

STATE OF TENNESSEE
OFFICE OF THE
ATTORNEY GENERAL
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NASHVILLE, TENNESSEE 37243

March 20, 2000

Opinion No. 00-049

Home Schooling — Parents'/Legal Guardians' Notification of Director of Schools by August 1

QUESTION

If parents wish to teach their children at home, they must notify the local education agency's director of schools by August 1 preceding the start of the school year. Does this notification requirement violate parents' rights under the Tennessee State Constitution or under the United States Constitution including, but not limited to right to privacy, due process, or equal protection to our other constitutional guarantees?

OPINION

No. Because the State has a compelling interest in the proper schooling of all children, the State may reasonably require parents or legal guardians to notify the local director of schools of their intent to home school by August 1.

ANALYSIS

Tennessee law permits home schooling and establishes requirements parents and legal guardians must meet if they choose to teach their children at home. Tenn. Code Ann. § 49-6-3050 (1999 Supp.). The statute on home schools requires that the parent-teacher notify the local director of schools by August 1 of his intent to home school. For the purpose of reporting only, the parent-teacher must 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. Tenn. Code Ann. § 49-6-3050(b)(1) (1999 Supp.).

The State has a compelling interest in the proper schooling of all children and has the power to compel attendance. *Crites v. Smith*, 826 S.W.2D 459, 466 (Tenn. App. 1991). The requirement that a parent notify the local director of schools of an intent to teach children in the home by August 1 is part of the statutory scheme to assure that children receive an education. The August 1 deadline is a reasonable exercise of state regulatory power and is constitutional.¹

¹ Also see Op. Tenn. Atty. Gen. 96-058 (March 29, 1996) (copy enclosed) on a related topic.

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