

**RULES  
OF  
THE TENNESSEE DEPARTMENT OF EDUCATION  
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-01-02  
DISTRICT AND SCHOOL OPERATIONS**

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**0520-01-02-.01 APPROVAL OF LOCAL EDUCATION AGENCIES (LEAS).**

- (1) A public school is the basic administrative unit of a state, county, city, or special district school system, consisting of one (1) or more grade groups, one (1) or more teachers to give instruction, and one (1) principal, which school shall be subject to the statutes of the State of Tennessee, and to the rules, regulations, and minimum standards of the State Board of Education (State Board).
- (2) The Department of Education (Department) shall make periodic inspections of the Local Education Agencies (LEAs) under its control. These inspections shall be made to determine the extent to which LEAs operate in compliance with State Board rules and regulations and to verify the information received on reports from local school officials. The Department shall develop and annually notify LEAs of the inspection criteria.
  - (a) Each LEA shall be classified as approved, conditionally approved, or non-approved based on the inspection of the Department. LEAs classified as conditionally approved by the Commissioner of Education shall receive a written explanation of the reasons for such classification and shall be afforded the opportunity to respond. The Commissioner's notification shall include a time by which corrective action shall be completed by the LEA. If such corrective action is not taken within the time specified, the LEA shall be classified as non-approved and the Commissioner shall impose sanctions on the LEA which may, in the Commissioner's discretion, include withholding part or all of funds generated by the state's K-12 funding formula to the non-approved LEA.
  - (b) The Department shall make an annual report to the State Board regarding each LEA's compliance with State Board rules and regulations. The report shall include the approval status of each LEA, deficiencies identified by the Department in the approval process, an assessment of action needed to attain approval, LEA response, and sanctions imposed upon LEAs which do not comply.
- (3) The Department shall maintain an internal audit function which shall assist the Department in the inspection of schools. Internal audit reports shall be presented to the Commissioner of Education and the State Board.

(Rule 0520-01-02-.01, continued)

**Authority:** T.C.A. §§ 49-1-201, 49-1-302, and 49-3-353. **Administrative History:** Original rule certified June 10, 1974. Amendment filed August 20, 1984; effective November 13, 1984. Amendment filed September 26, 1985; effective December 14, 1985. Amendment filed September 20, 1987; effective December 22, 1987. Amendment filed October 18, 1988; effective January 29, 1989. New rule filed February 16, 1989; effective April 2, 1989. Amendment filed July 11, 1990; effective October 29, 1990. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Repeal and new rule filed December 5, 2011; effective May 30, 2012. Amendments filed August 20, 2020; effective November 18, 2020. Amendments filed August 28, 2023; effective November 26, 2023.

#### **0520-01-02-.02 SALARY SCHEDULES.**

- (1) The State Board shall adopt an annual minimum salary schedule for all licensed personnel, which shall apply to every LEA. The state minimum salary schedule shall be based on a combination of experience and academic training. Local boards of education shall adopt a salary schedule that meets the requirements of the minimum salary schedule adopted by the State Board.
- (2) Local boards of education shall adopt a salary schedule based on a combination of experience and academic training or may propose an alternative salary schedule for approval by the State Board and the Commissioner of Education. Alternative salary schedules proposed for approval must meet the criteria outlined in the State Board's Strategic Compensation Policy 5.600.
- (3) The state minimum salary schedule and local salary schedules shall not be applicable to substitute personnel. In the case where a licensed teacher is serving as a substitute for a regular teacher on leave whose accumulated leave has not been exhausted, the school system may compensate the licensed educator as a substitute.
- (4) If a local school board adopts a salary schedule based in part on experience, the types of verified experiences that may be recognized may include, but not be limited to:
  - (a) Local school boards, at their discretion, may recognize the following types of work-related experience including, but not limited to:
    1. Verified administrative, supervisory, and/or teaching experience in a public school or an approved non-public school, schools approved by recognized accrediting agencies, or approved by the Tennessee Department of Education, or any Pre-K program funded by the Tennessee Department of Education;
  - (b) Verified teaching experience in a pre-K-12 school operated by the United States government either within or outside the United States;
  - (c) Verified teaching experience in a regionally accredited institution of higher education;
  - (d) Verified teaching experience as a part of a visiting teacher program authorized by the United States government or a foreign ministry of education;
  - (e) Verified experience as a professional employee of the State Board of Education, the State Department of Education, and/or the Comptroller's Office of Educational Accountability (OREA);
  - (f) Verified active military service in the armed forces of the United States; or

