

**RULES
OF
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-07-02
NON-PUBLIC SCHOOL APPROVAL PROCESS**

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0520-07-02-.01 CATEGORIES.

- (1) There shall be six (6) types of non-public schools in Tennessee as set forth in this Chapter: Categories I, II, III, and V private schools, Category IV church-related schools, and independent home schools.
- (2) Pursuant to T.C.A. § 49-6-3001, Category I, II, III, and V private schools, Category IV church-related schools, and independent home schools as defined in T.C.A. § 49-6-3050 satisfy the compulsory school attendance requirements for students who are ages six (6) through seventeen (17), inclusive.

Authority: T.C.A. §§ 49-1-201, 49-1-302, 49-50-801, 49-6-3001, and 49-6-3050. **Administrative History:** (For history prior to June 1987, see pages ii-iii). New rule filed April 24, 1987; effective June 8, 1987. Repealed and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed December 19, 2002; to be effective April 30, 2003; however, on April 29, 2003, the State Board of Education stayed amendment to 0520-07-02-.01(1)(f) until June 28, 2003. Amendment to become effective June 28, 2003. Repeal and new rule filed December 28, 2005; effective April 28, 2006. Amendment filed February 20, 2008; effective June 27, 2008. Repeal and new rule filed July 29, 2011; effective December 29, 2011. Amendments filed August 11, 2017; effective November 9, 2017.

0520-07-02-.02 CATEGORY I: DEPARTMENT OF EDUCATION APPROVAL.

- (1) Category I schools are schools approved individually by the Department of Education (“Department”). Special purpose schools that address a student’s education while receiving short-term medical or transient care may also be approved as Category I special purpose schools.
- (2) A school seeking approval as a Category I school shall submit an application for approval to the Department on a form developed by the Department and meet any deadlines for application established by the Department.
- (3) The criteria for approval as a Category I school shall include the following:
 - (a) Attendance.
 1. 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 Director of Schools for the public school district in which the student resides.

(Rule 0520-07-02-.02, continued)

2. Each school shall ensure students entering Kindergarten have reached five (5) years of age on or before August 15 pursuant to T.C.A. § 49-6-201(b)(3), unless the principal or head of school finds through evaluation and testing, at the request of the parent or legal guardian, that a child who is five (5) on or before September 30 is sufficiently mature emotionally and academically to enter Kindergarten and the school has a policy permitting testing by the principal or head of school to obtain early admission to Kindergarten.
3. Each school shall have at least ten (10) full-time school-age students enrolled each school year.

(b) Facilities, Health, and Safety.

1. Each school shall comply with all laws, rules and regulations, and codes of the city, county, and state regarding planning of new buildings, alterations and health and safety.
2. Each school shall observe all fire safety regulations and procedures promulgated by the Tennessee Fire Marshal's Office.
3. Each school shall conduct at least one (1) fire safety inspection annually based on the fire safety inspection checklist developed by the Tennessee Fire Marshal's Office and maintain copies of the inspection reports, including findings of non-compliance and actions taken to comply for review by the Tennessee Fire Marshal's Office and the Department.
4. Each school shall construct, remodel, renovate, expand, or modify school buildings or other structures in accordance with any applicable state and/or federal requirement regarding building accessibility, which may include, but is not limited to, the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.
5. Each principal or head of school shall comply with the requirements of Department of Health rules and, subject to any applicable exemptions set forth in state law or Department of Health rules.
6. Each school shall conduct a criminal history records check prior to employment for any person applying for or holding a position as a teacher or any other position requiring proximity to school children. Criminal history records checks shall also be required for any person or employee of the person, corporation, or other entity who contracts with a school and who will have direct contact with school children or access to the grounds of the school when children are present. The criminal history records check shall be fingerprint based or social security number based and shall also include a check of the Tennessee and National Sex Offender Registries and the Tennessee Department of Health Abuse Registry. Schools may also search 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 had a Tennessee educator license suspended or revoked for misconduct.

(c) Curriculum and Graduation.

1. The instructional program shall include, but not be limited to, the areas of English language arts, mathematics, social studies, science, art, music, health and physical education, and world language.

(Rule 0520-07-02-.02, continued)

