



# Start a School

AN EDUCATION FREEDOM FOUNDATION INITIATIVE

## Illinois

### Private Schools

In Illinois, nonpublic schools do not need permission from the Illinois State Board of Education (ISBE) to open and serve students. In Illinois, there are three words with very specific meanings that you should know:

**Recognition** – A "recognized school" means that an ISBE appointed team has visited the school to confirm it is following all required laws. The team will look at school policies, student and staff files, safety records, and other things; a team revisits the school every five years. If the school passes inspection, they are granted recognition status by ISBE.

- Recognition is voluntary for nonpublic schools.
- Recognition is not focused on academic standards or the educational quality of the school (see Accreditation below) although that plays a small role.
- Many, but not all, employers and colleges prefer a diploma/transcript from a school that has been recognized.
- You can find a list of recognized schools on the nonpublic school home page under, [“Can I see a list of registered and recognized schools?”](#)

**Accreditation** – **ISBE does not accredit nonpublic schools.** An accredited school means that the school's curriculum (Math, Language Arts, Science, etc.) has been reviewed and approved by a **third-party** accrediting agency. The accrediting agency will set education standards, and if a school meets those standards, then the school receives accreditation.

- Accreditation is voluntary for nonpublic schools.
- A school may be accredited and not recognized, recognized and not accredited, both, or neither.
- Many, but not all, employers and colleges prefer a diploma/transcript from a school that has been accredited.

**Registration** – A "registered school" means that ISBE has some basic data about the school. However, unlike recognition, the school has not been visited by ISBE to verify files, policies, and procedures.

- Registration is voluntary for nonpublic schools.
- Many, but not all, employers and colleges do not value a diploma/transcript from a school that is only registered.

## 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, however **Illinois ESA programs require the school to be a non-profit to participate**. Register with your state's Division of Corporations.
4. A Federal Employer Identification Number (FEI/EIN) will be required after registering as a company. Apply with the IRS online at: <https://sa.www4.irs.gov/modiein/individual/index.jsp>
5. If the school will be a non-profit LLC, you must file a [IRS form 1023 online](#).
6. Things to consider
  - 6.1. Accreditation: is optional. OptimaEd has been accredited by Cognia.
  - 6.2. Teacher Certification: is optional.
  - 6.3. Registration: Is optional.
  - 6.4. Recognized: Is optional
  - 6.5. Licensing: Business licensing may be required by local government.
  - 6.6. Approval: Not required.
  - 6.7. Length of School Year and Days: For registered and recognized schools, the length of the school year must be at least 176 days of student attendance, with at least five hours of instruction daily, or a total of 880 hours of instruction per school year
  - 6.8. Curriculum: See statutes below for requirements.
  - 6.9. State Testing: There is no state policy at this time pertaining to testing.
  - 6.10. Health and Safety Requirements: Immunization is required. Must present a certification of school-entry health examination.
  - 6.11. Nursing and Health: Minimal requirements. See statutes.

## Registration is Optional

### Eligibility Requirements

Schools do not need to be Registered or Recognized.

To be eligible for registration, a nonpublic school must meet the following criteria:

1. Filed with the Illinois Secretary of State as a [non-profit organization](#);
2. Not based in a home unless all instruction is provided remotely or virtually;
  - a. Students may not come to your home for instruction.
3. Currently open with students enrolled and attending classes;
4. Students are enrolled in at least two grades between PreK – 12 (any two grades);

5. Your school must enroll students other than your own children.
6. In compliance with [Title VI of the Civil Rights Act of 1964](#);
7. Additional requirements found on the [87-01 application](#).

### First Time Applicants

1. Submit the [application titled Nonpublic Registration and Enrollment Staff Report](#) between October 1 and June 25. For faster service, please e-mail this form directly to [ROEISC@isbe.net](mailto:ROEISC@isbe.net).
2. Assistance with filling out this application can be found in the [User Guide](#).

