

**Department of State
Division of Publications**

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For Department of State Use Only

Sequence Number: 08-09-17
Rule ID(s): 6584
File Date: 8/11/17
Effective Date: 11/9/17

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. §§ 4-5-202, 4-5-207 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.

Agency/Board/Commission:	Tennessee State Board of Education
Division:	
Contact Person:	Elizabeth Taylor
Address:	710 James Robertson Pkwy 1st floor
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Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0520-07-02	Non-Public School 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: Exempted Schools
0520-07-02-.06	Category V: Acknowledged for Operation

AMENDMENT

Rule 0520-07-02, Non-public school approval process, is amended by changing the language in the Table of contents and sections .01 through .06 so that, as amended, it shall read:

RULES OF THE STATE BOARD OF EDUCATION

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

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0520-07-02-.02	Category I: Department of Education Approval	0520-07-02-.06	Category V: Acknowledged for Operation
0520-07-02-.03	Category II: Agency Accreditation	0520-07-02-.07	Repealed
0520-07-02-.04	Category III: Regional Accreditation	0520-07-02-.08	Repealed

0520-07-02-.01 CATEGORIES

- (1) There shall be five (5) categories of non-public schools in Tennessee.
 - (a) Category I schools are those approved individually by the Department of Education. Special purpose programs which address a student's education while receiving short term medical or transient care may also be approved as Category I schools.
 - (b) Category II schools are those which are accredited by an agency whose accreditation process is approved by the State Board of Education.
 - (c) Category III schools are those which are regionally accredited.
 - (d) Category IV schools are those schools which are "church related" and exempt from regulations according to T.C.A. § 49-50-801.
 - (e) Category V schools are acknowledged for operation by the Tennessee Department of Education.

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

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

- (1) A school seeking Category I status may receive State approval by direct application to the Department of Education. The criteria and procedures used in the evaluation of such schools are the same as for the public schools, and include the following:

- (a) Each school shall comply with the requirements of T.C.A. § 49-6-3007 regarding the reporting of the names, ages, and addresses of all pupils in attendance to the director of schools for the public school system in which the student resides.
 - (b) 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.
 - (c) Each school shall observe all fire safety regulations and procedures promulgated by the Tennessee Fire Marshal's Office.
 - (d) 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).
- (2) Programs which address a student's education while receiving short term medical or transient care may be approved as Category I Special Purpose schools. The criteria and procedures used in the evaluation of such classes are the same as for the public schools and other schools recognized as Category I schools including, but not limited to:
- (a) Teaching experience shall count towards years of experience on the Personnel Information Reporting System.
 - (b) Teachers shall be evaluated. Each school shall develop procedures for evaluation of all teaching personnel.
 - (c) All teachers shall be licensed by the Tennessee Department of Education. At least one (1) teacher shall have an endorsement in special education and shall be available to provide services for eligible students.
 - (d) Schools shall report attendance to the school where the student is officially enrolled where applicable.
 - (e) Schools shall order and administer state achievement and End-of-Course assessments to current students to help them stay on track for graduation.
 - (f) Category I Special Purpose schools shall be deemed appropriate training schools for those seeking specialized student teaching placements.
- (3) Category I schools seeking approval of a pre-k program shall satisfy the standards for infant/toddler, preschool and school-age extended care programs outlined in Rule 0520-12-01.

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

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

- (1) The State Board of Education may approve the school accreditation procedures of non-public school accrediting agencies.
- (2) Schools holding full accreditation status with an approved agency are approved by the Department of Education.

- (3) Home schools which may affiliate with an approved agency are not approvable under this category.
- (4) Procedures for Application as an Approved Non-Public School Accrediting Agency.
 - (a) An agency seeking approval shall apply to the Department of Education and shall supply relevant information needed by the Department.
 - (b) The Department of Education shall review the application of the agency with respect to the criteria for approval and recommend to the State Board of Education that the application be approved or denied. The applicant agency may address the State Board of Education at the time its application is being considered.
- (5) Period of Approval.
 - (a) The period of approval for a recognized agency shall be five (5) years.
 - (b) An agency which fails to meet the minimum standards for agency approval will have its approval revoked.
- (6) Criteria for Approval of a Non-Public School Accrediting Agency.
 - (a) Scope of Operation of Agency. The agency shall:
 - 1. Have a clearly written statement of objectives;
 - 2. Delineate the process by which it accredits schools; and
 - 3. Have at least five (5) member schools, each with at least ten (10) full-time students.
 - (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 director of schools or superintendent.
 - (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 of Education;
 - 4. Advise schools or directly provide them with technical assistance to address deficiencies;
 - 5. Publish accreditation policies and lists of accredited schools;
 - 6. Require schools to report on deficiencies which could affect accredited status;
 - 7. Have procedures for revocation of accreditation;

