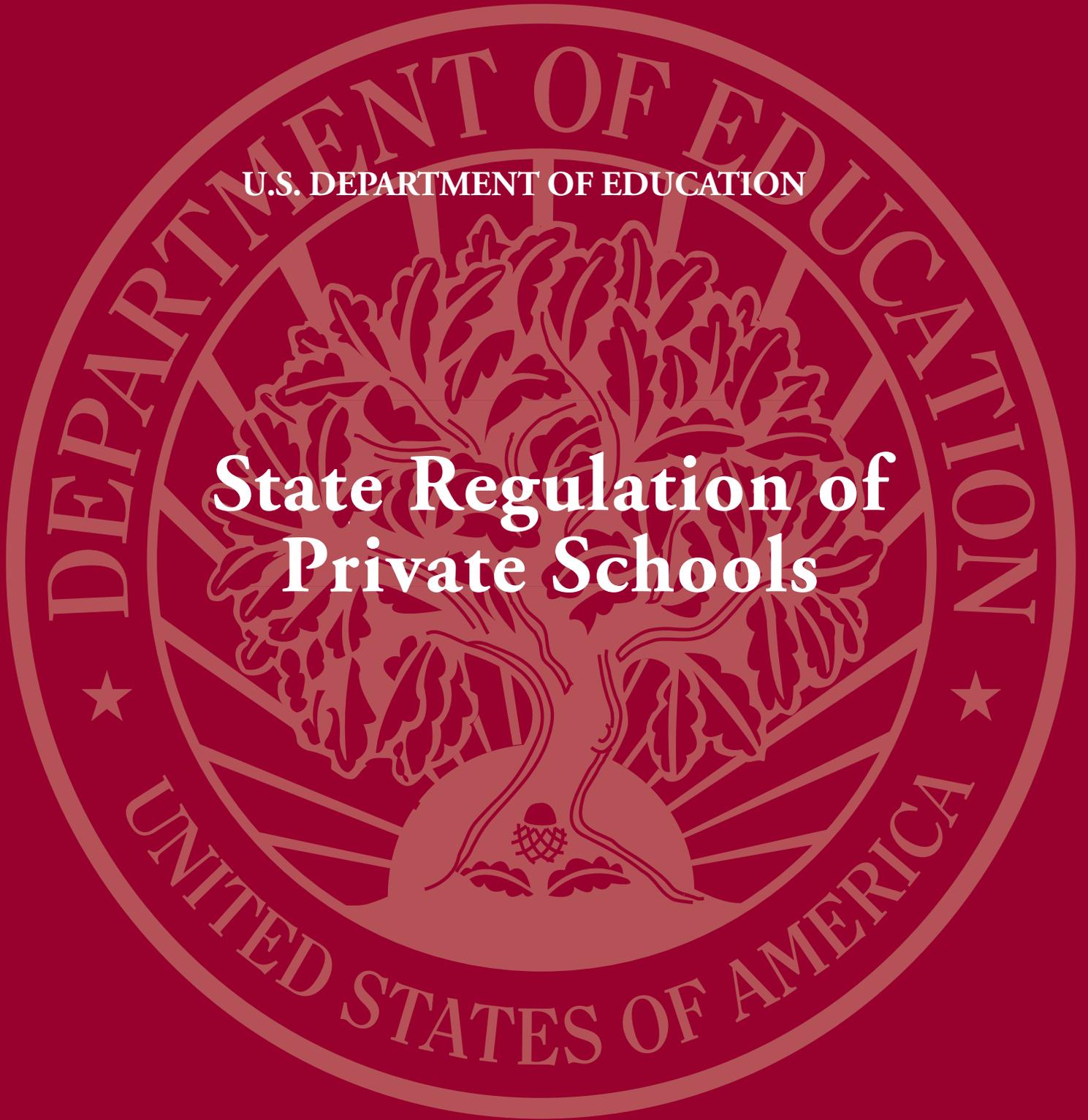


U.S. DEPARTMENT OF EDUCATION

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

The content of this report does not necessarily reflect the view or policies of the U.S. Department of Education, nor does the mention of trade names, commercial products, curricula, and curricular materials and approaches, or organizations imply endorsement by the U.S. government. This publication also contains Internet Uniform Resource Locators (URLs) for information created and maintained by private organizations. This information is provided for the reader's convenience. The U.S. Department of Education is not responsible for controlling or guaranteeing the accuracy, relevance, timeliness, or completeness of outside information mentioned in this report. Further, the inclusion of information or a URL does not reflect the importance of the organization, nor is it intended to endorse any views expressed, or products or services offered.

U.S. Department of Education

Arne Duncan
Secretary

Office of Innovation and Improvement

James H. Shelton
Assistant Deputy Secretary for Innovation and Improvement

Office of Non-Public Education

Jack Klenk
Director

July 2009

This report is in the public domain. Authorization to reproduce it in whole or in part is granted. While permission to reprint this publication is not necessary, the citation should be: U.S. Department of Education, Office of Innovation and Improvement, *State Regulation of Private Schools*, Washington, D.C., 2009.