2. Each school shall use textbooks and instructional materials that adequately cover all subjects in the school's instructional program.
 3. Each high school shall adopt a graduation requirements policy requiring students to earn at least the minimum number of total credits required for graduation set by the State Board in Chapter 0520-01-03-.06. The school's policy shall also require students to achieve the required minimum number of credits set by the State Board in Chapter 0520-01-03-.06 in the subjects of English language arts, mathematics, science, and social studies. This provision shall not be construed as requiring the same courses in the subjects of English language arts, mathematics, science, and social studies that are required for public schools. The school shall determine the additional subject areas and credits necessary for graduation from high school as set forth in the school's graduation requirements policy to meet or exceed the minimum total number of credits set by the State Board in Chapter 0520-01-03-.06.
 4. At least once every school year, each school shall give a nationally standardized achievement test covering the areas of English language arts and mathematics to each student in third (3rd) through twelfth (12th) grades; the results must be communicated to teachers and parents and kept as part of the student's permanent record.
- (d) Teacher Licensure and Evaluation.
1. Each school shall ensure that all teachers and principals possess an active Tennessee educator license as provided in State Board Rules Chapter 0520-02-03.
 2. Each school shall develop procedures for the annual evaluation of all teachers and principals in accordance with State Board Evaluations Rule 0520-02-01-.15.
 3. Teaching experience shall count towards years of experience in the Department's Educator Data Management System.
 4. Each school shall provide a sufficient number of appropriately qualified administrators, supervisors, and other personnel, which may include, but is not limited to, librarians and school counselors, for the student body served.
- (e) Administrative Rules.
1. Each school shall maintain an operating schedule that includes the minimum number of instructional days (180) and minimum number of hours per day (6 ½) required of public schools. In accordance with T.C.A. § 49-6-3004, a school that exceeds the required six and one-half (6 ½) hours of instructional time per day for the full academic year shall be credited with the additional instructional time in amounts up to, but not exceeding, thirteen (13) instructional days each school year. Schools that are unable to meet the required 180 instructional day requirement due to natural disaster or serious outbreak of illness affecting or endangering students or staff during the school year may request a waiver of the minimum instructional day requirement from the Commissioner.
 2. Each school shall comply with all applicable state and federal laws prohibiting discrimination on the basis of disability, including but not limited to the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.

(Rule 0520-07-02-.02, continued)

3. Each school shall develop and implement a written policy on promotion and retention. The written policy shall be communicated to students and parents via the school handbook.
 4. Each school shall ensure that class sizes do not exceed the class size maximums for public schools set forth in state law.
 5. Each school shall maintain complete and accurate permanent records of the following for all students; attendance, disciplinary matters, work completed while enrolled at the school, and promotion or retention determinations.
 6. Each school shall provide periodic reports of student needs and academic progress to parents or legal guardians during each school year.
 7. Any school seeking approval of a pre-K program shall satisfy the standards for infant/toddler, preschool, and school-age extended care programs outlined in State Board Rules Chapter 0520-12-01.
- (4) The criteria for approval as a Category I Special Purpose school shall include the criteria listed in Paragraph (3) of this Rule in addition to the following:
- (a) Compliance with the following laws and rules, as applicable:
 1. T.C.A. § 49-6-3023 and State Board of Education Rules Chapter 0520-01-12 regarding students incarcerated in juvenile detention centers;
 2. T.C.A. § 49-3-370 and State Board of Education Rules Chapter 0520-01-20 regarding students admitted to licensed residential mental health treatment facilities; and/or
 3. T.C.A. § 49-3-308 and State Board of Education Rules Chapter 0520-01-15 regarding students admitted to court-ordered day treatment facilities.
 - (b) Category I Special Purpose schools shall be deemed appropriate placement sites for educator candidates seeking specialized clinical placements.
- (5) Monitoring and Revocation.
- (a) Category I and Category I Special Purpose schools shall report all required data annually to the Department as required by State Board Rule 0520-07-01-.04 and in any Department-provided procedures.
 - (b) The Department shall notify a school of non-compliance with this rule, State Board Rules Chapter 0520-07-01, and any applicable state or federal laws and establish a deadline by which the school shall show evidence of compliance. If the school does not come into compliance by the specified deadline, the Department may revoke approval of the school after providing notice of revocation to the school. Revocation of approval shall take effect at the end of the school year in which the non-compliance was reported to the school, or on another date identified by the Department.
 1. A school may appeal the revocation decision. Appeals must be submitted to the Department within fourteen (14) calendar days of the Department electronically sending the notice of revocation that is being appealed. The day that the Department sends the notice of revocation shall not count as part of the fourteen (14) calendar days. The Commissioner or Commissioner's Designee shall make a

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determination and issue an electronic notification to the appealing party within forty-five (45) calendar days of receiving the appeal.

Authority: T.C.A. §§ 49-1-201, 49-1-302, 49-6-101, 49-6-3001, and 49-50-801. **Administrative History:** (For history prior to June 1987, see pages ii-iii). New rule filed April 24, 1987; effective June 8, 1987. Repealed and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed October 29, 2008; effective February 28, 2009. Repeal and new rule filed July 29, 2011; effective December 29, 2011. Amendment filed March 24, 2014; effective August 29, 2014. Amendments filed August 11, 2017; effective November 9, 2017.

0520-07-02-.03 CATEGORY II: AGENCY ACCREDITATION.

- (1) Category II schools are approved by an agency whose ability to accredit schools in Tennessee is approved by the State Board. The Department shall review and recommend to the State Board for approval a list of private school accrediting agencies. Agencies approved by the State Board to accredit Category II schools shall be listed in State Board Policy 3.500. Agencies seeking approval by the State Board shall submit an application to the Department and meet all requirements set forth in this rule to be recommended for approval.
 - (a) Home schools that may affiliate with an approved agency are not approvable under this category.
- (2) Procedures for Application as an Approved Private School Accrediting Agency.
 - (a) An agency seeking approval shall submit an application for approval as a Category II private school accrediting agency to the Department on a form developed by the Department and meet any deadlines for application established by the Department.
 - (b) The Department shall review the completed application of the agency with respect to the criteria for approval set forth in this rule and recommend to the State Board that the application be approved or denied. The applicant agency may address the State Board at the time its application is being considered by the Board by providing notice to the Board of its request to speak in accordance with State Board Policy 1.400.
- (3) Approval, Probationary Approval, and Revocation of Approval.
 - (a) A Category II accrediting agency is approved for a period of five (5) years, unless the agency is subsequently placed on probationary approval as set forth in this rule during the five (5) year approval period. Approved agencies shall re-apply for approval at the expiration of the five (5) year approval period. Applications will not be considered mid-cycle.
 - (b) The Department shall notify an agency of non-compliance with this rule or the non-compliance of any of its accredited schools located in Tennessee with this rule, State Board Rules Chapter 0520-07-01, and any applicable state or federal laws and establish a deadline by which the agency shall show evidence of compliance. If the agency does not come into compliance by the specified deadline, the Department may provide notice to the agency of intent to recommend to the State Board that the agency be placed on probationary approval status.
 - (c) If the Department recommends to the State Board that the agency be placed on probationary approval, the Department shall provide to the State Board:
 1. Information regarding the non-compliance;

