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School Legal & Operating Requirements Guide



Advisory Services



What regulations & guidelines do you need to comply with when running a school?



Local laws might differ greatly and have a big influence on the standards you have to meet in order to start and operate your school. Usually, you can find these on the website of the ministry of education.

The registration and licensing procedures for schools vary from one country to the next, and are frequently dependent upon the kind of school that is being considered.

It is crucial to understand how the country's educational regulatory framework handles the various types of educational facilities it considers.

Before proceeding, you should determine if this framework is one that you can work within.

Ask yourself:

- Will you have the choice between a non-profit or for-profit school?
- How long is the license application and approval process?
- Can the school be public or private?
- Will you be permitted to enroll local students? If so, what is the maximum percentage of local enrollment allowed?
- Will an international curriculum be permitted? If not, will you need to offer a national curriculum?
- What percentage of the teaching faculty is permitted to be foreign?



If you are considering spending your time and money on starting a school, you must follow both basic school opening processes and the laws that are special to the country where your school will operate. Regulations are in place to make educational institutions answerable to a governing body.

Depending upon the country, there will be something called a Department of Education, a Ministry of Education, or something similar. This agency typically plays the function of chief adviser to the national government on a nation's educational system. They assist in achieving the educational objectives of the government and help to direct educational agencies and providers.

Their responsibility is to make sure that educational institutions have the tools, information and assistance they require to provide services to students while remaining in compliance with government educational regulations. Some of their duties might include:

- administer regulatory and legislative controls
- calculate and disburse government funding
- provide support services regarding management, governance and operations of educational institutions
- monitor and intervene if necessary when educational providers are at risk regarding student progress, student participation and financial viability

Understanding the demands of the government, namely the Department of Education, is a crucial first step when investing in education. While their primary role is to look out for government and student interests, they are an invaluable resource for school administrators.





How does school legislation impact teaching & learning?

Perhaps the one constant in school legislation is that it continuously adapts to fit the demands of changing educational contexts. The challenge for education providers is to use their understanding of school law to improve the learning environments in their schools.

Generally speaking, "school legislation" refers to all the legal rules that are applicable to the whole educational system. It covers any law, ordinance, or rule that a school, its leadership, faculty, staff, or students must abide by on a national, state, or local level. These laws are meant to serve as a roadmap for school leaders and faculty members.

These rules specifically include school supervision and administration, as well as the structure and division of the educational system.

In addition to rules governing compulsory education, school legislation also contains rules governing the legal relationships between the stakeholders of the educational facility, namely students, teachers, parents, etc. Data privacy in schools, legal information on federal procurement practices, school procurement procedures, and validation of educational credentials are all covered by school law.

Various laws that control the local educational system must be followed depending on where your school is located. Both local authorities and schools must abide by the legislation. It is imperative that you, as a provider of education, are aware of school law, follow the guidelines and comprehend how local laws relate to the school system.



Licensing & accreditation

If you are ready to devote the time and effort required to demonstrate that your program complies with the relevant standards, licensing and accreditation are achievable.



An external authority evaluates the services and operations of educational institutions or programs as part of the accrediting process to see if the relevant requirements are being fulfilled. The competent agency awards accredited status if requirements are satisfied.

Obtaining a license entails receiving this accreditation from a reputable organization, which entails an unbiased, external source looking into your school to make sure it complies with the requirements established by that organization.

The accrediting agency establishes requirements and expectations. Once obtained, licensure and/or accreditation often serve as evidence that certain criteria have been satisfied.

Accreditation and licensing are conducted at the national and/or local government levels. A majority of the many educational platforms have their own accreditation requirements and license assessors. Utilizing the most appropriate accountability methods in order to achieve the intended results for the people and the community is the ultimate goal of accreditation.

Benefits of being accredited

Your school should pursue accreditation because there are many benefits. First and foremost, it gives your school a quality framework in which to operate. It is also essential for your future customers. Accreditation offers a way for students and their parents to ensure that a school is not just a “diploma mill,” handing out diplomas to anyone who is willing to pay the tuition.

Another benefit is that many employers exclusively employ persons with degrees from recognized institutions. This means that if your school is not accredited, many students will not attend because of fear they will be unemployable. Having graduated from an accredited educational institution, a student can demonstrate that they have received the necessary education to do the job they studied for.