(Rule 0520-01-02-.02, continued)

- (g) Verified professional work experience in the fields typically held by school service personnel (audiology, speech-language pathologist, psychology, social worker, counselor) in a setting other than a public or non-public school.
- (5) If a local school board adopts a salary schedule based in part on training, the following shall apply:
  - (a) For college or university course work completed after the start of the current school year but before September 1, the salary rating shall be adjusted as of September 1 of the current school year. The employee must notify the LEA of the employee's intent to complete course work prior to Aug. 31, and the LEA must file documentation of changes to the employee's salary rating with the Department on or before October 15 of the current school year.
  - (b) For college or university course work completed after August 31, but before January 1 of the current school year, the salary rating shall be adjusted as of January 1 of the current school year. The employee must notify the LEA of the employee's intent to complete course work prior to Jan. 1. The LEA must file documentation of changes to the employee's salary rating with the Department on, or before, February 15 of the current school year.
- (6) The individual educator shall provide evidence of experience and training to the LEA for verification and approval.
- (7) Pursuant to T.C.A. § 49-3-306, each LEA shall develop, adopt, and implement a differentiated pay plan in compliance with the State Board's Strategic Compensation Policy 5.600. Each differentiated pay plan shall be designed to aid in staffing hard-to-staff subject areas and schools and in hiring and retaining highly qualified teachers.

**Authority:** T.C.A. §§ 49-1-302, 49-1-302(a)(5), 49-3-306, 49-5-402, and 49-6-101. **Administrative History:** Original rule certified June 10, 1974. Amendment filed June 10, 1974; effective July 10, 1974. Amendment filed June 30, 1975; effective July 30, 1975. Amendment filed July 15, 1976; effective August 15, 1976. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed January 9, 1979; effective February 23, 1979. Amendment filed and new rule filed October 15, 1979; effective January 8, 1980. Amendment filed April 14, 1980; effective May 28, 1980. Amendment filed November 13, 1981; effective March 16, 1982. Amendment filed June 4, 1982; effective September 30, 1982. Amendment filed August 17, 1983; effective November 14, 1983. Amendment filed August 20, 1984; effective November 13, 1984. Amendment filed September 26, 1985; effective December 14, 1985. Repeal and new rule filed May 8, 1986; effective June 27, 1986. Amendment filed September 20, 1987; effective December 22, 1987. Amendment filed October 18, 1988; effective January 1989. Amendment filed November 9, 1989; effective February 28, 1990. Amendment filed July 11, 1990; effective October 29, 1990. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed January 21, 1994; effective May 31, 1994. Amendment filed August 7, 1995; effective December 29, 1995. Amendment filed October 11, 1995; effective February 28, 1996. Amendment filed May 19, 2005; effective September 28, 2005. Amendment filed December 28, 2005; effective April 28, 2006. Amendment filed January 5, 2006; effective May 31, 2006. Amendment filed February 24, 2010; effective July 29, 2010. Amendments filed October 7, 2016; effective January 5, 2017. Amendments filed December 23, 2016; effective March 23, 2017. Amendments filed August 20, 2020; effective November 18, 2020.