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

NORTH CAROLINA

Accreditation/Registration/Licensing/Approval

- *Accreditation* is optional.
 - Qualified nonpublic schools are schools that are 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; 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.
- *Registration* is 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.
- No requirements for *Licensing*.
- *Approval* is optional.
 - Private church schools or schools of religious charter and qualifying nonpublic schools which comply with the provisions of *N.C. Gen. Stat.* §§115C-547 through 562 are not subject to any other educational provisions except requirements respecting fire, safety, sanitation and immunization. *N.C. Gen. Stat.* §§115C-554, 562. (Although *N.C. Gen. Stat.* §115C-378 refers to "approved nonpublic schools," according to the North Carolina Department of Education, in practice, nonpublic schools are no longer approved by the Department. No approval of a nonpublic school has taken place since 1979. In May of 1979, the North Carolina General Assembly transferred legal oversight of nonpublic schools from the State Board of Education and the NC Department of Public Instruction to the Office of the Governor.

Teacher Certification

- Teacher certification is not required of nonpublic schools.

Length of School Year/Days

- Children in North Carolina may attend private church schools or schools of religious charter under *N.C. Gen. Stat.* §115C-547 et seq., or nonpublic schools which qualify under *N.C. Gen. Stat.* §115C-555 et seq. *Delconte v. State*, 329 S.E.2d 636 (1985).
- 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. *N.C. Gen. Stat.* §115C-378. The North Carolina Division of Non-Public Education defines this as a “a school term of at least nine calendar months on a regular schedule excluding reasonable holidays and vacations,” advising at least 180 instructional days per year.

Curriculum

- Private school students may enroll in driver education programs offered by the state superintendent of public instruction at local public high schools. *N.C. Gen. Stat.* §20-88.1.
- 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. See *Testing*, below.

Recordkeeping/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 3, 6, 9 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.
- When the school terminates operation, the school must also notify the state’s designated representative. *N.C. Gen. Stat.* §115C-560(b), 561.
- 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.
- When the school terminates operation, the school must also notify the state's designated representative. *N.C. Gen. Stat.* §115C-552(b), 553.
- Information acquired by a certified private school counselor through student counseling is privileged unless the student waives the privilege or a judge compels disclosure. *N.C. Gen. Stat.* §8-53.4.

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 has 30 days 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, 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. (By inference, 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.* §130-440.
- 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 instructions for properly conducting fire drills. October 9th 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.
- The board of transportation or local authorities may set lower speed limits for areas adjacent to private or parochial schools to be enforced on days when schools are in session. *N.C. Gen. Stat.* §20-141.1.

State Regulation of Private Schools—North Carolina

- The North Carolina Department of Justice may provide a criminal record check to nonpublic school employers for school employees or applicants if the individual consents to a record check. The Department will charge a reasonable fee not to exceed the actual cost of locating, editing, researching, and retrieving the information. *N.C. Gen. Stat.* §§114-19.2(b), (c).
- Any person who wantonly and willfully sets fire to a private school or attempts to set fire to a private school commits a felony. *N.C. Gen. Stat.* §§14-60, 67.
- It is illegal to carry any gun, rifle, pistol, dynamite cartridge, bomb, grenade, mine, powerful explosive, bowie knife, dirk, dagger, slingshot, leaded cane, switch-blade knife, blackjack, metallic knuckles or any other weapon of like kind on private school property unless for instructional or sanctioned ceremonial purposes. *N.C. Gen. Stat.* §14-269.2.
- North Carolina's criminal law makes it a misdemeanor to engage in disorderly conduct by disrupting the teaching of students at any private educational institution. *N.C. Gen. Stat.* §14-288.4.

Transportation

- Students with special needs may be transported by public school buses to and from the nearest appropriate private school having a special education program approved by the state if the child is publicly placed by the state or local school administrative unit. *N.C. Gen. Stat.* §115c-242(1). See *Special Education*, below.

Textbooks

- State law authorizes the State Board of Education or any other state agency to provide instructional materials purchased with federal funds for the use of children and teachers in private elementary and secondary schools as required by acts of Congress. *N.C. Gen. Stat.* §115C-409(b).

Testing

- Private church schools or schools of religious charter 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.
- Private church schools or schools of religious charter 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, 553.
- Private church schools or schools of religious charter may participate voluntarily in high school competency testing and statewide testing programs at the school's expense. However, because the standardized tests used by the public schools of North Carolina are state standardized (rather than nationally standardized), they do

not satisfy the annual nationally standardized testing requirement for nonpublic schools. *N.C. Gen. Stat.* §115C-551.