Finally, if you plan to try to attract students from beyond your local area, accreditation will help legitimize your school.



What it means to be accredited



Accreditation ensures that credits, courses, and grade-level placements are transferable between educational institutions anywhere on the globe. It also means that diplomas and certificates issued from your school are equivalent to those issued from other authorized colleges and universities.

Additionally, accreditation guarantees a level of excellence that is respected by both the public, student prospects and their families, and colleges and universities throughout a network of cooperating schools.

Students that attend recognized schools that are accredited also join a global network of reputable institutions that are concerned with improving student achievement.

Accreditation can also open access to financing, both for your school and for students, who might then be eligible for government funded scholarships and interest-free loans.

Finally, a government accreditation can authorize you the use of the ".edu" web domain extension, which is recognized worldwide as a common denominator for trusted education providers.

Obtaining an accreditation can be a significant investment in time and money. It can also constrain your school in terms of curriculum or teaching innovations.

Of course, you may choose to maintain your school's independence by setting your own quality standards, criteria, and procedures. For this approach to be successful, your school should already have earned the recognition and brand image that would position it as a trusted provider in your market.



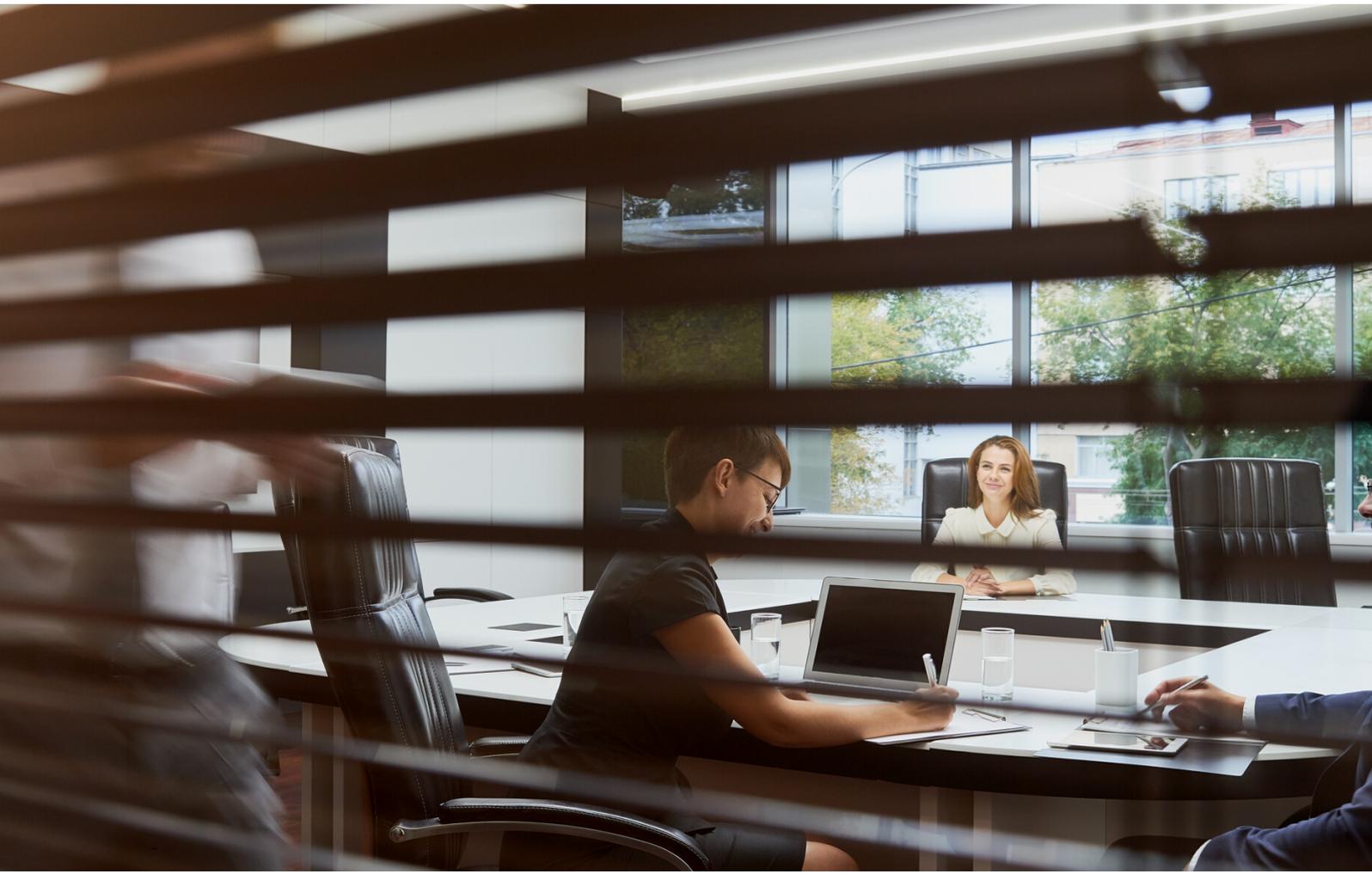
The process of accreditation



Each country or locale has its own procedures, but generally speaking, in order to promote your school as a degree-granting institution, you must submit your school's curriculum for evaluation to a committee.

A school is usually required to provide not only every course curriculum, but also the resumes of the teachers and the description of its processes, policies and procedures as part of the review. Note that in certain instances, you can only start your accreditation procedure once you have graduated your first students. Typically, the entire process takes at least a year.

Additionally, keep in mind that you could choose to apply for specialized accreditation for a certain department or program at your institution. For instance, the American Cooking Federation would want to accredit you if you wanted to start a culinary course within a broader Hospitality program.



Hiring foreign staff, faculty & students

No matter where they are from, universities must find and keep the best academics, staff and executive team. However, despite the fact that many talented international staff or faculty members choose to live and work outside their country of origin, the often onerous standards set by immigration authorities can place a major administrative load on a school. Additionally, due to the length of the immigration procedure, early preparation is necessary.

There is a virtual deluge of inaccurate and out-of-date material on immigration law on the internet, so make sure you get advice from a lawyer specialized in such a domain.

If you want to hire international academics or personnel, you should research the following:

- By what means can I source and attract qualified foreign candidates?
