



Start a School

AN EDUCATION FREEDOM FOUNDATION INITIATIVE

Kansas

Private Schools

Virtual Private Schools

Per [Kansas Statute 72-3712](#), a virtual school or program:

- Is offered for credit.
- Uses distance learning technologies which predominately use internet-based methods to deliver instruction.
- Involves instruction that occurs asynchronously with the teacher and pupil in separate locations.
- Requires the pupil to make academic progress toward the next grade level and matriculation from kindergarten through high school graduation.
- Requires the pupil to demonstrate competence in subject matter for each class or subject in which the pupil is enrolled as part of the virtual school.
- Requires age-appropriate pupils to complete state assessment tests.

Steps to Start a Private School

1. Select a name for your school. Retain this name throughout the duration of the school's operation.
2. Designate a Chief Administrative Officer. Select a title, such as Director, Principal, Superintendent, etc.
3. Register as a corporation. This is usually a for-profit LLC. Register with your state's Division of Corporations.
4. Things to consider
 - 4.1. Accreditation: is optional. OptimaEd has been accredited by Cognia.
 - 4.2. Teacher Certification: Not required for non-accredited schools.
 - 4.3. Registration: Is required.
 - 4.4. Licensing: Business licensing may be required by local government.
 - 4.5. Approval: Is optional.
 - 4.6. Length of School Year and Days: Is "substantially equivalent" to the period of time public schools are open (465 hours per year for kindergarten, 1,116 hours per year for grades 1 through 11, and 1,086 hours per year for grade 12).

- 4.7. Curriculum: See statutes below for requirements.
- 4.8. State Testing: Testing requirements are not placed on non-accredited private schools. Accredited private schools must have 95 percent or more of all students and 95 percent or more of each student subgroup take the state assessments.
- 4.9. Health and Safety Requirements: Minimal requirements. See statutes below.
- 4.10. Nursing and Health: Accredited schools provide health screening tests.

Registration

ALL private schools are required, through Kansas Statute to register with the Kansas State Department of Education (KSDE). Private schools operating in Kansas that do participate in the state's accreditation process are referred to as "Accredited Private Schools." Private schools that do not participate in the state accreditation process are referred to as "Non-Accredited Private Schools (NAPS)." [Click here](#) for more information about NAPS in Kansas.

Accreditation

If you plan to become accredited, review the following:

Kansas Statute charges the Kansas State Board of Education with the accreditation of schools, a process that provides official recognition of the school as having met a defined set of standards.

Current accreditation regulations in Kansas are based on a school district accreditation model called Kansas Education Systems Accreditation (KESA), which was approved in 2016.

The State Board receives recommendations concerning accreditation (K-12) from the KSDE Accreditation Review Council, (Be sure to link the right group to this.) a group of representatives from all facets and levels of education and from all regions of Kansas.

KESA Guidance Document

The KESA Guidance Document is being updated to contain a summary of the KESA process along with the latest reports that will be available in the Authenticated Application. Additionally, new resources will be included to assist you in your accreditation journey.

[KESA Accreditation Criteria](#)

The KESA Accreditation Criteria was developed for the Accreditation Review Council (ARC) to help make an accreditation recommendation to the State Board of Education. It is comprised of eight (8) sections. Each section corresponds to a question in the ARC's executive summary recommendation of accreditation report to the State Board of Education. The document is being provided so that systems and their outside visiting team can have a clear understanding about the measures the ARC is using to make an accreditation recommendation.

Private School Statutes & Rules

The Education Freedom Foundation has relied on the [U.S. Department of Education's State Regulation of Private and Home Schools Map](#) for relevant statutes. Over time, the state pages on this map have been updated since their initial creation. In some cases, states have changed their laws without these updates being reflected on the map. Given the various methods each state uses to publicize changes to its laws, the most recent information for the Start-A-School project was often obtained directly from the U.S. Department of Education website. Users are encouraged to verify any information before making decisions based on it.