#### **0520-01-02-.03 REPEALED.**

**Authority:** T.C.A. §§ 49-1-302, 49-2-301, 49-5-108, 49-6-6006, and Section 86 of Chapter 535 of the Public Acts of 1992. **Administrative History:** Original rule certified June 10, 1974. Amendment filed June 10, 1974; effective July 10, 1974. Amendment filed June 30, 1975; effective July 30, 1975. Amendment filed July 15, 1976; effective August 15, 1976. Amendment filed February 28, 1978; effective March 30,

(Rule 0520-01-02-.03, continued)

1978. Amendment filed January 9, 1979; effective February 23, 1979. Amendment and new rule filed October 15, 1979; effective January 8, 1980. Amendment filed November 13, 1981; effective March 16, 1982. Amendment filed June 4, 1982; effective September 30, 1982. Amendment filed August 17, 1983; effective November 14, 1983. Amendment filed August 20, 1984; effective November 13, 1984. Amendment filed September 26, 1985; effective December 14, 1985. Amendment filed May 8, 1986; effective June 27, 1986. Amendment filed September 20, 1987; effective December 22, 1987. Amendment filed October 18, 1988; effective January 29, 1989. Amendment filed November 9, 1989; effective February 28, 1990. Amendment filed July 11, 1990; effective October 29, 1990. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed May 12, 1992; effective August 29, 1992. Amendment filed September 1, 1992; effective December 29, 1992. Amendment filed August 10, 1993; effective December 29, 1993. Amendment filed November 22, 1993; effective March 30, 1994. Amendment filed January 21, 1994; effective May 31, 1994. Amendment filed March 31, 1994; effective June 14, 1994. Amended by Public Chapter No. 957, Acts of 1994; effective May 10, 1994. (See Attorney General opinion No. 094-080). Amendment filed January 31, 1995; effective May 31, 1995. Amendment filed May 31, 1996; effective September 27, 1996. Amendment filed October 17, 1997; effective February 27, 1998. Amendment filed May 28, 1999; effective September 28, 1999. Amendment filed July 31, 2000; effective November 28, 2000. Amendment filed March 1, 2005; effective July 29, 2005. Amendments filed May 19, 2005; effective September 28, 2005. Amendment filed June 15, 2005; effective October 28, 2005. Amendment filed March 23, 2007; effective July 27, 2007. Amendments filed September 6, 2007; effective January 28, 2008. Amendment filed May 30, 2008; effective September 26, 2008. Amendment filed July 17, 2009; effective December 29, 2009. Amendments filed February 6, 2013; effective July 29, 2013. Amendments filed September 6, 2013; effective February 28, 2014. Amendment filed May 8, 2014; effective October 29, 2014. Amendment filed May 26, 2015; effective August 24, 2015. Amendment filed September 22, 2015; effective December 21, 2015. Amendments filed December 23, 2016; effective March 23, 2017. Amendments filed October 16, 2017; effective January 14, 2018. Amendments filed November 29, 2018; effective February 27, 2019. Repeal filed August 20, 2020; effective November 18, 2020.

#### **0520-01-02-.04 LEAVE FOR TEACHERS.**

- (1) The term “teacher” shall mean any person employed by a local board of education in a position which requires a license issued by the State Department of Education. The term “teacher” shall not apply to a substitute teacher.
- (2) Sick Leave. “Sick leave” shall mean leave of absence because of illness of a teacher from natural causes or accident, quarantine, or illness or death of a member of the immediate family of a teacher, including the teacher’s wife or husband, parents, grandparents, children, grandchildren, brothers, sisters, mother-in-law, father-in-law, daughter-in-law, son-in-law, brother-in-law, and sister-in-law. Upon written request of the teacher accompanied by a statement from her physician verifying pregnancy, any teacher who goes on maternity leave shall be allowed to use all or a portion of her accumulated sick leave for maternity leave purposes during the period of her physical disability only, as determined by a physician.
- (3) Personal and Professional Leave. A teacher may take two (2) days of personal and professional leave per school year in accordance with policies of the local board of education.
- (4) Personal Injury Leave.
  - (a) When a school system determines that a teacher’s absence from assigned duties was required as a result of personal physical injuries caused by a physical assault or other violent criminal act committed against the teacher while on duty, the school system shall grant personal injury leave for those days of absence.
  - (b) Each local school system shall develop policies and procedures for determining eligibility for and implementing personal injury leave consistent with these rules. The policies and procedures may include provisions such as timely notification of the

(Rule 0520-01-02-.04, continued)

incident and injuries sustained, a requirement that medical attention be sought immediately, submission of a doctor's statement verifying the nature, extent and duration of the disability, option by the school system of a third party opinion, and guidelines for a process to make periodic redeterminations of eligibility if the absence exceeds a given time frame.

