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U.S. DEPARTMENT OF EDUCATION

State Regulation of Private Schools

State Regulation of Private Schools

**U.S. Department of Education
Office of Innovation and Improvement
Office of Non-Public Education**

2009

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This report is available on the Department's Web site at:
<www.ed.gov/admins/comm/choice/regprivschl/index.html>.

TENNESSEE

Accreditation/Registration/Licensing/Approval

- *Accreditation* is optional.
 - *Accreditation* is never mandated by the department of education but schools must satisfy the accreditation standards of their affiliate association.
 - Church-related schools are required to meet the standards of accreditation or membership of the Tennessee Association of Christian Schools (TACS), the Association of Christian Schools International (ACSI), the Tennessee Association of Independent Schools (TAIS), the Southern Association of Colleges and Schools (SACS), the Tennessee Association of Non-Public Academic Schools, the Tennessee Association of Non-Public Academic Schools (TANAS), or a school affiliated with Accelerated Christian Education, Inc. TCA 49-50-801. Therefore, church-related schools may fall into Category II if fully accredited or Category IV if only an affiliate member. Neither TAIS or SACS allow satellite schools. See *Approval*, below.
- No requirement for *Registration*.
 - However, state law gives the commissioner of education authority and the duty to “inspect, approve and classify” private schools that request “such inspection, approval and classification.” TCA 49-1-201(19). See *Approval*, below.
- No requirement for *Licensing*.
 - The Department of Children’s Services or the Department of Human Services may require licenses for a Category VII school.
- *Approval* is optional.
 - In order for students to satisfy the compulsory attendance laws, they must attend a public school or a school that meets the standards of one of seven categories established by the State Board of Education.
 - Category I schools are approved by the State Department of Education.
 - Category II schools are approved by a private school accrediting agency which has been approved by the Tennessee State Board of Education. Schools holding full accreditation status with an approved agency are approved by the State Department of Education.
 - Category III schools are approved by one of the five regional accrediting agencies (such as the Southern Association of Colleges and Schools (SACS), now a part of Advance-Ed).
 - Category IV schools are Church-Related Schools as recognized by associations mentioned in TCA 49-50-801.
 - Category V schools are *Acknowledged for Operation*.
 - Category VI provides for International schools associated with a state university and currently has no members.
 - Category VII schools are Special Purpose schools encompassing some Pre-K programs and transient care facilities serving DCS students.

- Church-related schools may voluntarily seek approval by the State Board of Education. *TCA 49-50-801.*

Teacher Certification

- Schools in Categories I and VII are considered to be state-approved schools; therefore their teachers must meet the same licensure and certification standards as those teaching in Tennessee public schools. Teachers serving in Categories II and III must meet the licensure and certification standards set forth by their agency/association.
- Category IV teachers must satisfy association requirements. Category V teachers must hold a baccalaureate degree, but are not required to have a teaching certificate.

Length of School Year/Days

- Church-related schools must be conducted for the same length of term as public schools. *TCA 49-50-801(c).*
- Schools in Categories I, II, and VII must be conducted for the same length of term as public schools (200 days with 180 student contact days). *TCA 49-6-3004.*
- Tennessee Code Annotated does not address the length of school year or days in Category IV and V schools.

Curriculum

- Private high schools which offer a four-year course must require every student to have one year of instruction in American history and government. *TCA 49-6-1202.*
- Category I, II, and VII schools must meet the state's minimum graduation requirements for public schools. *State Board of Education Rule No. 0520-7-2.*

Recordkeeping/Reports

- Principals and teachers of private, denominational or parochial schools must report to the local superintendent the names, ages and residence of all pupils in attendance at their schools within 30 days after the beginning of the school year. *TCA 49-6-3007(c).* Pursuant to State Board rule, attendance is reported to the local education agency (LEA) in which the student resides. For a student attending a virtual school based in Georgia, for example, attendance would be reported to the Tennessee LEA where the student resides. *State Board of Education Rule No. 0520-7-2.*
- All private and parochial schools shall keep daily reports of attendance, verified by the teacher making such record and open for inspection by the local superintendent. *TCA 49-6-3007(d).*
- Private schools are under a duty to report promptly to the local superintendent the names of students who have withdrawn or who have been absent five days without adequate excuse. *TCA 49-6-3007(e).*
- Each nonpublic school shall maintain cumulative records on each student. *State Board of Education Rule No. 0520-7-2-.03.*
- All nonpublic schools in categories I and VII shall submit annually: 200 Day Accountability Report, Non-public Reporting Form; S-File (for student numbers); T-File (for teacher information). *State Board of Education Rule No. 0520-7-2.*