8. Provide a list of all courses taught and the grade levels at which they are taught at each school;
9. Publish and follow minimum standards using the following criteria (or, the agency may use the standards as set forth in the State Board's Minimum Requirements for the Approval of Public Schools Rule):
 - (i) Curriculum and Graduation.
 - (I) The program shall include, but not be limited to, the areas of reading, language arts, mathematics, social studies, science, art, music, health and physical education.
 - (II) Each school shall use print and non-print materials, including textbooks, which are adequate to meet the needs of the instructional program.
 - (III) Each student shall meet the minimum requirements for graduation set by the State Board of Education in Chapter 0520-01-03.
 - (ii) In-service.

Each school shall have a minimum of five (5) days for in-service education per school year.
 - (iii) Teacher Licensure and Evaluation.
 - (I) Each agency shall submit its procedures for licensing teachers. If the agency does not use the Tennessee Department of Education licensure system, it must use a comparable system based upon educational training.
 - (II) Each teacher or principal shall hold a valid teacher license or permit as defined by the agency covering the work assignment.
 - (III) Each agency shall develop procedures for evaluation of all professional school personnel.
 - (iv) Facilities.
 - (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 have classrooms, laboratories, and libraries which are sufficient in number, adequate in space, and so constructed and arranged as to be conducive to carrying on the assigned activities. Playgrounds and physical education facilities shall be well maintained, free from hazards, and large enough to permit an adequate program of physical education.
 - (v) Administrative Rules.

- (I) Each school shall maintain an operating schedule that includes the minimum number of instructional days and hours required of public schools.
 - (II) Each school that provides services to students with disabilities shall meet all standards of the State Board of Education Special Education Programs and Services Rule 0520-01-09.
 - (III) Each school shall develop and implement a written policy on promotion and retention. The written policy shall be communicated to students and parents.
 - (IV) The maximum enrollments for an individual class shall be specified, shall not be subject to waiver, and shall not exceed the following:
 - I. Kindergarten through grade three (3): twenty-five (25) students
 - II. Grade four (4): twenty-eight (28) students
 - III. Grades five through six (5-6): thirty (30) students
 - IV. Grades seven through twelve (7-12): thirty-five (35) students
 - V. Vocational education, grades seven through twelve (7-12): twenty-eight (28) students; the average daily membership for any full-time vocational teacher shall not exceed twenty-three (23) students.
 - (V) Each school shall maintain complete and accurate permanent records. A cumulative record for each student for all work through high school is required.
 - (VI) Each school shall evaluate records and report the needs and progress of its pupils.
 - (VII) Each school shall provide a sufficient number of appropriately qualified administrators, librarians, and guidance counselors for the student body served.
 - (VIII) Each principal or headmaster shall comply with the requirement of T.C.A. § 49-6-5001 that each child enrolled in school be vaccinated against disease.
 - (IX) Each principal or headmaster shall comply with the requirements of T.C.A. § 49-6-3007 regarding reporting the names, ages, and addresses of all pupils in attendance to the director of schools for the public school system in which the student resides.
 - (X) 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).
- (vi) Testing Program.

- (i) At least once every school year, each school shall give a nationally standardized achievement test covering the areas of reading, language arts, math, science, and social studies to each pupil in third through twelfth grade; the results must be communicated to teachers and parents and kept on file at the school for one (1) calendar year.

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

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

- (1) Schools in this category are accredited by one (1) of the following: any accreditation division of AdvancED (the North Central Association Commission on Accreditation and School Improvement (NCA CASI), the Northwest Accreditation Commission (NWAC), and the Southern Association of Colleges and Schools Council on Accreditation and School Improvement (SACS CASI)), the Middle States Association of Colleges and Schools (MSA), the New England Association of Schools and Colleges (NEASC), the Western Association of Schools and Colleges (WASC), any accrediting association recognized by the National Association of Independent Schools (NAIS) Commission on Accreditation (e.g., the Southern Association of Independent Schools (SAIS)) or the National Council for Private School Accreditation (NCPISA) according to the procedures and criteria established by the association.
- (2) Each Category III school shall:
 - (a) 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 the public school system in which the student resides; and
 - (b) 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).