- (c) Nothing in Rule 0520-01-02-.04(4) shall preclude a teacher at his or her option from directing that an absence which would otherwise qualify for personal injury leave under paragraph four (4) be charged to accumulated sick leave or personal leave instead of personal injury leave.
- (5) Substitute teachers are those persons employed to replace teachers on sick, professional, or personal leave or to fill temporary vacancies (this exists until a licensed teacher is available and employed). Substitutes are employed and paid in the following manner:
  - (a) A person without a teacher's license or permit may serve as a substitute for the first 20 consecutive days of absence of a regular teacher on approved leave.
  - (b) After 20 consecutive days of approved leave, a person serving as the substitute must be licensed and hold the appropriate endorsement for the assignment or must be a retired teacher and have held the appropriate endorsement.
  - (c) After the regular teacher's accumulated leave is exhausted, the replacement teacher must be licensed and hold the appropriate endorsement for the assignment or be a retired teacher and have held the appropriate endorsement and must be paid based on the replacement teacher's training and experience record in accordance with the state and local salary schedules.
- (6) The total accumulated sick leave shall mean the total number of sick leave days which have been earned but not yet used. A teacher in need of sick leave shall be allowed to use unearned sick leave up to the amount of days which such teacher may accumulate during the remainder of the current school year.
- (7) Each local board of education shall participate in the state leave program. Local boards of education shall provide the required local contribution from public school funds for payment of substitute teachers. Teachers shall not pay any part of the state required local contribution.

**Authority:** T.C.A. §§ 49-1-302, 49-3-312, and 49-5-701, et seq.; Section 27 of Chapter 535 of the Public Acts of 1992. **Administrative History:** Original rule certified June 10, 1974. Amendment filed June 10, 1974; effective July 10, 1974. Amendment filed June 30, 1975; effective July 30, 1975. Amendment filed July 15, 1976; effective August 16, 1976. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed January 9, 1979; effective February 23, 1979. Amendment and new rule filed October 15, 1979; effective January 8, 1980. Amendment filed November 13, 1981; effective March 16, 1982. Amendment filed June 4, 1982; effective September 30, 1982. Amendment filed August 17, 1983; effective November 14, 1983. Amendment filed August 20, 1984; effective November 13, 1984. Amendment filed September 26, 1985; effective December 14, 1985. Amendment filed May 8, 1986; effective June 27, 1986. Amendment filed September 20, 1987; effective December 22, 1987. Amendment filed October 18, 1988; effective January 29, 1989. Amendment filed November 9, 1989; effective February 28, 1990. Amendment filed July 11, 1990; effective October 29, 1990. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed September 1, 1992; effective December 29, 1992. Amendment filed October 17, 1997; effective February 27, 1998. Amendment filed October 13, 2014; effective January 11, 2015. Amendments filed August 11, 2017; effective November 9, 2017.

**0520-01-02-.05 ADULT HIGH SCHOOLS.**

- (1) Adult high schools may be established and maintained by local boards of education.
- (2) Before the Full-Time Enrollment Average Daily Membership (FTEADM) of any adult high school shall be counted in distribution of state funds, such schools shall meet the standards of an approved school and shall provide without fee all services, such as free textbooks, to which any student of grades nine through twelve (9-12) is entitled under rules and regulations of the State Board of Education, state and federal statutes, and policies of local boards of education, with the exceptions listed below:
  - (a) The computation of the FTEADM of adult high schools shall be on the basis of a four (4) hour day and twenty (20) day school month. The FTEADM for any month shall be determined by dividing the total hours for which persons were enrolled during the month by eighty (80).
  - (b) While in attendance at an adult high school, students may earn all or a portion of the required credits necessary for graduation. Physical education, however, shall not be a requirement for graduation. Students are exempted from state-mandated tests.
  - (c) Adult high schools may operate twelve (12) months per year and provide flexible scheduling necessary for both day and night programs. All terms in a year round operation are considered regular terms.
  - (d) Adult high school students must be at least seventeen (17) years of age.
  - (e) Adult high school students may register for and earn as few as half (1/2) unit of credit per term.