Health and Safety Requirements

- The commissioner of health is authorized, subject to the approval of the public health council, to designate diseases against which children must be immunized prior to attendance at any school of Tennessee. Parents may file a written statement with the school authorities that such immunizations conflict with their religious tenets and practices. *TCA 49-6-5001.*
- Fire drills must be held at least twice a month in private schools. A record of all fire drills, including the time and date, must be kept in the respective school and made available upon request to the state fire marshal. *TCA 68-102-137.*
- All doors serving as exits must be kept unlocked during the periods that a building is occupied. *TCA 68-102-137.*
- It is a criminal offense in Tennessee for a student to carry a firearm, not for instruction or school-sanctioned ceremonial purposes, in a private school building, bus, campus or athletic field. Private school administrators must display in prominent locations a sign, at least six inches high and 14 inches wide, stating: FELONY. State law prescribes a maximum penalty of six years imprisonment and a fine not to exceed \$3,000 for carrying weapons on school property. *TCA 39-17-1309.*
- The chief administrative officer of any private, denominational or parochial school, who has probable cause to believe that any person has committed a drug-related offense on school grounds has a duty to report such probable cause to the local law enforcement official. *TCA 53-11-405(b).*
- Sentencing under a conviction for the sale of a controlled substance may be enhanced if the sale was to a minor within 1,000 feet of a private school building. *TCA 40-35-114.*
- School personnel having knowledge of any child who is suffering from any physical or mental condition which reasonably appears to have been caused by brutality, abuse or neglect, must report the harm immediately. *TCA 37-1-403.*
- School personnel who know or have reasonable cause to suspect that a child has been sexually abused must report such knowledge or suspicion. *TCA 37-1-605.*
- Community residential facilities that accommodate state or federal adult prisoners on release programs are prohibited within 1,000 feet of a private school in counties with populations of 750,000 or more, or counties having a metropolitan form of government. *TCA 41-22-128.*
- Annual inspections by the Fire Marshal's Office and the Health Department are required for all categories of schools. *State Board of Education Rule No. 0520-7-2.*

Transportation

- Nonpublic schools in Tennessee are not required to furnish transportation. If, however, they do opt to provide such, then they are governed by the same statutes and regulations as public schools

Textbooks

- Tennessee Code Annotated does not prohibit nonpublic schools or students from borrowing textbooks from the local school district. It is not addressed by statute, so is therefore a decision of local school boards.

Testing

- Category I schools must test in accordance with public school requirements. *State Board of Education Rule No. 0520-7-2.*
- Category II schools test according to their affiliating agency policies. 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 to each pupil in grades 2 through 8 and grade 10, the results must be communicated to teachers and parents and kept on file at the school for one calendar year. *State Board of Education Rule No. 0520-7-2.*
- Category III schools test according to the criteria established by the association. *State Board of Education Rule No. 0520-7-2.*
- Category IV schools have no testing requirements. *State Board of Education Rule No. 0520-7-2.*
- Category V schools must administer a nationally standardized achievement test covering the basic academic areas at grades 2 through 8 and grade 10. Students must be tested before reentering public schools and are placed according to the results of the test. *State Board of Education Rule No. 0520-7-2.*
- Category VII must test in accordance with public school requirements. *State Board of Education Rule No. 0520-7-2.*

Special Education

- Every school district must test and examine, or cause to be tested and examined, each Tennessee resident attending a private school within its boundaries to determine whether such child is handicapped. *TCA 49-10-108.*
- The Department of Education is empowered to provide special schools and special classes in private schools, and transportation to and from school for physically handicapped, visually handicapped and crippled children. *TCA 68-12-109.*
- Blind students have the option of attending any private school that teaches the course of study used in the public schools, or a course of study adapted for the blind and approved by the commissioner of education. *TCA 49-6-3015(c).*
- A Special Education Services Association may make arrangements and pay private schools for services to handicapped children if the association is unable to provide satisfactory service with its own facilities or the facilities of member school districts. *TCA 49-10-205.*

Nursing and Health

- Category I, III, and VII nonpublic schools: issue a health report card on each child enrolled in their school unless parents request exclusion; are encouraged to have staff or volunteer trained in CPR; are authorized to allow students to self-administer asthma medication; are authorized to train school personnel to assist students with diabetes care; are authorized to allow students with anaphylaxis to self-administer medication while on school property or at school events; shall promulgate rules to regulate items sold or offered for sale in vending machines; shall provide at least two hours of suicide prevention training; shall collect proof of immunization prior to admission to school. *State Board of Education Rule No. 0520-7-2.*

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- Category II nonpublic schools establish nursing and health policies according to their affiliating agency policies. *State Board of Education Rule No. 0520-7-2.*
- Category IV and V nonpublic schools have no nursing or health requirements other than annual inspection by the State Health Department. *State Board of Education Rule No. 0520-7-2.*

Technology

- There is no state policy at this time.