Accreditation, Registration, Licensing, and Approval

- Accreditation: optional
 - The Kansas State Board of Education accredits public and nonpublic elementary and secondary schools. Kansas Statutes Annotated [\(K.S.A.\) § 72-255 \(a\)\(3\)](#).
 - Accreditation regulations can be found at [Kansas Administrative Regulations \(K.A.R.\) 91-31-31](#) et seq.
- Registration: mandatory
 - Registration is mandatory for non-accredited private schools. The official custodian of every non-accredited private elementary or secondary school must register the school's name and address with the Kansas State Board of Education. The purpose of this provision is to make available the name and location of the school for the request of student records in the event of a student transfer. [K.S.A. §§ 72-4346](#) and [72-4347](#). Register using this [form](#).
- Licensing: no requirements
- Approval: optional
 - To satisfy the Kansas compulsory attendance statute, approval by the Kansas State Board of Education is mandatory for the education provided at the high school level by churches or religious denominations. [K.S.A. § 72-3120\(g\)](#).
 - Approval is granted for a two-year period based on the following criteria: 1) Attendance is mandatory in at least five hours of learning activities for each day the public school is in session in the public school district where the child resides. 2) Acceptable learning activities may include parent-supervised projects in agriculture and homemaking, work-study programs, or accredited correspondence courses. 3) The program includes at least 15 hours per week of classroom work under the supervision of a competent instructor. 4) Regular attendance reports must be filed and students reported as absent if they do not complete five hours of learning activities. 5) The instructor maintains complete records of the students' work and files the records on a monthly basis with the Kansas State Board of Education and the local board of education. [K.S.A. § 72-3120\(g\)](#).

Curriculum

- Every accredited elementary school must teach reading, writing, arithmetic, geography, spelling, English grammar and composition, history of the United States and of Kansas, civil government and citizenship, health and hygiene, and other subjects as the Kansas State Board of Education determines. [K.S.A. §72-3214](#).

- Accredited private and parochial elementary schools are required to provide a complete course of instruction in civil government, United States history, patriotism, and citizenship. Accredited private and parochial high schools must give a course of instruction in the government and institutions of the United States, particularly the Constitution of the United States. No student can graduate from high school without successfully passing such a course. [K.S.A. §72-3217](#).
- Private or parochial schools have a duty to display the United States flag and official state flag every school day from a flagstaff or, in inclement weather, within the school building. [K.S.A. §§73-707](#) and [73-712](#).
- It is a defense to being prosecuted for promoting obscenity and promoting obscenity to minors if the obscene material was acquired by the private or parochial school and distributed as part of an approved course of instruction at the school. [K.S.A. §21-6401\(g\)\(3\)](#).
- Accredited schools in Kansas must provide instruction on Kansas history and government to all students graduating from high school. [K.S.A. §72-3235](#).
- Every accredited school shall teach the subjects and areas of instruction adopted by the Kansas State Board of Education as of January 1, 2005. [K.S.A. §72-3218\(a\)](#).

Health and Safety Requirements

- Every pupil up to the age of nine years who has not been previously enrolled in any Kansas school must present the results of a health assessment prior to admission to or attendance in school. A health assessment includes a health history, physical examination, and such screening tests as are medically indicated to determine hearing ability, vision ability, nutrition adequacy, and appropriate growth and development. Before the beginning of each school year, nonpublic schools must provide all known incoming students who are subject to this provision with a copy of any governing policy adopted by the governing body of the nonpublic school. Parents are exempt if they are opposed to the assessment based on the religious teachings of their denomination and file a signed statement to that effect. Local health departments and clinics may charge a sliding fee for the health assessment, but no pupil can be denied the health assessment due to inability to pay. [K.S.A. §72-6267](#).
- Private school students enrolling for the first time must present certification that they have received the tests and inoculations as required by the secretary of the Kansas Department of Health and Environment. Alternatively, a student may present medical certification that the test or inoculation would seriously harm his or her health or a written statement that the student is an adherent of a religious denomination whose teachings are opposed to such tenets or inoculations. On or before May 15 of each school year, private schools must give a copy of this provision and any relevant school policy to all known pupils who are enrolled or will be enrolling in the school. If a pupil transfers schools, the school must forward the certification or statement with the pupil's transcript to the new school. The area health department will provide tests and inoculations at public expense, to the extent that funds are available, when parents or guardians have not provided for the pupils and are not exempt on religious or medical grounds. [K.S.A. §§72-6262 – 6263](#).