(Rule 0520-07-02-.03, continued)

2. Reasons supporting the recommendation to place the agency on probationary approval; and
 3. All notices provided to the agency regarding non-compliance and responses of the agency.
 - (d) Representatives of the agency may request to speak at the State Board meeting at which the recommendation for probationary approval is under consideration pursuant to State Board Policy 1.400.
 - (e) If the State Board votes to place the agency on probationary approval status, the agency shall submit a corrective action plan to the Department. If the agency successfully completes the terms of the corrective action plan, the Department shall bring a recommendation to the State Board that the agency be removed from probationary approval status and granted full approval. Any agency that is restored to full approval after being placed on probationary approval status will still be required to re-apply for full approval at the expiration of its initial five (5) year approval period. If the agency does not successfully complete the terms of the corrective action plan, the Department shall bring a recommendation that the State Board revoke the agency's approval.
 - (f) If the Department recommends to the State Board that the agency's approval be revoked due to failure to successfully complete the corrective action plan, the Department shall provide to the State Board:
 1. Information regarding the non-compliance;
 2. Reasons supporting the recommendation to revoke the agency's approval; and
 3. All notices provided to the agency regarding non-compliance and responses of the agency.
 - (g) The agency may address the State Board at the meeting where the revocation recommendation is being considered by the Board by providing notice to the Board of its request to speak in accordance with State Board Policy 1.400.
 - (h) If the State Board votes to revoke approval of the agency, the agency's approval shall expire at the end of the school year during which the vote takes place, or on another date specified by the State Board.
- (4) Criteria for Approval of a Category II Private School Accrediting Agency.
- (a) Scope of Operation of Agency. The agency shall:
 1. Have a clearly written statement of objectives;
 2. Delineate the process by which it accredits schools; and
 3. Have at least five (5) member schools, each with at least ten (10) full-time students enrolled each school year.
 - (b) Organization of Agency. The agency shall:
 1. Specify qualifications for professional personnel for the agency; and
 2. Employ at least one (1) full-time agency head or director.

(Rule 0520-07-02-.03, continued)

- (c) Agency Responsibilities. The agency shall:
1. Maintain written descriptions of the requirements for school accreditation and of the levels or types of membership granted;
 2. Re-evaluate approved schools annually;
 3. Give advance publication of proposed changes in accreditation standards to schools. These changes must be approved in advance by the Department;
 4. Advise schools or directly provide them with technical assistance to address deficiencies in meeting the accreditation standards of the agency;
 5. Notify the Department within ten (10) business days of adding or removing an accredited school from its list;
 6. Require schools to report to the accrediting agency on deficiencies that could affect accredited status;
 7. Have procedures for revocation of accreditation for any school that does not comply with the agency's standards for approved schools. Such procedures shall include how the agency monitors approved schools for compliance with agency standards, including working with schools to remedy areas of non-compliance that are identified by the Department; and
 8. Publish and follow minimum standards for approved schools, including, at a minimum:
 - (i) Attendance.
 - (I) 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 director of schools for the public school district in which the student resides.
 - (II) Each school shall ensure students entering Kindergarten have reached five (5) years of age on or before August 15 pursuant to T.C.A. § 49-6-201(b)(3), unless the principal or head of school finds through evaluation and testing, at the request of the parent or legal guardian, that a child who is five (5) on or before September 30 is sufficiently mature emotionally and academically to enter Kindergarten and the school has a policy permitting testing by the principal or head of school to obtain early admission to Kindergarten.
 - (ii) Facilities, Health, and Safety.
 - (I) Each school shall comply with all laws, rules and regulations, and codes of the city, county, and state regarding planning of new buildings, alterations and health and safety.
 - (II) Each school shall observe all fire safety regulations and procedures promulgated by the Tennessee Fire Marshal's Office.

