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Sequence Number: 04-14-11  
Rule ID(s): 4968  
File Date: 07/29/2011  
Effective Date: 12/29/2011

# 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:** State Board of Education  
**Division:**  
**Contact Person:** Dannelle Walker  
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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: State Department of Education Approval
0520-07-02-.08	Category VII: Special Purpose Schools

Chapter Number	Chapter Title
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Rule Number	Rule Title
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(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

**Chapter 0520-07-02**  
**Non-Public School Approval process**  
**Amendments**

Rule 0520-07-02-.01 Categories is amended by deleting the present language in its entirety and replacing it with the following:

- (1) There shall be six categories of non-public schools in Tennessee.
  - (a) Category I schools are those approved individually by the State Department of Education. Special purpose classes which address a student's education while receiving Pre-K program services or short term medical or transient care may also be approved as Category I schools.
  - (b) Category II schools are those which belong to 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.
  - (f) Category VI schools are international schools affiliated with a Tennessee public university acting as an agency whose accreditation process is approved by the State Board of Education.

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

Rule 0520-07-02-.02 Category I: State Department of Education Approval is amended by deleting the present language in its entirety and replacing it with the following:

- (1) A school may seek 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 of the public school system in which the student resides.
  - (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.
  - (c) Each school shall observe all fire safety regulations and procedures promulgated by the Tennessee Fire Marshal.
- (2) Classes which address a student's education while receiving Pre-K program services or short term medical or transient care may be approved as Category I schools. These schools serving a special purpose will not be required to submit a school improvement plan. 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 by Tennessee Department of Education personnel or others trained in the use of the Frameworks for Evaluation (pursuant to Rule 0520-01-03-.04) so that licensure advancement can occur.
  - (c) All teachers must be licensed. At least one teacher licensed in special education 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.
  - (e) When applicable, schools shall order and administer State proficiency and end-of-course assessments to current students to help them stay on track for graduation.
  - (f) Special Purpose Category I schools shall be deemed appropriate training schools for those seeking specialized student teaching placements. Teacher candidates must satisfy the induction requirements in Rule 0520-02-03-.11.
- (3) Organizations seeking approval for Pre-K classes as Category I schools shall, in addition to meeting the requirements of this rule, satisfy Pre-K program requirements outlined in Rule 0520-01-03-.05 and the State Board of Education Early Childhood Education Policy. Approval is granted for individual Pre-K classes, not for the organizations operating the classes.

Authority: T.C.A. §§ 49-1-201, 49-1-302, 49-6-101, 49-6-3001 and 49-50-801

Rule 0520-07-02-.08 Category VII: Special Purpose Schools is amended by deleting the rule in its entirety.

Authority: T.C.A. §§ 49-1-201, 49-1-302, 49-6-101, 49-6-3001 and 49-50-801.

\* 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)
Ayers				X	
Barker				X	
Justice	X				
Pearre	X				
Ray				X	
Rogers	X				
Rolston	X				
Sloyan	X				
Wright	X				
Woods	X				

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the State Board of Education on 04/15/2011, and is in compliance with the provisions of TCA 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: 6-14-11

Signature: Gary Nixon

Name of Officer: \_\_\_\_\_

Title of Officer: \_\_\_\_\_



Subscribed and sworn to before me on: 6/14/11

Notary Public Signature: Phyllis E. Childress

My commission expires on: \_\_\_\_\_

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.

Robert E. Cooper, Jr.  
Robert E. Cooper, Jr.  
Attorney General and Reporter

7-22-11  
Date

Department of State Use Only

Filed with the Department of State on:

7/29/11

Effective on:

12/29/11

*Tre Hargett*  
Tre Hargett  
Secretary of State

RECEIVED

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SECRETARY OF STATE  
PETITIONS

**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.

(If applicable, insert Regulatory Flexibility Addendum here)

### **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)

This 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 TCA 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;

The Hope Scholarship statute, T.C.A. § 49-4-902 subsection 10, specifies eligible nonpublic high schools as Category I, II, and III schools only.