**Authority:** T.C.A. §§ 49-1-302, 49-1-302(a)(4)(A), 49-1-302(a)(11), 49-2-203(b)(3), 49-6-409, and 49-6-501. **Administrative History:** Original rule certified June 10, 1974. Amendment filed June 10, 1974; effective July 10, 1974. Amendment filed June 30, 1975; effective July 30, 1975. Amendment filed July 15, 1976; effective August 16, 1976. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed January 9, 1979; effective February 23, 1979. Amendment and new rule filed October 15, 1979; effective January 8, 1980. Amendment filed June 4, 1982; effective September 30, 1982. Amendment filed August 17, 1983; effective November 14, 1983. Amendment filed August 20, 1984; effective November 13, 1984. Amendment filed September 26, 1985; effective December 14, 1985. Amendment filed May 8, 1986; effective June 27, 1986. Amendment filed September 20, 1987; effective December 22, 1987. Amendment filed October 18, 1988; effective January 29, 1989. Amendment filed November 9, 1989; effective February 28, 1990. Amendment filed July 11, 1990; effective October 29, 1990. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Repeal and new rule filed December 19, 2011; effective May 30, 2012. Amendments filed October 16, 2017; effective January 14, 2018.

**0520-01-02-.06 ADULT EDUCATION PROGRAMS.**

- (1) Adult education programs that lead to a regular high school diploma, offered, organized, and operated as a part of the public school program shall be under the control and management of the local board of education having jurisdiction.
- (2) The calculation of Full-Time Enrollment Average Daily Membership Adult (FTEADM) for education programs that lead to a regular high school diploma shall be on the basis of a four (4) hour day.
- (3) Before the Full-Time Enrollment Average Daily Membership (FTEADM) of any adult high education program that leads to a regular high school diploma shall be counted in distribution

(Rule 0520-01-02-.06, continued)

of state funds, such program shall comply with the rules and regulations prescribed by the state and local boards of education and shall provide without fee all services, such as free textbooks, to which any student of grades nine through twelve (9-12) is entitled under the rules and regulations of the State Board of Education, state and federal statutes, and policies of local boards of education.

**Authority:** T.C.A. §§ 49-1-302, 49-1-302(a)(4)(A), 49-1-302(a)(11), 49-2-203(b)(3), 49-6-409, and 49-6-501. **Administrative History:** Original rule certified June 10, 1974. Amendment filed June 10, 1974; effective July 10, 1974. Amendment filed June 30, 1975; effective July 30, 1975. Amendment filed July 15, 1976; effective August 16, 1976. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed January 9, 1979; effective February 23, 1979. Amendment and new rule filed October 15, 1979; effective January 8, 1980. Amendment filed November 13, 1981; effective March 16, 1982. Amendment filed June 4, 1982; effective September 30, 1982. Amendment filed August 17, 1983; effective November 14, 1983. Amendment filed June 28, 1984; effective September 11, 1984. Amendment filed August 20, 1984; effective November 13, 1984. Amendment filed September 26, 1986; effective December 14, 1985. Amendment filed May 8, 1986; effective June 27, 1986. Amendment filed September 20, 1987; effective December 22, 1987. Amendment filed October 18, 1988; effective January 29, 1989. Amendment filed November 9, 1989; effective February 28, 1990. Amendment filed July 11, 1990; effective October 29, 1990. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendments filed October 16, 2017; effective January 14, 2018.

#### **0520-01-02-.07 LIBRARY INFORMATION CENTERS.**

##### **(1) School Library Information Center.**

- (a) All school libraries shall serve as resources for students, teachers, and community members to strengthen student learning. School library information specialists shall work collaboratively with classroom teachers and school administrators to integrate both curricular concepts and information skills that assist research and other learning activities. The collection and the services of the library shall adequately support the curricular priorities within the school.
- (b) School libraries shall provide an environment that allows efficient access to resources, including both print and electronic. Schools must be organized to allow the library program to operate a flexible schedule that allows students and teachers to access resources at the point of need.
- (c) School libraries should provide parents and community members access to resources, however, schools shall weigh these considerations to ensure student safety and access to school buildings.