- Parochial and private school principals have a duty to exclude children affected with diseases suspected of being infectious or contagious until the expiration of the prescribed period of isolation for the particular disease. [K.S.A. §65-122](#).
- All private schools must provide a basic vision screening without charge to every pupil not less than once every two years. The school board must designate someone to perform the test and notify parents or guardians if an examination by a physician or optometrist is warranted. [K.S.A. §§ 72-6241 – 6242](#).
- Students enrolled in accredited nonpublic schools are entitled to free basic hearing screenings during the first year of admission and not less than once every three years thereafter. The child must be provided a basic hearing screening by the accredited nonpublic school or, if requested by the child's parents, by the school district where the child resides. If the parents request the public school district to provide the screening, it will be conducted at the nonpublic school if the nonpublic school is located within the school district where the child resides. However, the screening must be conducted at a public school within the district where the child resides if the accredited nonpublic school is located outside the school district where the child resides. [K.S.A. §72-6229](#).
- Private and nonpublic schools are subject to annual safety inspections. The state fire marshall will notify the school of any dangerous conditions that require correction. Schools may petition for review in the local district court if they disagree with the fire marshall's assessment. [K.S.A. §31-144](#).
- Administrators of private schools are required to conduct at least one fire drill each month at some time during school hours as prescribed by the state fire marshall. In addition, private schools are required to conduct at least three tornado drills during the school year, subject to the fire marshall's approval. [K.S.A. §31-133\(a\)\(5\), \(8\)](#).
- Smoking or the use of tobacco products in school buildings is prohibited. [K.S.A. §72-6285](#).
- Private school buildings must comply with applicable building, mechanical, electric, and plumbing codes. In addition, the construction of all school buildings must be accessible to persons with a disability to the extent required by the Americans with Disabilities Act. All school building construction plans must bear the seal of a licensed architect or engineer and must be submitted to the Kansas State Board of Education for approval. [K.S.A. §31-150](#).
- It is a violation of the Kansas criminal code to possess a firearm on the property of an accredited nonpublic school, or to refuse to surrender or immediately remove any firearm when requested to do so by a school employee or a law enforcement officer. [K.S.A. §21-6301\(a\)\(11\) & \(12\)](#).
- Under Kansas' criminal code, the severity level of the felony increases one level for persons who possess a controlled substance with intent to sell on or within 1,000 feet of any property used for an accredited nonpublic school or extracurricular school activity, even when no children are present. [K.S.A. §§21-5701](#) and [21-5705](#).
- No liquor retail, microbrewery, microdistillery, or farm winery license may be issued for premises within 200 feet of a parochial school, unless the school was established within 200 feet of the premises after the license had been issued. [K.S.A. §41-710](#).
- Students and teachers in private schools working in specified activities in vocational, technical or industrial art shops, or laboratories and/or chemical-physical laboratories

are required to wear appropriate industrial quality eye protective devices. [K.S.A. §72-6281](#).

Length of School Year and Days

- To satisfy the Kansas compulsory attendance statute, private schools must offer instruction for a period of time that is "substantially equivalent" to the period of time public schools are open (465 hours per year for kindergarten, 1,116 hours per year for grades 1 through 11, and 1,086 hours per year for grade 12). [K.S.A. §72-3115\(b\)](#).

Nursing and Health

- Nonpublic schools may participate in the federal food service programs that are administered by the state board of education and receive reimbursement for meals served. [K.S.A. §72-17,132 et seq.](#)
- "Every pupil enrolled in a school district or an accredited nonpublic school shall be provided basic hearing screening without charge during the first year of admission and not less than once every three years thereafter." [K.S.A. §72-6229](#). See Health and Safety Requirements.

Professional Development

- Kansas provides for nonpublic school representation on the Teaching and School Administration Professional Standards Advisory Board. By statute, two members of the 21-member board come from accredited nonpublic schools. [K.S.A. §72-2309\(d\)\(8\) and \(9\)](#).

Public Aid for Private Education

- Constitutional Provisions: The Kansas Constitution prohibits any control of the public educational funds by religious sects. Kansas Constitution., Art. 6, Sec. 6.
- Programs for Financial Assistance for Attendance at Private Schools: An eligible student may qualify for a [Tax Credit for Low Income Students Scholarship Program](#) to attend any nonpublic school that has notified the state board of education of its intention to participate in the program and complies with the program requirements. An applicant must be eligible for free lunch under the National School Lunch Act and attend a school that qualifies as either a Title I Focus School or a Title I Priority School or be the previous recipient of a scholarship under this program. Those eligible may not have already graduated from high school or reached 21 years of age. The scholarship may not exceed \$8,000 per school year. Contributions are made by scholarship-granting organizations that receive tax credits equal to 70 percent of the contribution. [K.S.A. §§72-4353 – 72-4357](#).

