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

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These rules were significantly updated in 2022 to remove outdated language, ensure consistency with current state and federal laws and rules, and provide greater clarity for schools and families regarding the specific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 2023 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 additional detail regarding the process for a church-related school to apply directly to the State Board for approval.

Between first and final reading, State Board and Department staff met with the Non-Public Schools Advisory Council and the Tennessee Association of Independent Schools (TAIS) to solicit feedback. State

Board staff also held a rulemaking hearing on December 21, 2023. No comments were received at the hearing.

Since first reading, edits were made to retain language clarifying throughout the chapter that independent home schools are not approvable under any of the Categories I through V, and adding language to the section on Category IV schools that references the ability of parents to enroll their child in what is commonly referred to as an “umbrella home school.” Additionally, previously omitted citations to the Department of Health rules regarding vaccinations were added to the section on Category I schools, language was added to Categories II and II noting that teaching experience in those schools count toward years of experience for teacher license purposes, and language added on first reading to reference T.C.A. § 49-6-1202 was removed due to the vagueness of the law’s requirement.

Finally, language was added to the sections on Category II, III, and IV schools to require the Department to send annual notice to accrediting agencies of State Board rules and laws applicable to their accredited schools, and to require that agencies certify receipt of this notice. This language was added in consultation with TAIS to ensure accrediting agencies are aware of state requirements applicable to their accredited schools.

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 approval of this item on final reading.