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**Non-Public Schools Approval Process Rule 0520-07-02**

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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 (inclusive) 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 0520-07-02 establishes the different types of non-public schools in Tennessee, the process for approval of non-public schools and their accrediting/membership agencies, as well as requirements schools and accrediting agencies must comply with.

These rules were significantly updated in 2022 to remove outdated language, ensure consistency with current state and federal laws and rules, and provide greater clarity for schools and families regarding the specific requirements applicable to non-public schools. Those revisions became effective in August 2023.

Additional revisions are proposed to these rules to bring further clarity based on feedback received by the State Board and Department staff as the new rules have begun implementation, and to comply with recent legislation. Revisions include the following:

- Clarifying that vaccination requirements do not apply to students who are enrolled in a Category IV school and educated at home by their parent-teacher (in what is commonly referred to as an umbrella home school), in accordance with Public Chapter 296 of 2023.
- Extending the time for Category I, II, and V schools to comply with the requirement to maintain enrollment of at least ten (10) full-time school-age students, beginning with the 2026-27 school year. This language was also added to the section on Category III schools to ensure consistency across similar categories of schools.
- Requiring all categories of schools to check the Tennessee Educator Licensure Database (TNCompass) to determine if an applicant for a teaching position or any other position requiring proximity to school children has ever had a Tennessee educator license suspended or revoked for misconduct. Currently this is optional.
- Including language to ensure schools are aware of reporting obligations set forth in state law with regard to misconduct of any employee who possesses a Tennessee educator license.
- Adding language to ensure Category I, II, III and V high schools are aware of the requirement to teach American History and Government (currently U.S. History and Geography, and U.S. Government and Civics) if the requirements set forth in state law are met.
- Removing references to home schools in Categories I and V to ensure clarity. Rule 0520-07-01-.01 makes it clear that independent home schools are separate from other categories of

non-public schools, and Rule 0520-07-01-.05 makes it clear that parent-teachers may associate with a Category IV school to educate their children at home (commonly referred to as umbrella home schools) if requirements in T.C.A. 49-6-3050(a)(2)-(3) are met. Therefore, the language stating home schools cannot be approved under Categories I and V created unnecessary confusion.

- Adding additional detail regarding the process for a church-related school to apply directly to the State Board for approval.

State Board staff will hold a rulemaking hearing to collect public feedback prior to bringing any additional revisions to the State Board on final reading.

**Connection to the [Master Plan](#):**

This item supports the State Board's strategic focus on Engagement and Accountability outlined in the Master Plan by ensuring that the Board's rules are regularly reviewed to maintain consistency with recent legislation and to incorporate stakeholder feedback.

**The Recommendation:**

The State Board staff recommends acceptance of this item on first reading.