

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**

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

TEXAS

Accreditation/Registration/Licensing/Approval

- *Accreditation* is optional.
 - The accreditation of nonpublic schools through the Texas Private School Accreditation Commission (TEPSAC) became effective on Feb. 12, 1986. Accreditation of nonpublic schools directly by the Texas Education Agency ceased after May 31, 1989. Through a Letter of Understanding, the commissioner of education recognizes the accreditation of nonpublic schools accredited by associations that are members of TEPSAC.
 - Teacher service in accredited private schools may be claimed for salary increment purposes. *Texas Administrative Code*, Title 19, Part II, §153.1021(h)(8)states: (A) For experience prior to the 1986–87 school year, accreditation by the Texas Education Agency or the Southern Association of Colleges and Schools is required; (B) For experience in the 1986–87, 1987–88, and 1988–89 school years, service shall be acceptable if the school was accredited by the Texas Education Agency, or a recognized regional accrediting agency; (C) For experience in the 1989–90 school year and thereafter, service shall be acceptable if the school was accredited by the Texas Private School Accreditation Commission; (D) During the 1986–87, 1987–88, and 1988–89 school years, private schools accredited by the Texas Education Agency, a recognized regional accrediting agency, or an association recognized by the commissioner of education will be listed in the Texas School Directory; (E) Beginning with the 1989–90 school year and thereafter, private schools accredited by the Texas Private School Accreditation Commission will be listed in the Texas School Directory; and (F) Beginning with the 2004–05 school year and thereafter, private schools accredited by the Texas Private School Accreditation Commission will be listed on the Texas Education Agency Web site." *Texas Administrative Code*, Title 19, Part II, § 153.1021(h)(8).
- No requirements for *Registration*.
- No requirements for *Licensing*.
- No requirements for *Approval*.

Teacher Certification

- Teacher certification is not required for private schools that are not accredited.
- All teachers in accredited private schools must be “highly qualified” but each accrediting agency is allowed to define what that means as part of their approval process. The accrediting agency may choose to use the Texas state teacher certification or may develop its own standards that are higher than the Texas state teacher certification. The accrediting agency also has the option of recognizing out-of-state credentials.

Length of School Year/Days

- Accredited private schools must meet or exceed the minimum seat time required of public schools.

Curriculum

- Students attending a private or parochial school are exempt from compulsory attendance at a public school if the school includes in its course a study of good citizenship. *Tex. Education Code Ann.* §25.086(a)(1).
- A school district must ensure that records or transcripts of a transfer student from a Texas nonpublic school are evaluated and that the student is placed in appropriate classes promptly. *Texas Administrative Code*, Title 19, Part II, §74.26(a)(2).
- A transfer student from a Texas nonpublic school must complete all state requirements for graduation. *Texas Administrative Code*, Title 19, Part II, §74.11(f).
- The district may use a variety of methods to verify the content of courses for which a transfer student has earned credit. *Texas Administrative Code*, Title 19, Part II, §74.26(a)(2).
- A driver's education school shall receive approval from the Texas Education Agency prior to conducting a course at a private school. An application for a school license for a primary or branch driver education school shall be made on forms supplied by the Texas Education Agency (TEA). *Texas Administrative Code*, Title 19, Part II, §176.1003.
- Parochial and private schools are expected to observe Texas Week, the week of March 2. *Tex. Civ. Stat.* Art. 6144(a).

Recordkeeping/Reports

- Private school administrators or designees have an obligation to report suspected criminal conduct occurring on school grounds or at school-sponsored activities to the local police/sheriff. *Tex. Education Code Ann.* §37.015.
- Law enforcement agencies will notify the school principal of an arrest or conviction of delinquent conduct of an individual enrolled in a private school. *Tex. Code Crim. Proc. Ann.* §15.27(e).

Health and Safety Requirements

- Children may not be admitted to any elementary or secondary school unless they have been immunized as required by the Texas Board of Health in Health Services, *Texas Administrative Code*, Title 25, §§97.61-97.72, present an affidavit signed by a physician stating the immunization would be injurious to the health of the student or his family, or present an affidavit that the immunization conflicts with the tenets of his or her church or religious denomination. A religious exemption does not apply in times of emergency or epidemic. *Tex. Education Code* §38.001.
- The chief administrator of a private school must report the names of children suspected of having a communicable disease, *i.e.* diseases listed by the Texas Board of Health, to the local health authority or the Department of Health regional director. *Tex. Health and Safety Code Ann.* §§81.003(10); 81.042(c).

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- Municipalities with populations greater than 850,000 must provide school crossing guards to assist children going to or leaving a parochial or private elementary or secondary school. *Tex. Government Code* Chapter 343.014.
- Private schools are entitled to access all criminal history record information that relates to employees, applicants for employment, and volunteers. The school may obtain this information from any law enforcement or criminal justice agency. *Tex. Education Code Ann.* §22.083.
- Private schools are entitled to obtain criminal history records through the Department of Public Safety for employees, applicants, or volunteers, including those who drive or will serve as a monitor or aide on a bus in which students are transported. *Tex. Government Code* 411.097.
- Private schools may participate in a missing child prevention and identification program in accordance with state provisions. Under the program, schools distribute program information to the parents and request written consent to take the child's fingerprints. Schools may charge a reasonable fee to cover the costs not to exceed \$3. *Tex. Education Code Ann.* §33.052.
- Private primary schools are required to request records when enrolling a child under 11 years of age to verify the child's name, birth date, and previous school records. If documentation is not provided, the school shall notify the appropriate law enforcement agency to determine if the child has been reported missing. Law enforcement agencies shall immediately notify each school, including private primary schools, when a report of a missing child is received. *Tex. Code of Criminal Proc. Ann.* Chapter 63.
- It is a criminal offense to possess or consume alcoholic beverages on a public street, alley, or sidewalk within 600 feet of a facility that the person knows is a private school offering K–12 instruction. *Tex. Alco. Bev. Code Ann.* §101.75.
- Acts of hazing that occur on or off the campus of an educational institution, including a private high school, must be reported to the appropriate official of the institution. *Tex. Education Code Ann.* §37.151 *et seq.*

