
Nonpublic Schools – Categories I and VII, Rule Consolidation

The Background:

The Hope Scholarship statute, T.C.A. § 49-4-902 subsection 10, specifies eligible nonpublic high schools as Category I, II, and III schools only.

Two years after that statute was passed, the State Board of Education created Category VII nonpublic schools, which are "special purpose schools which address a student's education while receiving Pre-K program services or short term medical or transient care."

Category VII schools are specifically required to meet all of the requirements of Category I schools. The rule amendments provide for a few distinctions between regular Category I schools and special purpose Category I schools, to ensure they will have at least one special education teacher available as necessary, and to exempt them, as applicable, from school improvement planning (they may not have enough students for sufficiently lengthy periods).

Amending the rules to combine the two types of schools will allow students finishing high school at one of these schools to be eligible for the lottery scholarship. Since the schools are currently required to meet all of the same requirements for Category I status, it would be unfair to have the students not be eligible even though the school meets the same requirements.

The Master Plan Connection:

This item ensures that all students in approved schools have access to sufficient resources for attending postsecondary institutions.

The Recommendation:

Department of Education and Department of Children's Services staff and counsel, along with SBE counsel, recommend adoption of this item on final reading.

Proposed Rule Revision

Rule 0520-07-02-.01 Categories is amended by deleting the present language in its entirety and replacing it with the following:

- (1) There shall be six categories of non-public schools in Tennessee.
 - (a) Category I schools are those approved individually by the State Department of Education. Special purpose classes which address a student's education while receiving Pre-K program services or short term medical or transient care may also be approved as Category I schools.
 - (b) Category II schools are those which belong to an agency whose accreditation process is approved by the State Board of Education;
 - (c) Category III schools are those which are regionally accredited;
 - (d) Category IV schools are those schools which are "church related" and exempt from regulations according to T.C.A. §49-50-801;
 - (e) Category V schools include all other schools, except home schools, as defined in T.C.A. §49-6-3050.
 - (f) Category VI schools are international schools affiliated with a Tennessee public university acting as an agency whose accreditation process is approved by the State Board of Education.

Authority: T.C.A. §§49-1-201 and 49-1-302.

Rule 0520-07-02-.02 Category I: State Department of Education Approval is amended by deleting the present language in its entirety and replacing it with the following:

- (1) A school may seek state approval by direct application to the State Department of Education. The criteria and procedures used in the evaluation of such schools are the same as for the public schools, and include the following:
 - (a) Each school shall comply with the requirements of T.C.A. § 49-6-3007 regarding the reporting of the names, ages, and addresses of all pupils in attendance to the superintendent of the public school system in which the student resides.
 - (b) Each school shall comply with all rules, regulations and codes of the city, county, and state regarding planning, construction, maintenance and operation of the school.
 - (c) Each school shall observe all fire safety regulations and procedures promulgated by the Tennessee Fire Marshal.
- (2) Classes which address a student's education while receiving Pre-K program services or short term medical or transient care may be approved as Category I schools. These schools serving a special purpose will not be required to submit a school improvement plan. The criteria and procedures used in the evaluation of such classes are the same as for the public schools and other schools recognized as Category I schools including, but not limited to:

- (a) Teaching experience shall count towards years of experience on the Personnel Information Reporting System.
 - (b) Teachers shall be evaluated by Tennessee Department of Education personnel or others trained in the use of the Frameworks for Evaluation (pursuant to 0520-01-03-.04) so that licensure advancement can occur.
 - (c) All teachers must be licensed. At least one teacher licensed in special education must be made available to provide services for eligible students.
 - (d) Schools shall report attendance to the school where the student is officially enrolled where applicable.
 - (e) When applicable, schools shall order and administer State proficiency and end-of-course assessments to current students to help them stay on track for graduation.
 - (f) Special Purpose Category I schools shall be deemed appropriate training schools for those seeking specialized student teaching placements. Teacher candidates must satisfy the induction requirements in Rule 0520-02-03-.11.
- (3) Organizations seeking approval for Pre-K classes as Category I schools shall, in addition to meeting the requirements of this rule, satisfy Pre-K program requirements outlined in Rule 0520-01-03-.05 and the State Board of Education Early Childhood Education Policy. Approval is granted for individual Pre-K classes, not for the organizations operating the classes.

Authority: T.C.A. §§ 49-1-201, 49-1-302, 49-6-101, 49-6-3001 and 49-50-801.

Rule 0520-07-02-.08 Category VII: Special Purpose Schools is amended by deleting the rule in its entirety.

Authority: T.C.A. §§ 49-1-201, 49-1-302, 49-6-101, 49-6-3001 and 49-50-801.