Two years after that statute was passed, the State Board of Education created Category VII nonpublic schools, which are "special purpose schools which address a student's education while receiving Pre-K program services or short term medical or transient care."

Category VII schools are specifically required to meet all of the requirements of Category I schools. The rule amendments provide for a few distinctions between regular Category I schools and special purpose Category I schools, to ensure they will have at least one special education teacher available as necessary, and to exempt them, as applicable, from school improvement planning (they may not have enough students for sufficiently lengthy periods).

Amending the rules to combine the two types of schools will allow students finishing high school at one of these schools to be eligible for the lottery scholarship. Since the schools are currently required to meet all of the same requirements for Category I status, it would be unfair to have the students not be eligible even though the school meets the same requirements.

- (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;

The Hope Scholarship statute, T.C.A. § 49-4-902 subsection 10, specifies eligible nonpublic high schools as Category I, II, and III schools only. Amending the rules to combine the Category I and Category VII schools will allow students finishing high school at Category VII schools to be eligible for the lottery scholarship.

- (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;

State Board of Education; Department of Children's Services; TN public Schools

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

N/A

- (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;

N/A

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

State Board of Education

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

Dannelle F. Walker

- (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

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

**RULES  
OF  
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-7-2  
NON-PUBLIC SCHOOL APPROVAL PROCESS**

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**0520-7-2-.01 CATEGORIES.**

(1) There shall be six categories of non-public schools in Tennessee.

(a) Category I schools are those approved individually by the State Department of Education. Special purpose classes which address a student's education while receiving Pre-K program services or short term medical or transient care may also be approved as Category I schools.

(b) Category II schools are those which belong to 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.

(f) Category VI schools are international schools affiliated with a Tennessee public university acting as an agency whose accreditation process is approved by the State Board of Education.

~~There shall be five categories of non-public schools in Tennessee:~~

~~(a) Category I schools are those approved individually by the State Department of Education;~~

~~(b) Category II schools are those which belong to 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.~~

~~(f) Category VI schools are international schools affiliated with a Tennessee public university acting as an agency whose accreditation process is approved by the State Board of Education.~~

~~(g) Category VII schools are special purpose schools which address a student's education while receiving Pre-K program services or short term medical or transient care.~~

*Authority:* ~~T.C.A. §§ 49-1-201 and 49-1-302~~~~T.C.A. §§ 49-1-302 and 49-6-3001~~. *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 0520-7-2-.01(1)(f) until June 28, 2003. Amendment to become effective June 28, 2003.

#### **0520-7-2-.02 CATEGORY I: STATE DEPARTMENT OF EDUCATION APPROVAL.**

(1) A school may seek 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 of the public school system in which the student resides.
- (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.
- (c) Each school shall observe all fire safety regulations and procedures promulgated by the Tennessee Fire Marshal.

(2) Classes which address a student's education while receiving Pre-K program services or short term medical or transient care may be approved as Category I schools. These schools serving a special purpose will not be required to submit a school improvement plan. 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 by Tennessee Department of Education personnel or others trained in the use of the Frameworks for Evaluation (pursuant to 0520-01-03-.04) so that licensure advancement can occur.
- (c) All teachers must be licensed. At least one teacher licensed in special education 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.
- (e) When applicable, schools shall order and administer State proficiency and end-of-course assessments to current students to help them stay on track for graduation.
- (f) Special Purpose Category I schools shall be deemed appropriate training schools for those seeking specialized student teaching placements. Teacher candidates must satisfy the induction requirements in Rule 0520-02-03-.11.

(3) Organizations seeking approval for Pre-K classes as Category I schools shall, in addition to meeting the requirements of this rule, satisfy Pre-K program requirements outlined in Rule 0520-01-03-.05 and the State Board of Education Early Childhood Education Policy. Approval is granted for individual Pre-K classes, not for the organizations operating the classes.

- ~~(1) A school may seek 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.~~
- ~~(2) 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 of the public school system in which the student resides.~~

**Authority:** T.C.A. §§ 49-1-201, 49-1-302, 49-6-101, 49-6-3001 and 49-50-801. ~~T.C.A. §§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.

