



Start·a·School

AN EDUCATION FREEDOM FOUNDATION INITIATIVE

Puerto Rico

Basic Education Institutions (Private Schools)

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. Obtain a school license from the [General Education Council](#).
5. Things to consider
 - 5.1. Accreditation: is required to participate in the Puerto Rico Education Voucher program and helps with meeting evidence of required program quality. OptimaEd has been accredited by Cognia.
 - 5.2. Teacher Certification: Is required for private school teachers.
 - 5.3. Registration: Is not required.
 - 5.4. Licensing: Is required.
 - 5.5. Approval: Is not required.
 - 5.6. Length of School Year and Days: Is the same as public schools in session, on the customary days, and during the regular hours of the school term. See statutes
 - 5.7. Curriculum: No requirements. See statutes below.
 - 5.8. State Testing: No requirements.
 - 5.9. Health and Safety Requirements: Immunization is required. See other requirements in the statutes below.
 - 5.10. Nursing and Health: No requirements.

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 General Education Council (Council) has the power to accredit private schools that request accreditation in order to corroborate that their operations and programs are at satisfactory levels of excellence. [Laws of Puerto Rico Annotated \(L.P.R.A.\) Title 3 §148c](#).
 - The evaluation process for accreditation will verify the economic feasibility of the school, that the facilities are safe and not hazardous, that the school has definite, concrete, and enforceable policies and protocols against harassment and bullying among students, and that teaching personnel are recruited in a manner that is in line with the private school's criteria for implementing and communicating its educational philosophy and mission. [3 L.P.R.A. §148l](#).
 - Private schools may also be accredited by a national, regional, or specialized agency that has been recognized by the United States Department of Education or the Puerto Rico Department of Education. [18 L.P.R.A. §2120](#).
 - Accredited private schools may serve as practice centers for higher education students serving internships to obtain experience in teaching prior to their formal teaching practice. [18 L.P.R.A. §§477](#) and [478](#).
- Registration: no requirements
- Licensing: mandatory
 - The Council has the power to issue licenses and authorize the establishment and operation of elementary and secondary education institutions. [3 L.P.R.A. §148c](#).
 - The evaluation process for licensing will verify the economic feasibility of the school, that the facilities are safe and not hazardous, that the school has definite, concrete, and enforceable policies and protocols against harassment and bullying among students, and that teaching personnel are recruited in a manner that is in line with the private school's criteria for implementing and communicating its educational philosophy and mission. [3 L.P.R.A. §148l](#).
 - Licensing is compulsory for all private education institutions at the preschool, elementary, and secondary levels. Minimum requirements for licensing include the following: 1) a teacher certification or provisional certification issued by Puerto Rico's secretary of education; 2) facilities, equipment, library, and laboratory services that are compatible with the school's objectives; 3) an education plan and the means to implement the plan; 4) an economic viability study that shows the institution can reasonably comply with its commitments; and 5) a copy of institutional regulations that cover academic matters, student affairs, administrative matters, and fiscal matters. Licenses must be renewed every four years. Schools submitting evidence of accreditation will have their licenses automatically renewed. [18 L.P.R.A. §§2111, 2113, 2119, and 2120](#).
- Approval: no requirements

Curriculum

- No territory policy currently exists.

Health and Safety Requirements

- Students are required to have the proper immunizations in order to be admitted to or enrolled in school. [24 L.P.R.A. §182 et seq.](#)
- Any person who knowingly and intentionally distributes or possesses a controlled substance in a private school or in its surroundings is guilty of a felony and will receive twice the standard penalty for a first offense, and three times the standard penalty for subsequent offenses of possession. A subsequent offense of the introduction, distribution, possession for distribution, or sale of a controlled substance has a fixed term of 99 years of imprisonment. [24 L.P.R.A. §2411a.](#)
- Businesses and establishments with adult entertainment machines must be over 200 linear feet from a private school. [15 L.P.R.A. §83](#)
- Establishments providing access to coin- or token-operated electronic games, pinball machines, or lotteries may not be located within 200 meters of a private school. Businesses that are already established within 200 meters must not operate the coin- or token-operated machines during school hours. [15 L.P.R.A. §701](#)
- The director of the Puerto Rico Bureau of the Lottery may not grant a license for a lottery to take place within 25 linear meters of a private school or school zone. [15 L.P.R.A. §809.](#)
- Any person who enters the building or grounds of an elementary, junior, or senior high school without the permission of the director or person in charge, his or her substitute, or an official or employee of a higher rank, or who remains within the institution after being ordered to leave will be charged with a misdemeanor. [33 L.P.R.A. §2091.](#)

Length of School Year and Days

- Puerto Rico's compulsory school attendance law requires private school students under 16 years of age to regularly attend school during the period of each year that public schools are in session, on the customary days, and during the regular hours of the school term. [29 L.P.R.A. §450.](#)

Nursing and Health

- No territory policy currently exists.

Professional Development

- No territory policy currently exists.

