

Attending Non-Public Schools in Alabama

(Act #2014-245)

Act 2014-245, SB38, amends Sections 16-1-11,16-28-7,16-46-1,16-42-2,16-46-3,16-46-4,16-46-5,16-46-6,16-46-7,16-46-8, 16-46-9, and 16-46-10, Code of Alabama 1975, to clarify that nonpublic Schools, including private, church, parochial, and religious schools, offering educational instructions in grades K-12, as well as home-schooled students, are not subject to regulation by the Department of Education, the State Board of Education, or the State Superintendent of Education and may not be regulated by the state or any political subdivision of the state. The act requires nonpublic schools to comply with attendance laws and perform criminal history background checks on employees, prohibits public two-year or four-year institutions of higher education from denying admittance to or otherwise discriminating against a qualified student based upon his or her attendance at a nonpublic school, and prohibits the State Department of Education from denying certification to a person based upon his or her employment by an Elementary or secondary nonpublic school. The act also provides that all nonpublic schools that are members of the Alabama High School Athletic Association must be in compliance with the constitution and bylaws established by the association member schools.

General Information for Non-Public Schools

Private, Church, Parochial, Religious, On-Site, On-Line,
Private Tutor and Home Study Programs

General Information Regarding Transferring to a Public School from a Non-Accredited School

Contact:

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Tuscaloosa County School System
(205) 342-2749

or

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Tuscaloosa County School System
(205) 342-2739

**Non-Public Schools in Alabama
Updates to Changes in Homeschooling
October 2015**

ACT #2014-245

Removed the authority for the Alabama State Department of Education, the State Board of Education and the State Superintendent of Education to license or regulate any private, nonpublic, or church school offering instruction in grades K-12, or any combo of K-12.

Clarifies the autonomy of ALL nonpublic schools and requires the following for nonpublic school students including home schooled students (but does not regulate/monitor their compliance):

The constitutional right of ALL parents/guardians to choose the type of K-12 education that is best for their child/children. This includes home schooling.

- Each nonpublic school shall comply with the Codes of Alabama relating to attendance, child protection and criminal background checks but, does not regulate their compliance.
- Home schooling no longer requires a church cover school / home based study program for compliance.
- The private tutoring option for home schooling requires the tutor to have a teaching certification.

Compulsory Attendance Ages: “between the ages of six and 17.”

The parent, legal custodian, or guardian of a child who is six years old may opt out of enrolling the child in school by written notification to the local school board that the child will not be enrolled until age seven. A child attending a church school prior to attaining his or her 16th birthday may withdraw at age 16. Alabama Code §16-28-3.

Home Educators have three options:

Option 1: Attend a Church School.

A church school “[i]ncludes only schools that offer instruction in grades K-12, or any combination thereof, including preschool, through on-site or home programs, and are operated as a ministry of a local church, group of churches, denomination, and/or association of churches which do not receive any state or federal funding.”

Ala. Code § 16-28-1.

A home may be the location where a child receives instruction as a student attending a church school. *A parent may establish the church school in the home, or the home may be an extension of an existing church school.*

- a. “The enrollment and attendance of a child in a church school shall be filed with the local public school superintendent by the parent ... on a form provided by the superintendent ... which shall be countersigned by the administrator of the church school...” Ala. Code §16-28-7.
(Parents will complete the ALSDE provided Church School Student Enrollment Form. Parents only need to file this form once at initial enrollment in church school. While there is no requirement to file annually, the Tuscaloosa County School System encourages parents to file on an annual basis.)
- b. The principal teacher of the church school must keep an attendance register for each day of the school year. Ala. Code §16-28-8.
- c. If the local school district believes a family is not in compliance with the law, it must give the family 3 days’ written notice (Ala. Code §16-28-16) prior to instituting criminal charges.

Option 2: Attend a Private School.