- What will be the educational and examination requirements for foreign faculty?
- What visas or permits will be needed?
- How long is the process for having them arrive in my country?
- What are the related expenses for hiring foreign faculty members?
- Is there any service available that will help us navigate the process?

The process of enlisting and recruiting overseas students is quite similar. The appropriate licenses or visas must be obtained from the government in order for students who intend to study abroad to remain in the country. To give students and their parents all the useful information and assistance they require upon starting their studies at your institution, setting up a Student Services Department is important. Students coming from abroad will have lots of concerns. You should help international students get and maintain their permission to study in your country, as well as support them in the administrative demands related to living issues. This will help to ensure a seamless experience and streamline the process. Make sure they have access to the necessary permit/visa support papers, so they are aware of their rights and obligations.





Managing legal & contractual agreements in education



An employment contract issued by your educational institution is a binding contract between your school and its employees, such as faculty and staff. It imposes certain duties on each party that are related to the employment terms. In addition to other crucial details, it often specifies the duties and responsibilities of each employee, their remuneration, allowed reasons for termination, and any benefits they may be eligible for.

The most crucial resource for today's educational institutions, both monetarily and educationally, is the staff and faculty working in schools.

You should be aware of these

specific rules since you will be employing individuals to do a variety of tasks or entering into contracts with local businesses.

Always start with your Department of Education if you want to find out what regulations apply to teacher contracts in your nation or state. Additionally, be careful to examine regional hiring laws.

A contract can also outline the rights and obligations of the students, as well as the obligations of both parties to one another. Programs, tuition costs, grievances, rights to a refund or termination, as well as data protection and intellectual property concepts will all be covered.



Organizational business structures

A new school's opening is a period of many crucial choices. One of the most important things is deciding what kind of business structure you want your organization to have. In order to achieve your objectives, it is crucial to comprehend how various business forms will impact the future of your institution.

You must research the unique structural and reporting requirements of your chosen legal entity status within your country of operation, regardless of whether you choose to open a private school, trade school, public education facility, education service center or vocational school.

Be cautious at this stage, since not every firm can use every type of legal form. This is a good time to consult with a business lawyer, who will be knowledgeable about the various business entity forms.

There are several sorts of organizational structures for companies, and each one has certain tax laws, revenue and assets regulations, and operating rules. A tax attorney can help advise you on this issue.





