

MEMORANDUM

TO: Tennessee Adult Education
FROM: Jason C. Beard, Administrator of Adult Education
DATE: March 22, 2016
SUBJECT: 17-Year-Old Students

Dear Team,

After deeper research regarding the enrollment of a 17-year-old into an Adult Education program, I believe the conclusion is much simpler than first imagined. Basically, the issue is divided into two subparts: 1) When a 17-year-old may be enrolled; and 2) When a 17-year-old may take the High School Equivalency Exam. In cooperation with the Tennessee Department of Education, we determined that Tennessee law is quite clear on both topics.

When may a 17-year-old be enrolled in Adult Education courses?

The Tennessee Attorney General's office was asked this very question in June of 2012. The Attorney General concluded that enrollment in a state-approved High School Equivalency program actually satisfies the compulsory attendance requirement within Tennessee Code Annotated.

Tenn. Code Ann. § 49-6-3001 generally requires all children between 6 and 17 years of age to attend public or nonpublic school. The pertinent portions of Tenn. Code Ann. § 49-6-3001(c)(1) state:

Every parent, guardian or other legal custodian residing within this state having control or charge of any child or children between six (6) years of age and seventeen (17) years of age, both inclusive, shall cause the child or children to attend public or nonpublic school, and in event of failure to do so, shall be subject to the penalties provided in this part....

Tenn. Code Ann. § 49-6-3001(c)(2)(B) provides the following exemption to this compulsory school attendance requirement:

Subdivision (c)(1) does not apply to a child who:

....

(B) Is enrolled and making satisfactory progress in a course leading to a [High School Equivalency Diploma] from a state-approved institution or organization that enrolls a child who is under eighteen (18) years of age shall provide a report to the local board of education at least three (3) times each year relative to the progress of all such persons under eighteen (18) years of age. If the local board of education determines any child under eighteen (18) years of age is not making satisfactory progress, then the child shall be subject to subdivision (c)(1);...

Thus Tenn. Code Ann. § 49-6-3001(c)(2)(B) specifically establishes an exception to the compulsory attendance requirement where a student is enrolled and making satisfactory progress, as determined by the local board of education, in a course leading to a [High School Equivalency Diploma] from a state-approved institution or organization.

Tenn. Att’y Gen. Op. No. 12-63.

Therefore, a 17-year-old student may satisfy the statutory compulsory attendance requirement through attendance at one of the state’s Adult Education programs. This does **NOT** require the local school district to enroll a previously unenrolled student just to then drop said student in order for them to attend High School Equivalency courses. The only requirement is that the Adult Education program provide a progress report to the local board of education (in the county where the student resides while attending the Adult Education program) at least three (3) times per year so long as the student is under the age of 18.

When may a 17-year-old take the High School Equivalency Exam?

This may very well be the genesis of most of the confusion regarding this issue. While the Director/Superintendent of schools does not have to sign off on a student in order for him/her to attend High School Equivalency courses, he/she is required to provide a recommendation for any student under 18 to take the High School Equivalency Exam.

A candidate must be eighteen (18) years of age before being eligible to take the [High School Equivalency Exam]. A (17) [sic] year old may be allowed to take the examination upon the recommendation of the local school superintendent. The superintendent may require written documentation from the applicant to support this recommendation. This rule shall not be used to circumvent participation in the regular high school program.

Tenn. Comp. R. & Regs. 0520-01-03-.06(6)(c).

Conclusion:

Therefore, in accordance with the information above, a 17-year-old may enroll in an Adult Education program without the requirement that the local school district first enroll and drop said student. The policy going forward will be that a 17-year-old may be enrolled in an Adult Education program with documentation from the Director/Superintendent of Schools recommending the student for the High School Equivalency Exam. While this recommendation is not required for enrollment under the law, we believe it is prudent to obtain this document prior to enrollment to ensure that we are not serving a student who may not be allowed to take the High School Equivalency Exam. We have developed a form attached hereto for the Director/Superintendent of Schools to sign providing this recommendation. This form does **NOT** require or constitute enrollment or withdrawal of the student from the local school district.

Further, all 17-year-old students enrolled under the policy above must provide a progress report at least three (3) times per year to the local board of education. A form has been developed and attached hereto that will be used by the local Adult Education program to satisfy the legal requirement of a progress report.

Best Regards,

A handwritten signature in black ink, appearing to read 'Jason C. Beard', written in a cursive style.

Jason C. Beard
Administrator of Adult Education
Dept. of Labor & Workforce Development