Transportation

- Street railways or motor buses operating in cities of not less than 20,000 inhabitants are required to sell tickets to children attending private schools for one-half of the adult fare when school is in session. *Tex. Rev. Civ. Stat.* art. 4008b; *Tex. Rev. Civ. Stat.* Art. 6544.

Textbooks

- The State Board of Education may enter into an agreement with a private nonprofit school to provide special textbooks and instructional aids for the instruction of blind or visually impaired students, if state funds, other than for administrative costs, are not involved. *Tex. Education Code Ann.* §31.028(c).

Testing

- A private school may administer the state assessment instrument required for all public schools. The private school must reimburse the agency for the cost of administering the assessment, not to exceed the cost for administering the same

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assessment to a student enrolled in a public school. *Tex. Education Code Ann.* §39.033.

- A private school administering the state assessment instrument shall provide to the commissioner performance results on the academic excellence indicators adopted by the State Board of Education. *Texas Administrative Code*, Title 19, Part II, §101.1(j). The private school shall notify the student and his or her parents or guardian of test results. *Texas Administrative Code*, Title 19, Part II, §101.5.

Special Education

- Local school districts may contract with approved private facilities for residential special education services. Facilities are considered for approval based on a programmatic evaluation of personnel qualifications, adequacy of physical plant and equipment, and curriculum content. Facilities may be approved in whole or in part. *Tex. Education Code Ann.* §29.008.
- When a private school student with disabilities is referred to the local district, the district is not responsible for providing services unless the parent(s) choose to enroll the child in the public school full-time or request services under dual enrollment. All state requirements concerning referral, assessment, and determination of eligibility are applicable to students placed in private schools by their parents once the students are referred. *Texas Administrative Code*, Title 19, Part 2, §89.1095.

Nursing and Health

- Private school students must be screened to detect vision and hearing disorders and any other special senses or communication disorders specified by the Board of Health. The Department of Health may coordinate screening activities of private schools with school districts, state agencies and volunteer organizations so that efforts are complementary and not fragmented or duplicative, and provide screening personnel, equipment, and services if the requirements cannot be otherwise met. *Tex. Health and Safety Code Ann.* §36.004.
- Screening to detect abnormal spinal curvature is mandatory for private school children in grades 6 and 9. The Department of Health may coordinate screening activities and provide technical assistance and educational materials to assist private schools. *Tex. Health & Safety Code Ann.* §37.001.

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

- Food products served by private schools, student organizations, and parent-teacher organizations are exempt from sales tax when served during the regular school day or

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during a fundraiser when the proceeds do not benefit an individual. *Tex. Tax Code Ann.* 151.314(d)(1).

Public Aid for Private Education

- **Constitutional Provisions:** The Texas Constitution prohibits the state legislature from granting any part of the permanent or available school fund to any sectarian school. *Texas Constitution* Art. VII, Sec. 5(a).
No money from the State Treasury or property belonging to the State may be appropriated for the benefit of any sect or religious society. *Texas Constitution* Art. 1, Sec. 7. The attorney general has ruled that this provision does not prevent a school district from providing band lessons to private school students at a public school. Op. Atty. Gen. 1972, No. M-1074. *Texas Constitution* Art. 1, sec 7, Art. 3, Sections 51, 52.
- **Programs for financial assistance for attendance at private schools:** There are no such programs at this time.

Homeschooling

- Texas has no laws or regulations related to homeschooling. The State of Texas does not regulate, monitor, approve, register, or accredit programs available to parents who choose to homeschool their children. In addition, the State of Texas does not award a diploma to students who are homeschooled. However, in accordance with *Texas Education Code* 51.9241, the State of Texas considers the successful completion of a homeschool education to be equivalent to graduation from a public or private high school.

Information resources

- [Texas Private School Accreditation Commission](http://www.tepsac.com) <www.tepsac.com>
- [Texas Association of Nonpublic Schools](http://www.abouttans.org/index.cfm) <http://www.abouttans.org/index.cfm>
- [Texas Education Agency: Home School Information](http://www.tea.state.tx.us/home.school/) <http://www.tea.state.tx.us/home.school/>
- [Texas Education Agency: Education Laws and Rules](http://www.tea.state.tx.us/educationlaw.html) <http://www.tea.state.tx.us/educationlaw.html>
- [Texas Administrative Code](http://www.sos.state.tx.us/tac/) <http://www.sos.state.tx.us/tac/>
- [Texas Constitution and Statutes](http://www.statutes.legis.state.tx.us/) <http://www.statutes.legis.state.tx.us/>
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