## **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 Recognition**

- Accreditation: no accreditation process for nonpublic schools
- Registration: optional
  - Nonpublic schools in Illinois may register with the Illinois State Board of Education (ISBE) on an annual basis. A school registering must submit assurances of compliance for federal and state laws regarding health examinations, immunizations, attendance, length of term, nondiscrimination, and applicable fire and health safety requirements. [105 ILCS 5/2-3.25o\(b\)](#).
  - A nonpublic school applying for registration for the first time must ensure ISBE has received its signed, completed registration form by no later than June 25 in order for the school to be registered by the deadline of June 30. [23 Ill. Adm. Code 425.20\(a\)](#). Upon receipt of the complete information for initial recognition, including the required assurances, the school is assigned a unique identifying number.
  - The application for renewal of a school's registration must be submitted annually between October 1 and November 15. This form furnishes the same information, including assurances, required for initial registration.
- Licensing: no licensing process for nonpublic schools
- Recognition: optional
  - Nonpublic schools in Illinois that were registered for the previous school year may pursue recognition. Recognition is granted to schools that meet the requirements outlined under the [23 Ill. Adm. Code 425.30](#).
  - A nonpublic school may choose whether to seek recognition under direct recognition or under recognition via state-approved external accrediting organizations. [23 Ill. Adm. Code 425.40\(b\)](#).

- Upon receipt of a complete application for direct recognition, a review team whose members must at least include a representative from:
  - 1) the Illinois state superintendent;
  - 2) the regional office of education or a public school; and
  - 3) a nonpublic school.
- The ISBE will consider the review team’s recommendations and determine if the school meets the recognition requirements. A school may be assigned a recognition status of “full recognition,” “probationary recognition,” or “nonrecognition.” [23 Ill. Adm. Code 425.40](#).
- Requirements for the recognition of nonpublic schools cover the organization, administration, instructional programs, extra-classroom activities, pupil services, school facilities, school food services, and personnel of the school. [23 Ill. Adm. Code 425.40](#).

### **Curriculum and Instruction**

- Attendance at a nonpublic or a parochial school satisfies the Illinois compulsory attendance statute if the “children are taught the branches of education taught to children of corresponding age and grade in the public schools.” [105 ILCS 5/26-1](#).
- Attendance at a nonpublic or parochial school satisfies the Illinois compulsory attendance statute if instruction is in English, “except as otherwise permitted pursuant to Section 27-2 of the School Code [[105 ILCS 5/27-2](#)].” [105 ILCS 5/26-1](#).
- Effective with the start of the 2014-15 school year, the Illinois compulsory starting school age becomes six (on or before September 1). [105 ILCS 5/26-1](#).
- Illinois has adopted the Critical Health Problems and Comprehensive Health Education Act for all elementary and secondary schools in the state. The curricula include studies in human growth and development, family life instruction, AIDS education (grades six – twelve), alcohol, tobacco and drug abuse. Pupils are not required to study AIDS or family life instruction if the parent/guardian submits a written objection. The ISBE establishes the minimum amount of instructional time to be devoted to the program at all grade levels and makes available instructional materials and guidelines to assist schools. [105 ILCS 110/3](#).
- Nonpublic school students are eligible to enroll in driver education courses provided through the public schools. [105 ILCS 5/27-24.2, 4](#). Nonpublic school principals may submit a request for the part-time attendance of their students at a public school in the school district where the student resides if there is sufficient space. [105 ILCS 5/10-20.24](#).
- Recognized schools must provide a program of instruction that meets the minimum statutory and regulatory requirements. [23 Ill. Adm. Code 425.30](#).
- Among others, recognized nonpublic schools must provide instruction in English (except as otherwise permitted under the law) in language arts, mathematics, the biological physical and social sciences, the fine arts, and physical development and health education. [23 Ill. Adm. Code 425.30 \(b\)](#).
- The ISBE encourages nonpublic schools to include child abduction prevention instruction in elementary and secondary school curricula. [105 ILCS 5/2-3.140](#).

- Private schools receiving state funds must include Asian American history in social studies curricula. [105 ILCS 5/27-540](#).