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

0520-07-02-.05 CATEGORY IV: EXEMPTED SCHOOLS

- (1) Schools in this category are exempt from 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, Tennessee Alliance of Church Related Schools or a school affiliated with Accelerated Christian Education, Inc."
- (2) Each school shall:

- (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) Observe all fire safety regulations and procedures promulgated by the Tennessee Fire Marshal's Office.
- (c) Comply with the requirements of T.C.A. § 49-6-5001 that each child enrolled in school be vaccinated against disease.
- (d) 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 the public school system in which the student resides.
- (e) 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).

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

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

- (1) Schools in this category are acknowledged for operation. Schools in this category shall not include home schools.
- (2) Each school seeking acknowledgement for operation shall furnish to the Department of Education the following information by October 1st of each year:
 - (a) Name, mailing address, and telephone number of the school;
 - (b) Name and academic credentials of the principal or headmaster of the 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 year provides an operating schedule that includes the minimum number of instructional days and hours as required of public schools.
- (3) Each school shall keep on file the curriculum offered and shall make copies available for inspection by the Department of Education and the public upon request.
- (4) Each school shall have facilities and fixed equipment which conform to the safety and health requirements of city, county, or state agencies.
- (5) 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.
- (6) Each school shall observe all fire safety regulations and procedures promulgated by the Tennessee Fire Marshal's Office.
- (7) Each school shall comply with the requirement of T.C.A. § 49-6-5001 that each child in school be vaccinated against disease.

- (8) 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 system in which the student resides.
- (9) Each teacher shall possess at least a baccalaureate degree.
- (10) Each school shall administer a nationally standardized achievement test covering the basic academic areas to each pupil in third through twelfth grade. Results of the test shall be used to improve the instruction of the students.
- (11) 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).

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

0520-07-02-.07 REPEALED

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

0520-07-02-.08 REPEALED

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

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

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Chancey	X				
Cook	X				
Edwards	X				
Ferguson	X				
Hartgrove	X				
Johnson	X				
Kim	X				
Rolston	X				
Tucker	X				
Troutt	X				

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Tennessee State Board of Education (board/commission/other authority) on 01/27/2017 (date as mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State.

Date: July 19, 2017

Signature: [Handwritten Signature]

Name of Officer: Elizabeth Taylor

Title of Officer: General Counsel

Subscribed and sworn to before me on: 7/19/17

Notary Public Signature: [Handwritten Signature]

My commission expires on: 3-8-21



State Board of Education Rules
Chapter 0520-07-02 – Non-Public School Approval Process
Rules 0520-07-02-.01 through .06

All proposed 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.

Herbert H. Slatery III
Herbert Slatery, III
Attorney General and Reporter
8/9/2017 Date

Department of State Use Only

Filed with the Department of State on: 8/11/17
Effective on: 11/9/17
See Hargett

Tre Hargett
Secretary of State

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PUBLICATIONS

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

Not Applicable

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

These rules will have no 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 currently establishes the requirements for six categories of non-public schools in Tennessee. In an effort to provide greater clarity and remove outdated language within the non-public school approval process rules, the Department recommends updated language to provide clearer requirements for each nonpublic school category.

- (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. § 49-1-302(l)(2)(A) mandates that the State Board shall promulgate regulations pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, part 2, to establish standards for programs operated by private schools.
T.C.A. § 49-50-801(e) Authorizes the State Board to approve church-related schools that voluntarily seek approval from the State Board.

- (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;

Non-Public Schools and the Non-Public School counsel. All proposed rule changes have been reviewed and approved by the Tennessee Non-Public Advisory Council.

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

Please see Tenn. Op. Atty. Gen. No. 15-58 (Tenn. A.G.), 2015 WL 4502245 attached to this filing.

- (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;

This rule will not impact state and local government revenues or expenditures.

