



Start a School

AN EDUCATION FREEDOM FOUNDATION INITIATIVE

Utah

Private Schools

Private schools in Utah have the option to report educator assignments each school year. The Utah State Board of Education records these assignments in educators records in CACTUS. The following documents provide current school and assignment information and instructions to submit information to the USBE. All documentation and questions should be submitted electronically to licensing@schools.utah.gov.

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 know:
 - 4.1. Accreditation: is optional but has benefits. OptimaEd has been accredited by Cogna.
 - 4.2. Teacher Certification: Teacher certification is not required for private school teachers.
 - 4.3. Registration: no requirements.
 - 4.4. Licensing: no requirements.
 - 4.5. Approval: no requirements.
 - 4.6. Length of School Year and Days: There is no state requirement for private schools' length of the school year.
 - 4.7. Curriculum: See statutes.
 - 4.8. State Testing: Private school students who are Utah residents have the option to participate in U-PASS at a reasonable cost paid by the student or private school. A private school student who is not a Utah resident may participate in U-PASS if he or she pays the full cost of individual assessments as determined by local board policy in advance to participation in the U-PASS.
 - 4.9. Health and Safety Requirements: Immunization is required. Reportable diseases must be reported.

- 4.10. Nursing and Health: No state policy concerning nursing and health related to private schools exists currently.

New Private School Request

For new school site requests, complete the New School Request Form below and submit this to licensing@schools.utah.gov.

[New School Request Form](#)

MicroSchools

[S.B. 13 Education Entity Amendments](#) provides a home-based microschool and micro-education entity with certain similar duties, requirements, waivers, and rights as private and charter schools.

- Requires a county and municipality to consider a home-based microschool and micro-education entity as a permitted use in all zoning districts within a county and municipality;
- identifies the occupancy requirements to which a micro-education entity is subject;
- requires a local school board to excuse a student who attends a home-based microschool or micro-education entity under certain circumstances;
- provides that an instructor of a school-age child who attends a home-based microschool or micro-education entity is solely responsible for instruction, materials, and evaluation;
- prohibits a local school board from requiring a home-based microschool or micro-education entity to provide teaching credentials, submit to inspection, and conduct testing;
- prevents government entities from regulating home-based microschool and micro-education entity food preparation and distribution under certain circumstances;
- requires a home-based microschool and micro-education entity to register as a business;
- exempts a student who attends a home-based microschool or micro-education entity from immunization requirements; and
- makes technical and conforming changes.

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 Utah State Office of Education (USOE) is responsible for facilitating accreditation of the Board for Utah public schools. The Board is not responsible for the accreditation of nonpublic schools, including private, parochial, or other independent schools. [Utah Administrative Code \(Utah Admin. Code\) R277-410-3 \(A\)](#).
 - Accreditation procedures and responsibilities for nonpublic schools can be obtained through Cognia.
- Registration: no requirements
- Licensing: no requirements
- Approval: no requirements

Curriculum

- Private school students may enroll in public schools for dual enrollment purposes and participate in any academic activity subject to the same rules applicable to full-time students. [Utah Code Annotated \(Utah Code Ann.\) §53G-6-702](#)
- Private school students are eligible to participate in extracurricular or co-curricular activities of their residential public school if the student is taking courses comparable to traditional school courses or earning credit under the options outline in [R277-700-6](#) in the minimum number of designated courses required by the local board of students for participation in that activity. Dual enrollment students are eligible under the same standards as traditional public school students. [Utah Admin. Code R277-438-3](#).
- A private school student is not eligible to participate in an extracurricular activity at a public school unless the activity is not provided at his or her private school. [Utah Code Ann. §53G-6-703 \(2\)\(b\)](#).
- “A school district maintaining driver education classes shall allow pupils enrolled in grades nine to 12 of regularly established private schools located within the school district to enroll in the most accessible public school in the school district to receive driver education. Enrollment is on the same terms and conditions as applies to students in public schools within the district, as such terms and conditions relate to the driver education classes only.” [Utah Code Ann. §53G-10-504](#).
- A private or parochial school may exempt itself from the state prohibition of corporal punishment by adopting a school policy and notifying the parent or guardians of the exemption. [Utah Code Ann. §53G-8-302](#).
- A private school may participate in work experience and career exploration programs by offering internships operated in accordance with the State Board of Education rules. [Utah Code Ann. §53G-7-902](#).

