

TENNESSEE STATE BOARD OF EDUCATION

Guidelines for Exemption from Compulsory School Attendance

4.100

TCA § 49-6-3005 permits local education agencies to exempt students from compulsory attendance in accordance with guidelines to be developed by the State Board of Education. The School Safety Advisory Council reviewed the law and recommended the framework around which these guidelines were drafted. Representatives from the Department of Education, including the Division of Special Education, have reviewed and commented on these guidelines. Additionally, the guidelines were presented to the Joint Oversight Committee on Education for comment.

49-6-3005 Children excused from compulsory attendance.—

(a) The following classes of children between six (6) and seventeen (17) years of age, both inclusive, shall be temporarily excused from complying with this part, the local board of education to be sole judge in all such cases involving children who are enrolled in a public school and, as to children enrolled in a nonpublic school, as defined by § [49-6-3001](#)(c)(3), the director of schools of the school to be the sole judge in all such cases:

- (1) Children mentally or physically incapacitated to perform school duties, such disability to be attested by a duly licensed physician in all cases;*
- (2) Children who have completed high school and hold a high school diploma;*
- (3) Children temporarily excused from attendance in school under rules and regulations promulgated by the state board of education, which rules and regulations shall not be in conflict with § [50-5-103](#) or any other law governing child labor in this state;*
- (4) Children six (6) years of age or under whose parent or guardian have filed a notice of intent to conduct a home school as provided by § [49-6-3001](#) or who are conducting a home school as provided by § [49-6-3050](#); and*
- (5) Children who have attained their seventeenth birthday and whose continued compulsory attendance, in the opinion of the board of education in charge of the school to which the children belong and are enrolled, results in detriment to good order and discipline and to the instruction of other students and is not of substantial benefit to the children.*

(b) In all cases described in subsection (a), the board shall first obtain the recommendation in writing from the director of schools of the system and the principal of the school to which the child or children belong.

(c) No child who is refused attendance in a school nearer to the child's residence having equivalent grade levels and curriculum shall be required to attend public or nonpublic school as provided in § [49-6-3001](#).

(d) In addition to the categories of children specified in subsection (a), the local board of education may excuse children from attendance in accordance with guidelines developed by the state board of education for this purpose. The state board of education shall have the guidelines approved by the joint oversight committee on education before implementation.

TENNESSEE STATE BOARD OF EDUCATION

Guidelines for Exemption from Compulsory School Attendance

4.100

Students 16 years of age who are not benefiting from attending school may be exempted from compulsory attendance provided the following guidelines are adhered to:

1. The parent(s) or legal guardian will meet with the school counselor to discuss the student's progress. The parent(s) or legal guardian will provide a completed Compulsory School Attendance Exemption Form to the school principal to request exemption from compulsory school attendance. The parent(s) or legal guardian will cite on the form the reasons the student is not benefiting from attending school.
2. In all instances in which a child is disabled or is suspected of being disabled, the placement or program decision for that child will reside with the M-Team or 504 Team (Section 504 of the Rehabilitation Act of 1973). In addition to the procedural requirements of federal law, the provisions of these guidelines shall also apply to the extent they are not in conflict with applicable federal law and regulations. Whenever the M-Team or 504 Team makes a decision to exempt a child from compulsory attendance, local board of education concurrence is required.
3. After receiving the Compulsory School Attendance Exemption Form, the principal will convene a meeting to include the student's classroom teachers, guidance counselor, and other appropriate school personnel to review the circumstances relating to the request. The principal may determine that the request is not justified and notify the parent(s) or legal guardian that the request is denied. If the child is identified for special education services, an M-Team must be convened to consider the request and render a decision. If the child is served under Section 504, the 504 Team should convene to consider the request and render a decision.
4. If the request appears justified in step 3, the principal will schedule a meeting with the student, parent(s) or legal guardian, guidance counselor, and other appropriate school personnel, M-Team or 504 Team if student is currently served in special education or under Section 504, to discuss the request and related circumstances. The principal, M-Team or 504 Team will explore other placements in which the student could receive benefit and continue his or her education. The principal, M-Team or 504 Team will respond with one of the following options:
 - A. Notify parent(s) or legal guardian that the request is denied if there is a good possibility the student will benefit from school or complete graduation requirements.

TENNESSEE STATE BOARD OF EDUCATION

Guidelines for Exemption from Compulsory School Attendance

4.100

- B. Recommend that the student be placed in another educational setting if there is a good possibility the student will benefit from school or complete graduation requirements in new placement. The M-Team or 504 Team must determine placement if the student is identified for special education services or is served under Section 504.
 - C. Recommend to the superintendent that the request for exemption from compulsory attendance be approved if the student will not benefit from school nor complete graduation requirements. All documentation from previous meetings, including M-Team or 504 Team actions, will be attached to the recommendation as information for the superintendent.
5. Following receipt of the principal's recommendation, the superintendent will review the documentation of previous meetings, meet with student, parent(s) or legal guardian, and principal. If necessary, the superintendent will do one of the following: deny the request, recommend that the student be placed in another educational setting, or recommend to the school board that the student be exempted from compulsory attendance. The M-Team or 504 Team must determine placement or program if the student is identified or suspected of being disabled.
 6. Action by the local board of education is required to exempt a student from compulsory school attendance. All students who are exempted from compulsory attendance shall have the right to receive further education consistent with state and federal law.
 7. In all instances in which a child is disabled or is suspected of being disabled under IDEA, the school district shall explain to the parents and the student the student's right, under IDEA, to an appropriate education until age 22 and the procedural safeguards of the student under both federal and state law and shall document that appropriate counseling has taken place regarding this proposed action. Full documentation shall be maintained by the LEA regarding any child exempted from compulsory attendance.

Students are to remain in school until the local board of education approves the request. Students who are exempted from compulsory attendance will be counted as drop-outs for the school system.

COMPULSORY SCHOOL ATTENDANCE EXEMPTION FORM

School System

School

Student

Date of Birth

Parent or Legal Guardian

() - _____
Telephone

Address

City

State

Zip

I verify that I am the parent or legal guardian of the student named above and I request that my child be exempted from Tennessee's compulsory school attendance requirement and be allowed to drop-out of school because he/she is not benefiting from school. The reasons my child is not benefiting from school are as follows:

Parent (Legal Guardian) Signature

Date

Parent (Legal Guardian) Signature

Date

Student Signature

Date

RECORD OF ACTIONS

Date Exception Request Received By School Principal: _____

Date of Meeting with Staff: _____

Action of Principal: _____

_____ Date: _____

Principal Signature: _____ Date: _____

Date of Meeting with Student and Parent or Legal Guardian: _____

Action of Principal: _____

_____ Date: _____

Principal Signature: _____ Date: _____

Date Principal's Recommendation Received by Superintendent: _____

Action of Superintendent: _____

_____ Date: _____

Superintendent Signature: _____ Date: _____

Action of School Board: _____

_____ Date: _____

School Board Chair Signature: _____ Date: _____