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

Elizabeth Taylor
Elizabeth.Taylor@tn.gov

Nathan James
Nathan.James@tn.gov

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

Elizabeth Taylor
Elizabeth.Taylor@tn.gov

Nathan James
Nathan.James@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

Elizabeth Taylor
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710 James Robertson Parkway
Nashville, TN 37243
(615)-253-5707
Elizabeth.Taylor@tn.gov

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

N/A

RULES
OF
THE STATE BOARD OF EDUCATION

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

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0520-07-02-03	Category II: Agency Approval	0520-07-02-07	Repealed
0520-07-02-04	Category III: Regional Accreditation	0520-07-02-08	Repealed

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0520-07-02-.01 CATEGORIES.

- (1) There shall be five (5) categories of non-public schools in Tennessee.
 - (a) Category I schools are those approved individually by the State Department of Education. Special purpose classes—programs which address a student's education while receiving short term medical or transient care may also be approved as Category I schools.
 - (b) Category II schools are those which belong—to are accredited by an agency whose accreditation process is approved by the State Board of Education.
 - (c) Category III schools are those which are regionally accredited.
 - (d) Category IV schools are those schools which are "church related" and exempt from regulations according to T.C.A. § 49-50-801.
 - (e) Category V schools include all other schools, except home schools, as defined in T.C.A. § 49-6-3050, are acknowledged for operation by the Tennessee Department of Education.

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

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

- (1) A school seeking Category I status may receive State approval by direct application to the State Department of Education. The criteria and procedures used in the evaluation of such schools are the same as for the public schools, and include the following:
 - (a) Each school shall comply with the requirements of T.C.A. § 49-6-3007 regarding the reporting of the names, ages, and addresses of all pupils in attendance to the superintendent—director of schools, or for the public school system in which the student resides.

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

- (b) ~~Each school shall comply with all rules, regulations and codes of the city, county, and state regarding planning, construction, maintenance, and operation of the school. 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.~~
 - (c) Each school shall observe all fire safety regulations and procedures promulgated by the Tennessee Fire Marshal's Office.
 - (d) ~~Each school shall comply~~ 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), with the requirements of T.C.A. §§ 49-6-104(a) and 49-6-201(b)(3) regarding the age requirements for students entering kindergarten and pre-kindergarten.
- (2) ~~Classes/Programs~~ which address a student's education while receiving short term medical or transient care may be approved as ~~Special Purpose~~ Category I Special Purpose schools. The criteria and procedures used in the evaluation of such classes are the same as for the public schools and other schools recognized as Category I schools including, but not limited to:
- (a) Teaching experience shall count towards years of experience on the Personnel Information Reporting System.
 - (b) ~~Teachers~~ shall be evaluated. Each school shall develop procedures for evaluation of all teaching personnel.
 - (c) ~~All teachers must~~ shall be licensed by the Tennessee Department of Education. At least one (1) teacher shall have an endorsement licensed in special education and shall must be made available to provide services for eligible students.
 - (d) Schools shall report attendance to the school where the student is officially enrolled where applicable.
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 - (f) ~~Special Purpose~~ Category I Special Purpose schools shall be deemed appropriate training schools for those seeking specialized student teaching placements.
- (3) Category I schools seeking approval of a pre-k program shall satisfy the standards for infant/toddler, preschool and school-age extended care programs outlined in Rule 0520-12-01.

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

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

- (1) The State Board of Education may approve the school approval accreditation procedures of non-public school accrediting agencies.
- (2) Schools holding full accreditation status with an approved agency are approved by the State Department of Education.

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

- (3) Home schools which may affiliate with an approved agency are not approvable under this category.
- (4) Procedures for Application as an Approved Non-Public School Accrediting Agency.
 - (a) An agency seeking approval shall apply to the State-Department of Education and shall supply relevant information needed by the Ddepartment.
 - (b) The State-Department of Education shall review the application of the agency with respect to the criteria for approval and recommend to the State Board of Education that the application be approved or denied. The applicant agency may address the State Board of Education at the time its application is being considered.
- (5) Period of Approval.
 - (a) The period of approval for a recognized agency shall be five (5) years.
 - (b) An agency which fails to meet the minimum standards for agency approval will have its approval revoked.
- (6) Criteria for Approval of a Non-Public School Accrediting Agency.
 - (a) Scope of Operation of Agency. The agency shall:
 1. Have a clearly written statement of its objectives;
 2. Delineate the process by which it ~~approves~~ accredits schools; and
 3. Have at least five (5) member schools, each with at least ten (10) full-time students.
 - (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 director of schools or superintendent; and
 3. ~~Be permitted to regulate schools which are not fully approved.~~
 - (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 approval-accreditation standards to schools. These changes must be approved in advance by the State Department of Education;
 4. Advise schools or directly provide them with technical assistance to address deficiencies;
 5. Publish approval-accreditation policies and lists of approved accredited schools;

