

**RULES
OF
THE TENNESSEE DEPARTMENT OF EDUCATION
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-01-02
DISTRICT AND SCHOOL OPERATIONS**

0520-01-02-17 STATE ENROLLMENT AND ATTENDANCE GUIDELINES.

- (1) Children entering kindergarten shall be five (5) years of age on or before August 15. However, a child does not have to enroll in school at five (5) years of age, but enrollment must occur no later than the beginning of the academic year following the child's sixth (6th) birthday.
- (2) Any transfer student applying for admission who was legally enrolled in an approved kindergarten in another state and who will be five (5) years of age no later than December 31 of the current school year shall be enrolled.
- (3) Pursuant to the Tennessee compulsory attendance law, all children must attend school between the ages of six (6) and seventeen (17), both inclusive. T.C.A. §§ 49-6-3001 and 49-6-3005 provide that the following children may be exempt from the compulsory attendance law:
 - (a) Children mentally or physically incapacitated to perform school duties, with the disability attested to by a duly licensed physician in all cases;
 - (b) Children who have completed high school and hold a high school diploma or other certificate of graduation;
 - (c) Children enrolled in and making satisfactory progress in a course of instruction leading to a high school equivalency credential approved by the State Board of Education;
 - (d) Children participating in a program of hospital or homebound instruction administered or approved by the LEA;
 - (e) Children six (6) years of age or under whose parent or guardian have filed a notice of intent to conduct a home school as provided by T.C.A. § 49-6-3001 or who are conducting a home school as provided by T.C.A. § 49-6-3050;
 - (f) Children enrolled in a home school who have reached seventeen (17) years of age; and
 - (g) Children who have attained their seventeenth (17th) birthday and whose continued compulsory attendance, in the opinion of the local board of education in charge of the school to which the children belong and are enrolled, results in detriment to good order and discipline and to the instruction of other students and is not of substantial benefit to the children.
- (4) Local boards of education may admit students from outside their respective local school district at any time.

- (a) Local boards of education may arrange for the transfer of students residing within their district to other school districts by establishing agreements with other local boards of education for the admission or transfer of students from one (1) school district to another.
 - (b) The receiving board of education may set a time before or during the school year after which it will not accept transfer students. The receiving board of education may charge the non-resident student tuition to attend.
 - (c) If a local board of education otherwise permits non-resident students to transfer into its schools, it may not discriminate against any students solely on the grounds of their race, sex, national origin, or disability, nor may it charge such students a tuition over and above the usual tuition for students without disabilities.
- (5) Each local board of education shall adopt an attendance policy ~~in accordance with the State Board's School Attendance Policy 4.100~~ that is firm, but fair; includes effective accounting and reporting procedures to keep parents or guardians informed of student absences; accounts for extenuating circumstances created by emergencies over which the student has no control; includes appeal procedures; and establishes and maintains alternative programs for students who fail to meet minimum attendance requirements.
- (a) Excused Absences. The policy shall address requirements for the excusing of absences. Students receiving an excused absence shall be afforded the opportunity to complete all missed assignments. The policy shall include, but not be limited to, excused absences for the following situations: ~~in accordance with the State Board's School Attendance Policy 4.100.~~
 - 1. Absences pursuant to a summons, subpoena, court order, or other legal requirement. ;
 - (i) This does not apply to absences that are the result of a commission of a delinquent act and when notice of intent to transfer the student to criminal court has been provided pursuant to § 37-1-134, or for detention purposes pursuant to § 37-1-114(c).
 - 2. Missing a class or day of school because of the observance of a day set aside as sacred by a recognized religious denomination of which the student is a member or adherent, where such religion calls for special observances of such a day. ;
 - 3. The student's parent or legal guardian is a member of the United States armed forces, including a member of a state National Guard or a reserve component, and is called to federal active duty. In this case, the principal shall give the student:
 - (i) An excused absence for one (1) day when the member is deployed;
 - (ii) An additional excused absence for one (1) day when the service member returns from deployment;

(iii) Excused absences for up to ten (10) days for visitation when the member is granted rest and recuperation leave and is stationed out of the country; and

(iv) Excused absences for up to ten (10) days cumulatively within the school year for visitation during the member's deployment cycle. The student shall provide documentation to the school as proof of the service member's deployment. However, the total number of excused absences under this subparagraph (iv) and subparagraph (iii) shall not exceed ten (10) days within the school year.

5. The student attends a released time course and the local board of education has adopted a policy that excuses a student from school to attend a released time course in compliance with T.C.A. § 49-2-130. However, if the local board of education has not adopted such a policy, a public school shall, upon the request of a student's parent or legal guardian, excuse a student from school to attend a released time course if the requirements of T.C.A. § 49-2-130 (h) are met.

6. Participation in a non-school-sponsored extracurricular activity, provided the LEA has adopted a policy authorizing excused absences for participating in non-school-sponsored extracurricular activities and provided the following conditions are met:

(i) The student provides documentation to the school as proof of the student's participation in the non-school-sponsored extracurricular activity;

(ii) The student's parent, custodian, or other person with legal custody or control of the student, prior to the extracurricular activity, submits to the principal or the principal's designee a written request for the excused absence. The written request shall be submitted no later than seven (7) business days prior to the student's absence and shall include all requirements set forth in T.C.A. § 49-6-302;

(iii) The principal or the principal's designee shall approve, in writing, the student's participation in the non-school-sponsored extracurricular activity; and

(iv) The principal may limit the number and duration of non-school-sponsored extracurricular activities for which excused absences may be granted to a student during the school year, provided, however, the principal shall excuse no more than ten (10) absences each school year for students participating in non-school-sponsored extracurricular activities.

