

Selected Tennessee Statutes Concerning Education

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Section § 49-6-3001. School age—Entrance—Attendance— Withdrawal.

(a) The public schools shall be free to all persons above the age of FIVE (5) years, or who will become FIVE (5) years of age on or before September 30, residing within the state.

(b)(1) Any child residing within the state who is FIVE (5) years of age or who will become FIVE (5) years of age on or before September 30 may enter at the beginning of the term the public school designated by the local board of education having appropriate jurisdiction; provided, that such child enters within thirty (30) days after the opening day of the term.

(2) Any child who will not become FIVE (5) years of age until after December 31 shall not enter school during that school year; provided, that school systems having semiannual promotions may admit at the beginning of any semester children who will become FIVE (5) years of age within sixty (60) days following the opening of the semester.

(3) Where a pupil meets the requirements of the state board of education for transfer and/or admission purposes, as determined by the commissioner of education, such pupil may be admitted by a local board of education, notwithstanding any other provision or act to the contrary.

(c)(1) Every parent, guardian, or other legal custodian residing within this state having control or charge of any child or children between the ages of SIX (6) and seventeen (17), both inclusive, shall cause such child or children to attend public or non-public school, and in event of failure to do so, shall be subject to the penalties hereinafter provided. The local education agency in which a transfer student seeks to enroll may require disclosure and copies of the student's records in accordance with the Family Ed. Rights and Privacy Act (12 USC § 1232g et seq.), including, but not limited to, disciplinary records from educational agencies where the student was previously enrolled.

(2) The provisions of subdivision (c)(1) do not apply to any child who*:
[*See also § 49-6-3005(a), (b), (c), & (d)]

(A) has received a diploma or other certificate of graduation issued to the person from a secondary high school of this state or any other state;

(B) is enrolled and making satisfactory progress in a course leading to a general educational development certificate (GED) from a state-approved institution or organization, or has obtained such certificate. Any institution or organization which enrolls a child who is under eighteen (18) years of age shall provide a report to the local board of education at least three (3) times each year relative to the progress of all such persons under eighteen (18)

years of age. If the local board of education determines any child under eighteen (18) years of age is not making satisfactory progress, then such child shall be subject to the provisions of subdivision (c)(1); or

(C) is age six (6) or younger and whose parent or guardian has filed a notice of intent to conduct a home school with the superintendent of local education agency or with the superintendent of a church-related school;

(D) a student enrolled in a home school who has reached seventeen (17) years of age.

(3) For the purposes of this part, public school and non-public school are defined as follows:

(A) "Non-public school" means a church related school, home school or private school;

(i) "Church related school" means a school as defined in § 49-50-801;

(ii) "Home school" means a school as defined in § 49-6-3050;

(iii) "Private school" means a school accredited by, or a member of, an organization or association approved by the state board of education as an organization accrediting or setting academic requirements in schools, or which has been approved by the state, or is in the future approved by the commissioner of education in accordance with rules promulgated by the state board of education; and

(B) "Public school" means any school operated by a local education agency or by the state with public funds.

(4) A parent or guardian with any good and substantial reason as determined by such parent or other person having legal custody of a child and agreed to by the respective local board of education, may withdraw such parent or other person's child from a public school; provided that within thirty (30) days the parent or person having legal custody of the child places the child in a public school designated by such local board of education, or in a non-public school, as herein defined.

(5) A parent or guardian who believes that such parent's or guardians child is not ready to attend school at the designated age of mandatory attendance may make application to the principal of the public school which the child would attend for a one (1) semester or one (1) year deferral in required attendance. Any such deferral shall be reported to the superintendent of the local education agency by the principal.

Section § 49-50-801. Church-related schools. (a) As used in this section, unless the context otherwise requires, "church-related school" means 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 Assoc. of Christian Schools, the Assoc. of Christian Schools International, the Tennessee Assoc. of Independent Schools, the Southern Assoc. of Colleges and Schools, the Tennessee Assoc. of Non-Public Academic Schools, the Tennessee Assoc. of Church Related Schools, or a school affiliated with Accelerated Christian Education, Inc.

(b) The state board of education and local boards of education are prohibited from regulating the selection of faculty or textbooks or the establishment of a curriculum in church-related schools.

