

SENATE BILL 494

By Bowling

AN ACT to amend Tennessee Code Annotated, Title 37;  
Title 49; Title 50 and Title 55, relative to the Family  
Right to Educational Emancipation (FREE) Act.

WHEREAS, the General Assembly recognizes the fundamental right of parents to direct the education, upbringing, and care of their children; and

WHEREAS, the State acknowledges that parents have the primary role in determining the educational path for their children, including the choice to educate their children at home without interference or undue regulation from the State; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act is known and may be cited as the "Family Right to Educational Emancipation (FREE) Act."

SECTION 2. Tennessee Code Annotated, Section 49-6-3050(a), is amended by adding the following as a new subdivision (4):

(4)

(A) In addition to home schools subject to the requirements of subsection (b) and home schools operated under subdivision (a)(2) or (a)(3), a parent or legal guardian may elect to educate their child at home without having to comply with subsection (b). A home school conducted pursuant to this subdivision (a)(4) is a separate and distinct type of home school.

(B) Parents and legal guardians have the right to direct the education of their children, including, but not limited to, the right to choose whether their child's education is received through a public school, private school, or home school. If a parent or legal guardian elects to conduct a home school pursuant to this

subdivision (a)(4), then neither the state nor a local government or agency in this state may infringe on the rights of the parent or legal guardian to make decisions concerning their child's home school education, including, but not limited to, the curriculum, courses of study, and methods of instruction selected or used.

(C) The state and all local governments and agencies in this state shall recognize home schools operated pursuant to this subdivision (a)(4) as a distinct and separate category of parent-led education that is unrelated to public and private schooling options.

(D) Notwithstanding this title or another law to the contrary, students being educated in a home school operated pursuant to this subdivision (a)(4) and the student's parents or legal guardians are exempt from the state's compulsory school attendance, truancy intervention, and all other educational laws, rules, and requirements established by the state or by a local government or agency in this state, except for a rule or requirement established for such home schools in this subdivision (a)(4).

(E) The state or a local government or agency in this state shall not require a student being educated in a home school operated pursuant to this subdivision (a)(4) or the student's parent or legal guardian to:

(i) Be administered, or to administer, any assessment, including, but not limited to, a state-mandated standardized test or assessment; or

(ii) Submit or report any information or documentation regarding the home school student's attendance or education to the state, any school or school district in this state, or any other governmental entity.

(F) The state or a local governmental or agency in this state shall not impose any rules, requirements, mandates, or guidelines regarding the

curriculum, instructional materials, or educational methods used by parents or legal guardians for children being educated in a home school conducted pursuant to this subdivision (a)(4).

SECTION 3. Tennessee Code Annotated, Section 49-6-3001(c)(1), is amended by deleting the first sentence of the subdivision and substituting instead the following:

Every parent, guardian, or other legal custodian residing in this state who has control or charge of a child or children between six (6) and seventeen (17) years of age, both inclusive, and who has not elected to home school the child or children in accordance with § 49-6-3050(a)(4), shall cause the child or children to attend a public school, private school, or church-related school and, in the event of their failure to do so, is subject to the penalties provided in this part.

SECTION 4. Tennessee Code Annotated, Section 49-6-3001(c)(2), is amended by adding the following as a new subdivision:

(E) Is between six (6) years of age and seventeen (17) years of age, both inclusive, and whose parent or legal guardian has elected to educate their child at home in a home school conducted pursuant to § 49-6-3050(a)(4).

SECTION 5. Tennessee Code Annotated, Section 50-5-102(4), is amended by deleting the word "and" and adding the following language at the end of the subdivision:

and with respect to a home school conducted by a parent or legal guardian pursuant to § 49-6-3050(a)(4), the "director of schools" means the home school student's parent or legal guardian;

SECTION 6. Tennessee Code Annotated, Section 50-5-105(c), is amended by adding the following language at the end of the subsection:

This subsection (c) does not require the parent or legal guardian of a student who is being educated in a home school conducted pursuant to § 49-6-

3050(a)(4) to provide any documentation or information to, or to obtain any consent or authorization from, the director of schools for the school district in which the child resides in order to work the hours identified in subdivision (b)(1).