(Rule 0520-07-02-.03, continued)

- (III) Each school shall conduct at least one (1) fire safety inspection annually based on the fire safety inspection checklist developed by the Tennessee Fire Marshal's Office, and maintain copies of the inspection reports, including findings of non-compliance and actions taken to comply for review by the Tennessee Fire Marshal's Office.
 - (IV) Each school shall construct, remodel, renovate, expand, or modify school buildings or other structures in accordance with any applicable state and/or federal requirements regarding building accessibility, which may include, but is not limited to, the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.
 - (V) Each principal or head of school shall comply with the requirement of Department of Health rules and T.C.A. § 49-6-5001 that each child enrolled in school be vaccinated against disease, subject to any applicable exemptions set forth in State law or Department of Health rules.
 - (VI) Each school shall conduct a criminal history records check prior to employment for any person applying for or holding a position as a teacher or any other position requiring proximity to school children. Criminal history records checks shall also be required for any person or employee of the person, corporation, or other entity who contracts with a school and who will have direct contact with school children or access to the grounds of the school when children are present. The criminal history records check shall be fingerprint based or social security number based and shall also include a check of the Tennessee and National Sex Offender Registries and the Tennessee Department of Health Abuse Registry. Schools may also search 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 had a Tennessee educator license suspended or revoked for misconduct.
- (iii) Curriculum and Graduation.
- (I) The instructional program shall include, but not be limited to, the areas of English language arts, mathematics, social studies, science, art, music, health and physical education, and world language.
 - (II) Each school shall use textbooks and instructional materials that adequately cover all subjects in the school's instructional program.
 - (III) Each high school shall adopt a graduation requirements policy requiring students to earn at least the minimum number of total credits required for graduation set by the State Board in Chapter 0520-01-03-.06. The school's policy shall also require students to achieve the required minimum number of credits set by the State Board in Chapter 0520-01-03-.06 in the subjects of English language arts, mathematics, science, and social studies. This provision shall not be construed as requiring the same courses in

(Rule 0520-07-02-.03, continued)

the subjects of English language arts, mathematics, science, and social studies that are required for public schools. The school shall determine the additional subject areas and credits necessary for graduation from high school as set forth in the school's graduation requirements policy to meet or exceed the minimum total number of credits set by the State Board in Chapter 0520-01-03-.06.

- (IV) At least once every school year, each school shall give a nationally standardized achievement test covering the areas of English language arts and math to each pupil in third (3rd) through twelfth (12th) grades; the results must be communicated to teachers and parents and kept on file at the school for one (1) calendar year.
- (iv) Teacher Licensure and Evaluation.
 - (I) Each school shall ensure that all teachers and principals are appropriately licensed or credentialed, as defined by the agency.
 - (II) Each school shall develop procedures for evaluation of all teachers and principals.
 - (III) Each school shall provide a sufficient number of appropriately qualified administrators, supervisors, and other personnel, which may include, but is not limited to, librarians, and school counselors, for the student body served.
- (v) Administrative Rules.
 - (I) Each school shall maintain an operating schedule that includes the minimum number of instructional days (180) and minimum number of hours per day (6 ½) required of public schools. In accordance with T.C.A. § 49-6-3004, a school that exceeds the required six and one-half (6 ½) hours of instructional time per day for the full academic year shall be credited with the additional instructional time in amounts up to, but not exceeding, thirteen (13) instructional days each school year. Schools that are unable to meet the required 180 instructional day requirement due to natural disaster or serious outbreak of illness affecting or endangering students or staff during the school year may request a waiver of the minimum instructional day requirement from the Commissioner.
 - (II) Each school shall comply with applicable state and federal laws prohibiting discrimination on the basis of disability, including but not limited to the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.
 - (III) Each school shall develop and implement a written policy on promotion and retention. The written policy shall be communicated to students and parents via the school handbook.
 - (IV) Each school shall ensure that class sizes do not exceed the class size maximums set forth in state law.

(Rule 0520-07-02-.03, continued)

- (V) Each school shall maintain complete and accurate permanent records of the following for all students, attendance, disciplinary matters, work completed while enrolled at the school, and promotion or retention determinations.
- (VI) Each school shall provide periodic reports of student needs and academic progress to parents or legal guardians during each school year.

Authority: T.C.A. §§ 49-1-201, 49-1-302, 49-6-3001 and 49-50-801. **Administrative History:** (For history prior to June 1987, see pages ii-iii). New rule filed April 24, 1987; effective June 8, 1987. Repealed and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed August 31, 2001; effective December 28, 2001. Amendment filed October 29, 2008; effective February 28, 2009. Amendment filed March 24, 2014; effective August 29, 2014. Amendments filed August 11, 2017; effective November 9, 2017.

0520-07-02-.04 CATEGORY III: REGIONAL ACCREDITATION.

- (1) Schools in this category are regionally accredited by one (1) of the Category III regional accrediting agencies identified in State Board Policy 3.500.
- (2) Each Category III accrediting agency shall publish and follow minimum standards for approved schools, including, at a minimum:
 - (a) Agency Responsibilities. The agency shall:
 1. Maintain written descriptions of the requirements for school accreditation and of the levels or types of membership granted;
 2. Re-evaluate approved schools on a regular basis established by the agency;
 3. Give advance publication of proposed changes in accreditation standards to schools.
 4. Advise schools or directly provide them with technical assistance to address deficiencies in meeting the accreditation standards of the agency;
 5. Notify the Department within ten (10) business days of adding or removing an accredited school from its list;
 6. Require schools to report to the accrediting agency on deficiencies that could affect accredited status;
 7. Have procedures for revocation of accreditation for any school that does not comply with the agency's standards for approved schools. Such procedures shall include how the agency monitors approved schools for compliance with agency standards, including working with schools to remedy areas of non-compliance that are identified by the Department; and
 8. Publish and follow minimum standards for approved schools in Tennessee, including, at a minimum:
 - (i) Attendance.