Health and Safety Requirements

- Students may not attend private Pre-K–12 schools without certification of immunization unless exempted for personal, medical, or religious reasons. Required immunizations

are listed under Utah Admin. Code R396-100. [Utah Code Ann. §§53G-9-302; 53G-9-303;](#) and [Utah Admin. Code R396-100-1.](#)

- Private K-12 schools may administer medication to students if policies and procedures are adopted in consultation with the Department of Health. The policies must provide for the designation and training of employees who administer medication, proper identification and safekeeping of medication, and the maintenance of records of administration. Medication may be administered only if the parent or guardian has provided a written request and the student's health professional has signed a statement describing the method, amount, and time schedule for the administration necessary during school hours. School employees in substantial compliance with the physician's orders are not civilly or criminally liable for a student's adverse reaction to the medicine or discontinuing the medicine following actual notice to the parent or guardian. [Utah Code Ann. §53G-9-502.](#)
- Private school administrators have a duty to report the name and address of a person suspected of having a communicable disease, and the facts relating to the case, to the Department of Health. [Utah Code Ann. §26B-7-206.](#)
- Local health departments have the statutory authority to close private schools when necessary to protect public health. [Utah Code Ann. §26A-1-114 \(3\)\(a\).](#)
- Local health departments have the responsibility to enforce all ordinances, standards, and regulations pertaining to the public health of persons attending private schools; exclude any person who is likely to convey a communicable or infectious disease; and regularly inspect schools buildings and premises. [Utah Code Ann. §26A-1-114 \(3\).](#)
- Utah restricts the establishment of state liquor stores, package agencies, and retail licensees (such as restaurants, clubs, and on-premise beer locations) in the proximity of private schools. [Utah Code Ann. §§ 32B-1-102 \(93\) and 32B-1-202.](#)
- The Utah Fire Prevention Board establishes the minimum standards for the prevention of fire, the protection of life and property against fire, and panic in private schools. [Utah Code Ann. §53-7-204.](#)
- Law enforcement agencies have a duty to notify the administrator of a private school if an employee has been arrested for a controlled substance or sex offense. [Utah Code Ann. §53-10-211.](#)
- Private schools may require potential employees or volunteers to submit to a criminal background check through the Criminal Investigations and Technical Services Division of the Department of Public Safety as a condition for employment or appointment and, where reasonable cause exists, schools may require an existing employee or volunteer to submit to a criminal background check. Only job-related convictions should be considered by the school. The private school must pay the cost unless the applicant has passed an initial review; is one of a pool of five candidates or less; and, has not been the subject of a criminal background check during the preceding two years. If an individual is denied employment based on the background check, the person has a right to written notice of the reasons for the denial and an opportunity to respond. [Utah Code Ann. § 53G-11-410.](#)
- Possession of a dangerous weapon, firearm, or short barreled shotgun in a private elementary or secondary school building, or grounds is a criminal offense unless approved by a responsible school administrator or used in an approved activity. [Utah Code Ann. §76-10-505.5.](#)

- Utah’s criminal code provides enhanced penalties for the use of a firearm in an offense committed on or about school premises. [Utah Code Ann. §76-3-203.2.](#)
- Anyone who knowingly assaults an employee or volunteer at a private school when the victim is acting within the scope of his employment is guilty of a class A misdemeanor. [Utah Code Ann. §76-5-102.3.](#)
- A person who enters or remains on private school property and is intent to cause harm, commit a crime, is reckless as to the safety of others, or enters or remains without authorization if notice against entry has been given, commits a misdemeanor of criminal trespass on school property. [Utah Code Ann. §53G-8-603.](#)
- A person who is asked to leave by a school official and remains to disrupt an activity of a private school commits a misdemeanor. [Utah Code Ann. §76-9-106.](#)
- Private school students who participate in industrial education, physics laboratory, and chemistry laboratory activities that may endanger one’s vision, must wear quality eye protective devices. [Utah Code Ann. §53G-9-206.](#)
- The owner of the building that contains a nonprofit elementary school is considered the Local Education Agency (LEA) and will be assessed penalties for violations of Asbestos Hazard Emergency Response Act of 1986 and 40 CFR Part 763, Subpart E, Asbestos-Containing Materials in Schools; private nonprofit schools will be liable for up to \$5,000, per day, per violation. [Utah Admin. Code R307-135-4.](#)

Length of School Year and Days

- There is no state requirement for private schools’ length of the school year.