A private school “[i]ncludes only such schools that are established, conducted, and supported by a nongovernmental entity or agency offering educational instruction in grades K-12, or any combination thereof, including preschool, through on-site or home programs.” Ala. Alabama AL-2 Code § 16-28-1. A home may be the location where a child receives instruction as a student attending a private school. *A parent may establish the private school in the home, or the home may be an extension of an existing private school. If a parent establishes a private school in the home, the Private School/Private Tutor Enrollment Form must be completed and submitted to the ALSDE and the superintendent through the Office of Student Services annually by October 10.*

- a. The online private school registration forms are made available from August 1 through October 10 annually on the ALSDE website at <http://www.alsde.edu>. In addition, a registration form is included in the packet provided by the Tuscaloosa County School System. The private school [provide] “statistics as relate to the number of pupils, the number of instructors, enrollment, attendance, course of study, length of term, cost of tuition, funds, value of property, and the general condition of the school.” Ala. Code § 16-1-11.
- b. At the end of the fifth day from the opening of public school, the principal teacher of each private school must report on forms prescribed by the State Superintendent of Education to the county superintendent or city superintendent “the names and addresses of all children of mandatory school attendance age who have enrolled in such schools; and thereafter, throughout the compulsory attendance period, the principal teacher of each school ... shall report at least weekly the names and addresses of all children of mandatory school attendance age who enroll in the school or who, having enrolled, were absent without being excused, or whose absence was not satisfactorily explained by the parent, guardian, or other person having control of the child.” Ala. § 16-28-7.
- c. Private schools must furnish all reports that may be required by the State Superintendent of Education and by the county superintendent of education or by the city board of education with reference to the school attendance laws. Ala. Code § 16-28-8.
- d. The principal teacher of the private school must keep an attendance register for each school day of the year. Ala. Code § 16-28-8.
- e. Private schools must require each pupil who is admitted to the school to present a certificate of immunization or testing for the prevention of the communicable diseases designated by the State Health Officer, except when the parent or guardian claims a religious or medical exemption. Ala. Code § 16-30-3 and 16-30-4.
- f. Every private school “shall carry out a system of physical education, the character of which shall conform to the program or course outlined by the Department of Education.” Ala. Code § 16-40-1.
- g. Private schools in which 25 or more persons are congregated regularly for instruction must meet the requirements of the building code unless the building was used for that purpose prior to the effective date of the code. Ala. Code § 41-9-160(2) and 41-9-163(c).

Option 3: Instruction by a Private Tutor.

Under Ala. Code §16-28-5, a child may be instructed by a private tutor. Under this statute:

- a. The private tutor must be a state-certified teacher.
- b. *If a parent contracts with a private tutor, the Private School/Private Tutor Enrollment Form must be completed and submitted to the superintendent through the Office of Student Services.*
- c. The private tutor must offer instruction “in the several branches of study required to be taught in the public schools..., 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 [use] the English language in giving instruction.”
- d. The private tutor must file with the superintendent, a statement showing the child or children to be instructed, the subjects taught, and period of instruction. The tutor must keep a register of the child’s work showing daily hours of instruction and attendance and shall make such reports as the State Board of Education may require.

Teacher Qualifications: No qualifications required to teach in a church or private school. A private tutor must be a state-certified teacher. Ala. Code §16-28-5.

Freedom from State Regulation: “Nonpublic schools, including private, church, parochial, and religious schools, offering educational instruction in grades K-12, as well as home-schooled students, are not subject to licensure or regulation by the state or any political subdivision of the state, including the State Department of Education.” Ala. Code § 16-1-11.2.

College Anti-discrimination Provisions: “Any provision of law to the contrary notwithstanding, no public two-year or four-year institution of higher education in the state may deny admission to or otherwise discriminate against an otherwise qualified student based on the consideration, whether in whole or in part, that the student attended, graduated from, or is enrolled in a nonpublic school, including private, church, parochial, and religious schools, or was home schooled.” Ala. Code § 16-1-11.4.

Private School/Private Tutor Enrollment Form

Student Name (First, MI, Last)	Address, City, State, Zip	Date of Birth

Signature of Nonpublic School Official *Date*

Title

OR

Private Tutor Signature

Private Tutor Certificate Number

Academic year 20__ - 20__

Private School/Private Tutor Weekly Absence Report

Student Name First, MI, Last)	Address, City, State, Zip	Number of Unexcused Absences

_____ *Signature of Nonpublic School Official* _____ *Date*
_____ *Title*

OR

_____ *Private Tutor Signature*
_____ *Private Tutor Certificate Number*

Beginning date: / /20 Ending Date: / /20
Academic year 20 - 20

Church School Student Enrollment Form

I hereby certify that, _____, residing at

name

address

is of legal school age and enrolled and attending

Church school name/address

Signature of Parent/Legal Guardian

Date

Signature of Nonpublic School Official

Date

Title

Beginning date: / /20
Academic year 20 - 20

Ending Date: / /20

Alabama Code §16-28-7 states should the child cease attendance at a church school, the parent, guardian, or other person in charge or control of the child shall by prior consent at the time of enrollment direct the church school to notify the local public school superintendent or his or her agent that the child no longer is in attendance at a church school.