(c) The state board of education and local boards of education shall not prohibit or impede the transfer of a student from a church-related school to a public school of this state. Local boards may, however, place students transferring from a church-related school to a public school in a grade level based upon the student's performance on a test administered by the board for that purpose. In local school systems where the local board of education requires tests for students transferring to that system from another public school system, the same test shall be administered to students transferring to such system from church-related schools. Church-related schools shall be conducted for the same length of term as public schools.

(d) Nothing in this section shall be interpreted as prohibiting church-related schools from voluntarily seeking approval by the state board of education, nor prohibiting the state board of education from extending such approval when it is voluntarily sought.

Section § 49-6-3050. Home schools. (a)(1) A "home school" is a school conducted by parent(s) or legal guardian(s) for their own children. In the

case of special needs courses, such as laboratory sciences, vocational education, special education, etc., premises approved by the local superintendent of education may be used. Public school facilities may be used by home school participants with the approval of the local superintendent, but this permissive authority shall not be construed to confer any right upon such participants to use public school facilities. If approved, such use shall be in accordance with rules established by the local board of education.

(a)(2)(A) Home schools which teach kindergarten (K) through grade *twelve* (12), where the parents are associated with an organization that conducts church-related schools as defined by § 49-50-801, which are supervised by such organization through the superintendent of such organization's department of education, and which administer standardized achievement tests at the same time such tests are given in their regular day schools, are exempt from the provisions of this section.

(a)(2)(B) *Parent-teachers registered with such organization for conducting a home school for children in grades nine (9) through twelve (12) shall possess at least a high school diploma or GED and shall have such grade nine (9) through twelve (12) students administered an annual standardized achievement test or the Sanders Model of value-added assessment, whichever is in use in that LEA and is sanctioned by the state board of education.*

(a)(2)(C)(i) *Notwithstanding the provisions of subdivision (a)(2)(A), any parent **desiring** to conduct a home school covered by the provisions of **this** subdivision must register children who would be in grades nine (9) through twelve (12) with the local education agency which the child would otherwise attend.* [Subdivision (a)(2)(C) continued below.]

(a)(2)(C)(ii) *Any parent conducting a home school for children in grades*

nine (9) through twelve (12) under this subdivision (a)(2) must adhere to the same program of the Sanders Model of value-added assessment, or other standardized testing in use in the local education agency which the child would otherwise attend. If the child fails, for two (2) consecutive years, to meet or surpass the average level of achievement in the Sanders Model of value-added assessment or other standardized achievement testing in use in the local education agency, the child shall be enrolled in the appropriate grade level of the local education agency or private or church-related school.

(b) A parent-teacher conducting a home school must comply with the following requirements:

(1) Notice to the local superintendent by August 1 before the commencement of each school year of his intent to conduct a "home school" and, for the purpose of reporting only, submit the name, number, age and grade level of children involved, the location of the school, the curriculum to be offered and the proposed hours of instruction and the qualifications of the parent-teacher relative to subdivision (b)(4) or (b)(7). Information contained in such reports may be used only for record keeping and other purposes for which similar information on public school students may be used in accordance with guidelines, rules and regulations of the state board of education. If notice is not given by August 1, but is given by September 1, it may be submitted upon payment by the parent of twenty dollars (\$20.00) for each week or portion thereof by which notice is late. This penalty payment shall not exceed \$80 and shall be charged per family regardless of the number of children attending the home school. The superintendent shall have the discretionary authority to waive the September 1 deadline for good and sufficient reasons. The superintendent or the superintendent's designee shall insure that attendance teachers are informed of parents' rights to conduct a home school pursuant to T.C.A. § 49-6-3001(c)(4), 49-6-3050(a), and 49-50-801 upon employment of such persons and at the beginning of each school year;

(2) Maintenance of attendance records, subject to inspection by the local superintendent, and submission of these records to the superintendent at the end of each school year;

(3) Instruction for at least four (4) hours per day for the same number of instructional days as are required by state law for public schools;

(4) Possession of a high school diploma or GED by the parent-teacher conducting classes in kindergarten (K) through grade eight (8);

