
**District and Schools Operations - Equitable Services for Students in Non-Public Schools
Rule 0520-01-02-.34**

The Background:

Many federal grants, including the Every Student Succeeds Act (ESSA) and the Individuals with Disabilities Education Act (IDEA), require funding recipients to set aside a proportionate share of the funding to provide equitable services to students who are parentally placed in private schools. *See, e.g.*, 20 U.S.C. § 7881(a)(1) (ESSA requirement); 20 U.S.C. § 1412(a)(10)(A)(i) (IDEA requirement).

Each of those statutes authorize States to determine whether funding recipients must also set aside a proportionate share of the funding to provide equitable services to students who are parentally placed in home schools. *See, e.g.*, U.S. Dep't of Educ., "[Questions and Answers on Serving Children with Disabilities Placed by Their Parents in Private Schools](#)," Question I-1 (last revised Feb. 2022).

The Tennessee Department of Education has instructed local education agencies to include home school students in their proportionate share calculations and to make equitable services available to home school students through guidance. *See, e.g.*, Tenn. Dep't of Educ., "[IDEA Parentally Placed Private School Reserve Calculation](#)," (last revised Nov. 2022). This Rule is intended to formalize the Department's instruction that home school students should be included in all proportionate share calculations and that home school students should be eligible for equitable services.

State Board staff will hold a rulemaking hearing between first and final reading to collect public feedback.

The Fiscal Analysis Impact:

T.C.A. § 49-1-212 requires that the Department prepare a fiscal analysis of any policy, rule, or regulation proposed to the State Board of Education. This item has no new financial impact on local education agencies.

Connection to the [Master Plan](#):

This item supports the State Board's strategic focus on Engagement and Accountability by formalizing procedures that students enrolled in home schools benefit from equitable services paid for with federal grants.

The Recommendation:

The Department of Education recommends acceptance of this item on first reading. The SBE staff concurs with this recommendation.

