



Non-Public Schools in North Carolina

by Calvin L. Criner



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EDITOR'S NOTE: The following is part of a 1977 article written for Popular Government magazine. It was written prior to the 1979 legislation which de-regulated non-public schools. The author served for twenty-one years, until his retirement in 1985, as head of the State of North Carolina Division of Non-Public Schools. Information given in this article about 18th and 19th century North Carolina non-public schools was taken from the book "North Carolina Schools and Academies 1790-1840, A Documentary History" written by Charles I. Coon. The book was published in Raleigh by Edwards & Broughton Printing Company in 1915.

Article IX

Section 1. Education shall be encouraged – Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

This statement in the North Carolina Constitution of 1868 contains two assumptions important for public and non-public schools. The first is that religion, morality and knowledge are essential to good government and the happiness of mankind. The second is that schools and the means of education will enhance religion, morality and knowledge.

These assumptions reflected the state's experience with schools during the previous century. They also strongly influenced public and non-public education for the next eighty years.

The First Schools

Before the American Revolution, schools in North Carolina were privately financed. Most of these schools were efforts by ministers to educate the children of their congregations. A few communities attempted to establish academies with a combination of public and private money.

An academy was organized in Wilmington in 1760. Money set aside by New Bern for a school was "borrowed" by Governor Tryon to build his palace. School trustees in Edenton built a schoolhouse in 1770 with money raised by voluntary subscription, gift of lot, public money and fines.

In 1772, the Moravian congregation in Salem organized a school for girls. It opened with a student body of three little girls and a staff of one "tutress." Salem Academy is the oldest school still operating in North Carolina. During the years since, Salem Academy has changed with the times. However, its basic purpose has remained

the same – to prepare its graduates to be active, informed citizens with a strong religious influence in their lives.

Academies were founded in most settled areas of North Carolina after the American Revolution. They were financed by a combination of tuition and gifts. Occasionally, an academy petitioned the General Assembly for permission to raise money by a lottery, but this was not profitable.

The course of study in these schools included both the "useful" and the "ornamental" branches of learning. Drawing, music, painting and needlework were generally considered ornamental subjects. All other studies were regarded as useful. The broad range of subjects offered is demonstrated by this ambitious announcement by the new Franklin Academy in 1805:

"The Trustees of Franklin Academy inform the Public, that the said Academy will be open on the first day of January next, for the Reception of Students on the following Terms, viz. That each Student shall pay the Treasurer of the Academy ten Dollars per Annum, for Instruction in Reading, Writing, Arithmetic, English Grammar, Geography, Belles Lettres and Rhetoric; and Sixteen Dollars for Instruction in Ethics and Metaphysics, the Latin, Greek, Hebrew, French and Italian Languages, and the higher Branches of Metaphysics and Philosophy, viz. Algebra, Geometry, Trigonometry, Conic Sections, Altimetry, Longimetry, Mensuration of Superficies and Solids, Surveying, Navigation, Natural Philosophy and Astronomy."

It was customary for most schools to hold a public, oral examination of their pupils twice each year. Parents and friends were invited. Sometimes these examinations were conducted by the teachers, but more frequently the trustees examined the pupils.

Fayetteville Academy had one of the most elaborate school buildings of these early years. The trustees described the schoolhouse in 1825:

". . . The main building and wing are three stories high, with a double Portico in front and is surmounted with a beautiful Belfry - the length and breadth of the main building is about 64 x 45 feet, divided into large apartments, separated by large halls or passages through the center. They are sufficiently capacious to accommodate a school of 20 scholars and a family, and the lot is supplied from a hydrant in the front yard with good and wholesome water."

In 1833, the sum of \$5,000 was raised to build an Episcopal school in North Carolina. A stone building was erected in Raleigh. The following year, the trustees planned another building "of the same dimensions and of similar materials that they have recently caused to be built. viz., 56 x 36 feet, two stories high - walls of rough granite and roof covered with tin." These two buildings are standing and are part of the present campus of St. Mary's.

About its classroom equipment, the Oxford Female Seminary stated in 1826, "We have received a chemical and Philosophical Apparatus; and now each recitation in Chemistry, Philosophy and Astronomy is accompanied with a Lecture and Experiments illustrating the principles of the sciences."

