
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 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 currently 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 that schools and accrediting agencies must comply with.

These rules have not been updated since 2017. Significant revisions are proposed to these rules to remove outdated language, ensure consistency with current state and federal laws and rules, and to provide greater clarity for schools and families regarding the specific requirements applicable to each category of non-public schools. The revisions also outline the process for ensuring schools and their accrediting/membership agencies are remediating areas of non-compliance, and a process for revocation of approval in certain circumstances when non-compliance is not addressed.

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 the 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:

- Edits to requirements for instructional programs that must be offered in non-public schools;
- Edits to require that standardized tests only be given to students through the 11th grade, and the addition of flexibility to allow schools to offer alternate assessments to students with severe cognitive disabilities;
- Allowing a waiver of the requirement for 180 instructional days to be given by the accrediting agency for Category II, III and IV schools, and
- Clarifying that background checks are not required for parent-teachers in Category IV schools who are instructing their own children at home.

Other technical revisions were made for clarity and consistency throughout.

The Recommendation:

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