In general, when deciding on the legal framework, keep the following things in mind:

Capital

Funding and capital requirements will vary depending upon the legal structure you choose. Calculate how much capital will be needed in the next three to five years in addition to the current year.

Risk/Liability

The greater the business risk, the better it is to choose a limited liability company.

Independence

Think about whether you want to operate independently, or whether you would be more comfortable being held accountable to a board of directors. You might also opt to bring partners on board or even investors who will have a financial stake in the school.

Taxes

Taxes are where your choice of business structure will have the most impact. Typically, corporations pay more taxes than partnerships or sole proprietorship.

Social Security

Your business legal structure will determine what kind of social security taxes are to be paid.



Register as a non-profit to get tax-exempt status

It could be worthwhile to check into the tax advantages of setting up your school as a non-profit. If you decide to do this, you can apply for grants, contributions, and other forms of support that are not typically available to for-profit organizations.

The following conditions must be met by the organization in order to be granted non-profit status:

- It must be exclusively formed and conducted for charitable, educational, scientific, or other social objectives.

- Net earnings can't benefit any private individual or shareholder.
- No substantial part of its activity can be involved in politics or campaigning

Remember to work with an attorney if you decide to submit your application for tax-exempt status. Although it could take a little longer, obtaining tax-exempt status can be very beneficial.



Protect your school intellectual property & copyright

It cannot be overstated how important it is to protect your school intellectual property and copyright. Although it may not seem like an obvious need, every day, educational institutions produce and make use of intellectual property, including copyright.

The term intellectual property (IP) is used to refer to a variety of legal rights that safeguard individuals' original ideas and creative works. Intellectual property includes things like copyright, patents, trademarks, and registered designs.



The term "copyright" describes the privileges accorded to the authors or holders of copyrights of original works. Owners' rights to manage the use of their works are protected under copyright. In general, authorization is required before making use of copyrighted content. The duration of copyright protection is fixed. The work may be utilized after that time period has passed, which is typically 70 years after the creator's passing, without needing authorization or payment.

The type of IP that is most frequently developed and/or utilized in schools is copyright. The following are some examples of IP or copyright-protected content that school workers may come across:

- textbooks
- curriculum material
- films, videos
- podcasts
- software and apps

Common uses that educational institutions make of copyrighted materials are things like scanning, copying, downloading, screenshots and screenings.

The following guidelines must be followed while managing and utilizing IP, including copyright, in schools.

International schools typically need to obtain copyrights on their curricula and lesson plans in addition to registering their brand name and logo as trademarks in a foreign country. They must take care to preserve their trade secrets, which frequently include instructor identities, student names, and internal procedures. It is also crucial to understand that if you plan to license any of your intellectual property (IP) to a third party, such as your brand name or curriculum, you must register the IP associated with it and have a licensing agreement that prevents you from accidentally permanently ceding your IP to the licensee.



Requirements for insurance



Each country has different insurance requirements for kinds and amounts. Always examine your country's regulations to see whether there are any stated insurance requirements. Be aware that having insurance is a smart idea, even if your local government does not require it.

The following are some general insurance options for your school that you might want to think about.

Property Insurance

This is likely something you will want for your physical building and its contents. The significance of having everything insured will become clear when you begin to purchase furniture, equipment, computers, books, and everything else a school requires.

Liability Insurance

To cover mishaps that might happen within your school, it is probable that you will want – or need – some sort of liability insurance.

Professional Liability Insurance

Teachers are frequently compelled to obtain this insurance, or are strongly advised to do so in order to defend themselves against claims of abuse or neglect. This is a perk of employment for instructors at many institutions. It can be worthwhile to look into teacher insurance if your neighborhood school district does not provide it as a recruitment tactic and a competitive advantage to hire skilled instructors.

Auto insurance

Your school has to have a coverage that covers commercial vehicle use if it owns or operates any vehicles for staff or student transportation.





Building & Facility Requirements

Legal and operating requirements for facilities in the country where you are hoping to open your school can sometimes be more difficult to pin down. Yet, the atmosphere of a school is largely dependent on the quality of its facilities.

As a new school, you have a wide choice of potential places where you could set your operations. But there are likely requirements you need to meet based on your objectives, and in order to be in compliance with regulations.