Recordkeeping and Reports

- The governing authority of a nonpublic school must designate an employee to report students who are not regularly attending school as required by law. The designation must be made by September 1 of each school year and certified by the state board of education to the secretary for children and families or a designee of, to the county or district attorney or designee of, and to the commissioner of education within 10 days. If a student is absent without excuse for three consecutive school days, five or more school days in any semester, or seven school days in any school year, the nonpublic school shall notify the parents of their legal responsibility, and if an appropriate response is not received, file a report of the absences with the above authorities. [K.S.A. §72-3121\(a\), \(c\), and \(d\)](#).
- Every nonpublic school operating within Kansas must require proof of identity, preferably a birth certificate or pupil records from a prior school, whenever a child enrolls in a school for the first time. If proof of identity is not presented within 30 days, the governing authority must give written notice to the local law enforcement agency for an investigation into the identity of the child. Persons with custody of the child must not be informed of the investigation while it is being conducted. [K.S.A. §72-9934](#).
- Accredited nonpublic schools, their governing bodies, and their employees are immune from civil liability for any statement, report, or action taken in assisting or referring a pupil reasonably believed to be abusing or incapacitated by drugs or alcohol unless the report was made in bad faith or with malicious purpose. [K.S.A. §72-6271](#).
- The governing authority of a nonpublic school must adopt rules for determining valid excuses for absence from school. [K.S.A. §72-3121\(c\)\(2\), \(g\)](#).

Reimbursement for Performing State and Local Functions

- Students attending accredited nonpublic schools and enrolled in an approved course in driver training offered at the school may participate in the state safety fund and receive remuneration for their expenses if the student completes the course. In addition, students attending accredited nonpublic schools who have enrolled in and completed an approved motorcycle safety course offered at the school may participate in the motorcycle safety fund and receive remuneration for their expenses. [K.S.A. §8-272](#).

Special Education

- Local school boards for the public school districts have the authority to contract with any private, nonprofit corporation or public or private institution within or without Kansas that has proper special education services for exceptional children. The state board of education shall approve the curriculum. [K.S.A. §72-3411\(a\)](#).
- Upon the request of a parent or guardian, every public school district must provide special education services for exceptional children who reside in the district and attend a private, non-profit elementary or secondary school. [K.S.A. §72-3462](#).
- If such special education services are provided in the public schools, equal services must be provided for exceptional elementary and secondary school children who reside in the district and attend a private, non-profit school. The special education services may be

provided in either the public or the nonpublic schools in the district; if the services are offered in the public schools, the public school district must provide transportation for private school students. If such special education services are provided at the private, non-profit school, amounts to be expended do not have to exceed the average cost of providing the same services in the public school for children with the same disability. [K.S.A. §72-3462](#).

- Private, nonprofit elementary or secondary schools are defined as organizations regularly offering elementary or secondary education, exempt from federal income tax under §501 of the Internal Revenue Code, conforming to the Civil Rights Act of 1964, and satisfying compulsory school attendance laws. [K.S.A. §72-3461\(c\)](#).

Tax Exemption

- Property used exclusively for educational purposes is exempt from property taxation in Kansas. Kansas Constitution, 2007 Supp. Art. 11, Sec. 1. (b); [K.S.A. §79-201](#).

Teacher Certification

- Teacher certification is not required for teachers and administrators of non-accredited private schools as long as they are "competent instructors." [K.S.A. §72-3120\(a\)\(2\)](#).
- Teacher certification from the Kansas State Board of Education is required for teachers and administrators employed at accredited nonpublic schools. [K.S.A. §72-255\(a\)\(4\)](#).
- Accredited nonpublic schools are under a statutory duty to adopt a written personnel evaluation policy and procedure for certified personnel. The policy must require all evaluations to be in writing and be maintained in a file for at least three years. Every employee must be evaluated at least one time per semester in the first two consecutive school years of employment, but not later than the 60th day of the semester. During the third and fourth years of employment, evaluations must occur annually, but not later than February 15. Thereafter, evaluations must occur at least once every three years but not later than February 15. [K.S.A. §§72-2408](#) and [72-2409](#).

Technology

- The state library and the state board of education may contract with nonpublic schools to provide computerized information search services. [K.S.A. §§72-271](#) and [75-2563](#).

Testing

- Testing requirements are not placed on non-accredited private schools.
- Accredited private schools must have 95 percent or more of all students and 95 percent or more of each student subgroup take the state assessments. [K.A.R. 91-31-32\(g\)\(1\)](#).
- Any student enrolled in a virtual school on a full-time basis may take any statewide assessment required pursuant to [K.S.A. 72-5170](#), and amendments thereto, in a virtual setting that best meets the educational needs of the student. [K.S.A 72-3717\(a\)](#).

Textbooks

- Public schools are not obligated to make textbooks or academic materials available to nonpublic school students. However, the public school district may allow students attending accredited nonpublic schools to purchase textbooks from the public school district. [K.S.A. §72-3357](#).