(Rule 0520-07-02-.04, continued)

- (I) 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 director of schools for the public school district in which the student resides.
 - (II) Each school shall ensure students entering Kindergarten have reached five (5) years of age on or before August 15 pursuant to T.C.A. § 49-6-201(b)(3), unless the principal or head of school finds through evaluation and testing, at the request of the parent or legal guardian, that a child who is five (5) on or before September 30 is sufficiently mature emotionally and academically to enter Kindergarten and the school has a policy permitting testing by the principal or head of school to obtain early admission to Kindergarten.
- (ii) Facilities, Health, and Safety.
- (I) Each school shall comply with all laws, rules and regulations, and codes of the city, county, and state regarding planning of new buildings, alterations and health and safety.
 - (II) Each school shall observe all fire safety regulations and procedures promulgated by the Tennessee Fire Marshal's Office.
 - (III) Each school shall conduct at least one (1) fire safety inspection annually based on the fire safety inspection checklist developed by the Tennessee Fire Marshal's Office, and maintain copies of the inspection reports, including findings of non-compliance and actions taken to comply for review by the Tennessee Fire Marshal's Office.
 - (IV) Each school shall construct, remodel, renovate, expand, or modify school buildings or other structures in accordance with any applicable state and/or federal requirements regarding building accessibility, which may include, but is not limited to, the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.
 - (V) Each principal or head of school shall comply with the requirement of Department of Health rules and T.C.A. § 49-6-5001 that each child enrolled in school be vaccinated against disease, subject to any applicable exemptions set forth in State law or Department of Health rules.
 - (VI) Each school shall conduct a criminal history records check prior to employment for any person applying for or holding a position as a teacher or any other position requiring proximity to school children. Criminal history records checks shall also be required for any person or employee of the person, corporation, or other entity who contracts with a school and who will have direct contact with school children or access to the grounds of the school when children are present. The criminal history records check shall be fingerprint based or social security number based and shall also include a check of the Tennessee and National Sex Offender Registries and the Tennessee Department of Health Abuse

(Rule 0520-07-02-.04, continued)

Registry. Schools may also search 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 had a Tennessee educator license suspended or revoked for misconduct.

- (iii) Curriculum and Graduation.
 - (I) The instructional program shall include, but not be limited to, the areas of English language arts, mathematics, social studies, science, art, music, health and physical education, and world language.
 - (II) Each school shall use textbooks and instructional materials that adequately cover all subjects in the school's instructional program.
 - (III) Each high school shall adopt a graduation requirements policy requiring students to earn at least the minimum number of total credits required for graduation set by the State Board in Chapter 0520-01-03-.06. The school's policy shall also require students to achieve the required minimum number of credits set by the State Board in Chapter 0520-01-03-.06 in the subjects of English language arts, mathematics, science, and social studies. This provision shall not be construed as requiring the same courses in the subjects of English language arts, mathematics, science, and social studies that are required for public schools. The school shall determine the additional subject areas and credits necessary for graduation from high school as set forth in the school's graduation requirements policy to meet or exceed the minimum total number of credits set by the State Board in Chapter 0520-01-03-.06.
 - (IV) At least once every school year, each school shall give a nationally standardized achievement test covering the areas of English language arts and math to each pupil in third (3rd) through twelfth (12th) grades; the results must be communicated to teachers and parents and kept on file at the school for one (1) calendar year.
- (iv) Teacher Licensure and Evaluation.
 - (I) Each school shall ensure that all teachers and principals are appropriately licensed or credentialed, as defined by the agency.
 - (II) Each school shall develop procedures for evaluation of all teachers and principals.
 - (III) Each school shall provide a sufficient number of appropriately qualified administrators, supervisors, and other personnel, which may include, but is not limited to, librarians, and school counselors, for the student body served.
- (v) Administrative Rules.
 - (I) Each school shall maintain an operating schedule that includes the minimum number of instructional days (180) and minimum

(Rule 0520-07-02-.04, continued)

number of hours per day (6 ½) required of public schools, In accordance with T.C.A. § 49-6-3004, a school that exceeds the required six and one-half (6 ½) hours of instructional time per day for the full academic year shall be credited with the additional instructional time in amounts up to, but not exceeding, thirteen (13) instructional days each school year. Schools that are unable to meet the required 180 instructional day requirement due to natural disaster or serious outbreak of illness affecting or endangering students or staff during the school year may request a waiver of the minimum instructional day requirement from the Commissioner.