July 1, 2014



STATE OF ALABAMA
DEPARTMENT OF EDUCATION



Thomas R. Bice
State Superintendent of Education

July 17, 2014

MEMORANDUM

TO: City and County Superintendents
FROM: Thomas R. Bice *TRB*
State Superintendent of Education
RE: Act No. 2014-245

Act No. 2014-245, passed during the 2014 legislative session, removes the authority for "...the Alabama Department of Education, the State Board of Education, or the State Superintendent of Education to license or regulate any private, nonpublic, or church school offering instruction in grades K-12, or any combination thereof". On July 8, 2014, the State Board of Education voted to approve the repeal of the existing rules regulating nonpublic schools.

Although Act No. 2014-245 does little to change the local board of education's responsibility for the mandatory school-age students not enrolled in the public schools, we are providing revised forms to assist in performing the statutory requirements for nonpublic school students.

Enclosed are a summary of the changes relating to nonpublic schools in Act No. 2014-245 and the existing requirements under the school attendance laws for the reporting requirements for nonpublic school students.

If you have questions about the reporting requirements for nonpublic school students, contact Ms. Chris Wilson by calling (334) 353-2154 or via the e-mail address cwilson@alsde.edu.

TRB/DWH/CBC
Enclosures
FY14-3059

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Secretary and
Executive Officer

Act No. 2014-245 stipulates that each nonpublic school, including private, church, parochial, and religious schools, offering educational instruction in grades K-12, as well as home-schooling entities, shall comply with:

- Chapter 28, Title 16, Code of Alabama 1975, relating to school attendance;
- Chapter 22A, Title 16, Code of Alabama 1975, the Alabama Child Protection Act of 1999;
- Chapter 7, Title 38, Code of Alabama 1975, relating to criminal history background checks on persons responsible for children, the elderly, and the disabled.

All private schools or institutions of any kind having a school in connection therewith, except church schools as defined in Section 16-28-1, shall register annually on or before **October 10** with the Department of Education and shall report on uniform blanks furnished by the Department of Education, giving such statistics as relate to the number of pupils, the number of instructors, enrollment, attendance, course of study, length of term, cost of tuition, funds, value of property, and the general condition of the school. (Ala. Code §16-1-11 as revised by Act No. 2014-245.)

Note: Online private school registration forms will be available from August 1 through October 10 annually on the ALSDE website at <http://www.alsde.edu>.

Ala. Code §16-28-7

1. At the end of the fifth (5th) day from opening of the public school, each private school and each private tutor (but not church school) shall report to the superintendent of the district in which the student resides, the names and addresses of all children of mandatory age that are enrolled.
2. Provide a weekly report to the local superintendent with the names and addresses of all enrolled students that were absent without being excused (or whose absence was not satisfactorily explained by the parent or legal guardian).
3. Provide a weekly report to the local superintendent with the names and addresses of all newly enrolled students of mandatory age.
4. The enrollment and attendance of a child in a church school shall be filed with the superintendent of the district in which the student resides.
5. The form shall be countersigned by the administrator of the church school and returned to the public school superintendent by the parent or guardian.
6. Should the student cease to be enrolled at the church school, the parent or legal guardian shall notify the local public school superintendent that the child is no longer in attendance at a church school.

HOME SCHOOLING PROGRAMS

Updated September 30, 2015

By providing this information, neither the Tuscaloosa County School System nor its employees are making any representation as to the quality of educational services that may be provided by any entity, organization or school identified herein.

"How did the following home schools make this list?" The Tuscaloosa County School System has received over five (5) enrollment forms from the following home schools.

Abundant Life

Arne' Williams, Administrator
3423 19th Street
Tuscaloosa, AL 35401
(205) 752-1125

Bright Horizons Academy

Jessica Spencer Henderson, Administrator
PO Box 1412
Alabaster, AL 35007
(205) 685-5988 or (205) 552-4774

Everest Academy

Deb Spradlin, Administrator
1035 Jenkins Road
Hayden, AL 35079
(205) 433-9828

Faith Academy

Moya Todd, Administrator
912 31st Street East
Tuscaloosa, AL 35405
(205) 454-4614

FCA Home Educators

Jane Bell, Administrator
918 Temple Avenue North
Fayette, AL 35555
(205) 932-7354

Liberty Christian

Timothy McCool, Administrator
PO Box 270
Carrollton, AL 35447
(205) 367-8125 or (205) 364-1396

