

## TENNESSEE

<b>Compulsory Attendance Ages:</b>	“Between the ages of six (6) and seventeen (17) years of age, both inclusive.” Tennessee Code Annotated § 49-6-3001. A parent or guardian who believes that a child is not ready to attend school at age six may apply to the principal of the public school which the child would attend for a one semester or one year deferral in required attendance. § 49-6-3001(D)(5). Section 49-6-3001(c)(2) also exempts from the compulsory attendance law any child who has received a diploma or certificate of graduation from high school, is enrolled in an approved GED program or has received a GED certificate, or is enrolled in a home school and has reached the age of 17 years. The truancy laws of Tennessee are applicable to children and parents who enroll their child in a public school for more than six weeks, even though the child is less than six (6) years of age. § 49-6-3007(g).
<b>Required Days of Instruction:</b>	180 days. § 49-6-3004, 3050(b)(3).
<b>Required Subjects:</b>	No subjects specified in grades K-12 if associated with a church-related school under options II and III below. Under option I, students in grades 9 through 12 must be taught either college preparatory or general course subjects.

*Home school parents have four options:*

**Option I: Home School Statute—Notify the Public School.** § 49-6-3050. “A home school is a school conducted by parent(s) or legal guardians for their own children.” Two of the three options fall under the home school statute.

1. Parents must submit a notice of intent to the local superintendent by August 1 of each school year “for the purpose of reporting only.” The notice of intent must include the name, number, age and grade level of children involved, location of the school, curriculum to be offered (no particular subjects required in grades K-8) and the proposed hours of instruction and the qualifications of the parent-teacher. In grades 9-12, the notice must include whether a college preparatory or general course of education will be taught and a description of the courses to be taught in each year. § 49-6-3050(b)(1) and (8).
2. Parents must maintain attendance records, which are subject to inspection by the local superintendent. The records must be submitted to the superintendent at the end of each school year. § 49-6-3050(b)(2).
3. Instruction must be given 4 hours a day. § 49-6-3050(b)(3).
4. Parents must submit proof of vaccination as required by § 49-6-5001 or “a signed, written statement that such immunization and other preventive measures conflict with the parent’s or guardian’s religious tenets and practices.” TCA 49-6-5001(b)(2).
5. “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 eighty dollars (\$80.00) and shall be charged per family regardless of the number of

children attending the home school.” The superintendent may waive the September 1 deadline “for good and sufficient reasons.” § 49-6-3050(b)(1). The notice requirements do not apply to church related schools which cover home schools or to families who move into the state during the school year.

**Option II: Home School Statute—Associate With a Church-Related School.** § 49-6-3050(a)(2)(A). “Home schools who teach grades kindergarten through grade twelve (K-12), where the parents are associated with an organization that conducts church-related schools as defined by § 49-50-801 ... shall be exempt” from the home school requirements above. However, children in grades 9-12 must be registered with the local school district. § 49-6-3050(a)(2)(C)(i).

**Option III: Alternative Statute—Operate as a Satellite Campus of a Church-Related School.** § 49-50-801. Parents may have their children attend a church-related school where the home is a satellite or extension of the church-related school. Unlike Option II, students in a satellite campus program are not considered home schoolers and need not register with the school district for grades 9-12. Furthermore, parents need not comply with the notice, registration, teacher qualifications, and standardized test requirements for home schools. The Tennessee Department of Education recognized this option in a memorandum from the Commissioner of Education to superintendents and directors of schools dated February 18, 1999.

**Option IV: Alternative Statute—Enroll in the Distance Learning Program of an Accredited Private School.** § 49-6-3001(c)(3)(A)(iii). Parents may enroll their children in an online, Category III non-public school accredited by one of the five regional accrediting associations (e.g., the Southern Association of Colleges and Schools) “according to the procedures and criteria established by the association.” 0520-7-2-.04 Rules of State Board of Education.

**Teacher Qualifications: Option I:** The parent-teacher must have a high school diploma or a GED to teach grades K-8 and have a baccalaureate degree to teach grades 9-12 or annually request an exemption from the Commissioner of Education. § 49-6-3050(b)(4), (7). The Commissioner of Education arbitrarily rejects most exemption requests. This practice was upheld by the Court of Appeals in HSLDA’s case, *Crites v. Smith*, 826 S.W.2d 459 (1991).

**Option II:** If parents conducting a home school are associated with a church-related school, there are no qualifications for teaching grades K-8, but parents must have a high school diploma or GED to teach grades 9-12. § 49-6-3050(a)(2)(B).

**Option III:** No qualifications required by statute.

**Option IV:** Qualifications determined by the school in which the child is enrolled.

**Standardized Tests: Option I:** Grades 5, 7 and 9 must take a standardized test administered by the commissioner of education or someone designated by him or by a professional testing service approved by the local education agency. Tests administered by the Commissioner must be without charge. The parent may be present when the home school student is in grade 5. § 49-6-3050(b)(5)(A-B). If a home school child “falls six (6) to nine (9) months behind his appropriate grade level in his reading, language arts, mathematics or science test scores,” the parent must “consult with a teacher licensed by the state. The parent and teacher shall design a remedial course.” § 49-6-3050(b)(6)(B).

**Option II:** Church-related schools must administer standardized achievement tests for home school students in grades K-12 if such tests are given in their regular day schools. § 49-6-3050(a)(2)(A). Parents conducting a home school and associated with a church-related school must have students in grades 9-12 take an annual standardized achievement test or the Sanders Model of value-added assessment, whichever the local school district uses and is sanctioned by the State Board of Education. § 49-6-3050(a)(2)(B).

**Option III:** No testing required by statute.

**Option IV:** Testing determined by the school in which the child is enrolled.

**Religious Freedom Law: Public Chapter 573**

The religious freedom law that passed with the help of HSLDA members, gives religious homeschoolers another legal means to protect their right to home school. If the parents' free exercise of religion is substantially burdened by having to comply with the homeschool law, the parents may use the religious freedom law as a defense or file suit against the state. Under this statute, the burden is on the state to prove that its requirement "furthers a compelling state interest" and is the "least restrictive means" of fulfilling its interest that children be educated. This law restores the highest protection of the individual's right to freely exercise his religious beliefs taken away by the U.S. Supreme Court in its 1997 City of Boerne decision. 521 U.S. 507.

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