The following are questions that you should ask yourself. They are designed to help you define your requirements for your school facilities, and outline many of the common needs that should be taken into consideration as you prepare to open your school.

What kinds of buildings or spaces are best suited for schools?

Schools can be made from houses, churches, business buildings or entire campuses

that cost millions of dollars to create. On the grand scale of things, your school's excellence or the opportunities you may provide your students are not defined by the building you are in. Avoid getting too caught up in the idea of being perfect. Instead, make sure that your chosen location or building choices are authorized to host students and conduct an education business.

What kind of space do you need?

You have considered your spending plan and any potential funding requirements for a physical site for your school. What other factors need to be taken into account?





How much space do you require?

When it comes to how much physical space your school needs, it truly alters the game if your first student enrollment is very modest. Consider what is reasonable given the size of the school you are starting with. Once you outgrow your present location, you can always relocate.

Do you require a lunchroom or a kitchen?

If you are going to feed your students, there are many things to consider and learn more about. You will need to make sure you are in compliance with any regulations for keeping, preparing, and serving food, in addition to the physical space needed for a kitchen and lunchroom and the associated furnishings and seats. Although some locales have different standards for schools than for restaurants, most countries do mandate culinary inspections. Consult someone from your neighborhood health department for further details.

Do you require a location for outdoor or physical educational activities?

You might require this sort of area depending on the age of the students and, in certain situations, the country's rules regarding breaks and physical education time. Utilizing public parks or amenities in certain places may be preferable than keeping your own outdoor space. You should also take into account the possibility that your country has laws governing the installation of fencing in student-accessible outdoor areas.

Can you collaborate or be creative?

You might be able to sublease space for your first year or two until your school expands sufficiently to move to a larger site, depending on the amount of space you require and your neighborhood ties.



Even if your school is not religious, a nearby church or temple occasionally has classroom space available that is not utilized during the week. You could discover a nearby company with spare conference rooms or other areas that can be booked for less money. Even abandoned warehouses, business buildings, and retail locations have been successfully converted into classrooms. Instead of immediately purchasing or renting space in a conventional school facility, don't hesitate to get creative when thinking about alternative choices.

Other considerations include:



Local codes

Your local municipality is often in charge of the fire rules, the quantity of exits, the accessibility for individuals with physical impairments, the quantity of restrooms, and a variety of other details for schools. In many instances, an inspector will need to visit before the start of class. Contacting your local town and finding out about the construction rules and specifications for schools is your greatest option for guaranteeing that all of these standards are satisfied. Typically, they are more than ready to provide you with the information needed by local legislation.

Safety, comfort, and security

These are crucial factors to take into account while creating a budget and getting ready for the first day of lessons. The drop-off and pick-up routines at your school are a typical place to start when considering this. How is the layout of your pick-up area?

Is there a secure location where automobiles may queue up and students can wait? Who will handle the students' check-in and check-out procedures? How will you manage who is permitted to pick up a student and who is not? How do children enter the school after being securely dropped off? Will everyone enter through the same door, or will they flood in from various locations? Once school is in session, are the doors locked? Who will be in charge of keeping an eye on the students as they enter the building? How guests will be treated at the school is another thing to think about. Do you require parents and other visitors to sign in? Will they be compelled to identify themselves by wearing name badges?





Health, wellbeing & social care



Services for school health that are comprehensive should be introduced. People must attend school in order to develop knowledge, socioemotional skills like self-control and resilience, and critical thinking abilities that provide the groundwork for a bright future. There is evidence that safer and more supportive school settings and access to education lead to improved health outcomes. Additionally, being in excellent health is associated with lower dropout rates, higher educational attainment, academic achievement, employment rates, and productivity.

All students should be able to get acute and emergency treatment as well as

preventative care, including flu immunizations and eye and hearing screenings. These services can be delivered by qualified professionals such as school nurses, nurse practitioners, dentists, health educators, doctors and physician assistants.

School nurses and other healthcare professionals play a significant part in the everyday treatment of circumstances for students with chronic health issues. The personnel of the school health services department is also in charge of arranging treatment by speaking with the student's family and medical professionals so that they may remain healthy and alert for class.