### **Educator Licensure**

- Educator licensure is not required for teachers at recognized nonpublic schools unless the school governance chooses to require it as a condition of employment.
- Illinois requires that all full-time teachers or administrators assigned to such positions after the beginning of the 2011–12 school year hold a bachelor’s or higher degree. Staff members assigned to such positions prior to the beginning of the 2011-12 school year and not holding a bachelor’s or higher degree shall participate annually in professional development designed to strengthen the individual’s knowledge and skills in areas directly related to his or her job duties. [23 Ill. Adm. Code 425.30\(c\)\(6\)](#).
- A state-recognized nonpublic school’s personnel policies must include a provision that teachers and other employees with instructional responsibilities will be formally evaluated at least every two years for proficiency and competency. [23 Ill. Adm. Code 425.30\(c\)\(3\)\(B\)](#).
- Nonpublic schools may employ public school employees on a part-time or temporary basis provided the employment is in no way connected with or subsidized by their public school employment, and provided that such employment does not conflict or interfere with an employee’s public school duties. [105 ILCS 5/24-1.1](#).

### **Health and Safety Requirements**

- Requires private schools to adopt evidence-based alternatives to isolated time-out and physical restraint, and train staff. [05 ILCS 5/10-20.33](#)
- Private schools must implement harassment/retaliation reporting and annual training. [105 ILCS 5/2-3.196](#).
- Recognized nonpublic schools must require all applicants for employment with the school, after July 1, 2007, to authorize a fingerprint-based criminal history records check, including the Statewide Sex Offender Database check, as a condition of employment. A school may not knowingly employ a person for whom a Department of State Police and Federal Bureau of Investigation fingerprint-based criminal history records check and a Statewide Sex Offender Database check has not been initiated or who has been convicted of any of the enumerated offences. [105 ILCS 5/2-3.25o \(c-5\)](#).
- Nonpublic school students are required to have a health examination, including a tuberculosis skin test if residing in designated areas, within one year prior to entering nursery school, kindergarten or first grade, upon entering the sixth and ninth grade, and, irrespective of grade, immediately prior to entrance, each child must present proof of an examination as required. Students must present proof of immunizations against preventable communicable diseases as required by the Illinois Department of Public Health. Children may be exempt based on the religious objections of the parents or due to medical contraindications. Every school must report to the ISBE by November 15, the number of children who have received immunizations and health examinations, the

number of children who have not complied, and the number of children exempt on religious or medical grounds. [105 ILCS 5/27-8.1](#); [410 ILCS 315/0.01](#) et seq.

- Students entering grade six or twelve of any private or parochial school must receive a meningococcal immunization that meets specified state standards. Existing Illinois standards for parental or legal guardian objections or medical objections are applicable. [410 ILCS 315/1.10](#).
- Nonpublic schools are required to conduct at least three fire evacuation drills during the regular school term; at least one fire evacuation drill must be held with the participation of the local fire department. [105 ILCS 128/20\(a\)\(1\)](#). Nonpublic schools are required to conduct at least one bus evacuation drill during the regular school term. [105 ILCS 128/20\(b\)](#).
- Nonpublic schools are required to conduct at least one severe weather drill or shelter in place drill during the regular school term. [105 ILCS 128/20\(d\)](#).
- Nonpublic schools are required to conduct law enforcement drills for such scenarios as bomb threats, active shooters, etc. [105 ILCS 128/20\(c\)](#).
- Under the Missing Children Records Act, nonpublic schools must obtain a birth certificate or other reliable proof (as recognized by the Illinois State Police) of age and verification of the child's identity. [325 ILCS 50/5\(b\)](#).
- The list of persons having reasonable cause to believe a child known to them in their professional or official capacity may be an "abused child" or "neglected child" and so required to "immediately report or cause a report to be made to the Department" (Illinois Department of Children and Family Services) now extends to include any physician, physician's assistant, registered nurse, licensed practical nurse, medical technician, certified nursing assistant, social worker, or licensed professional counselor of any office, clinic or any other physical location that provides abortions, abortion referrals, or contraceptives. [325 ILCS 5/4](#).
- Under the Illinois Missing Child Program, nonpublic school administrators, at registered nonpublic schools, are provided periodic information bulletins from the ISBE apprising them of missing children. If the school determines that a missing child is attending the school, the administrator shall immediately notify the "Department of State Police and the law enforcement agency having jurisdiction in the area where the missing child resides or attends school." [105 ILCS 5/2-3.73](#).
- Nonpublic school students, teachers and visitors must wear industrial quality eye protective devices when participating in harmful specified courses. [105 ILCS 115/1](#).
- Liquor licenses are not issued to retailers within 100 feet of any elementary or secondary school, with some exceptions. [235 ILCS 5/6-11](#).
- Under the Civil No Contact Order Act when a petitioner and respondent attending the same public, private, or non-public elementary, middle, or high school are involved, the court must consider, among other things, the educational rights guaranteed to the petitioner and respondent under federal and state law. The court may require the respondent to attend another school. [740 ILCS 22/213](#).
- Private schools must develop cardiac emergency response plans using American Heart Association guidelines, including AED access and staff training. [105 ILCS 128/60](#).