The Berkley's Literary and Scientific Institution announced that it had a "small but well selected Cabinet of Minerals," that it had "collections of flowers from the fields and gardens, that it also had "well executed engravings" on animal physiology and that the school was equipped with some "apparatus" for teaching chemistry.

In 1859, Asheboro was a village of less than 150 inhabitants. Yet a visitor to the closing exercises at the Asheboro Academy reported the schoolhouse was "large enough to accommodate 60 Scholars, built and completely furnished off, with 12 large glass windows; and furnished too with necessary seats, tables and a fine piano."

Most academies either had boarding facilities, or arranged board for their out-of-town students in private homes. The schools stood *in loco parentis*. Teachers for the academies were selected for both mental and moral qualifications. Parents were assured that "particular attention will be paid to the morals of youth, and the whole course conducted in the fear of God and with reference to the virtue of the Gospel."

Several military academies were founded before the Civil War. Oak Ridge Military Academy (1852) is still in operation.

In the decades that followed, public or common schools moved away from ecclesiastical control and came under the direction of the state. Many of the academies were absorbed into the public school system. Others remained independent or disappeared. Some dropped their preparatory classes and continued as colleges. Here and there, new academies opened in response to special needs. These changes occurred slowly, not reaching the mountain communities of western North Carolina until 1920-30.

State Direction of Schools

Article IX

Section 2. General Assembly shall provide for schools. – The General Assembly, at its first session under this Constitution, shall provide by taxation and otherwise for a general and uniform system of public schools, wherein tuition shall be free of charge to all children of the State between the ages of six and twenty-one years.

Section 15. Children must attend school. – The General Assembly is hereby empowered to enact that every child, of sufficient mental and physical ability, shall attend the public schools during the period between the ages of six and eighteen years, for a term of not less than sixteen months, unless educated by other means.

The Constitution of 1868 mandated a general and uniform system of public schools. It also established the concept of compulsory education. At the Convention of 1875, the following sentence was added to Section 2:

" . . . And the children of the white race and the children of the colored race shall be taught in separate public schools, but there shall be no discrimination in favor of, or to the prejudice of, either race."

In spite of these constitutional requirements, the public school system did not become *general* until the turn of the century, under Governor Aycock. A *uniform* system of public schools was not achieved until the Depression. In 1934, the state undertook financing of public schools.

Section 15 had empowered the General Assembly to require that all children be educated. Their right to attend non-public schools, to be tutored, to take work by correspondence, or to receive instruction in any other way, was protected by the phrase, "unless educated by other means."

School units began checking on local students who were not attending public school. State funds were allocated to each unit on the basis of average daily attendance in their schools.

A minimum standard. For years the state made no effort to require non-public schools to meet any set of standards. The continued existence of these schools depended upon the satisfaction of patrons who were paying for the education of their children by tuition as well as for public schools by taxes.

Several non-public schools became fully accredited by both the State Department of Public Instruction and the Southern Association of Colleges and Schools. It was done at the request of the non-public school not because regulations required it.

State supervision of non-public schools dates from the passing of the Pearsall Plan in 1955. For the first time, General Statutes required non-public schools to report to the Department of Public Instruction and to meet minimal standards prescribed by the State Board of Education in order to be listed by the state agency as approved non-public schools.

G.S. 115-255. Responsibility of State Board of Education to supervise non-public schools. – The State Board of Education, while providing a general and uniform system of education in the public schools of the State, shall always protect the right of every parent to have his children attend a non-public school by regulating and supervising all non-public schools serving children of secondary school age, or younger, to the end that all children shall become citizens who possess certain basic competencies necessary to properly discharge the responsibilities of American citizenship. The Board shall not, in its regulation of such non-public schools, interfere with any religious instruction which may be given in any private, denominational or parochial school, but such non-public schools shall meet the State minimum standards as prescribed in the course of study, and the children therein

shall be taught the branches of education which are taught to the children of corresponding age and grade in the public schools and such instruction, except courses in foreign languages, shall be given in the English language.

A second paragraph was added by amendment in 1965:

New non-public schools shall file a notice of intention to operate a new school with the State Superintendent of Public Instruction prior to beginning of operation.

The minimum standards for non-public schools were concerned with: (1) teacher preparation; (2) curriculum offerings; (3) size of classes; (4) safety and health requirements; and (5) length of school day and year.

