

Department of State**Division of Publications**

312 Rosa L. Parks Ave., 8th Floor, Snodgrass/TN Tower

Nashville, TN 37243

Phone: 615-741-2650

Email: publications.information@tn.gov**For Department of State Use Only**

Sequence Number: 03-14-24

Rule ID(s): 10063

File Date: 3/18/2024

Effective Date: 6/16/2024

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission: State Board of Education**Division:** N/A**Contact Person:** Angie Sanders**Address:** 500 James Robertson Parkway, 8th Floor**Zip:** 37243**Phone:** 615-253-5707**Email:** Angela.C.Sanders@tn.gov**Revision Type (check all that apply):**☒ Amendment☐ New☐ Repeal☐ Content based on previous emergency rule filed on _____☐ Content is identical to the emergency rule

Rule(s) (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0520-07-02	Non-Public Schools Approval Process
Rule Number	Rule Title
0520-07-02-.01	Categories
0520-07-02-.02	Category I: Department of Education Approval
0520-07-02-.03	Category II: Agency Accreditation
0520-07-02-.04	Category III: Regional Accreditation
0520-07-02-.05	Category IV: Church-Related Schools
0520-07-02-.06	Category V: Registered for Operation

AMENDMENT

AMEND the rules of the State Board of Education Chapter 0520-07-02 by changing the title of the chapter to Non-Public Schools Approval Process, and by amending Rule Sections .01 through .06, so that as amended, the revised Chapter shall read:

RULES OF THE STATE BOARD OF EDUCATION CHAPTER 0520-07-02 NON-PUBLIC SCHOOLS APPROVAL PROCESS TABLE OF CONTENTS

0520-07-02-.01	Categories	0520-07-02-.06	Category V: Registered for
0520-07-02-.02	Category I: Department of Education		Operation
	Approval	0520-07-02-.07	Repealed
0520-07-02-.03	Category II: Agency Accreditation	0520-07-02-.08	Repealed
0520-07-02-.04	Category III: Regional Accreditation	0520-07-02-.09	Reserved
0520-07-02-.05	Category IV: Church-Related Schools		

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 where parents provide annual notice to the director of schools of the LEA, 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. Independent home schools are not approvable under this category.

- (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.
 - 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. Beginning in the 2026-2027 school year, 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 state and/or federal requirements applicable to the school 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 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.
 - 6. Each school shall conduct 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 shall 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 ever had a Tennessee educator license suspended or revoked for misconduct.

7. Each school director shall comply with the reporting requirements set forth in T.C.A. § 49-5-417 and State Board Rule 0520-02-03-.09 with regard to any employee who possesses an active or expired Tennessee educator license.

(c) Curriculum and Graduation.

1. The instructional program shall include, but not be limited to, the areas of English language arts, mathematics, social studies, and science. Additionally, schools are encouraged to offer art, music, health and physical education, and world language.
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 Rule 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 Rule 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 Rule 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 eleventh (11th) grades; the results must be communicated to teachers and parents and kept as part of the student's permanent record. Examples of nationally standardized achievement tests include ACT/SAT and benchmark assessments. Schools may identify alternate assessments for students with the most significant cognitive disabilities.

(d) Teacher Licensure and Evaluation.