(b) Unexcused Absences. The policy shall address unexcused absences, in accordance with the State Board's School Attendance Policy 4.100.

(c) Students Counted as Present. The policy shall include the following situations for which students shall be counted as present, in the same manner as an educational field trip, rather than given an excused or unexcused absence. Students counted as present shall be afforded the opportunity to complete all

missed assignments.

1. Students serving in-school suspension and receiving educational services.
2. Students receiving medical or educational homebound instruction.
3. Students who serve as pages for the General Assembly during the school year, either at regular or special sessions.
4. Students participating in school-sponsored events shall be counted present provided the events or activities are school directed, related to an instructional activity, and have prior approval of the local board of education.
5. Students participating in an activity or program sponsored by 4-H shall be counted present in accordance with requirements set forth in T.C.A. § 49-6-3026 and provided the program or activity does not occur during the schedule established by the Commissioner of Education for the administration of the Tennessee comprehensive assessment program (TCAP) or any period of time for which the student has been suspended, expelled, or assigned to an alternative school or program if the suspension, expulsion, or assignment to the alternative school or program would otherwise preclude the student from participating in an educational field trip.
6. Students appointed as the student member of the State Board of Education shall be counted as present for the time the student spends in the performance of duties as a member of the State Board of Education. The student shall provide to the principal of the student's school written certification from the Executive Director of the State Board of Education that the student was participating in duties as a member of the State Board of Education.
7. LEAs may adopt a policy allowing high school students participating in postsecondary school visits to be counted as present. Students shall only be counted present the day of the postsecondary visit and shall not be counted as present during any travel days. If an LEA adopts such a policy, the policy shall include:
 - (i) The number of days a student may be counted present for postsecondary school visits;
 - (ii) A requirement of prior written notice from a parent or legal guardian specifying the date of the postsecondary school visit;
 - (iii) A specific procedure for documenting that a student visit to a postsecondary school occurred, such as a signed letter or form from a campus official of the postsecondary institution;
 - (iv) A requirement for students to complete all school work missed during a postsecondary school visit;
 - (v) A requirement that the postsecondary school visit does not occur during the schedule established by the Commissioner of Education for the administration of the Tennessee

comprehensive assessment program (TCAP);

(vi) A provision specifying that postsecondary school visits are not required of any student; and

(vii) A provision specifying that the student's parent or guardian, not the district, is solely responsible for facilitating postsecondary school visits and for ensuring the safety of students during the visit.

~~(b)~~

~~(c)(d)~~ The policy shall align with the McKinney-Vento Homeless Assistance Act [found at 42 U.S.C. §§ 11431, et seq.].

~~(d)(e)~~ Local attendance policies shall not be used to penalize students academically, however, it is up to the LEA whether or not a student is allowed to make up work for assignments missed during an unexcused absence.

~~(e)(f)~~ The attendance policy adopted by the local board of education shall be posted at each school on the local board of education's website, and school counselors shall be supplied copies for discussion with students.

~~(g)~~ The policy shall be referenced in all school handbooks. All teachers, administrative staff, and parents/guardians shall be provided copies of the policy. Such copies may be provided electronically or in writing.

~~(h)~~ LEAs that are charter school authorizers shall ensure that authorized charter schools have adopted a policy in compliance with this Rule or that the charter school complies with the LEA's attendance policy.

~~(f)~~

(6) Pursuant to T.C.A. § 49-6-3009, each local board of education shall adopt a progressive truancy intervention plan for students who violate compulsory attendance requirements prior to the filing of a truancy petition or a criminal prosecution for educational neglect. These interventions must be designed to address student conduct related to truancy in the school setting and minimize the need for referrals to juvenile court.

(7) Whenever possible, attendance issues should be resolved at the school level. To ensure due process, local boards of education must adopt a policy that affords students with excessive (more than ~~five (5)~~) unexcused absences the opportunity to appeal. Such policy must, at minimum, include written or actual notice to the student or their parent/guardian and the opportunity to be heard. The burden of proof rests on the student or their parent/guardian. The appeal process for determining unexcused absences is ancillary to a truancy decision rendered by a juvenile court judge as described in T.C.A. § 49-6-3010.

(8) LEAs are encouraged to develop truancy boards, youth courts, or other alternative programs to serve as an intervention for students with excessive absences. These may be in addition to, or a part of, the progressive truancy intervention plan required by T.C.A. § 49-6-3009.

Authority: T.C.A. §§ 49-6-3002, 49-6-3005, ~~and 49-6-3009, 49-6-3019, 49-6-3022, 49-2-130, 49-6-3018, 49-6-3026 and Chapter 549 of the Public Acts of 2024. Executive Order No. 14 of 2020 (and~~

~~applicable, subsequent Executive Orders addressing COVID-19 relief, and Public Chapter 652 of 2020.~~

Administrative History: (For history prior to June 1992, see pages iii through ix). Repeal filed March 16, 1992; effective June 29, 1992. New rule filed December 23, 2014; effective March 23, 2015. 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. Amendments filed August 20, 2020; effective November 18, 2020.