G.S. 115-526. Teachers must have certificates for grades they teach; instruction given must substantially equal that given in public schools. – All non-public schools in the State and all teachers employed or who give instruction therein, shall be subject to and governed by the provisions of law for the operation of the public schools insofar as they apply to the qualifications and certification of teachers and the promotion of pupils; and the instruction given in such schools shall be graded in the same way and shall have courses of study for each grade conducted herein substantially the same as those given in the public schools where children would attend in the absence of such non-public school.

No person shall be employed to teach in a non-public school who has not obtained a teacher's certificate entitling such teacher corresponding courses or classes in public schools.

In 1961, the Department of Public Instruction created the position of State Supervisor of Non-Public Schools. Slowly, North Carolina began to inquire into the operation of non-public schools and to require annual reports from them.

For a non-public school in North Carolina to have minimal state approval, the regulations required that all teachers be certified; the course of study be "substantially the same" as that offered by public schools; each class have no more than 40 students; classes be held for a minimum of six hours a day for at least 180 days a year; the buildings, staff and students satisfy the health requirements for public schools; and, the buildings be constructed in accordance with the state building code.

Teacher preparation was most often abused, both verbally and in practice, by non-public schools. Many non-public school teachers became interested in teaching after graduation from a liberal arts college. They frequently did not have the required courses in education. Some defended themselves by misquoting President Garfield, who once said, "Give me a log hut, with only a simple bench, Mark Hopkins on one end and I on the other, and you may have all the buildings, apparatus and libraries without him."

The educational establishment, however, armed with advanced degrees in education, contended that a person who has graduated from college is not necessarily a Mark Hopkins, and that there have been many changes in buildings, apparatus and libraries since Garfield spoke in 1871.

Frequently teachers in religiously oriented schools had been trained in colleges with teacher training programs that had not been approved by the Board of Education. Some felt that the state infringed upon religious liberty when it used its police powers to regulate the qualifications for teachers in these non-public schools.

Non-public school discontent with the requirements for teacher certification became acute after 1972. A surplus of people had been trained to teach in the public schools of North Carolina. As a result, "emergency" certificate designations, which had been used for three decades, were dropped. Until then, non-public school teachers whose preparation did not fit the public school requirements had been certified under these "emergency" designations.

Concurrently, the State Board of Education approved a program of teacher training called the Competency-Based Program. This turned over the evaluation of credentials for certification to approved teacher training institutions – a case of the fox guarding the hen house.

In 1975, a legislative study Commission of Public and Private Schools made these recommendations to the State Board of Education:

All current emergency teacher regulations should be dropped. Existing emergency certificates in effect would be allowed to continue or to convert to the new procedures.

All potential individuals interested in certification would be divided into two categories. One, those having finished a teacher education program appropriate to grades K-12. The second, those individuals not having completed a teacher education program.

The Commission also recommended procedures for evaluating credentials and issuing certificates to individuals with various types of education preparation. These included:

Individuals Completing Teacher Education Programs
Individuals Not Having Completed a Teacher Education Program
Individuals Completing Work at Accredited (Southern Association or its equivalent) Institutions
Individuals Completing Work at Institutions Not Accredited (Southern Association or its equivalent)
Individuals Holding Accredited Master's Degrees
Individuals Holding a Master's Degree from a Non-Accredited (Southern Association or its equivalent) Institution
 Holders of a Doctor's Degree

It further recommended certain general provisions.

All provisional certificates and temporary certificates would be issued valid for one year only. Such certificates will become null and void at the end of the fiscal year for which they were issued unless conditions specified for their continuation had been met. In each case, the minimum requirement for its continuation would be successful teaching experience.

Under current State statute, all limitations imposed by the NTE statute would apply to provisional and temporary certificates. Certification procedures would be altered to allow the presentation of an application without documentation to establish the fact that an individual was in the process of complying with certification regulations to enable the processing of application for approval of non-public schools to operate. All deadlines established by the State Board of Education relative to certification and the filing of credentials would apply.

These recommendations were presented to the State Board of Education on February 6, 1975. The Board adopted them without change to be effective at once.

Curriculum offerings at the minimal level were generally not much of a problem. All non-public schools in North Carolina teach a child to read, write and figure. They are happy enough to add the North Carolina history, United States history and biology required to be "substantially the same." Physical education, music, guidance and libraries were sometimes stumbling blocks.