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

6. Require schools to report on deficiencies which could affect approval accredited status;
7. Have procedures for revocation of approval accreditation;
8. Provide a list of all courses taught and the grade levels at which they are taught at each school;
9. Publish and follow minimum standards using the following criteria (or, the agency may use the standards as set forth in the Rules, Regulations and Minimum Standards for the Governance of Public Schools in the State of Tennessee State Board's Minimum Requirements for the Approval of Public Schools Rule):
 - (i) Curriculum and Graduation.
 - (I) ~~The program~~The program shall include, ~~(but not be limited to), the areas of reading, composition, speech~~language arts, mathematics, social studies, science, art, music, health and physical education.
 - (II) Each school shall use print and non-print materials, including textbooks, which are adequate to meet the needs of the instructional program. ~~See Chapter 0520-01-03.~~
 - (III) Each student shall meet the same ~~minimum requirements for graduation set by the State Board of Education in as students in public schools. The specific requirements are listed in Chapter 0520-01-03.~~
 - (ii) In-service.

Each school shall have a minimum of five (5) days for in-service education per school year.
 - (iii) Teacher Licensure and Evaluation.
 - (I) Each agency shall submit its procedures for licensing teachers. If the agency does not use the Tennessee State Department of Education licensure system, it must use a comparable system based upon educational training.
 - (II) Each teacher or principal shall hold a valid teacher license or permit as defined by the agency covering the work assignment.
 - (III) Each agency shall develop procedures for evaluation of all professional school personnel.
 - (iv) Facilities.
 - (I) ~~Each school shall comply with rules, regulations, and codes of the city, county, and state regarding planning of new buildings, alterations, and safety. 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.~~

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

- (II) Each school shall observe all fire safety regulations and procedures promulgated by the Tennessee Fire Marshal's Office.
- (III) Each school shall have classrooms, laboratories, and libraries which are sufficient in number, adequate in space, and so constructed and arranged as to be conducive to carrying on the assigned activities. Playgrounds and physical education facilities shall be well maintained, free from hazards, and large enough to permit an adequate program of physical education.
- (v) Administrative Rules.
 - (I) Each school shall maintain an operating schedule that includes the minimum number of instructional days and hours required of public schools. See Chapter 0520-01-03.
 - (II) Each school which ~~that~~ provides services to students certified as eligible students with disabilities shall meet all standards of the State Board of Education, Special Education Programs and Services rRule 0520-01-03-.09.
 - (III) Each school shall develop and implement a written policy on promotion and retention. The written policy shall be communicated to students and parents.
 - (IV) The maximum enrollments for an individual class shall be specified, shall not be subject to waiver, and shall not exceed the following:
 - I. Kindergarten through grade ~~three (3)~~: twenty-five (25) students
 - II. Grade ~~four (4)~~: twenty-eight (28) students
 - III. Grades ~~five (5)~~ through ~~six (5-6)~~: thirty (30) students
 - IV. Grades ~~seven (7)~~ through ~~twelve (7-12)~~: thirty-five (35) students
 - V. Vocational education, grades ~~seven (7)~~ through ~~twelve (7-12)~~: twenty-eight (28) students; the average daily membership for any full-time vocational teacher shall not exceed twenty-three (23) students.
 - (V) Each school shall maintain complete and accurate permanent records. A cumulative record for each student for all work through high school is required.
 - (VI) Each school shall evaluate records and report the needs and progress of its pupils.
 - (VII) Each school shall provide a sufficient number of appropriately qualified administrators, librarians, and guidance counselors for the student body served.
 - (VIII) Each principal or headmaster shall comply with the requirement of T.C.A. § 49-6-5001 that each child enrolled in school be vaccinated against disease.

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

- (IX) Each principal or headmaster shall comply with the requirements of T.C.A. § 49-6-3007 regarding reporting the names, ages, and addresses of all pupils in attendance to the ~~superintendent~~ director of schools of for the public school system in which the student resides.
- (X) ~~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). Each school shall comply with the requirements of T.C.A. §§ 49-6-104(a) and 49-6-201(b)(3) regarding the age requirements for students entering kindergarten and pre-kindergarten.~~

(vi) Testing Program.