Professional Development

- Schools in Categories I, II, and VI must meet the state public school requirements of five professional development days each school year. *State Board of Education Rule No. 0520-7-2.*
- Schools in Category III must meet the professional development standards of the regional accrediting association. *State Board of Education Rule No. 0520-7-2.*
- Schools in Category IV and V have no requirements. *State Board of Education Rule No. 0520-7-2.*

Reimbursement for Performing State/Local Functions

- There is no state policy at this time.

Tax Exemption

- Admission to events or activities sponsored by private schools, K–12, is exempt from amusement tax. *TCA 67-6-330(a)(1).*

Public Aid for Private Education

- **Constitutional provisions:** No related provisions.
- **Programs for financial assistance for attendance at private schools:** A program does not exist at this time.

Homeschooling

- Independent homeschooling in Tennessee is delivered by the parent or legal guardian who meets educational requirements. Additionally, parents who do not meet the educational requirement may associate with a church-related school to deliver instruction at home. These students, however, are considered Category IV nonpublic students.
- All homeschool students registered with a state-recognized church-related school in grades 9 through 12 must register with the local school system as well as the state-recognized church-related school. *TCA 49-6-3050.*
- Parents or legal guardians conducting a state-recognized church-related homeschool in grades K–8 must have an educational level as determined by the church-related school; those teaching grades 9–12 must have a high school diploma or GED. A parent who meets these educational requirements may start a church-related homeschool at any time during the school year set by the state-recognized church-related school. *TCA 49-6-3050.*

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- Testing in grades K–8 State-recognized church-related homeschools is under the supervision of the church-related schools. State-recognized church-related homeschool students in grades 9–12 must take the Secondary Subject Area Test. *TCA 49-6-3050*.
- An independent homeschool is a school conducted by parents or legal guardians for their own children that is not a church-related school. The intent to operate an independent homeschool must be submitted to the local superintendent before the commencement of each school year. These homeschools register only with the local school system. *TCA 49-6-3050(b)*. Health records must be included the first time an application is filed.
- Parents or legal guardians conducting an independent homeschool must register their child by August 1 of each year with the superintendent of schools. There is a provision for late registration and possible payment of a late fee.
- Parents or legal guardians conducting an independent homeschool must have a high school diploma or a GED to teach grades K–8 or a B.A. degree to teach grades 9–12. Parents or legal guardians conducting an independent homeschool may subscribe to any curriculum they choose.
- Students must receive a minimum of four hours of instruction per day for 180 days per year. Attendance records are sent to the Superintendent at the end of the school year.
- Independent homeschool students are required to take the same State Board approved secure standardized tests required of public school students in grades 5, 7, and 9, except that the high school proficiency test is not required of ninth-graders who are homeschooled.
- If students score one year or more below grade level for two years in a row, the Superintendent may request that the parent enroll the child in public or private school, unless the child is learning disabled.
- Homeschool students entering public schools are treated as students entering from other non-approved schools regarding credit for work transferred and examinations that may be required. *State Board of Education Rule No. 0520-1-2-03 (11)*.
- No diplomas or certificates of attendance are given by Tennessee to students who are homeschooled.

Information resources

- [Tennessee Department of Education: School Approval](http://www.state.tn.us/education/schapproval/)
<http://www.state.tn.us/education/schapproval/>
- [Tennessee Department of Education: Requirements for Homeschools in Tennessee](http://www.state.tn.us/education/homeschool/)
<http://www.state.tn.us/education/homeschool/>
- [Tennessee Department of Education: Key to Understanding School Category](http://www.state.tn.us/education/schapproval/doc/pvtcategory.doc)
<http://www.state.tn.us/education/schapproval/doc/pvtcategory.doc>
- [Tennessee Department of Education: Licensed Educators Teaching in Non-Public Schools](http://www.state.tn.us/education/lic/nonpublic.shtml) <http://www.state.tn.us/education/lic/nonpublic.shtml>
- [Tennessee Department of Education: Curriculum Standards](http://state.tn.us/education/curriculum.shtml)
<http://state.tn.us/education/curriculum.shtml>
- [Tennessee Department of Education: Benefits to Private School Students and Teachers](http://www.state.tn.us/education/fedprog/fpprivate.shtml) <http://www.state.tn.us/education/fedprog/fpprivate.shtml>

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- The Tennessee General Assembly: *Tennessee Code*
[Title 49: Education](#)
- Tennessee Department of Education
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