- (II) Each school shall comply with applicable state and federal laws prohibiting discrimination on the basis of disability, including but not limited to the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.
 - (III) Each school shall develop and implement a written policy on promotion and retention. The written policy shall be communicated to students and parents via the school handbook.
 - (IV) Each school shall ensure that class sizes do not exceed the class size maximums set forth in state law.
 - (V) Each school shall maintain complete and accurate permanent records of the following for all students: attendance, disciplinary matters, work completed while enrolled at the school, and promotion or retention determinations.
 - (VI) Each school shall provide periodic reports of student needs and academic progress to parents or legal guardians during each school year.
- (3) Approval, Probationary Approval, and Denial of Approval.
- (a) The Department shall notify an agency of non-compliance with this rule or the non-compliance of any of its accredited schools located in Tennessee with this rule, State Board Rules Chapter 0520-07-01, and any applicable state or federal laws and establish a deadline by which the agency shall show evidence of compliance. If the agency does not come into compliance by the specified deadline, the Department may provide notice to the agency of intent to recommend to the State Board that the agency be placed on probationary approval status.
 - (b) If the Department recommends to the State Board that the agency be placed on probationary approval, the Department shall provide to the State Board:
 - 1. Information regarding the non-compliance;
 - 2. Reasons supporting the recommendation to place the agency on probationary approval; and
 - 3. All notices provided to the agency regarding non-compliance and responses of the agency.

(Rule 0520-07-02-.04, continued)

- (c) Representatives of the agency may request to speak at the State Board meeting at which the recommendation for probationary approval is under consideration pursuant to State Board Policy 1.400.
- (d) If the State Board votes to place the agency on probationary approval status, the agency shall submit a corrective action plan to the Department. If the agency successfully completes the terms of the corrective action plan, the Department shall bring a recommendation to the State Board that the agency be removed from probationary approval status and granted full approval. If the agency does not successfully complete the terms of the corrective action plan, the Department shall bring a recommendation that the State Board revoke the agency's approval.
- (e) If the Department recommends to the State Board that the agency's approval be revoked due to failure to successfully complete the corrective action plan, the Department shall provide to the State Board:
 - 1. Information regarding the non-compliance;
 - 2. Reasons supporting the recommendation to revoke the agency's approval; and
 - 3. All notices provided to the agency regarding non-compliance and responses of the agency.
- (f) The agency may address the State Board at the meeting where the revocation recommendation is being considered by the Board by providing notice to the Board of its request to speak in accordance with State Board Policy 1.400.
- (g) If the State Board votes to revoke approval of the agency, the agency's approval shall expire at the end of the school year during which the vote takes place, or other date specified by the State Board.

Authority: T.C.A. §§ 49-1-201, 49-1-302, 49-6-3001, and 49-50-801. **Administrative History:** (For history prior to June 1987, see pages ii-iii). New rule filed April 24, 1987; effective June 8, 1987. Repealed and new rule filed March 16, 1992; effective June 29, 1992. Repeal and new rule filed February 20, 2008; effective June 27, 2008. Amendment filed March 25, 2010; effective August 29, 2010. Amendment filed October 23, 2013; effective March 31, 2014. Amendments filed August 11, 2017; effective November 9, 2017.

0520-07-02-.05 CATEGORY IV: CHURCH-RELATED SCHOOLS.

- (1) Category IV schools are schools that are "church-related" and exempt from certain regulations regarding faculty, textbooks, and curriculum. T.C.A. § 49-50-801 defines a church-related school as a school operated by denominational, parochial or other bona fide church organizations, which are required to meet the standards of accreditation or membership of the Tennessee Association of Christian Schools, the Association of Christian Schools International, the Tennessee Association of Independent Schools, the Southern Association of Colleges and Schools, the Tennessee Association of Non-Public Academic Schools, the Tennessee Association of Church Related Schools, the Association of Classical and Christian Schools, the Tennessee Alliance of Church Related Schools, or a school affiliated with Accelerated Christian Education, Inc.
- (2) In accordance with T.C.A. § 49-6-3050, a parent may enroll their child in a Category IV school and participate as a parent-teacher in the Category IV school for the purposes of home schooling their children. Such parent-teachers shall meet the requirements established in T.C.A. § 49-6-3050 and shall be subject to the requirements established by the Category IV school for home school parent-

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teachers. Students who are enrolled in a Category IV school with a parent-teacher as provided in this paragraph and T.C.A. § 49-6-3050 shall be reported as enrolled students as required by paragraph (3)(f) below, in the same manner as all other enrolled students.

- (3) Each agency shall ensure all of its accredited or member schools:
- (a) Comply with all laws, rules and regulations, and codes of the city, county, and state regarding planning of new buildings, alterations, and health and safety.
 - (b) Comply with all fire safety regulations and procedures promulgated by the Tennessee Fire Marshal's Office.
 - (c) Conduct at least one (1) fire safety inspection annually based on the fire safety inspection checklist developed by the Tennessee Fire Marshal's Office, and maintain copies of the inspection reports, including findings of non-compliance and actions taken to comply for review by the Tennessee Fire Marshal's Office.
 - (d) Construct, remodel, renovate, expand, or modify school buildings or other structures in accordance with any applicable state and/or federal requirements regarding building accessibility, which may include, but is not limited to, the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.
 - (e) Comply with the requirement of Department of Health rules and T.C.A. § 49-6-5001 that each child enrolled in school be vaccinated against disease, subject to any applicable exemptions set forth in State law or Department of Health rules.
 - (f) Comply with the requirement of T.C.A. § 49-6-3007 that the names, ages, and addresses of all pupils in attendance be reported to the director of schools of the public school district in which the student resides.
 - (g) Ensures students entering Kindergarten have reached five (5) years of age on or before August 15 pursuant to T.C.A. § 49-6-201(b)(3), unless the principal or head of school finds through evaluation and testing, at the request of the parent or legal guardian, that a child who is five (5) on or before September 30 is sufficiently mature emotionally and academically to enter Kindergarten and the school has a policy permitting testing by the principal or head of school to obtain early admission to Kindergarten.
 - (h) Each school shall maintain an operating schedule that includes the minimum number of instructional days (180) and minimum number of hours per day (6 ½) required of public schools, In accordance with T.C.A. § 49-6-3004, a school that exceeds the required six and one-half (6 ½) hours of instructional time per day for the full academic year shall be credited with the additional instructional time in amounts up to, but not exceeding, thirteen (13) instructional days each school year. Schools that are unable to meet the required 180 instructional day requirement due to natural disaster or serious outbreak of illness affecting or endangering students or staff during the school year may request a waiver of the minimum instructional day requirement from the Commissioner.
 - (i) Each school shall conduct a criminal history records check prior to employment for any person applying for or holding a position as a teacher or any other position requiring proximity to school children. Criminal history records checks shall also be required for any person or employee of the person, corporation, or other entity who contracts with a school and who will have direct contact with school children or access to the grounds of the school when children are present. The criminal history records check shall be fingerprint based or social security number based and shall also include a check of the Tennessee and National Sex Offender Registries and the Tennessee Department of Health Abuse Registry.