- (l) At least once every school year, each school shall give a nationally standardized achievement test covering the areas of reading, language arts, spelling, math, science, and social science studies to each pupil in third (3rd) through twelfth (12th) grade; the results must be communicated to teachers and parents and kept on file at the school for one (1) calendar year.

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

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

(1) Schools in this category are accredited by one (1) of the following: any accreditation division of AdvancED (the North Central Association Commission on Accreditation and School Improvement (NCA CASI), the Northwest Accreditation Commission (NWAC), and the Southern Association of Colleges and Schools Council on Accreditation and School Improvement (SACS CASI)), the Middle States Association of Colleges and Schools (MSA), the New England Association of Schools and Colleges (NEASC), the Western Association of Schools and Colleges (WASC), any accrediting association recognized by the National Association of Independent Schools (NAIS) Commission on Accreditation (e.g., the Southern Association of Independent Schools (SAIS)) or the National Council for Private School Accreditation (NCPSA) according to the procedures and criteria established by the association.

(2) Each Category III school shall:

- (a) 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 ~~superintendent~~ director of the public school system in which the student resides; and
- (b) 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). Comply with the requirements of T.C.A. §§ 49-6-104(a) and 49-6-201(b)(3) regarding the age requirements for students entering kindergarten and pre-kindergarten.

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

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

June 27, 2008.- Amendment filed March 25, 2010; effective August 29, 2010.- Amendment filed October 23, 2013; effective March 31, 2014.

0520-07-02-.05 CATEGORY IV: EXEMPTED SCHOOLS.

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- (1) Schools in this category are exempt from 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, Tennessee Alliance of Church Related Schools or a school affiliated with Accelerated Christian Education, Inc."
- (2) Each school shall:
 - (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 rules and regulations of the Tennessee Department of Health and Environment regarding construction, maintenance, and operation of the school plant.~~
 - (bc) Observe all fire safety regulations and procedures promulgated by the Tennessee Fire Marshal's Office.
 - (cd) Comply with the requirements of T.C.A. § 49-6-5001 that each child enrolled in school be vaccinated against disease.
 - (de) 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 ~~superintendent~~ director of the public school system in which the student resides.
 - (ef) ~~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). Comply with the requirements of T.C.A. §§ 49-6-104(a) and 49-6-201(b)(3) regarding the age requirements for students entering kindergarten and pre-kindergarten.~~

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

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

- (1) Schools in this category are acknowledged for operation. Schools in this category shall not include home schools.
- (2) Each school seeking acknowledgement for operation shall furnish to the State Department of Education the following information by October 1st of each year:
 - (a) Name, mailing address, and telephone number of the school;
 - (b) Name and academic credentials of the principal or headmaster of the school;

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

- (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 year provides an operating schedule that includes the minimum number of instructional days and hours as required of public schools. See ~~Chapter 0520-04-03.~~
- (3) Each school shall keep on file the curriculum offered and shall make copies available for inspection by the State-Department of Education and the public upon request.
 - (4) Each school shall have facilities and fixed equipment which conform to the safety and health requirements of city, county, or state agencies.
 - (5) 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.
 - ~~(6) Each school shall comply with all rules and regulations of the Tennessee Department of Health regarding construction, maintenance and operation of the school plant.~~
 - ~~(67) Each school shall observe all fire safety regulations and procedures promulgated by the Tennessee Fire Marshal's Office.~~
 - ~~(78) Each school shall comply with the requirement of T.C.A. § 49-6-5001 that each child in school be vaccinated against disease.~~
 - ~~(89) 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 system in which the student resides.~~
 - ~~(910) Each teacher shall possess at least a baccalaureate degree.~~
 - ~~(104) Each school shall administer a nationally standardized achievement test covering the basic academic areas to each pupil in third (3rd) through twelfth (12th) grade. Results of the test shall be used to improve the instruction of the students.~~
 - ~~(112) 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). Each school shall comply with the requirements of T.C.A. §§ 49-6-104(a) and 49-6-201(b)(3) regarding the age requirements for students entering kindergarten and pre-kindergarten.~~

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

0520-07-02-.07 REPEALED.

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

0520-07-02-.08 REPEALED.

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