(5)(A) Administration by the commissioner of education, or his designee, or by a professional testing service which is approved by the local education agency, to home school students of the same state board approved secure standardized tests required of public school students in grades five (5), seven (7) and nine (9); however, the test for grade nine (9) shall not be the high school proficiency test required by § 49-6-6001;

(B)(i) Tests administered by the commissioner of education, or his designee, shall be at the same time tests are administered to public school students, and shall be administered in the public school which the home school student would otherwise be attending, or at whatever location students at such school are tested. Tests administered by the commissioner, or his designee, shall be administered without charge. The parent-teacher may be present when the home school student is tested in grade five (5). Both parent-teacher and home school student shall be under the supervision of the test administrator;

(ii) Tests administered by a professional testing service shall be administered within thirty (30) days of the date of the statewide test. Tests administered by a professional testing service shall be administered at the expense of the parent-teacher;

(iii) All test results from either administrations by the commissioner, or his designee, or by a professional testing service shall be provided to the parent-teacher, the superintendent and the state board of education;

(6)(A) Consultation between the superintendent and the parent-teacher if the home school student falls three (3) to six (6) months behind his appropriate grade level, based on the test required in subdivision (b)(5);

(B) If a home school student falls six (6) to nine (9) months behind his appropriate grade level in his reading, language arts, mathematics or science test scores or such of these areas, regardless of the term used on the

test, as are actually tested for the student's grade level, based on the tests required in subdivision (b)(5), the parent shall consult with a teacher licensed by the state board of education and having a certificate or endorsement in the grade level or course or subject matter in which consultation is sought. The parent and teacher shall design a remedial course to help the child obtain his appropriate grade level. The parent shall report the remedial course for the child to the local superintendent;

(C)(i) If a home school student falls more than one (1) year behind his appropriate grade level in his comprehensive test score for two (2) consecutive tests, based on the tests required in subdivision (b)(5) and if the child is not learning disabled in the opinion of a teacher licensed to teach at the child's grade level, the local superintendent of schools may require the parents to enroll the child in a public, private or church-related school, in accordance with this part, and the parents shall have all rights provided by law to respond to this requirement;

(ii) If a test indicates that a home school student is one (1) year or more behind his appropriate grade level, the same test shall be administered to the child not more than one (1) year later, notwithstanding the required testing schedule in subdivision (b)(5)(A);

(7) Possession of at least a baccalaureate degree awarded by a college or university accredited by an accrediting agency or association recognized by the state board of education, by a parent-teacher conducting classes in grades nine (9) through twelve (12). A parent-teacher may request an exemption from this requirement from the department of education on a year-to-year basis;

(8) Notification in writing to the local superintendent by a parent-teacher conducting classes in grades nine (9) through twelve (12) as to whether a college preparatory or general course of education will be taught to the home school student, and a description of the courses to be taught in each year;

(A) If a college preparatory course is to be given, it must include those areas of study required for admission into public four-year colleges operated by the state of Tennessee;

(B) If a general course is to be given, it must include those courses or areas of study required by the state board of education for graduation from public high schools;

(9) Proof shall be submitted to the local superintendent that the home school student has been vaccinated as required by § 49-6-5001, and has received any other health services or examinations as may be required by law generally for children in Tennessee;

(10) Submission by the home school student entering public schools to the evaluation test provided for in § 49-50-801, if the local system requires such test, or the tests required by the state board of education for transfer students; and

(11) In the event of the illness of a parent-teacher, or his inadequacy to teach a specific subject, a tutor, having the same qualifications which would be required of a parent-teacher teaching that grade level or course, may be employed by the parent-teacher.

(c) A local education agency which has responsibility under this section on account of the conduct of home schools within its jurisdiction shall receive a state grant for accounting and record keeping expenses. The amount of this grant shall be set annually by the commissioner in an amount not to exceed one hundred dollars (\$100) per home school student. The grant shall not be included in, or considered a part of, the Tennessee foundation program.

Subsection § 49-6-3005(c). Children excused from compulsory attendance. No child who is refused attendance in a school nearer to such child's residence having equivalent grade levels and curriculum shall be required to attend public or non-public school as provided in § 49-6-3001.