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Schools may also search 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 had a Tennessee educator license suspended or revoked for misconduct.

- (4) Church-related schools not accredited by or members of one of the agencies set forth in paragraph (1) of this rule may seek approval from the State Board as provided for in T.C.A. § 49-50-801(e)(1) by submitting the application on a form developed by the State Board staff and meet any deadlines for application established by the State Board staff. State Board staff shall review any complete and timely submitted application and provide a recommendation for approval or denial of the application to the State Board.
- (5) Schools approved as Category IV schools by the State Board shall be monitored by the Department for continued compliance with the requirements set forth in paragraph (3) of this rule, State Board Rule Chapter 0520-07-01, and all applicable state and federal laws.
- (6) Reporting of Non-Compliance and Revocation of Approval.
 - (a) For accrediting agencies listed in T.C.A. § 49-50-801, the Department shall notify an agency of non-compliance of any of its accredited or member schools with this rule, State Board Rules Chapter 0520-07-01, and any applicable state or federal laws and establish a deadline by which the agency shall show evidence of its accredited or member schools' compliance. If the agency does not produce evidence of compliance by the specified deadline, the Department may provide notice of the continued non-compliance to the Chairs of the Education Committees of the Tennessee House and Senate.
 - (b) For schools approved by the State Board as provided in paragraph (4) of this rule, approval may be revoked by the State Board for non-compliance. The Department shall notify the school of non-compliance with this rule, State Board Rules Chapter 0520-07-01, and any applicable state or federal laws and establish a deadline by which the school shall show evidence of compliance. If the school does not establish compliance by the specified deadline, the Department may provide notice to the school of intent to recommend to the State Board that the school's approval be revoked.
 1. If the Department recommends revocation of approval of a school to the State Board, the Department shall provide to the State Board:
 - (i) Information regarding the non-compliance;
 - (ii) Reasons supporting the recommendation to revoke school approval; and
 - (iii) All notices provided to the school regarding non-compliance and responses from the school.
 2. Representatives of the school may request to speak at the State Board meeting at which revocation is under consideration pursuant to State Board Policy 1.400.
 3. If the State Board votes to revoke approval of a school, the revocation shall take effect at the end of the school year in which the vote takes place, or on another date identified by the State Board.

Authority: T.C.A. §§ 49-1-201, 49-1-302, 49-6-3001, 49-6-3050, and 49-50-801. **Administrative History:** (For history prior to June 1987, see pages ii-iii). New rule filed April 24, 1987; effective June 8, 1987. Repealed and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed February 20, 2008; effective June 27, 2008. Amendment filed October 29, 2008; effective February 28, 2009.

(Rule 0520-07-02-.05, continued)

Amendment filed March 25, 2010; effective August 29, 2010. Amendment filed March 24, 2014; effective August 29, 2014. Amendments filed August 11, 2017; effective November 9, 2017.

0520-07-02-.06 CATEGORY V: REGISTERED FOR OPERATION.

- (1) Schools in this category are registered for operation with the Department. Schools in this category shall not include home schools.
- (2) Each school seeking registration for operation shall furnish to the Department the following information by October 15th of each year:
 - (a) Name, mailing address, and telephone number of the school;
 - (b) Name and academic credentials of the principal or head of school;
 - (c) Number of students in each grade level as of October 1 of current school year;
 - (d) Name and academic credentials of each teacher and the subjects taught by that teacher; and
 - (e) Certification that the school meets all requirements set forth in paragraph (3).
- (3) Each school shall ensure compliance with the following:
 - (a) Keep on file the curriculum offered and make copies available for inspection by the Department and the public upon request.
 - (b) Each school shall comply with all of the laws, rules and regulations, and codes of the city, county, and state regarding planning of new buildings, alterations, and health and safety.
 - (c) Each school shall observe all fire safety regulations and procedures promulgated by the Tennessee Fire Marshal's Office.
 - (d) Each school shall conduct at least one (1) fire safety inspection annually based on the fire safety inspection checklist developed by the Tennessee Fire Marshal's Office, and maintain copies of the inspection reports, including findings of non-compliance and actions taken to comply for review by the Tennessee Fire Marshal's Office.
 - (e) Each school shall construct, remodel, renovate, expand, or modify school buildings or other structures in accordance with any applicable state and/or federal requirements regarding building accessibility, which may include, but is not limited to, the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.
 - (f) Each school shall comply with the requirement of Department of Health rules and T.C.A. § 49-6-5001 that each child in school be vaccinated against disease, subject to any applicable exemptions set forth in State law or Department of Health rules.
 - (g) Each school shall comply with the requirement of T.C.A. § 49-6-3007 that the names, ages, and addresses of all pupils in attendance be reported to the director of schools for the public school district in which the student resides.
 - (h) Each teacher shall possess at least a baccalaureate degree.