McCulley Hill Christian

Edward and Martha Weed, Administrators
2165 Bishop Ridge
West Blockton, AL 35184
(205) 938-2101

Riverside Christian Academy

Terri Gossett, Administrator
1919 Highway 52 West
Helena, AL 35080
(205) 937-0440

Riverwood Classical School

Kimberly Staggs, Administrator
501 Rice Valley Road North
Tuscaloosa, AL 35406
(205) 758-5502

University Church Christian Academy

Donna Tanski, Administrator
1200 Julia Tutwiler Drive
Tuscaloosa, AL 35404
(205) 553-3001

Victory Christian

Deborah Safford, Administrator
PO Box 70814
Tuscaloosa, AL 35407
(205) 752-1105

Zoe Home School

Paula Wildgrube, Administrator
212 44th Court NE
Tuscaloosa, AL 35404
(205) 243-9594

TRANSFERS FROM NON-ACCREDITED OR HOME SCHOOLS

4.80

To allow transfer of credits and/or determine the appropriate class/grade placement of a student transferring to this system from a non-accredited or home school, the following shall be implemented:

- I. Credit for all elective courses shall be accepted without validation.
- II. Uncontested credit for core courses of English, mathematics, science and social studies shall be transferred as follows:
 - A. Using all available records and nationally standardized tests, if available, the principal or his/her designee shall determine the appropriate placement and then notify the student and the parent/guardian.
 - B. Upon agreement by the parent/guardian, the student shall be assigned to the class and/or grade agreed upon.
 - C. For any initial core course the student completes successfully in this system, he/she shall be permitted to transfer in that subject area all previous credits earned at a non-accredited or home school. (Example: Successful completion of eleventh grade English in this system would allow the student to transfer ninth and tenth grade English if completed successfully at the non-accredited or home school).
- III. Contested credit for core courses shall be transferred as follows:

If the parent/guardian disagrees with the placement decision, the principal or designee shall supervise the administration of the school's most recent semester examination or other appropriate assessment for each prerequisite to the core course in which the parent/guardian is requesting enrollment. For each test passed, the student shall be placed in the next level core course and credit for the prerequisite course(s) shall be transferred.
- IV. In the event of the existence of controversial records/transcripts and/or the absence of any official or notarized records/transcripts, the student shall take placement tests consisting of the system school's previous semester tests for core courses.

All transfer students must pass state-required examinations and meet all other requirements for graduation. Except in case of bona fide change of residence or other circumstances equally valid for making an exception, a student is not to be graduated from high school unless he has been in continuous attendance therein during the entire high school year immediately preceding the date of graduation.

REFERENCE(S):

CODE OF ALABAMA
16-8-8, 16-28-3, 16-28-6, AAC §290-3-1-.05(2) C 7 and 290-3-1-.06 (10) c

HISTORY:

ADOPTED: MARCH 9, 1992
REVISED: MARCH 8, 1999; MAY 13, 2002; APRIL 8, 2013
FORMERLY: IDCCE, JBCDB

HIGH SCHOOL ONLINE PROGRAMS

By providing this information, neither the Tuscaloosa County School System nor its employees are making any representation as to the quality of educational services that may be provided by any entity, organization or school identified herein.

NAME OF SCHOOL	CONTACT SITE	OPEN ENROLLMENT	ACCREDITATION
Northstar Academy	http://www.northstar-academy.org/	YES	Advanced, SACS CASI
Indiana University High School	https://iuhighschool.iu.edu/	YES	Advanced, NCA CASI
University of Missouri – MU Online High School	http://mizzouk12online.missouri.edu/	YES	Advanced, NCA CASI
James Madison High School	http://www.jmhs.com/	YES	Advanced, SACS CASI
University of Nebraska High School	http://highschool.nebraska.edu/	YES	Advanced, NCA CASI
Liberty University High School	http://www.liberty.edu/onlineacademy/	YES	Advanced, SACS CASI
National High School	http://www.nationalhighschool.com/	YES	Advanced, SACS CASI
Laurel Springs High School	http://laurelsprings.com/high-school/	YES	Advanced, SACS CASI
The University of Mississippi Independent Study High School	http://www.outreach.olemiss.edu/hsathome/index.html	YES	Advanced, SACS CASI
American High School	http://americanonlinehigh.com/	YES	Advanced, SACS CASI
Brigham Young University Independent Study High School Program	https://is.byu.edu/site/programs/HighSchoolProgram.cfm	YES	Advanced, NWAC