Nursing and Health

- No state policy concerning nursing and health related to private schools exists currently.

Professional Development

- No state policy concerning professional development related to private schools exists currently.

Public Aid for Private Education

- Constitutional Provisions: The Utah Constitution prohibits the appropriation of public money or property for religious instruction or for the support of any ecclesiastical establishment. Utah Constitution Art. I, Sec. 4.
 - In addition, the Utah Constitution further prohibits appropriations by the state and its political subdivisions for the direct support of any religiously controlled school. Utah Constitution Art. X, Sec. 9.
- Programs for financial assistance for attendance at private schools: The Carson Smith Scholarships for Students with Special Needs Act provides scholarships for attendance at approved private schools to students with qualifying disabilities. To be eligible, students must have been enrolled in Utah public schools and have a current Individual Education Plan (IEP), or have been admitted to an approved private school specializing in serving

students with disabilities and receive an assessment determining that student qualifies for special education. Carson Smith Scholarship recipients are not eligible to participate in dual enrollment as outlined in [Utah Code Ann. §53G-6-702](#).

Recordkeeping and Reports

- Private schools must retain official certificates of immunization for every student as part of the individual's permanent school record. The Department of Health provides official certificate forms. [Utah Code Ann. §53G-9-306](#).
- Private schools have a duty to cooperate with employers by issuing age certificates or lists of current students or recent students showing their dates of birth according to school records. [Utah Code Ann. §34-23-209](#).
- The County Clerk may require accredited nonpublic schools to provide an estimate of the number of enrolled students who are high school seniors. The County Clerk will provide sufficient by-mail voter registration forms, to be disseminated to the students. [Utah Code Ann. §§20A-2-302](#) and [53G-7-212](#).

Reimbursement for Performing State and Local Functions

- No state policy concerning reimbursement for performing state and local functions related to private schools exists currently.

Special Education

- The State Director of Special Education is responsible for the general supervision of all public programs offered through private agencies for students with disabilities and has a duty to cooperate with private schools and agencies concerned with education and training students with disabilities. Utah Code Ann. §53A-15-302.

Tax Exemption

- Property owned by a nonprofit entity used exclusively for religious, charitable, or educational purposes is exempt from property tax. Utah Constitution Art. XIII, Sec. 3.

Teacher Certification

- Teacher certification is not required for private school teachers.

Technology

- No state policy concerning technology related to private school exists currently.

Testing

- Private school students who are Utah residents have the option to participate in U-PASS at a reasonable cost paid by the student or private school. A private school student who

is not a Utah resident may participate in U-PASS if he or she pays the full cost of individual assessments as determined by local board policy in advance to participation in the U-PASS. [State Board of Education Rule R277-604-3](#).

- Private schools interested in participating in the U-PASS may do so at the discretion of the public school district in which the school is located. [State Board of Education Rule R277-604-3](#).

Textbooks

- No state policy concerning textbooks related to private schools exists currently.

Transportation

- The [Standards for Utah School Buses and Operations](#) and [2010 Standards Appendix](#) are requirements for the design and operation of school buses, including those privately owned for use by a private school. [Utah Admin. Code R909-3-2](#).
- The Highway Patrol safety inspects biannually all school buses operated by private schools for the transportation of students. A private school can perform the inspection of a school bus that it operates after consultation with the State Board of Education. [Utah Code Ann. §53-8-211](#).

Resources

Contact Information – State and Federal Departments of Education

Utah State Office of Education
250 East 500 South
P.O. Box 144200
Salt Lake City, UT 84114-4200
Phone: (801) 538-7500
Fax: (801) 538-7521
Website: <http://www.schools.utah.gov/main/>
U.S. Department of Education, [Utah](#)

Information and Legislation

- [Utah Code](#)
- [Utah Administrative Rules](#)
- [Utah Department of Education Administrative Rules](#)

School Choice Programs

Utah Fits All Scholarship

Utah Fits All is a universal school choice scholarship program signed into law in 2023. All K-12 students who are residents of Utah qualify to receive the full amount of \$8,000 whether they currently attend public, private, homeschool, or are just starting kindergarten.

The Utah State Board of Education has selected and contracted with [Alliance for Choice in Education \(ACE\)](#) as the Utah Fits All Scholarship Program Manager.

To be eligible to receive scholarship funds on behalf of a scholarship student as an eligible school, a private school has to meet certain requirements based on their enrollment size.