1. Each school shall ensure that all teachers 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.
3. Teaching experience shall count toward qualifying 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. Such excess instructional time shall be used in accordance with T.C.A. § 49-6-3004(e)(1). 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.
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 School Administered Child 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 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, 49-6-3004, 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 private 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) Independent home schools that may affiliate with an approved agency are not approvable under this category.
- (2) Procedures for Application and Approval of a Category II Private School Accrediting Agency.
- (a) An agency seeking approval as a Category II private school accrediting agency shall submit an application 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) Probationary Approval and Revocation of Approval.
- (a) A State Board approved Category II accrediting agency is approved for a period of five (5) years, unless the agency's approval is revoked as set forth in this Rule during the five (5) year approval period. At the expiration of the five (5) year approval period, approved agencies shall re-apply for approval if the agency seeks to continue as an approved Category II accrediting agency. 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;
 - 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 restored to 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, 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 school-age students enrolled each school year. The ten (10) full-time school-age student requirement shall apply beginning in the 2026-2027 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.
 - (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.
 - (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 state and/or federal requirements applicable to the school 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 shall 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 ever had a Tennessee educator license suspended or revoked for misconduct.
 - (VII) Each school director shall comply with the reporting requirements set forth in T.C.A. § 49-5-417 and State Board Rule 0520-02-03-.09 with regard to any employee who possesses an active or expired Tennessee educator license.
- (iii) Curriculum and Graduation.
- (I) The instructional program shall include, but not be limited to, the areas of English language arts, mathematics, social studies, and science. Additionally, schools are encouraged to offer 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 Rule 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 Rule 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 Rule 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 eleventh (11th) grades; the results must be communicated to teachers and parents and kept on file at the school for one (1) calendar year. Examples of nationally standardized achievement tests include ACT/SAT and benchmark assessments. Schools may identify alternate assessments for students with the most significant cognitive disabilities.
- (iv) Teacher Licensure and Evaluation.
- (I) Each school shall ensure that all teachers and principals are appropriately licensed or credentialed, as defined by the accrediting agency.
 - (II) Teaching experience shall count toward qualifying years of experience in the Department's Educator Data Management System.
 - (III) Each school shall develop procedures for evaluation of all teachers and principals.
 - (IV) 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. Such excess instructional time shall be used in accordance with T.C.A. § 49-6-3004(e)(1). 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 school's accrediting agency.

- (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.
- (5) The Department shall send an annual notice to approved Category II accrediting agencies of current State Board rules and state laws applicable to Category II schools and shall require agencies to certify receipt.

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) Independent home schools that may affiliate with an approved agency are not approvable under this category. Virtual schools accredited by one (1) of the regional accrediting agencies identified in State Board Policy 3.500 are not considered independent home schools.
- (3) To maintain approval as a Category III accrediting agency, 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.

- (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.

- (III) Beginning in the 2026-2027 school year, each school shall have at least ten (10) full-time school-age students enrolled each school year.

(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 state and/or federal requirements applicable to the school 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 shall 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 ever had a Tennessee educator license suspended or revoked for misconduct.

- (VII) Each school director shall comply with the reporting requirements set forth in T.C.A. § 49-5-417 and State Board Rule 0520-02-03-.09 with regard to any employee who possesses an active or expired Tennessee educator license.

(iii) Curriculum and Graduation.

- (I) The instructional program shall include, but not be limited to, the areas of English language arts, mathematics, social studies, and science. Additionally, schools are encouraged to offer 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 Rule 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 Rule 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 Rule 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 eleventh (11th) grades; the results must be communicated to teachers and parents and kept on file at the school for one (1) calendar year. Examples of nationally standardized achievement tests include ACT/SAT and benchmark assessments. Schools may identify alternate assessments for students with the most significant cognitive disabilities.

(iv) Teacher Licensure and Evaluation.

- (I) Each school shall ensure that all teachers and principals are appropriately licensed or credentialed, as defined by the accrediting agency.
 - (II) Teaching experience shall count toward qualifying years of experience in the Department's Educator Data Management System.
 - (III) Each school shall develop procedures for evaluation of all teachers and principals.
 - (IV) 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. Such excess instructional time shall be used in accordance with T.C.A. § 49-6-3004(e)(1). 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 school's accrediting agency.
 - (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.

(4) 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.
- (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, 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.

- (5) The Department shall send an annual notice to approved Category III accrediting agencies of current State Board rules and state laws applicable to Category III schools and shall require agencies to certify receipt.