Public Aid for Private Education

- Constitutional Provisions: Puerto Rico's Constitution prohibits the appropriation of public funds for non- commonwealth schools; but, the constitution expressly indicates that this mandate does not prevent the commonwealth from extending non-educational services for the protection or welfare of children. Puerto Rico Constitution Art. II,

§5. Puerto Rico statutory law ensures that no person can be required to support any ministry, religious sect, or denomination against his or her consent. [1 L.P.R.A. §9.](#)

- Programs for financial assistance for attendance at private schools: No such programs currently exist.

Recordkeeping and Reports

- The principal of or a teacher at a private school must report the names of students under 16 years of age who are absent for a week during any month of school for employment purposes to the Puerto Rico secretary of labor and human resources immediately after the absence. [29 L.P.R.A. §452.](#)
- The Puerto Rico Department of Consumer Affairs' attempt to inspect a Catholic school's internal records was found unconstitutional. In an effort to restrain inflationary trends and establish price controls, the department sought to review annual budgets, sources of finances, costs of transportation, etc. The United States Court of Appeals, First Circuit declared the practice an impermissible burden on the free exercise of religion and a threat of entanglement between the affairs of church and state. Bishop Ricardo Surinach etc., et al., v. Carmen T. Pesquera de Busquets, 604 F.2d 73 (1st. Cir. 1979).
- Puerto Rico's secretary of treasury is authorized to distribute copies of existing consumer protection legislation and regulations, free of charge, to private schools. [3 L.P.R.A. §341e.](#)
- Use of a loudspeaker near a private school during school hours in a manner that disturbs the school's normal functioning is a misdemeanor. [18 L.P.R.A. §128.](#)
- Each private school must keep an immunization record for every student. The records must be available for inspection by the Puerto Rico Department of Health. [24 L.P.R.A. §182g.](#)

Reimbursement for Performing State and Local Functions

- No territory policy currently exists.

Special Education

- No territory policy currently exists.

Tax Exemption

- Nonprofit private schools are exempt from income tax. [13 L.P.R.A. §30471.](#)
- Admission fees of private school athletic events and other types of events are tax exempt. [13 L.P.R.A. §32060.](#)

Teacher Certification

- Teachers in accredited private schools must hold current teaching certificates pertaining to their positions. [18 L.P.R.A. §266.](#)

- A teacher in a licensed private school must hold a current teaching certificate or obtain a provisional certificate from the Puerto Rico secretary of education. Provisional certificates may be issued if the school shows that the faculty member has the necessary academic degree or proper professional experience compatible with the practices and standards prevailing in the academic community, or holds a master's degree or a Ph.D. in the corresponding academic field. [18 L.P.R.A. §2113\(b\)](#).

Technology

- No territory policy currently exists.

Testing

- No territory policy currently exists.

Textbooks

- Puerto Rico law does not allow nonpublic students access to textbooks purchased with public funds. [18 L.P.R.A. §3](#).
- An accredited private school that requires students to purchase school textbooks must obtain the consent of the Parent-Teacher Association or Council or a parent assembly to determine the maximum budget per grade for, but not the content of, the materials. [18 L.P.R.A. §§158](#) and [160](#).

Transportation

- The Puerto Rico secretary of transportation and public works is empowered to grant a non-transferable identification card to private school students that guarantees a 50 percent discount on the sale of an urban train ticket. [3 L.P.R.A. §430d\(c\)](#).

Other Statutes

Basic Education Laws

- [Law No. 85-2017, Law against harassment and intimidation or "bullying"](#)
- [Law No. 33-2017, Law for Church-Schools](#)
- [Law No. 199 -2015 Law for the Care of Students with Type 1 and Type 2 Diabetes](#)
- [Law No. 195-2012, Student](#)
- [Law No. 338-1998, To Adopt the Charter of the Rights of the Child](#)
- [Law No. 141-2010, Article 6 Charter of the Rights of the Child](#)

- [Law No. 186-2006, To prohibit the use of the social security number as routine identification in IE](#)
- [Law No. 220 of August 29, 2002, to create the special law on youth cooperatives](#)
- [Act No. 56-2006, Law on the Treatment of Students Suffering from Asthma](#)
- [Law No. 150-2002, Law on Education in the Prevention and Management of Emergencies and Disasters in PR](#)
- [Law No. 250-2012, Post-Secondary Reasonable Accommodation Passport, Students with Disabilities](#)
- [Law No. 267-2000, Protection of Children and Young People in the Use and Management of the Internet Network](#)
- [Law No. 284-2011, To Establish that the Educational Requirements in PR be Measured, Accredited, Graduates Approved in Credits and Hours](#)
- [Law No. 51 of June 7, 1996, Law on Comprehensive Educational Services for Persons with Disabilities](#)
- [Law No. 213-2012, Enabling Law for the Development of Alternative Education](#)

Basic Education Regulations

- [Basic Accreditation Regulation 8309](#)
- [Regulation for the Establishment of Administrative Fines for Violations of the Law and the Regulation for Granting Licenses, No. 6699 \(2003\)](#)
- [Regulation for the Accreditation of Basic Education Institutions in PR, No. 8309 \(2012\)](#)
- [Regulation for the Licensing of Basic Education Institutions in PR, No. 8310 \(2012\)](#)
- [Regulation for the Registry of Church-Schools No. 8308 \(2012\)](#)
- [Rules of Adjudication Procedures on CEPR Determinations, No. 8397 \(2013\)](#)
- [New Regulation for the Licensing of Basic Education Institutions No. 8562 effective as of March 26, 2015](#)