### 0520-7-2-.03 CATEGORY II: AGENCY APPROVAL.

- (1) The State Board of Education may approve the school approval 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.
- (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 department.
  - (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 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 schools; and
    3. Have at least five member schools, each with at least ten full-time students.
  - (b) Organization of Agency. The agency shall:
    1. Specify qualifications for professional personnel for the agency;
    2. Employ at least one full time director or superintendent; and
    3. Be permitted to regulate schools which are not fully approved.

(Rule 0520-7-2-.03, continued)

(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 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 policies and lists of approved schools;
6. Require schools to report on deficiencies which could affect approval status;
7. Have procedures for revocation of approval;
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):

(i) Curriculum and Graduation.

- (I) The program shall include (but not be limited to) the areas of reading, composition, speech, mathematics, social studies, science, art, music, health and physical education.
- (II) Each school shall use print and nonprint materials, including textbooks, which are adequate to meet the needs of the instructional program. See Chapter 0520-1- 3.
- (III) Each student shall meet the same minimum requirements for graduation as students in public schools. The specific requirements are listed in Chapter 0520-1-3.

(ii) Inservice. Each school shall have a minimum of five days for inservice 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.

(Rule 0520-7-2-.03, continued)

- (I) Each school shall comply with rules, regulations, and codes of the city, county, and state regarding planning of new buildings, alterations, 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. See Chapter 0520-1-3.
  - (II) Each school which provides services to students certified as eligible students with disabilities shall meet all standards of the State Board of Education rule 0520-1-3-.09.
  - (III) A child entering first grade shall be no less than six years of age on or before September 30. Any child five years of age on or before September 30 may be enrolled in kindergarten.
  - (IV) Each school shall develop and implement a written policy on promotion and retention. The written policy shall be communicated to students and parents.
  - (V) The maximum enrollments for an individual class shall be specified, shall not be subject to waiver, and shall not exceed the following:
    - Kindergarten through grade 3:25 students
    - Grade 4:28 students
    - Grades 5 through 6:30 students
    - Grades 7 through 12:35 students
    - Vocational education, grades 7 through 12:28 students; the average daily membership for any full-time vocational teacher shall not exceed 23 students.
  - (VI) Each school shall maintain complete and accurate permanent records. A cumulative record for each student for all work through high school is required.
  - (VII) Each school shall evaluate records and report the needs and progress of its pupils.
  - (VIII) Each school shall provide a sufficient number of appropriately qualified administrators, librarians and guidance counselors for the student body served.

(Rule 0520-7-2-.03, continued)

- (IX) 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.
- (X) 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 of the public school system in which the student resides.
- (vi) Testing Program. 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.

**Authority:** T.C.A. §§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 August 31, 2001; effective December 28, 2001. Amdended \_\_\_\_\_; effective \_\_\_\_\_.

#### **0520-7-2-.04 CATEGORY III: SOUTHERN ASSOCIATION OF COLLEGES AND SCHOOLS.**

Schools in this category are accredited by one (1) of the five (5) regional accrediting associations (e.g., the Southern Association of Colleges and Schools (SACS)) according to the procedures and criteria established by the association.

**Authority:** T.C.A. §§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. Amdended \_\_\_\_\_; effective \_\_\_\_\_.

#### **0520-7-2-.05 CATEGORY IV: EXEMPTED SCHOOLS.**

- (1) Schools in this category are exempt from regulation 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 Tennessee Association of Independent Schools, the Southern Association of Colleges and Schools, the Tennessee Association of Non-Public Academic Schools, or a school affiliated with Accelerated Christian Education, Inc." Exempt schools are not state approved unless they voluntarily request to be associated with a non-public school accrediting agency, seek full state approval, or approval from the Southern Association of Colleges and Schools (SACS).
- (2) Each school shall:
  - (a) Comply with all rules and regulations and codes of the city, county, and state regarding planning of new buildings, alterations, 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.
  - (c) serve all fire safety regulations and procedures promulgated by the Tennessee Fire Marshal's Office.
  - (d) Comply with the requirements of T.C.A. §49-6-5001 that each child enrolled in school be vaccinated against disease.