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) Independent home schools which may affiliate with an approved agency are not approvable under this category. However, an umbrella home school may operate under this category in accordance with T.C.A. § 49-6-3050(a)(2)-(3).
 - (a) Umbrella home schools. In accordance with T.C.A. § 49-6-3050(a)(2)-(3), 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(a)(2)-(3) and shall be subject to the requirements established by the Category IV school for umbrella home school parent-teachers. Students who are enrolled in a Category IV umbrella home school with a parent-teacher as provided in this paragraph and T.C.A. § 49-6-3050(a)(2)-(3) shall be reported by the Category IV school as enrolled students as required by paragraph (3)(f) below, in the same manner as all other enrolled students. A Category IV school is not required to conduct a criminal history records check as set forth in paragraph (3)(i) below for a parent-teacher who is instructing their own children.
- (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 state and/or federal requirements applicable to the school 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. For purposes of Chapter 296 of the Public Acts of 2023, this requirement does not apply to a student who is enrolled in a Category IV umbrella home school and is taught at home by a parent-teacher in accordance with T.C.A. § 49-6-3050(a)(2) or (a)(3),
- (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. Such excess instructional time shall be used in accordance with T.C.A. § 49-6-3004(e)(1). 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 school's accrediting or membership agency.
- (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. Schools shall 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 ever had a Tennessee educator license suspended or revoked for misconduct.
- (j) Each school director shall comply with the reporting requirements set forth in T.C.A. § 49-5-417 and State Board Rule 0520-02-03-.09 with regard to any employee who possesses an active or expired Tennessee educator license.

- (4) Church-related schools not accredited by or members of one (1) 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 meeting any deadlines for application established by the State Board staff. Church-related schools seeking approval from the State Board shall demonstrate they are operated by a denominational, parochial or other bona fide church organization by providing proof with the application that the organization operating the school is recognized as a 501(c)(3) religious organization by the United States Internal Revenue Service. State Board staff shall review any complete and timely submitted application utilizing a rubric developed by State Board staff that is aligned to the application. Only applications which fully meet the standard of the rubric may be recommended by the Executive Director to the State Board for approval.
- (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.

- (7) The Department shall send an annual notice to approved Category IV accrediting agencies of current State Board rules and state laws applicable to Category IV schools and shall require agencies to certify receipt.

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. 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 independent 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 state and/or federal requirements applicable to the school 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.
- (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 eleventh (11th) 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. Examples of nationally standardized achievement tests include ACT/SAT and benchmark assessments. Schools may identify alternate assessments for students with the most significant cognitive disabilities.
- (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) Beginning in the 2026-2027 school year, each school shall have at least ten (10) full-time school-age 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 shall 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 ever had a Tennessee educator license suspended or revoked for misconduct.
- (m) Each school director shall comply with the reporting requirements set forth in T.C.A. § 49-5-417 and State Board Rule 0520-02-03-.09 with regard to any employee who possesses an active or expired Tennessee educator license.
- (n) 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. Such excess instructional time shall be used in accordance with T.C.A. §

49-6-3004(e)(1). 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 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.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Bob Eby	x				
Darrell Cobbins	x				
Jordan Mollenhour	x				
Ryan Holt	x				
Warren Wells	x				
Lillian Hartgrove	x				
Nate Morrow	x				
Larry Jensen	x				
Krissi McInturff	x				
Laurel Cox	x				
Steven Gentile, Executive Director, Tennessee Higher Education Commission Non-Voting Ex-Officio					

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the State Board of Education on 02/16/2024, and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 10/30/2023

Rulemaking Hearing(s) Conducted on: (add more dates). 12/21/2023

Date: 03/08/2024

Signature: 


Name of Officer: Angie Sanders

Title of Officer: General Counsel

Agency/Board/Commission: State Board of Education

Rule Chapter Number(s): 0520-07-02

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.


Jonathan Skrmetti
Attorney General and Reporter
March 14, 2024
Date

Department of State Use Only

Filed with the Department of State on: 3/18/2024

Effective on: 6/16/2024



Tre Hargett
Secretary of State

RECEIVED

Mar 18 2024, 1:13 pm

Secretary of State
Division of Publications

Public Hearing Comments

The Tennessee State Board of Education held a public rulemaking hearing on Rule 0520-07-02 on December 21, 2023, at 500 James Robertson Parkway, Nashville, TN and via Webex. No public comments were submitted at the hearing or in writing during the comment period regarding this rule.

State Board and Department staff met with the Non-Public Schools Advisory Council and the Tennessee Association of Independent Schools (TAIS) to solicit feedback during the rulemaking process. 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 based on informal feedback received from TAIS to ensure that accrediting agencies are aware of state requirements.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

This rule does affect small businesses.