Class size, surprisingly enough, was a sticky problem. North Carolina tries not to have more than 23 pupils per class in the early elementary grades, 26 in the upper elementary grades, and 36 in high school. The maximum has been stretched to 40 on occasion, and in some cases to 42. There were still a few schools – generally parochial – that found this requirement difficult to achieve. A decrease in the number of teaching sisters created tremendous problems for the parochial schools in both the Diocese of Raleigh and the Diocese of Charlotte. At the other extreme, some schools operated by fundamentalist churches, or by protesting parents, may have only one or two in a class.

Length of school day and year poses many problems, some unexpected. Health requirements and operational expenses were higher if food was serviced in a school. Many of the smaller operations in North Carolina teach only the lower elementary grades. If these children stay for a full six hours, they must eat lunch during the school day. Most such small schools cannot afford a cafeteria and would prefer meeting from 8:00 to 1:00. The State Board of Education was fairly firm in requiring a six-hour day for non-public schools. Controversies sometimes arose if the local public school did not adhere to the same standard.

The regulations were equally difficult for boarding schools. Of course, for them the problem was not the length of day. A twenty-four hour day is certainly long enough to satisfy the most rigid state regulations. The peculiar difficulties faced by boarding schools, with youngsters on their hands seven days a week, were generally ignored by the regulations. The Law said at least 180 school days. Saturday was not a school day in the public system.

Regarding *safety and health requirements*, North Carolina tried to be fairly strict. The Department's concern about the fire codes dates from the several fires in public and private schools decades ago. Dr. C. F. Carroll, who was then State Superintendent of Public Instruction, was at one time President of the Chief State School Officers. He had served on investigating committees that looked into these tragic fires. He reacted by tightening the enforcement of safety rules in all North Carolina schools.

The same inoculations and physical examinations were required of students and staff in non-public schools as were required for public schools. This was not much of a problem.

Each non-public school was visited yearly by a member of the Department of Public Instruction, usually the Supervisor of Non-Public Schools. On the basis of this visit and the annual reports filed by the school, the department approved those schools in compliance with the regulations. A letter of approval or non-approval was sent to the school annually, with a copy to the local public school superintendent. The Department of Public Instruction had no authority to close schools that did not meet statutory standards for approval.

Non-public schools were required to report each year to the superintendent of the local public school unit.

*G. S. 115-257. Operators must report certain information. – The supervisory officer or teacher of all non-public schools shall report to the superintendent of the administrative unit in which such school is located within two weeks of the opening of such school, and within two weeks of the enrollment therein, the names of all pupils attending, their ages, parents or guardians' names, and places of residence. Likewise, such officer or teacher shall report to such superintendent the withdrawal of any pupil within two weeks of such withdrawal. The supervisory officer or teacher of non-public schools shall make such reports as may be required of him by the State Board of Education, or such additional reports as are requested by the superintendent of the administrative unit in which such school is located; and he shall furnish to any court from time to time any information and reports requested by any judge thereof relating to the attendance, conduct and standing of any pupil enrolled in such school if said pupil is at the time awaiting examination **or trial by the court or is under the supervision of the court.***

The superintendent of the administrative unit was responsible for enforcing the compulsory attendance act. Any student attending a non-public school that was not approved was in violation of this act. The local superintendent of schools was able to take legal action against the parents if the violation continued.

The Office of Non-Public Schools

The Office of Non-Public Schools in North Carolina is unique in the United States. It began as a regulatory body but has changed subtly over the years as the schools have changed.

In short, the business of the Office of Non-Public Schools is to assist in the education of children. It is not to delay, hamper, or injure individuals engaged in this very worthwhile work.

In any area of life under a democratic form of government there must be a possibility of choice, whether the area is in education, work, military service, religion, political affiliation, news media, or even which deodorant to use. The very essence of our democratic freedom lies in the fact that we do have a choice.

Chairman Mao was doubtless only paying lip service to the concept of choice, but he phrased it aptly in his 1957 Peking speech: "Let a hundred flowers blossom," he said, "and let a hundred schools of thought contend . . . We think that it is harmful to the growth of art and science if administrative measures are used to impose one particular style of art or school of thought and to ban another."

The Office of Non-Public Schools has attempted to let the hundred flowers blossom and the hundred schools of thought contend. Some of the flowers have been mighty fragile, and some of the schools of thought downright contentious. But the office has tried to work with them all.