(Rule 0520-7-2-.06, continued)

- (e) 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 of the public school system in which the student resides.

**Authority:** T.C.A. §§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.

**0520-7-2-.06 CATEGORY V: ACKNOWLEDGED FOR OPERATION.**

- (1) Schools in this category are those which are not category I, II, III or IV schools. 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 November 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;
  - (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 0520-1-3.
- (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 rules and regulations and codes of the city, county, and state regarding planning of new buildings, alterations 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.
- (7) Each school shall observe all fire safety regulations and procedures promulgated by the Tennessee Fire Marshal's Office.
- (8) Each school shall comply with the requirement of T.C.A. §49-6-5001 that each child in the school be vaccinated against disease.
- (9) 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 public school system in which the student resides.
- (10) Each teacher shall possess at least baccalaureate degree, of which no more than twenty-five percent of course hours shall have been taken through home study or correspondence.
- (11) Each school shall administer a nationally standardized achievement test covering the basic academic areas at grades 2 through 8 and grade 10. Results of the test shall be used to improve the instruction of the students.

(Rule 0520-7-2-.06, continued)

**Authority:** T.C.A. §§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.

**0520-7-2-.07 CATEGORY VI: INTERNATIONAL SCHOOLS AFFILIATED WITH A TENNESSEE PUBLIC UNIVERSITY.**

- (1) The State Board of Education may approve a Tennessee public university to act as a school approval agency for non-public international secondary schools. Such schools must be affiliated with the university and may serve grades 9-12 or any combination thereof. Such universities must have teacher preparation programs approved by the State Board of Education.
- (2) The State Department of Education shall consider schools approved by a university acting as a school approval agency as having approved status.
- (3) International home schools which may affiliate with a Tennessee public university are not approvable under this category.
- (4) Procedures for Application of a Tennessee Public University as an Approved Non-Public School Accrediting Agency.
  - (a) The Tennessee public university seeking approval as an agency shall apply to the State Department of Education and shall supply relevant information needed by the department.
  - (b) The State Department of Education shall review the application of the university with respect to the criteria for approval and recommend to the State Board of Education that the application be approved or denied. The applicant university 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 Tennessee public university acting as an agency shall be five years.
  - (b) A university which fails to meet the minimum standards for approval will have its approved status revoked.
- (6) Criteria for Approval of a University Acting as an Agency for the Approval of Non-Public International Schools.
  - (a) Scope of Operation of University Acting as an Agency. The agency shall:
    1. Have a clearly written statement of its objectives;
    2. Delineate the process by which it approves schools; and
    3. Accredite only schools with at least 200 full-time students.
  - (b) Organization of University Acting as an Agency. The agency shall:
    1. Specify qualifications for professional personnel for the agency; and
    2. Employ at least one full time director or headmaster.

(Rule 0520-7-2-.07, continued)

- (c) Responsibility of the University Acting as an Agency. The agency shall:
  - 1. Maintain written descriptions of the requirements for school approval;
  - 2. Re-evaluate approved schools annually;
  - 3. Give advance publication of proposed changes in approval 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 policies and lists of approved schools;
  - 6. Require schools to report on deficiencies that could affect approval status;
  - 7. Have procedures for revocation of approval;
  - 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 university acting as an agency may use the standards set forth in the Rules, Regulations and Minimum Standards for the Governance of Public Schools in the State of Tennessee):
    - (i) Curriculum and Graduation.
      - (I) The program shall include (but not be limited to) the areas of English, mathematics, social studies, science, the arts, foreign language (which may be the language of the host country), and wellness, consistent with Tennessee curriculum standards.
      - (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 0520-1- 3.
      - (III) Each student shall meet the same minimum requirements for graduation as students in Tennessee public schools, with exceptions to be approved by the Department of Education. The specific requirements are listed in Chapter 0520-1-3.
    - (ii) Inservice. Each school shall have a minimum of five days for inservice education per school year.
    - (iii) Teacher Licensure and Evaluation.
      - (I) Each university shall submit its procedures for licensing teachers. If the teachers are licensed by the State of Tennessee, they must meet the requirements of the state. If the teachers are licensed by the host country, they shall meet the requirements of the appropriate jurisdiction of the host country; if such teachers are employed to teach in a Tennessee school as exchange teachers, they shall be recommended for this purpose by the university acting as an agency.