STATEMENT OF ECONOMIC IMPACT TO SMALL BUSINESSES

(1) The type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, or directly benefit from the proposed rule;

Small private or church-related schools may qualify as small businesses and would be required to comply with the amended provisions of this rule. It is not anticipated that this rule will create any additional costs for small private or church-related schools as the rule is aimed at providing further clarity regarding existing requirements.

(2) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record;

It is not anticipated that this rule will create any new recordkeeping or administrative costs. Changes were focused on clarifying edits to existing requirements and removing unnecessary regulations where possible (e.g. removal of requirement that Category I schools employ licensed principals and allowing Category I schools to select their own evaluation systems for teachers and principals). It not anticipated that the new requirement that Category III schools maintain enrollment of at least ten (10) full time school-age students will have a cost as most Category III schools already meet this requirement, and any that do not have until 2026-27 to comply.

(3) A statement of the probable effect on impacted small businesses and consumers;

There is no probable fiscal effect on small private or church-related schools. There is no probable effect on consumers. It not anticipated that the new requirement that Category III schools maintain enrollment of at least ten (10) full time school-age students will have a cost as most Category III schools already meet this requirement, and any that do not have until 2026-27 to comply.

(4) A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and objectives of the proposed rule that may exist, and to what extent the alternative means might be less burdensome to small business;

There is no less burdensome, less intrusive, or less costly alternative method of achieving the purposes and/or objectives of the rule. Many changes were made to the rules with this exact aim in mind, to reduce administrative burden and state-regulation of these schools where possible.

(5) A comparison of the proposed rule with any federal or state counterparts; and

There are not any similar rules at the federal level with regard to regulation of these schools, as this is a state-level matter. State Board staff did look to see how other states handle regulation of their private schools, however, state laws vary significantly with regard to each state's power and control over private schools.

(6) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.

The rule does not provide any exemptions for small businesses. However, as noted above, many edits were made to the rules with the aim of reducing state regulation where possible and recognizing the independent nature of private and church-related schools.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228, "On any rule and regulation proposed to be promulgated, the proposing agency shall state in a simple declarative sentence, without additional comments on the merits or the policy of the rule or regulation, whether the rule or regulation may have a projected financial impact on local governments. The statement shall describe the financial impact in terms of increase in expenditures or decrease in revenues."

This rule has no fiscal impact on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

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.

Additional revisions are proposed to these rules to bring further clarity based on feedback received by the State Board and Department staff as revised 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.
- 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."
- Clarifying that teaching experience in Category II and III schools counts toward years of experience for teacher license purposes.
- Adding language requiring the Department to send annual notice to accrediting agencies for Category II, III, and IV schools of State Board rules and laws applicable to their accredited schools, and to require that agencies certify receipt of this notice.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

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 this law as including private schools, church-related schools, and independent home schools, and such law charges the State Board with promulgating rules regarding the approval of private 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)" and states the Board has the authority to promulgate rule to establish such standards.

T.C.A. § 49-50-801 provides requirements for church-related schools and grants the State Board limited authority regarding approval of these schools.

T.C.A. § 49-6-3050 outlines requirements for home schools and the ability of parent-teachers to enroll their child

in a church-related school as outlined in T.C.A. § 49-50-801.

T.C.A. § 49-1-201 states it is the duty of the Commissioner of Education to "Inspect, approve, and classify private schools in accordance with the rules of the state board of education."