Emergency And Acute Care

Accidents and illnesses can strike at any moment, including throughout the school day. The school nurse is sometimes the only healthcare provider in the establishment who has received official training on how to handle a medical emergency. School nurses are further equipped to provide aid in more significant emergencies or catastrophes that include several students and employees, such as weather-related incidents, environmental exposures, or violent crimes.

Care Coordination

In order to organize the needs and care of students with chronic health issues, school nurses can coordinate the care of students by exchanging information and keeping lines of contact open.

Some students may benefit from having an individualized education or health plan that enables them to study in a setting that can meet their requirements. Usually, a key component of creating these strategies is the school nurse.



Chronic Illness Management

Because students spend a lot of time in class, maintaining a chronic health condition may be difficult on a daily basis for those students. Asthma, diabetes, food allergies, poor oral health, and epilepsy or other seizure disorders are a few examples of common chronic health issues.

Chronic health issues may cause some students to miss class more frequently than others. This can eventually affect a student's academic achievement.

Through services provided by a school nurse or at a health facility located on campus, schools can assist students with chronic health concerns.

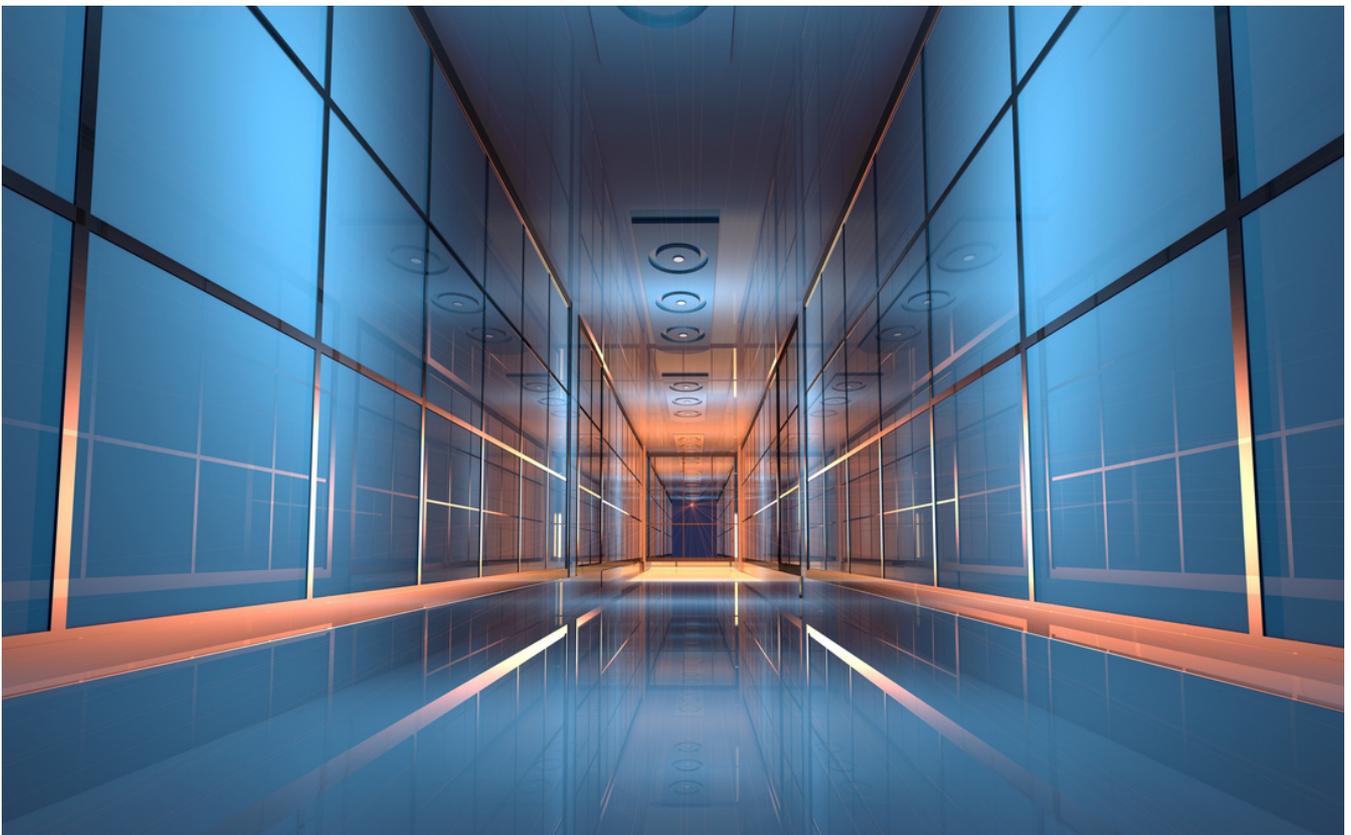
Additionally, this may actually be a requirement. Schools could be required by local laws to offer assistance and accommodation to chronically ill students.