##### **(2) Library Information Specialists.**

- (a) Elementary/Middle Schools. Schools including grades kindergarten (K) through eight (8) or any combination thereof shall provide library information specialists as follows:
  - 1. A school having a current student enrollment of 550 or more students shall have a full-time library information specialist with endorsement as a library information specialist.
  - 2. A school with a current student enrollment of 400 to 549 students shall have a half-time library information specialist with endorsement as a library information specialist. During the time that the library is open during regular school hours and the library information specialist is not present, staff member(s) shall be designated to provide supervision to students in the library.

(Rule 0520-01-02-.07, continued)

3. In a school with fewer than 400 students, a faculty member shall serve as a library information coordinator. If the library information coordinator is not present during the time that the library is open during regular school hours, staff member(s) shall be designated to provide supervision to students in the library.
  4. Schools are encouraged to have the library open outside of the regularly scheduled school day and if the library personnel specialist or coordinator is not present, appropriate supervision shall be provided to the students in the library.
- (b) High Schools. Schools including any combination of grades nine through twelve (9-12) shall provide library information specialists as follows:
1. A school with a current student enrollment of 1,500 or more students shall have two (2) full-time library information specialists, each with endorsement as a library information specialist.
  2. A school with a current student enrollment of more than 300 but less than 1,500 students shall have a full-time library information specialist with endorsement as a library information specialist.
  3. A school with a current student enrollment of fewer than 300 students shall have a half-time library information specialist. During the time that the library is open during regular school hours and the library information specialist is not present, staff member(s) shall be designated to provide supervision to students in the library.
  4. Schools are encouraged to have the library open outside of the regularly scheduled school day and if the library information specialist is not present, appropriate supervision shall be provided to the students in the library.
- (3) Library Information Center Collection.

The three (3) levels of collection standards for Tennessee school libraries are: Basic, Standard, and Exemplary. The criteria by which school library collections are evaluated are listed below:

(a) Item Count.

Basic collection - Contains between twelve (12) and fourteen (14) items per student enrolled in the school;

Standard collection - Contains between fifteen (15) and seventeen (17) items per student enrolled in the school; and

Exemplary collection - Contains eighteen (18) or more items per students enrolled in the school.

(b) Collection Compilation.

1. Pamphlets, textbooks, class sets, periodicals, out-of-date items, and items in poor physical condition shall neither be counted nor reported in the total collection.
2. No more than five (5) copies of the same print title may be counted to meet standards for a minimum number of items per student.

(Rule 0520-01-02-.07, continued)

3. Digital resources should be accessible through a school library webpage or Online Public Access Catalog (OPAC) and may comprise fifty percent (50%) of the collection.
4. The library shall provide access to the virtual library administered by the Tennessee State Library and Archives and the library personnel should receive training. These resources may count for up to twenty percent (20%) of the overall collection or, in schools in which the librarian has received official training within the last five (5) years, they may count for up to thirty percent (30%) of the overall collection.
5. The collection shall include access to a current, complete encyclopedia in any format. In high schools, the collection shall also include an unabridged dictionary, one (1) foreign language dictionary in the native language of ESL students in attendance at the school, a local newspaper, and one (1) daily newspaper presenting news on both state and national levels. These items may be in any format. For digital materials, only full text shall be counted in the total.
6. The collection should include a balance of fiction and nonfiction with an appropriate level of text complexity. The resources in the collection should be chosen to: complement and augment the most recently adopted curriculum, be a motivational springboard for student research, and encourage self-expression and curiosity by offering a variety of recreational reading material.

(c) Age.

Collections meeting the compilation standards are evaluated based on age of the collection as measured in years from the current year:

Basic collection - sixteen (16) years and older;

Standard collection - fifteen (15) years; and

Exemplary collection - fourteen (14) years or less.

(d) Technology - Access to Digital Materials.