Resources

Contact Information--State and Federal Departments of Education

Puerto Rico Department of Education
P.O. Box 190759
Calle Federico Costa #150
Hato Rey, PR 00919-0759
Phone: (787) 773-5800
Fax: (787) 282-6017
Website: <https://de.pr.gov/>

Puerto Rico Education Council
Calle San Jose Esq.
San Francisco Viejo
San Juan PR
00902-3271
Phone: (787) 722-2121
Fax: (787) 641-2573
Website: <https://agencias.pr.gov/agencias/cepr/inicio/Pages/default.aspx>

Information and Legislation

- U.S. Department of Education, [Puerto Rico](#)
- [Puerto Rico Department of Education](#)
- [Puerto Rico's Annotated Laws](#)

School Choice Programs

Educational Voucher

Participation is voluntary. Each private school will determine the number of certificates they will accept. [Regulation 9290](#) specifies the participation requirements for private schools. They will be accredited schools that meet the requirements of the Department of Education (DE). They will keep parents and the DE informed of the academic progress of students.

Statutes and Rules

Schools participating in the Education Voucher program shall be licensed by the General Council of Education and shall have an admission policy free of discrimination on account of race, sex, religion, political beliefs, economic or social condition, and physical or mental disability. [18 L.P.R.A. § 913h\(c\)](#).

REGULATION 9290 ARTICLE 12 - APPLICATION AND CONTRACTING PROCESS FOR SCHOOLS INTERESTED IN PARTICIPATING IN THE SCHOOL CHOICE PROGRAM

Article 12.1 Public School Application

This article is not applicable to public schools of the Department of Education of Puerto Rico.

Article 12.2 Application and Contracting of Private Schools

All private schools interested in becoming participating schools in the Program must complete their application and accompany it with the following documents:

- a) Program Application Form, which will require the following information: name of the institution as registered with the Department of State; physical and mailing address; phone number; email; name of the contact person; level of the institution; accreditation of the institution; and any other information deemed necessary.
- b) A copy of the current Compliance Certification issued by the Department of State of the Government of Puerto Rico.
- c) Evidence of current accreditation issued by a duly recognized accrediting entity by the U.S. Department of Education, other national and international accrediting agencies, or by the Board of Postsecondary Institutions of the Department of State of Puerto Rico.
- d) The Office of the Free School Selection Program (OPLSE) will evaluate the application and notify the applying school if it qualifies to participate in the Program by sending ordinary or electronic mail.
- e) If qualified, the institution must complete the contracting process with the Department of Education, in compliance with current regulations. The contract will have a maximum validity of one year and will establish the terms based on the number of participating students enrolled in the institution.

REGULATION 9290 ARTICLE 13 - DUTIES AND RESPONSIBILITIES OF PARTICIPATING SCHOOLS IN THE SCHOOL CHOICE PROGRAM

Article 13.1 Duties and Responsibilities

Participating schools in the Program will have the following duties and responsibilities:

- a) Provide the Office with accurate and verifiable information on their application and on the reports required by the Department.
- b) Notify the Office in writing when a student participating in the Program has been expelled from their institution, within a maximum period of five (5) days from the date of expulsion. The notification document must include the effective date of the student's expulsion and the reasons for their expulsion from the institution. This does not apply to public schools.
- c) Notify the Office in writing when a student participating in the Program has withdrawn from the institution, either by the student's express request or because the student

stopped attending classes, within a maximum period of five (5) days from the date of withdrawal. The notification document must include the date the student was withdrawn and the date they stopped attending classes. This does not apply to public schools.

- d) Maintain a valid Compliance Certificate issued by the Department of State and accreditation issued by a duly recognized accrediting entity by the U.S. Department of Education, other national and international accrediting agencies, or by the Board of Postsecondary Institutions of the Department of State. This does not apply to public schools.
- e) Offer participating students in the Program, enrolled in their institution, the standardized tests that they normally administer to other students in their institution, provided that these tests are administered by an external entity to the institution.
- f) Not discriminate against participating students enrolled in the participating school under this Program.
- g) Operate in accordance with all applicable laws and regulations for private schools in Puerto Rico.

Article 13.2 Billing for Private Schools

- a) Payment for participating private schools will be divided by school semester. Participating schools will submit their invoice the month following the completion of the school semester (January and June) through the Financial Information System of the Department of Education (SIFDE) or the system designated by the Department. Billing will be done for the total number of enrolled students, detailing each student and the months they attended the participating school.
- b) Provide, along with the invoice, a copy of the academic progress and attendance reports for each of the participating students enrolled in their institution.
- c) In the case that a student has withdrawn by their express request, by having stopped attending classes, or by expulsion according to the procedures established for this by the Office, the school will only bill for the months that the student attended the participating school.

Resources

- For Technical Assistance call: (787) 759-2000, ext. 4637324
- Call (787) 773-4062 or (787) 773-3642