## Length of School Year and Days

- For registered and recognized schools, the length of the school year must be at least 176 days of student attendance, with at least five hours of instruction daily, or a total of 880 hours of instruction per school year. [23 Ill. Adm. Code 425.30\(a\)\(1\)\(A\)](#).

## Nursing and Health

- Nonpublic schools are eligible to participate in the Illinois school lunch and breakfast programs. Applications are provided by ISBE and must be filed with ISBE. [105 ILCS 125/5](#).
- Nonpublic schools are eligible for state grants under the Asbestos Abatement Act. Any recovery by the nonpublic school through litigation must be used to reimburse the state Asbestos Abatement Fund. [105 ILCS 105/ 9c](#).

## Professional Development

- Professional development is required for full-time teachers or administrators in such positions in recognized nonpublic schools who do not hold a bachelor's or higher degree. In reviewing a nonpublic school for recognition the SBE will determine whether or not there are indications the school allows teachers to attend classes, workshops, or seminars for professional development. [23 Ill. Adm. Code 425.30\(c\)\(6\)](#).

## Public Aid for Private Education

- **Constitutional Provisions:** No county, city, town, township, school district or other public corporation may make any appropriation to support or sustain any school or academy controlled by any church or sectarian denomination. [Illinois Constitution, Art. X, Sec. 3](#); [105 ILCS 5/22-10](#).
- **Programs for Financial Assistance for Attendance at Private Schools:** Illinois K–12 Education Expense Credit: Beginning with tax years ending after December 31, 1999, a parent shall receive a tax credit for qualified education expenses. The amount allowed is 25 percent of the amount expended in excess of \$250 for tuition, book rental, and lab fees. The maximum total credit is \$500. Additionally, the tax credit cannot reduce the taxpayer's liability to less than zero. [35 ILCS 5/201\(m\)](#).

## Recordkeeping and Reports

- The ISBE includes in its annual report to the governor and Illinois General Assembly the "number of men and women teachers and total enrollment of private schools." [105 ILCS 5/2-3.11](#).
- Every school must report to the ISBE by November 15, the number of children who have received immunizations and health examinations, the number of children who have not complied, and the number of children exempt on religious or medical grounds. [105 ILCS 5/27-8.1](#).