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

The State Board of Education and Department of Education are both directly affected by these rules and urge adoption. In addition, private and church-related schools in Tennessee and approved accrediting or membership agencies for these schools are also directly affected by these Chapters. State Board and Department staff met with the Non-Public Schools Advisory Council and the Tennessee Association of Independent Schools (TAIS) to solicit feedback during the rulemaking process. Changes made as a result of comments from TAIS are summarized in the public comments portion of this form.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

None.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

None.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Angie Sanders (State Board of Education)

Angela.C.Sanders@tn.gov

Nathan James (State Board of Education)

Nathan.James@tn.gov

Jack Powers (Department of Education)

Jack.Powers@tn.gov

Robin Yeh (Department of Education)

Robin.Yeh@tn.gov

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Angie Sanders (State Board of Education)

Angela.C.Sanders@tn.gov

Nathan James (State Board of Education)

Nathan.James@tn.gov

Jack Powers (Department of Education)

Jack.Powers@tn.gov

Robin Yeh (Department of Education)
Robin.Yeh@tn.gov

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Angie Sanders
State Board of Education
500 James Robertson Parkway, 8th Floor
Nashville, TN 37243
(615) 253-5707
Angela.C.Sanders@tn.gov

Nathan James
State Board of Education
500 James Robertson Parkway, 8th Floor
Nashville, TN 37243
(615) 532-3528
Nathan.James@tn.gov

Jack Powers
Department of Education
710 James Robertson Parkway, 9th Floor
Nashville, TN 37243
(629) 259-1979
Jack.Powers@tn.gov

Robin Yeh
Department of Education
710 James Robertson Parkway, 9th Floor
Nashville, TN 37243
(615) 445-9543
Robin.Yeh@tn.gov

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

None.

RULES
OF
THE STATE BOARD OF EDUCATION

CHAPTER 0520-07-02
NON-PUBLIC SCHOOLS APPROVAL PROCESS

TABLE OF CONTENTS

0520-07-02-.01	Categories	0520-07-02-.06	Category V: Registered for
0520-07-02-.02	Category I: Department of Education		Operation
	Approval	0520-07-02-.07	Repealed
0520-07-02-.03	Category II: Agency Accreditation	0520-07-02-.08	Repealed
0520-07-02-.04	Category III: Regional Accreditation	0520-07-02-.09	Reserved
0520-07-02-.05	Category IV: Church-Related Schools		

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 where parents provide annual notice to the director of schools of the LEA, 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. Independent home schools are not approvable under this category.
- (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.
 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. Beginning in the 2026-2027 school year, eEach 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 state and/or federal requirements applicable to the school 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 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.
6. Each school shall conduct 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-shall 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 ever had a Tennessee educator license suspended or revoked for misconduct.
- ~~6-7.~~ Each school director shall comply with the reporting requirements set forth in T.C.A. § 49-5-417 and State Board Rule 0520-02-03-.09 with regard to any employee who possesses an active or expired Tennessee educator license.

(c) Curriculum and Graduation.

1. The instructional program shall include, but not be limited to, the areas of English language arts, mathematics, social studies, and science. Additionally, schools are encouraged to offer art, music, health and physical education, and world language.
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 Rule 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 Rule 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 Rule 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 eleventh (11th) grades; the results must be communicated to teachers and parents and kept as part of the student's permanent record. Examples of nationally standardized achievement tests include ACT/SAT and benchmark assessments. Schools may identify alternate assessments for students with the most significant cognitive disabilities.

(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 qualifying 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. Such excess instructional time shall be used in accordance with T.C.A. § 49-6-3004(e)(1). 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.
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~~ School Administered Child 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 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, 49-6-3004, 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 private 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) ~~Independent h~~Home schools that may affiliate with an approved agency are not approvable under this category.

(2) Procedures for Application and Approval of a Category II Private School Accrediting Agency.

- (a) An agency seeking approval as a Category II private school accrediting agency shall submit an application 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) Probationary Approval and Revocation of Approval.

- (a) A State Board approved Category II accrediting agency is approved for a period of five (5) years, unless the agency's approval is revoked as set forth in this Rule during the five (5) year approval period. At the expiration of the five (5) year approval period, approved agencies shall re-apply for approval if the agency seeks to continue as an approved Category II accrediting agency. 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;
 - 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 restored to 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, 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 school-age students enrolled each school year. The ten (10) full-time school-age student requirement shall apply beginning in the 2026-2027 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.
- (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.
- (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 state and/or federal requirements applicable to the school 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 ~~shall~~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 ever had a Tennessee educator license suspended or revoked for misconduct.