1. Workstations with internet access in the library information center are sufficient to provide access for students. The number of workstations should be no less than the average class size allowable by the state. A workstation may be a desktop, laptop, tablet or similar device, but devices available for checkout should not be counted in the total.
2. School libraries should be equipped with instructional technology, including, but not limited to, LCD projector, screen and/or interactive smart board, document camera, computer, etc., and provide user training for such devices.
3. Separate computers must be maintained for both the library management system/circulation and for the library personnel.

**Authority:** T.C.A. §§ 49-1-302, 49-11-101, and 49-11-104. **Administrative History:** Original rule certified June 10, 1974. Amendment filed June 10, 1974; effective July 10, 1974. Amendment filed June 30, 1975; effective July 30, 1975. Amendment filed July 15, 1976; effective August 16, 1976. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed January 9, 1979; effective February 23, 1979. Amendment and new rule filed October 15, 1979; effective January 8, 1980. Amendment filed April 14, 1980; effective May 28, 1980. Amendment filed November 13, 1981; effective March 16, 1982.

(Rule 0520-01-02-.07, continued)

*Amendment filed June 4, 1982; effective September 30, 1982. Amendment filed August 17, 1983; effective November 14, 1983. Repeal filed June 28, 1984; effective September 11, 1984. Amendment filed January 31, 1985; effective April 16, 1985. Repeal filed July 22, 1987; effective October 28, 1987. New rule filed February 16, 1989; effective April 2, 1989. Amendment filed November 9, 1989; effective February 28, 1990. Amendment filed July 11, 1990; effective October 29, 1990. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed September 6, 2007; effective January 28, 2008. Amendments filed August 20, 2020; effective November 18, 2020.*

#### **0520-01-02-.08 REPEALED.**

**Authority:** T.C.A. § 49-1-302. **Administrative History:** Original rule certified June 10, 1974. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed January 9, 1979; effective February 23, 1979. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed October 31, 1995; effective February 28, 1996. Amendment filed April 27, 1998; effective August 28, 1998. Repeal filed September 26, 2024; effective December 25, 2024.

#### **0520-01-02-.09 ALTERNATIVE EDUCATION.**

- (1) Alternative education is a non-traditional, short-term academic program or school designed to meet the student's educational, behavioral, and social needs. Alternative education includes alternative schools and alternative programs.
- (2) Alternative school means a short-term intervention program designed to provide educational services outside of the regular school program for students who have been suspended or expelled. Alternative schools are located in a separate facility from the regular school program.
- (3) Alternative program means a short-term intervention program designed to provide educational services outside of the regular school program for students who have been suspended or expelled. Alternative programs may be located within the regular school or be a self-contained program within a school. Alternative programs include, but are not limited to, night schools or in-school suspension.
- (4) Pursuant to T.C.A. § 49-6-3402(i) alternative schools and alternative programs may provide virtual instruction to students assigned to the alternative school or alternative program through a virtual school or virtual program in accordance with State Board Virtual Education Rule 0520-01-03-.05. Tracking of student attendance for students assigned to an alternative school or alternative program who are receiving virtual instruction shall comply with the attendance procedures set forth in State Board Virtual Education Rule 0520-01-03-.05.
- (5) Pursuant to T.C.A. § 49-6-3402, local boards of education may establish alternative schools or alternative programs for students in grades one (1) through six (6) who have been suspended or expelled from the regular school program.
- (6) Attendance in an alternative school or alternative program shall be voluntary for students in grades one through six (1-6) who have been suspended or expelled from the regular school program, unless the local board of education adopts a policy mandating attendance in either instance.
- (7) A local board of education shall establish at least one (1) alternative school or alternative program for students in grades seven (7) through twelve (12) who have been suspended or expelled. Attendance in an alternative school or alternative program is mandatory for students in grades seven (7) through twelve (12) who have been suspended for more than ten (10) days or expelled from the regular school program if space and staff are available. Space and staff availability shall be determined by the LEA at the time the disciplinary decision is rendered.