- Illinois gives parents a statutory right to school conference and activity leave (eight hours), with certain qualifications. Nonpublic schools must notify parents of their school visitation rights. In addition, it is the responsibility of the school administrator to verify the parent or guardian’s school visitation for employers. [820 ILCS 147/30](#).
- Nonpublic schools may conceal the location or address of an individual covered by an order of protection issued by the courts under the Illinois Domestic Violence Act of 1986. The school must maintain a certified copy of the order in the student’s records. [750 ILCS 60/222](#).
- Any nonpublic elementary or secondary school who has a student transferring to a public K-12 school inside or outside Illinois must forward within 10 days of notice of the student’s transfer a “certified copy of student’s record.” Such record must include the following: A) basic identifying information, including the student’s name and address, birth date and place, and gender, and the names and addresses of the student’s parents; B) academic transcript, including grades, class rank, graduation date, grade level achieved and scores on college entrance examinations; C) attendance record; D) accident reports and health record; E) honors and awards received; and F) information concerning participation in school-sponsored activities or athletics, or offices held in school-sponsored organizations. [23 Ill. Adm. Code 375.75\(h\)](#).
- The school is permitted to withhold the “certified copy of student’s record” for unpaid student fees, that is, the official student transcript. If the student has unpaid fees or tuition, the school may elect to include in the student’s record transferred pursuant to this section the unofficial record of the student’s grades in lieu of the student’s official transcript of scholastic records. [23 Ill. Adm. Code 375.75\(i\)](#).
- A recognized nonpublic, nonsectarian K–12 school must provide to the ISBE enrollment information about the children of military personnel. The school must provide the opportunity for the person enrolling a student to voluntarily state whether the child has a parent or guardian who is a member of a branch of the U.S. armed forces and whether that parent or guardian is deployed to active duty or expects to be deployed to active duty during the school year. [105 ILCS 5/22-70](#).
- Any request made by a private school to a school district about information concerning criminal history records checks and checks of the Statewide Sex Offender Database and Violent Offender Against Youth Database within the last year must be fulfilled to that private school. [105 ILCS 5/10-21.9\(h\)](#) and [105 ILCS 5/34-18.5\(h\)](#).
- Annually, on or before December 1, a registered nonpublic school must make publicly available the identical required immunization data that is submitted to the ISBE by November 15. [105 ILCS 5/27-8.1\(6\)](#).
- Each school’s recognition is contingent on evidence of compliance with requirements of Section 4 of the Abuse and Neglected Child Act [[325 ILCS 5/4](#)], Section 5 of the Missing Children Records Act [[325 ILCS 50/5](#)], Section 5 of the Missing Children Registration Law [[325 ILCS 55/5](#)]. [23 Ill. Adm. Code 425.30\(a\)\(1\)\(D\)](#).

### **Reimbursement for Performing State and Local Functions**

- There is no state policy at this time pertaining to reimbursement for performing state and local functions.

## Special Education

- School districts may place children with disabilities in nonpublic schools or private special education facilities complying with state regulations if the special education program of a district is unable to meet the needs of the child. [105 ILCS 5/14-4.02](#).
- Students with disabilities attending nonpublic schools may be eligible to receive special education services through part-time attendance at a public school and transportation is provided if required in the child's individual educational plan. [105 ILCS 5/14-6.01](#).

## Tax Exemption

- The Illinois General Assembly may exempt from taxation property used exclusively for school and religious purposes. [Illinois Constitution, Art. IX, Sec. 6](#).
- Tangible personal property purchased by an institution for religious or educational purposes is exempt from Illinois use tax. [35 ILCS 105/3-5\(4\)](#).
- Nonprofit nonpublic schools "conducted by bona fide eleemosynary or religious institutions" are protected from excessive tort liability costs under the Tort Liability of Schools Act. Civil actions for personal or property injury must be commenced within one year, notice given to the school within six months, and liability is limited to \$10,000 in each separate cause of action unless otherwise provided by law. [745 ILCS 25/1 et seq.](#)

## Technology

- Nonpublic school students and teachers may benefit from programs and services offered through the state's regional offices of education (ROEs), provided public schools have already been afforded adequate access. The ROEs provide education for gifted children through area service centers, computer technology education, mathematics science and reading resources for teachers including continuing education, in-service training and staff development. [105 ILCS 5/2-3.62](#).
- A state-recognized nonpublic school may apply for a loan that can be used for a variety of technology investments through the School Technology Revolving Loan fund. The School Technology Revolving Loan program is a three-year loan with a two percent interest rate. Priority is given for public schools that apply before October 1. For any recognized nonpublic schools that close, rules set by the ISBE govern the mechanism for reclaiming any items or equipment purchased with the loan funds. [105 ILCS 5/2-3.117a](#); [23 Ill. Adm. Code 575.100](#).
- Subject to appropriation, funds for the School Safety and Educational Improvement Block Grant Program may be provided to eligible nonpublic schools for secular textbooks and software, criminal history records checks, and health and safety mandates to the extent that the funds are expended for purely secular purposes. [105 ILCS 5/2-3.51.5](#).