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- (i) At least once every school year, each school shall administer a nationally standardized achievement test covering, at a minimum, English language arts and math to each student in third (3rd) through twelfth (12th) grades. Results of the test shall be communicated to teachers and parents and kept on file at the school for at least one (1) calendar year.
 - (j) Each school shall ensure students entering Kindergarten have reached five (5) years of age on or before August 15 pursuant to T.C.A. § 49-6-201(b)(3) unless the principal or head of school finds through evaluation and testing, at the request of the parent or legal guardian, that a child who is five (5) on or before September 30 is sufficiently mature emotionally and academically to enter Kindergarten and the school has a policy permitting testing by the principal or head of school to obtain early admission to Kindergarten.
 - (k) Each school shall have at least ten (10) full-time students enrolled each school year.
 - (l) Each school shall conduct a criminal history records check prior to employment for any person applying for or holding a position as a teacher or any other position requiring proximity to school children. Criminal history records checks shall also be required for any person or employee of the person, corporation, or other entity who contracts with a school and who will have direct contact with school children or access to the grounds of the school when children are present. The criminal history records check shall be fingerprint based or social security number based and shall also include a check of the Tennessee and National Sex Offender Registries and the Tennessee Department of Health Abuse Registry. Schools may also search 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 had a Tennessee educator license suspended or revoked for misconduct.
 - (m) Each school shall maintain an operating schedule that includes the minimum number of instructional days (180) and minimum number of hours per day (6 ½) required of public schools, In accordance with T.C.A. § 49-6-3004, a school that exceeds the required six and one-half (6 ½) hours of instructional time per day for the full academic year shall be credited with the additional instructional time in amounts up to, but not exceeding, thirteen (13) instructional days each school year. Schools that are unable to meet the required 180 instructional day requirement due to natural disaster or serious outbreak of illness affecting or endangering students or staff during the school year may request a waiver of the minimum instructional day requirement from the Commissioner.
- (4) Monitoring and Revocation.
- (a) Category V schools shall report all required data annually to the Department as required by State Board Rule 0520-07-01-.04 and in any Department-provided procedures.
 - (b) The Department shall notify a school of non-compliance with this rule, State Board Rules Chapter 0520-07-01, and any applicable state or federal laws and establish a deadline by which the school shall show evidence of compliance. If the school does not come into compliance by the specified deadline, the Department may revoke the registration of the school after providing notice of revocation to the school. Revocation of the registration of the school shall take effect at the end of the school year in which the non-compliance was reported to the school, or on another date identified by the Department.
 - 1. A school may appeal the revocation decision. Appeals must be submitted to the Department within fourteen (14) calendar days of the Department electronically sending the notice of revocation that is being appealed. The day that the Department sends the notice of revocation shall not count as part of the fourteen (14) calendar days. The Commissioner or Commissioner's Designee shall make a

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determination and issue an electronic notification to the appealing party within forty-five (45) calendar days of receiving the appeal.

Authority: T.C.A. §§ 49-1-201, 49-1-302, 49-6-3001 and 49-50-801. **Administrative History:** (For history prior to June 1987, see pages ii-iii). New rule filed April 24, 1987; effective June 8, 1987. Repealed and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed October 29, 2008; effective February 28, 2009. Amendment filed March 24, 2014; effective August 29, 2014. Amendments filed August 11, 2017; effective November 9, 2017.

0520-07-02-.07 REPEALED.

Authority: T.C.A. §§ 49-1-302 and 49-6-3001. **Administrative History:** Original rule filed December 19, 2002; to be effective April 30, 2003; however, on April 29, 2003, the State Board of Education stayed rule 0520-07-02-.07 until June 28, 2003. Original rule to become effective June 28, 2003. Repeal filed February 7, 2018; effective May 8, 2018.

0520-07-02-.08 REPEALED.

Authority: T.C.A. §§ 49-1-201, 49-1-302, 49-6-101, 49-6-3001, and 49-50-801. **Administrative History:** Original rule filed December 28, 2005; effective April 28, 2006. Amendment filed October 29, 2008; effective February 28, 2009. Repeal filed July 29, 2011; effective December 29, 2011.

0520-07-02-.09 RESERVED.

Authority: Executive Order No. 14 of 2020 (and applicable, subsequent Executive Orders addressing COVID-19 relief) and Public Chapter 652 of 2020. **Administrative History:** Emergency rules filed April 16, 2020; effective through October 13, 2020. Emergency rules expired effective October 14, 2020, and the rules reverted to their previous statuses.