SECTION 7. Tennessee Code Annotated, Section 49-6-3005, is amended by adding the following as a new subsection:

(e) Notwithstanding this section or another law to the contrary, children between six (6) and seventeen (17) years of age, both inclusive, who are being educated by the child's parent or legal guardian in a home school conducted pursuant to § 49-6-3050(a)(4), are exempt from the state's compulsory school attendance, truancy intervention, and all other educational laws, rules, and requirements.

SECTION 8. Tennessee Code Annotated, Section 49-6-3007, is amended by adding the following as a new subsection:

(i) Notwithstanding this section or another law to the contrary:

(1) Children between six (6) and seventeen (17) years of age, both inclusive, who are being educated by the child's parent or legal guardian in a home school conducted pursuant to § 49-6-3050(a)(4), are exempt from the state's compulsory school attendance, truancy intervention, and all other educational laws, rules, and requirements; and

(2) The state or a local government or agency in this state shall not require a student being educated in a home school conducted pursuant to § 49-6-3050(a)(4) or the student's parent or legal guardian to submit or report any information or documentation regarding the home school student's attendance or education to the state, any school or school district in this state, or any other governmental entity.

SECTION 9. Tennessee Code Annotated, Section 49-6-3008, is amended by adding the following as a new subsection:

(d) Notwithstanding this section or another law to the contrary:

(1) Children between six (6) and seventeen (17) years of age, both inclusive, who are being educated by the child's parent or legal guardian in a home school conducted pursuant to § 49-6-3050(a)(4), are exempt from the state's compulsory school attendance, truancy intervention, and all other educational laws, rules, and requirements; and

(2) The state or a local government or agency in this state shall not require a student being educated in a home school conducted pursuant to § 49-6-3050(a)(4) or the student's parent or legal guardian to submit or report any information or documentation regarding the home school student's attendance or education to the state, any school or school district in this state, or any other governmental entity.

SECTION 10. Tennessee Code Annotated, Section 49-6-3009, is amended by adding the following as a new subsection:

(n) Notwithstanding this section or another law to the contrary:

(1) Children between six (6) and seventeen (17) years of age, both inclusive, who are being educated by the child's parent or legal guardian in a home school conducted pursuant to § 49-6-3050(a)(4), are exempt from the state's compulsory school attendance, truancy intervention, and all other educational laws, rules, and requirements; and

(2) The state or a local government or agency in this state shall not require a student being educated in a home school conducted pursuant to § 49-6-3050(a)(4) or the student's parent or legal guardian to submit or report any

information or documentation regarding the home school student's attendance or education to the state, any school or school district in this state, or any other governmental entity.

SECTION 11. Tennessee Code Annotated, Section 49-6-3017, is amended by deleting the section and substituting instead the following:

The department of safety shall not condition the issuance of a driver license or learner's permit, as those terms are defined in § 55-50-102, on a school-aged applicant's attendance record or enrollment status, or otherwise require a school-aged applicant to present evidence of school attendance or enrollment as part of their application.

SECTION 12. Tennessee Code Annotated, Section 55-50-303(a), is amended by deleting subdivision (8).

SECTION 13. Tennessee Code Annotated, Section 55-50-321(c), is amended by deleting subdivision (2) and substituting instead the following:

- (2) The department shall not assess a first-time applicant a reinstatement fee if:
  - (A) The applicant is eighteen (18) years of age or younger; and
  - (B) The applicant's driver license or learner's permit was suspended prior to July 1, 2025, due to the applicant's withdrawing from secondary school.

SECTION 14. Tennessee Code Annotated, Section 55-50-339, is amended by deleting the section.

SECTION 15. Tennessee Code Annotated, Section 55-50-502(a)(1), is amended by deleting subdivision (J).

SECTION 16. Tennessee Code Annotated, Title 55, Chapter 50, Part 5, is amended by deleting Sections 55-50-508 – 55-50-512.

SECTION 17. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that

can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 18. This act takes effect July 1, 2025, the public welfare requiring it.