- ~~(VII)~~ Each school director shall comply with the reporting requirements set forth in T.C.A. § 49-5-417 and State Board Rule 0520-02-03-.09 with regard to any employee who possesses an active or expired Tennessee educator license.
~~(VI)~~

Formatted: Indent: Left: 2.5", No bullets or numbering

Formatted: Justified, Indent: Left: 2"

Formatted: Indent: Left: 2.5", No bullets or numbering

(iii) Curriculum and Graduation.

- (I) The instructional program shall include, but not be limited to, the areas of English language arts, mathematics, social studies, and science. Additionally, schools are encouraged to offer 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 Rule 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 Rule 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 Rule 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 eleventh (11th) grades; the results must be communicated to teachers and parents and kept on file at the school for one (1) calendar year. Examples of nationally standardized achievement tests include ACT/SAT and benchmark assessments. Schools may identify alternate assessments for students with the most significant cognitive disabilities.

(iv) Teacher Licensure and Evaluation.

- ~~(I)~~ Each school shall ensure that all teachers and principals are appropriately licensed or credentialed, as defined by the accrediting agency.
- ~~(II)~~ Teaching experience shall count toward qualifying years of experience in the Department's Educator Data Management System.
- ~~(III)~~ Each school shall develop procedures for evaluation of all teachers and principals.
- ~~(IV)~~ 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. Such excess instructional time shall be used in accordance with T.C.A. § 49-6-3004(e)(1). 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 school's accrediting agency.
- (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.

~~(V4)~~ (5) The Department shall send an annual notice to approved Category II accrediting agencies of current State Board rules and state laws applicable to Category II schools and shall require agencies to certify receipt.

Formatted: Indent: Left: 2.5", No bullets or numbering

Formatted: Indent: Left: 0.06", Hanging: 0.44", No bullets or numbering

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.

~~(1)(2)~~ Independent home schools that may affiliate with an approved agency are not approvable under this category. Virtual schools accredited by one (1) of the regional accrediting agencies identified in State Board Policy 3.500 are not considered independent home schools.

Formatted: Indent: Left: 0.5", No bullets or numbering

~~(2)(3)~~ To maintain approval as a Category III accrediting agency, 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.

- (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.

(III) Beginning in the 2026-2027 school year, each school shall have at least ten (10) full-time school-age students enrolled each school year.

(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 state and/or federal requirements applicable to the school 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 ~~shall~~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 ~~ever~~ had a Tennessee educator license suspended or revoked for misconduct.

(VII) Each school director shall comply with the reporting requirements set forth in T.C.A. § 49-5-417 and State Board Rule 0520-02-03-.09 with regard to any employee who possesses an active or expired Tennessee educator license.
(A4)

Formatted: Indent: Left: 2.5", No bullets or numbering

Formatted: Justified, Indent: Left: 2", Right: 0.18"

Formatted: Indent: Left: 2.5", No bullets or numbering

(iii) Curriculum and Graduation.

(I) The instructional program shall include, but not be limited to, the areas of English language arts, mathematics, social studies, and science. Additionally, schools are encouraged to offer 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 Rule 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 Rule 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 Rule 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 eleventh (11th) grades; the results must be communicated to teachers and parents and kept on file at the school for one (1) calendar year. Examples of nationally standardized achievement tests include ACT/SAT and benchmark assessments. Schools may identify alternate assessments for students with the most significant cognitive disabilities.
- (iv) Teacher Licensure and Evaluation.
- ~~(I)~~ Each school shall ensure that all teachers and principals are appropriately licensed or credentialed, as defined by the accrediting agency.
- ~~(II)~~ Teaching experience shall count toward qualifying years of experience in the Department's Educator Data Management System.
- ~~(III)~~ Each school shall develop procedures for evaluation of all teachers and principals.
- ~~(IV)~~ 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. Such excess instructional time shall be used in accordance with T.C.A. § 49-6-3004(e)(1). 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 school's accrediting agency.
- (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)(4) 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.
- (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, 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.

(5) The Department shall send an annual notice to approved Category III accrediting agencies of current State Board rules and state laws applicable to Category III schools and shall require agencies to certify receipt.

