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**Non-Public Schools Administrative Rule 0520-07-01**

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**The Background:**

T.C.A. § 49-6-3001 requires every child residing in Tennessee between the ages of six and seventeen to attend a public or non-public school. Non-public schools are defined in law as including private schools, church-related schools, and independent home schools. T.C.A § 49-1-302(i) provides that the State Board of Education, through the Department of Education, shall “enforce standards for... programs operated by private schools as defined by § 49-6-3001(c)(3).” Furthermore, T.C.A. § 49-50-801 provides requirements for church-related schools and grants the State Board limited authority regarding approval of these schools. State Board of Education rule 0520-07-01 currently establishes administrative requirements for non-public schools in Tennessee.

These rules have not been updated since 2017. The proposed revisions remove outdated language and provide greater clarity for schools and families regarding the maintenance of student records, transfers of students between and among public and non-public schools, and include the addition of a new section regarding reporting and monitoring requirements.

In developing revisions to this rule chapter, State Board and Department of Education staff solicited feedback from the Tennessee Non-Public Schools Advisory Council, the Tennessee Christian Schools Association, Tennessee Association of Independent Schools (TAIS), in addition to meeting with Heads of School for a number of Category III schools.

A rulemaking hearing was held on September 15, 2022. No public comments were submitted at that hearing, however, written comments were submitted during the public comment period. Additional informal comments were considered when making revisions to the rule for final reading.

Revisions made since first reading include the following:

- Clarifying language regarding the appointment of new members to the Non-Public Schools Advisory Council;
- Adding language back to the rule allowing a school that consolidates with another school to place its student records with the continuing school instead of the LEA;
- Clarifying how notice of closure of a school must be given, and requiring that notice of closure be provided at least thirty (30) days prior to the school’s last day in operation;
- Adding additional language to clarify the process for LEAs that choose to test students transferring from a Category IV church related school, Category V private school, or home school to a public school, including adding the ability of a parent to request that a nationally standardized test substitute for a district-developed test for purposes of placement and credit transfer; and
- Setting forth requirements accrediting or membership agencies must meet when conducting monitoring of Category II and III private schools and Category IV church-related schools.

Other technical revisions were made for clarity and consistency throughout.

**The Recommendation:**

The State Board staff recommends approval of this item on final reading.