1. Audit
A private school with 150 or more enrolled students is required to contract with an independent licensed certified public accountant to conduct an agreed upon procedures engagement as the state board adopts, or to conduct an audit for which they present the financial statements in accordance with generally accepted accounting principles and the licensed certified accountant audits financial statements from within the 12 months immediately preceding the audit. This audit or report of the agreed upon procedure must be submitted to ACE when the private school applies to receive scholarship funds.
2. Additionally, the private school must require the following individuals to submit to a nationwide, fingerprint-based criminal background check and ongoing monitoring:
 - a. an employee who does not hold a current Utah educator license issued by the state board under Title 53E, Chapter 6, Education Professional Licensure; or
 - b. if the private school is not physically located in Utah, a current educator license in the state where the private school is physically located; and
 - c. a contract employ.
3. A private school with fewer than 150 enrolled students must provide upon application
 - a. a federal employer identification number
 - b. the provider's address and contact information
 - c. a description of each program or service the provider proposes to offer a scholarship student; a
 - d. any other information as required by ACE.
4. All private schools must comply with the antidiscrimination provisions of 42 U.S.C. Sec. 2000d;
5. provide a written description to the parent of each prospective scholarship student, before the student is enrolled, of the education services that the school will provide to the scholarship student, including the cost of the provided services; tuition costs;
6. additional fees the school will require a parent to pay during the school year; and the skill or grade level of the curriculum in which the prospective scholarship student will participate
7. A private school is not eligible to receive scholarship funds if

- a. the private school requires a scholarship student to sign a contract waiving the scholarship student's right to transfer to another qualifying provider during the school year;
 - b. the audit report contains a going concern explanatory paragraph or the report of the agreed upon procedures shows that the private school does not have adequate working capital to maintain operations for the first full year
8. If at any time, a private school changes ownership, they must cease operation as an eligible school until the school submits a new application to ACE and ACE approves the new application.

ESA Application Process

Review the [Qualifying Provider Handbook](#)

[Apply via ClassWallet](#)

According to statute, to be an eligible service provider, a private program or service shall provide to the program manager:

1. a federal employer identification number.
2. the provider's address and contact information.
3. a description of each program or service the provider proposes to offer directly to a scholarship student; and any other information as required by the program manager.
4. shall comply with the anti-discrimination provisions of 42 U.S.C. Sec. 2000d.
5. may not act as a consultant, clearing house, or intermediary that connects a scholarship student with or otherwise facilitates the student's engagement with a program or service that another entity provides.

Statutes and Rules

- [Utah Code 53F-6-401](#)

Useful Websites

- [Frequently asked Questions](#)

Carson Smith Opportunity Scholarship Program (CSOS)

The Utah Legislature passed Senate Bill (S.B.) 44, Alternative Education Scholarship Combination. This legislation directly affects participants in the Carson Smith (CSS) and Special Needs Opportunity Scholarship (SNOps) programs. The legislation creates a new scholarship that will eventually combine the CSS and the SNOps, into one scholarship program, the CSOS.

You can review the bill in its entirety at the following link: [S.B. 44](#).

As noted, on the CSS General Overview page, existing CSS students may continue receiving the CSS Scholarship until they withdraw for any reason. At that point, students will have the opportunity to utilize the CSOS program or other scholarship options.

The CSOS is an education choice model for Utah residents that provides tuition assistance for eligible students with disabilities not enrolled in a public school. It is designed for students who would qualify for special education and related services in public schools, Preschool through 12th grade (3-21 years of age).

Together, Local Education Agencies (LEAs) or multidisciplinary teams, CSOS eligible private schools, and parents determine special education eligibility as defined by the Individuals with Disabilities Education Act (IDEA). The requirements for eligibility for the scholarship are the same as the eligibility requirements for special education services in public schools.

Special Needs Opportunity Scholarship

The Special Needs Opportunity Scholarship Program is an education choice model for Utah residents that provides tuition assistance for eligible students with disabilities not enrolled in public school. It is designed for students who would qualify for special education and related services in public schools, kindergarten and grades 1 through 12 (5–21 years of age), whose parents choose an eligible private school or other eligible expenses.

Together, Local Education Agencies (LEAs) or multidisciplinary teams, Special Needs Opportunity Scholarship Program eligible private schools, and parents determine special education eligibility as defined by the Individuals with Disabilities Education Act (IDEA); the same eligibility requirements for special education services in public schools.

- **Scholarship Granting Organization Private School Application**