(6)

Formatted: Font: 11 pt

Formatted: Indent: Left: 1", No bullets or numbering

Formatted: Indent: Left: 0", Hanging: 0.49"

Formatted: Indent: Left: 1", No bullets or numbering

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.

(4)(2) Independent home schools which may affiliate with an approved agency are not approvable under this category. However, an umbrella home school may operate under this category in accordance with T.C.A. § 49-6-3050(a)(2)-(3).

Formatted: Indent: Left: 0.5", No bullets or numbering

(2)(a) Umbrella home schools. In accordance with T.C.A. § 49-6-3050(a)(2)-(3), 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(a)(2)-(3) and shall be subject to the requirements established by the Category IV school for umbrella home school parent-teachers. Students who are enrolled in a Category IV umbrella home school with a parent-teacher as provided in this paragraph and T.C.A. § 49-6-3050(a)(2)-(3) shall be reported by the Category IV school as enrolled students as required by paragraph (3)(f) below, in the same manner as all other enrolled students. A Category IV school is not required to conduct a criminal history records check as set forth in paragraph (3)(i) below for a parent-teacher who is instructing their own children.

Formatted: Indent: Left: 0"

Formatted: Indent: Left: 0.5", Hanging: 0.5"

(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 state and/or federal requirements applicable to the school 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. For purposes of Chapter 296 of the Public Acts of 2023, this requirement does not apply to a student who is enrolled in a Category IV umbrella home school and is taught at home by a parent-teacher in accordance with T.C.A. § 49-6-3050(a)(2) or (a)(3).
- (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. Such excess instructional time shall be used in accordance with T.C.A. § 49-6-3004(e)(1). 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 school's accrediting or membership agency.

- (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. Schools ~~shall~~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 ever had a Tennessee educator license suspended or revoked for misconduct.

- (j) Each school director shall comply with the reporting requirements set forth in T.C.A. § 49-5-417 and State Board Rule 0520-02-03-09 with regard to any employee who possesses an active or expired Tennessee educator license.

- (4) Church-related schools not accredited by or members of one (1) 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 meeting any deadlines for application established by the State Board staff. Church-related schools seeking approval from the State Board shall demonstrate they are operated by a denominational, parochial or other bona fide church organization by providing proof with the application that the organization operating the school is recognized as a 501(c)(3) religious organization by the United States Internal Revenue Service. State Board staff shall review any complete and timely submitted application utilizing a rubric developed by State Board staff that is aligned to the application and provide a recommendation for approval or denial of the application to the State Board. Only applications which fully meet the standard of the rubric may be recommended by the Executive Director to the State Board for approval.

- (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

Formatted: Indent: Left: 1", No bullets or numbering

Formatted: Right: 0.19", Widow/Orphan control, Adjust space between Latin and Asian text, Adjust space between Asian text and numbers

Formatted: Indent: Left: 0", Hanging: 0.5", No bullets or numbering, Tab stops: 0", Left + Not at 0.5"

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.

(7) The Department shall send an annual notice to approved Category IV accrediting agencies of current State Board rules and state laws applicable to Category IV schools and shall require agencies to certify receipt.

3.

Formatted: Indent: Left: 0", Hanging: 0.5"

Formatted: No bullets or numbering

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. 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 independent 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 state and/or federal requirements applicable to the school 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.
- (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 eleventh (11th) 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. Examples of nationally standardized achievement tests include ACT/SAT and benchmark assessments. Schools may identify alternate assessments for students with the most significant cognitive disabilities.
- (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) Beginning in the 2026-2027 school year, Each school shall have at least ten (10) full-time school-age 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~~ shall 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 ever had a Tennessee educator license suspended or revoked for misconduct.

Formatted: Indent: Left: 1", No bullets or numbering

- (m) Each school director shall comply with the reporting requirements set forth in T.C.A. § 49-5-417 and State Board Rule 0520-02-03-.09 with regard to any employee who possesses an active or expired Tennessee educator license.

Formatted: Indent: Left: 0.5", Hanging: 0.5"

(H)

Formatted: No bullets or numbering

- (n) 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. Such excess instructional time shall be used in accordance with T.C.A. § 49-6-3004(e)(1). 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 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.