

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:

Cassidy Edwards, Coordinator of Prevention and Support
Tuscaloosa County School System
(205) 342-2749

or

Jackie Hudgins, Coordinator of Accountability
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.

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

Alabama
State Board
of Education

Governor
Robert Bentley
President

TO: City and County Superintendents

Al Thompson
District I

FROM: Thomas R. Bice *TRB*
State Superintendent of Education

Betty Peters
District II

RE: Act No. 2014-245

Stephanie Bell
District III

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.

Yvette M.
Richardson, Ed.D.
District IV

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.

Ella B. Bell
District V
Vice President

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.

Charles E. Elliott, M.D.
District VI

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.

Jeff Newman
District VII
President Pro Tem

Mary Scott Hunter, J.D.
District VIII

Thomas R. Bice, Ed.D.
Secretary and
Executive Officer

TRB/DWH/CBC
Enclosures
FY14-3059

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

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 entity, organization or school identified herein.

Cross River Academy

P O Box 1412
Alabaster, AL 35007
205-685-5988
Contact: Jessica Henderson
cra.al@outlook.com
www.crossriveracademy.org

Evangel Christian School

P O Box 1670
Alabaster, AL 35007
205-706-2595
Contact: Bill & Sandy Snuggs
office@evangelhomeschool.org
www.evangelhomeschool.org

Lake Martin Christian Academy

64 Court Square
Alexander City, AL 35010
205-396-6707
Contact: Chris Adkins
lmcations@gmail.com
www.lmcations.com

Essential Church School

P O Box 382034
Birmingham, AL 35238
205-201-0327
Contact: Kristy Trent
kristy@essentialchurchschool.org
www.essentialchurchschool.org

Hope Christian School

9340 Helena Road Ste F-404
Birmingham, AL 35244
205-664-2232
Contact: Wayne & Connie Atchison
admin@hopechristian.net
www.hopechristian.net

Life Church Academy

5567 Chalkville Road
Birmingham, AL 35235
205-986-5433
Contact: Vanessa Carlson
lca@lifechurchal.com
www.lifechurchal.com

Valleydale Christian Academy

2408 Valleydale Road
Birmingham, AL 35244
205-987-6286
Contact: Susan Hubbard
valleydaleacademy@yahoo.com
www.valleydale.net

Shelby Crossings Christian School

532 George Roy Parkway
Calera, AL 35040
205-572-1226
Contact: Jennifer Vines
adminsccschool@gmail.com
www.shelbycrossingschristian.com

Clanton First Assembly Home School

P O Box 308
Clanton, AL 35046
205-755-7844
Contact: Angie Reid
www.clantonfirst.org

Bethel Christian Academy

55 Highway 49
Columbiana, AL 35051
205-669-4836
Contact: Michele Bradshaw
bethelacademycoop@gmail.com
www.bethelacademycoop.com

Calvary Christian School

419 5th Street
Docena, AL 35060
205-705-4271
Contact: Sarah West
sarahwest1893@gmail.com

Legacy Builders Academy

3001 Watts Drive
Gardendale, AL 35071
205-607-0617
Contact: Yalonda Chandler
legacybuildersacademy@gmail.com
www.legacybuildersacademyal.com

Homeland Christian Academy

1501 Decatur Highway Ste 101
Gardendale, AL 35071
205-608-0987
Contact: Debbie McKeever
dkm1129@hotmail.com

New Life Homeschool

4739 County Highway 42
Hamilton, AL 35570
205-495-4588
Contact: Deronda Tuck
newlifehs@outlook.com
www.newlifehs.com

Everest Academy

1035 Jenkins Road
Hayden, AL 35079
205-433-9828
Contact: Deb Spradlin
everestacademy1@gmail.com
www.alabamahomeschooling.com

SMIC Academy

2281 Old Tyler Road
Hoover, AL 35226
205-978-9153
Contact: Emily Smith
smicacademy912@gmail.com
www.smicacademy.org

Valley Creek Academy

3253 Virginia Drive
Hueytown, AL 35023
205-491-3330
Contact: Jennifer Dobson, Sarah Barnhill
vcahueytown@gmail.com
www.vcbchurch.com

Crossroads Christian School

825 Oak Blvd
Moody, AL 35004
205-640-2174
Contact: Jenny Bartz
office@crossroadschristian.us
www.crossroadschristian.us

Our Lady of the Lake

557 Eagle Point Lane
Pell City, AL 35128
Contact: Margaret M. Denton
margaretmdenton@yahoo.com

Agape Academy

6829 Highway 79
Pinson, AL 35126
Contact: Alyson McConnell
agapeacademy@gmail.com
www.agapepinson.com

Vision Hill Homeschool

2859 Whitwood Lane
Prattville, AL 36067
205-990-5498
Contact: Colleen Kelhofer
visionhillhomeschool@hotmail.com

Academy for Excellence

335 Tucker Road
Talladega, AL 35160
205-675-2050
Contact: Kristi Stapler
officeAFE@gmail.com

Faith Community Christian School

7660 Gadsden Highway
Trussville, AL 35173
205-616-7947
Contact: Melissa Jordan
melissa@fccstrussville.com
www.fccstrussville.com

Cahaba Academy

128 Chalkville Road North
Trussville, AL 35173
205-655-2403
Contact: Terri Mathews
cahabaacademy@fbctrussville.org

Ridge Academy

7789 Gadsden Highway
Trussville, AL 35173
205-661-3722
Contact: Heather Harkins
heather@myridgecrest.info
www.ridgeacademyhomeschool.wordpress.com

University Church Christian Academy

1200 Julia Tutwiler Drive
Tuscaloosa, AL 35404
205-553-3001
Contact: Donna Tanski
ucca@universitycofc.org
www.universitycofc.org

Southern Pines Christian School

6842 Buck Jackson Road
Vernon, AL 35592
205-712-6037
Contact: Donna Price
southernpineschristianschool@yahoo.com
www.southernpineschristianschool.com

Heritage Academy

3251 Greendale Road
Vestavia Hills, AL 35243
Contact: Gilbert F. Douglas III
ke4nrl@bellsouth.net
www.theheritageconnection.com

CrossRoads Christian Academy

801 State Highway 160
Warrior, AL 35180
205-543-0082
Contact: Johna Laurance
admin@crcacademy.net
www.crcacademy.net

CHAPTER 4.00 – CURRICULUM AND INSTRUCTION

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.imhs.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/hshathome/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