## Testing

- There is no state policy at this time pertaining to testing.

## Textbooks

- Recognized nonpublic schools are eligible to receive a textbook grant to purchase textbooks that have been preapproved and designated by the State Board of Education for use in any public school and that are secular, non-religious, and non-sectarian. [105 ILCS 5/2-3.51.5](#).
- The ISBE is under a statutory duty to provide the loan of secular textbooks listed for use by the board free of charge to any student in the state enrolled at a public school or at a school other than a public school which is in compliance with the compulsory attendance laws and the federal nondiscrimination statute, [Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq.](#)
- Since July 1, 2011, the ISBE must provide annual funding for the purchase of selected textbooks to state-recognized nonpublic K-12 schools. The funding requirement is subject to annual appropriation by the general assembly. The textbooks are limited without exception to those preapproved by ISBE and identified as secular, non-religious, and non-sectarian. [105 ILCS 5/2-3.155](#); [23 Ill. Adm. Code 425.90](#).

## Transportation

- District school boards may provide transportation to and from local public schools and must provide transportation, without cost, for students attending nonpublic schools. If the student resides at least one and a half miles from the school and along the regular route of the public school bus, the transportation will extend from a point on the route nearest or most easily accessible to the home and the school. If the student resides within one and a half miles from the school, transportation will be afforded on the same basis as provided for public school students. Separate bus routes for nonpublic school students are permitted if it is safer, more economical, and more efficient. [105 ILCS 5/29-4](#).
- The school board of any school district may agree to provide transportation for students attending nonpublic school activities, if the buses are not needed for public school activities. A charge must be assessed in an amount not less than the cost, including a reasonable allowance for depreciation of the vehicle. [105 ILCS 5/29-3.2](#).
- The Chicago Transit Authority (CTA) is authorized to provide reduced fares to pupils in attendance at nonpublic schools offering grades of instruction comparable to those offered in public schools. The CTA may contract with public school boards and representatives of private schools for reimbursement of student transportation costs from public funds. [70 ILCS 3605/30](#).
- Nonpublic school bus drivers must be over 21 years of age, have at least one year of driving experience, and hold a valid school bus driver permit. [625 ILCS 5/6-104 \(b\), \(d\)](#).

## Resources

### Contact Information – State and Federal Departments of Education

- Illinois State Board of Education  
100 North First Street  
Springfield, IL 62777  
Phone: (217) 782-4321  
Fax: (217) 524-4928  
Email: [statesup@isbe.net](mailto:statesup@isbe.net)  
Website: <http://www.isbe.net/>
- U.S. Department of Education, [Illinois](#)

## Forms

### Information and Legislation

- [ISBE: Nonpublic Educational Recognition](#)
- [Illinois Compiled Statutes \(ILCS\)](#)
- [Administrative Code](#)

## School Choice Programs

### Invest in Kids Scholarship Tax Credit Program

This tax Credit program was not renewed past 2023.

### Illinois' Tax Credits for Educational Expenses

Parents may figure a credit for qualified education expenses, in excess of \$250, they paid during the tax year if:

- they were the parent or legal guardian of a full-time student who was under the age of 21 at the close of the school year,
- they and their student were Illinois residents when you paid the expenses, and
- their student attended kindergarten through twelfth grade at a public or nonpublic school in Illinois during the tax year.

For tax years ending on or after December 31, 2017, the K-12 Education Expense Credit is not allowed if a taxpayer's federal Adjusted Gross Income (AGI) exceeds \$500,000 for returns with a federal filing status of married filing jointly, or \$250,000 for all other returns.

The education expense credit shall be equal to 25% of qualified education expenses, but the maximum education expense credit allowed to a family that is the custodian of qualifying pupils shall not exceed \$750 regardless of the number of qualifying pupils.

They must complete Step 2, Section B of Schedule ICR, including the K-12 Education Expense Credit Worksheet to claim this credit.

**For more information, please see:**

[Illinois Administrative Code 100.2165](#)

[Schedule ICR - Illinois Credits](#)

[Publication 112 - Education Expense Credit - General Rules and Requirements](#)