Engagement of the Family

School health services may inform and involve the families of all students about the services offered at the school and how they might be able to help their children.

There are several benefits to family engagement in school health services, including:

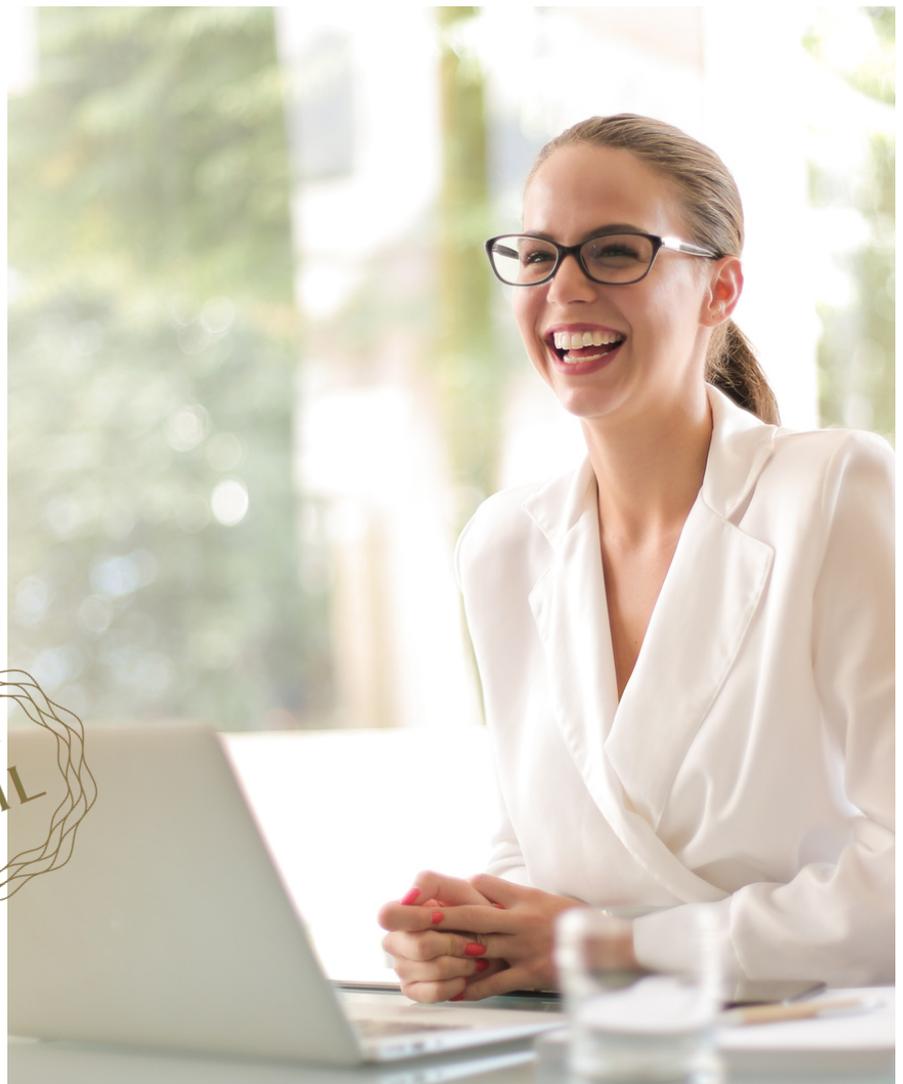
- Updates of health status
- Timely medication dispensing
- Medical testing during the school day
- Consideration for dietary and physical needs



School health & safety regulations

When entering the school premises, neither teachers nor students should have to experience fear. When you are starting a new school, you have a unique opportunity to ensure that every individual on the premises is free from harm of any kind, including physical violence, the threat of violence and bullying.