(Rule 0520-7-2-.07, continued)

- (II) Each teacher shall hold a valid license as defined by the State of Tennessee or shall meet the requirements of the appropriate jurisdiction of the host country.
- (III) Each university acting as an agency shall develop procedures for evaluation of all teaching personnel from the State of Tennessee.
- (iv) Facilities.
  - (I) Each school shall comply with rules, regulations, and codes of the appropriate jurisdiction regarding planning of new buildings, alterations, and safety.
  - (II) Each school shall observe all fire safety regulations and procedures promulgated by the appropriate agency having such jurisdiction.
  - (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. Physical education facilities shall be well maintained, free from hazards, and large enough to permit an adequate wellness program.
- (v) Administrative Rules.
  - (I) Each school shall maintain an operating schedule that includes the minimum number of instructional days and hours required of Tennessee public schools. See Chapter 0520-1-3.
  - (II) Each school which provides services to students eligible for special education shall meet all standards of the State Board of Education rule 0520-1-9.
  - (III) Each school shall develop and implement a written policy regarding maintenance of students in good academic standing. The written policy shall be communicated to students and parents.
  - (IV) The maximum enrollments for an individual class shall be specified and shall not exceed requirements for Tennessee public schools.
  - (V) Each school shall maintain complete and accurate permanent records. A cumulative record for each student for all work in secondary school is required.
  - (VI) Each school shall evaluate records and report the needs and progress of its students.
  - (VII) Each school shall provide a sufficient number of appropriately qualified administrators, librarians and guidance counselors for the student body served.
  - (IX) Each principal or headmaster shall comply with the requirement of the local jurisdiction that each student enrolled in school be vaccinated against disease.

(Rule 0520-7-2-.07, continued)

- (vi) Testing Program. Each school shall administer the high school examinations required by the State of Tennessee; the results must be communicated to teachers and parents and kept on file at the school for one calendar year. If passing scores are required by the State of Tennessee, then students must meet the minimum scores required in order to receive a Tennessee high school diploma. In order to receive a diploma, graduates must have achieved English language proficiency according to standards specified by the university.

**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 0520-7-2-.07 until June 28, 2003. Original rule to become effective June 28, 2003.

~~0520-7-2-.08~~ ~~CATEGORY VII: SPECIAL PURPOSE SCHOOLS.~~

- ~~(1) A school may seek 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 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 by Tennessee Department of Education personnel or others trained in the use of the Frameworks for Evaluation (pursuant to 0520-1-3-.04) so that licensure advancement can occur.~~
  - ~~(c) Schools may report attendance to the school where the student is officially enrolled where applicable.~~
  - ~~(d) Schools may order and administer Gateway tests to current students to help them stay on track for graduation.~~
  - ~~(e) Special Purpose Category VII schools shall be deemed appropriate training schools for those seeking specialized student teaching placements. Teacher candidates must satisfy the induction requirements in Rule 0520-2-3-.11.~~
- ~~(2) Organizations seeking approval for Pre-K programs as Category VII schools shall, in addition to meeting the requirements of this rule, satisfy Pre-K program requirements outlined in Rule 0520-1-3-.05 and the State Board of Education Early Childhood Education Policy.~~
- ~~(3) 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 of the public school system in which the student resides.~~
- ~~(4) 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.~~
- ~~(5) Each school shall observe all fire safety regulations and procedures promulgated by the Tennessee Fire Marshal.~~

~~**Authority:** T.C.A. §§ 49-1-302; 49-6-101; 49-6-3001. **Administrative History:** New rule filed \_\_\_\_\_; effective \_\_\_\_\_.~~