- 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-557, 561.
- Qualified nonpublic schools must administer a nationally standardized test to students in grade eleven 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-558, 561.
- Qualified nonpublic schools may participate voluntarily in high school competency testing and statewide testing programs at the school's expense. However, because the standardized tests used by the public schools of North Carolina are state standardized (rather than nationally standardized), they do not satisfy the annual nationally standardized testing requirement for nonpublic schools. *N.C. Gen. Stat.* §115C-559.
- The State Board of Education may use tests to assure that graduates of nonpublic schools supervised by the State Board of Education possess the skills and knowledge necessary to function independently and successfully in assuming the responsibilities of citizenship. *N.C. Gen. Stat.* §115C-174.11(b). However, no nonpublic schools have been supervised by the State Board of Education since 1979. See *Approval under Accreditation/Registration/Licensing/Approval*, above.

Special Education

- North Carolina publicly places students requiring special education in private schools without cost to the parents. The private schools must meet standards that apply to state and local educational 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. See *Transportation*.

Nursing and Health

- There is no state policy at this time.

Technology

- There is no state policy at this time.

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

- The North Carolina Constitution provides that the General Assembly may exempt property held for educational purposes from state and local taxation. *N.C. Const.* Art. V, Sec. 2.
- Food sold not for profit by private school cafeterias within school buildings during the regular school day are exempt from state retail sales tax. *N.C. Gen. Stat.* §105-164.13(26).

Public Aid for Private Education

- **Constitutional provisions:** The North Carolina Constitution provides that the state school fund and the county school funds must be faithfully appropriated and used exclusively for free public schools. *N.C. Const.* Art. IX, Sec. 6, 7.
- **Program for financial assistance for attendance at private schools:** There is no such program at this time.

Homeschooling

- A home school⁸ means a nonpublic school in which one or more children of not more than two families or households receive academic instruction from parents or legal guardians, or a member of either household. *N.C. Gen. Stat.* §115C-563.
- Home schools elect to be either a Private Church School or School of Religious Character or a Qualified Nonpublic School and must then meet the requirements for that type of school except that the building inspections are waived if the school meets in a private residence and that the nationally standardized testing requirement for the students is annual. The person providing instruction in the home school must hold at least a high school diploma or its equivalent. *N.C. Gen. Stat.* §115C-564.
- Any new home school must send a notice of intent to operate to the North Carolina Division of Non-Public Education. Notice must be provided when the home school is terminated. *N.C. Gen. Stat.* §§115C-552, 560, 563b.
- Any new school may, on a voluntary basis, participate in any state operated or sponsored program which would otherwise be available to such school, including but not limited to the high school competency testing and statewide testing programs. However, since the standardized tests used by the public schools of North Carolina are state standardized (rather than nationally standardized), they do not satisfy the annual nationally standardized testing requirement for home schools. *N.C. Gen. Stat.* §§115C-551, 559.
- Home schools must maintain records to ensure that students are immunized. *N.C. Gen. Stat.* §§115C-548; 556. Students attending home school must be tested academically once each year through a nationally standardized test or other nationally standardized equivalent measurement. The test must measure achievement in English grammar, reading, spelling, and mathematics for students and verbal and quantitative areas for grade 11 students. *N.C. Gen. Stat.* §§115C-549, 550; 557, 558.
- Home schools that comply with the requirements under *N.C. Gen. Stat.* §115C-563 et seq. are not subject to any other educational provision except requirements respecting immunization. *N.C. Gen. Stat.* §115C-565.

⁸ “Home school” is the term written in state law.

Information resources

- [State of North Carolina: Department of Administration, Division of Non-Public Education](http://www.ncdnpe.org/index.asp) <http://www.ncdnpe.org/index.asp>
- [North Carolina Division of Non-Public Education: Private School Requirements](http://www.ncdnpe.org/hhh104.asp) <http://www.ncdnpe.org/hhh104.asp>
- [North Carolina Division of Non-Public Education: Home School Information](http://www.ncdnpe.org/homeschool.asp) <http://www.ncdnpe.org/homeschool.asp>
- [North Carolina Division of Non-Public Education: Frequently Asked Home School Question Topics](http://www.ncdnpe.org/hhh114.asp) <http://www.ncdnpe.org/hhh114.asp>
- *North Carolina General Statutes* <http://www.ncleg.net/gascripts/Statutes/StatutesTOC.pl>
[Chapter 115C, Article 39: Nonpublic Schools](#)
- North Carolina Department of Administration
Division of Non-Public Education
1309 Mail Service Center
Raleigh, North Carolina 27699-1309
Web site: <http://www.ncdnpe.org>
Phone: 919-733-4276
- North Carolina Department of Public Instruction
301 North Wilmington Street
Raleigh, NC 27601
Phone: 919-807-3300
Fax: 919-807-3445
E-mail: information@dpi.state.nc.us
Web site: <http://www.ncpublicschools.org/>
- U.S. Department of Education, [North Carolina](#)

Updated December 2, 2008