By putting written policies into place, you can greatly reduce the incidence of such things from happening. It's helpful to work with local law enforcement in drawing up this particular piece of school policy, to be sure that as many potential threats are addressed in the documentation. Once that part has been done, it will be necessary to have an attorney review it to be sure that you are not overstepping legal boundaries.

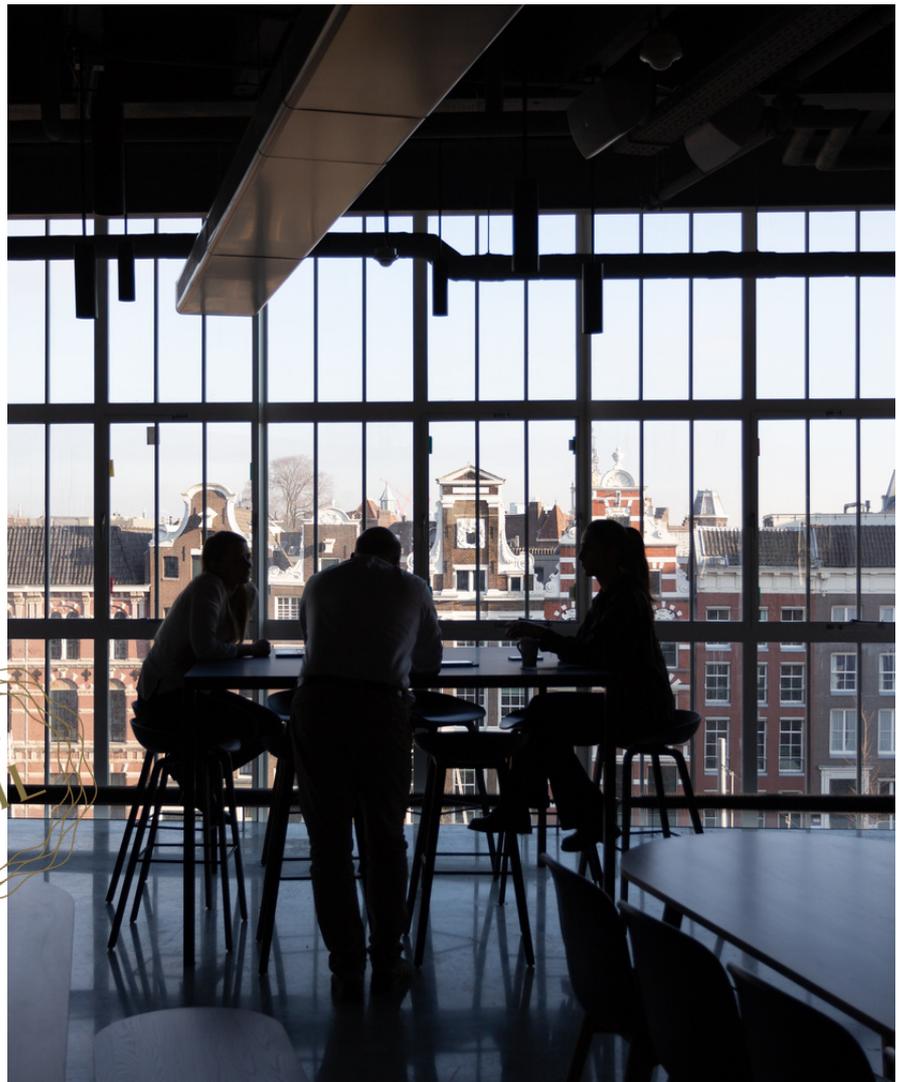


Governance & Policies

Your school's operations will remain productive with the appropriate policies and procedures.

Using the guidelines set forth here, you can prevent misunderstandings, disputes, and even litigation.

When you have written down your rules and procedures and communicated them to your employees, parents, and students, you can make sure that you have covered all the important points for operating a school in your locale.

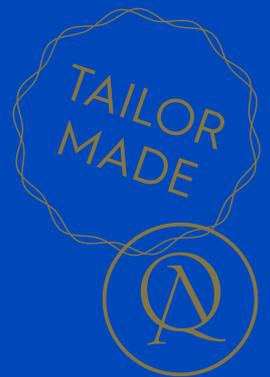


COMMITTED
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Ready to start defining &
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regulations & guidelines?

Get Personalized
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toolkit



Sources, references
and inspirations