Transportation

- Students of accredited private or parochial schools are entitled to transportation along the regular route of the school bus if transportation is provided to public school students. Public school districts may also provide additional transportation for students of accredited private or parochial schools located within the public school district. Such additional transportation is based on the public school district's discretion. The terms and conditions for transportation services must be the same for public and nonpublic students. [K.S.A. §72-6491](#).
- The board of a public school district may contract with the governing body of any nonpublic school for the transportation of the nonpublic school's students to or from interschool or intraschool activities. [K.S.A. §72-6498\(a\)\(2\)](#).
- Privately owned school buses operated under contract with a nonpublic school must comply with state rules and regulations adopted by the state board of education that govern the design and operation of school buses. This includes that all seats should be forward facing, and that the rules and regulations must by reference be part of any contract. [K.S.A. §8-2009](#).

Resources

Contact Information--State and Federal Departments of Education

- Kansas State Department of Education
Landon State Office Building
900 SW Jackson St.
Topeka, KS 66612-1212
Phone: (785) 296-3201
Website: <http://www.ksde.org/>
- U.S. Department of Education, [Kansas](#)

Information and Legislation

- [Kansas State Department of Education: Non-Accredited Private Schools \(Homeschooling\)](#)
- [Kansas State Department of Education: Non-Accredited Private Schools Online Registration](#)
- [Kansas State Department of Education: Quality Performance Accreditation \(QPA\)](#)

- [Chapter 72 Education, 2023 Statute](#)
- [Private Accredited Educational Organizations and Schools](#)
- Recognized Accrediting Agencies for Tax Credit for Low Income Students Scholarship Program

School Choice Programs

Tax Credit for Low Income Students Scholarship Program

The Tax Credit for Low Income Students Scholarship Program was enacted in the 2014 session of the Kansas State Legislature. The program was established to provide eligible students with an opportunity to attend schools of their parents' choice. It is most likely to require that a school become a SGO. More information can be found [here](#).

Tax Credit Application Process

Schools that apply to participate must partner with an SGO. There are only 12 SGOs. To ensure that your school is allowed, it may be better to start your own SGO, since SGOs are not required to [partner](#) with your school.

How to Apply to Become an SGO

An application must be completed by each scholarship granting organization (SGO) that wishes to participate in the Tax Credit for Low Income Student Scholarship Program. In addition, the SGO must also complete an application provided by the Department of Education. To be designated as a scholarship granting organization for purposes of this program, the organization must provide verification that it is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code.

You may download the [Kansas Department of Revenue application for designation as a scholarship granting organization](#).

You may download the [Kansas Department of Education application for designation as a scholarship granting organization](#).

How to Apply to Become a Qualified School

If you apply as a school you must submit a [Qualified Private School Request for Participation Form](#). Your Tax Credit application will be sent to Department of Education for approval. You must partner with an existing SGO. It may be better to create your own SGO.

Resources

- [Rules and Regulations](#)
- [Participating Qualified Schools](#)
- [Certified Scholarship Granting Organizations](#)
- [Scholarship Granting Organizations Working with Participating Qualified Schools](#)

Forms

- [Parental Consent for Release of Information & Consent for Disclosure Form-English](#)
- [TCLISSP Income Eligibility Survey - Spanish version](#)
- [SGO Application](#) (for KSDE)
- [SGO Application](#) (for KDOR)
- [SGO Renewal of Compliance](#)
- [Qualified Schools Participating with SGO & Certification of Employees Form](#)
- Scholarship Award Report- [\(word\)](#) [\(excel\)](#) [PDF](#)
- SGO Annual Report- [\(word\)](#) [\(excel\)](#) PDF
- [Qualified Private School Request for Participation Form](#)

Program Reports to the Kansas Legislature

- [January 2024 Report](#) (PDF)

Other Helpful Information and Links

- [Department of Revenue \(Tax Credit For Low Income Students Scholarship Program Webpage\)](#)

Statutes and Rules

[Kansas Statutes](#)

[Kansas Administrative Regulations](#)

- K.S.A. [72-4351](#) Citation of act
- [72-4352](#) Definitions
- [72-4353](#) Tax credit for low income students scholarship program; receipt for contributions; verification of scholarship eligibility

- [72-4354](#) Scholarship granting organization; eligibility; disbursement of scholarship funds; annual reports.
- [72-4355](#) Annual report by state board of education
- [72-4356](#) Certification of substantial compliance
- [72-4357](#) Tax credit for contributions to scholarship granting organization; limitations on amount of credits; carry over of unused credits.