(Rule 0520-01-02-.09, continued)

- (a) Attendance in an alternative school or alternative program is not mandatory for students in grades seven (7) through twelve (12) who have been expelled from the regular school program for committing a zero-tolerance offense. However, this does not prohibit a director of schools, or a director's designee, from assigning a student who has been expelled from the regular school program for committing a zero-tolerance offense to an alternative school or alternative program.
- (b) A director of schools, or a director's designee, is not required to assign a student in grades seven (7) through twelve (12) who has been suspended for more than ten (10) days or expelled from the regular school program for an offense of violence or threatened violence, or an offense that threatened the safety of persons attending or assigned to the student's school, to an alternative school or alternative program if conditions set forth in T.C.A. § 49-6-3402(c)(1)(C) are met.
- (8) Students in pre-kindergarten or kindergarten shall not be assigned to an alternative school or alternative program.
- (9) Each local board of education shall adopt a policy regarding alternative education that is aligned to this Rule and that defines and provides appropriate educational opportunities for all students assigned to an alternative school or alternative program. The policy shall recognize the impact of exclusionary discipline practices on students, and placement in an alternative education program should be reserved for infractions that significantly disrupt the educational process. LEAs shall utilize the Model Standards for Alternative Education Programs developed by the Department of Education as a guideline in development of their policies and procedures.
- (10) Requirements for alternative education:
  - (a) The scope, sequence, and pacing of instruction shall proceed as nearly as practicable in accordance with the instructional program in the student's regular school. Instruction shall be based on the academic standards adopted by the State Board.
  - (b) All course work and credits earned shall be transferred and recorded in the student's home school, which shall grant credit earned and progress thereon as if earned in the home school.
  - (c) Students shall participate in all required state assessments at sites determined by school officials and in accordance with established guidelines regarding student grade levels and eligibility. State assessment results shall be reported in the LEA where the student was enrolled prior to his or her placement in the alternative school.
  - (d) Each alternative school or alternative program shall comply with class size requirements established in T.C.A. § 49-1-104 and instructional and planning time requirements established by the State Board. Nothing shall prohibit an LEA from establishing a lower class size ratio in an alternative school or alternative program.
  - (e) The minimum length of the school day for alternative schools and alternative programs shall be six and one-half (6½) hours, provided that alternative schools and alternative programs may operate beyond traditional school hours to provide students with a range of educational opportunities.
  - (f) LEAs shall monitor and regularly evaluate the academic progress of each student enrolled in an alternative school or alternative program.

(Rule 0520-01-02-.09, continued)

- (g) Students are subject to all rules pertaining to the alternative school or alternative program.
  - 1. The director of schools, or the director's designee, may remove a student from the alternative school or alternative program if the director, or the director's designee, determines that:
    - (i) The student has violated the rules of the alternative school or alternative program; or
    - (ii) The student is not benefiting from the student's assignment to the alternative school or alternative program, and all interventions available to help the student to succeed in the alternative school or alternative program have been exhausted unsuccessfully.
  - 2. A student's removal from the alternative school or alternative program shall not constitute grounds for extending the length of original suspension or expulsion.
  - 3. The director of schools, or the director's designee, shall make the final decision on removal.
- (h) If a student has an active Individualized Education Program (IEP), a 504 plan, or is suspected of having a disability, all state and federal laws and rules relating to students with disabilities and special education shall be followed. The IEP team shall make all decisions regarding change of placement and delivery of services for students with disabilities. No student with a disability shall be arbitrarily placed in an alternative school or alternative program.
- (i) Prior to the assignment of a student to an alternative school or alternative program, the LEA shall provide written notice, which includes the reason for the student's placement, to the student's parent or guardian. Reasons for placement in an alternative school or alternative program must be documented. End of year reports must be made to the regular school for each student.
- (j) Each teacher providing instruction to students in an alternative school or alternative program shall be licensed to teach in Tennessee and shall meet the qualifications to teach in compliance with the rules and regulations of the State Board.
- (k) Alternative schools shall have an appropriately licensed administrator assigned to supervise the school.
- (l) Support services such as counseling and psychological services must be accessible.
- (m) Each LEA shall develop and implement formal transition plans for the integration of students from a traditional school to an alternative school or from an alternative school back to a traditional school. Transition plans shall be targeted to improve communication between a traditional school and an alternative school staff and should address any barriers that would prohibit students from successfully transitioning. Transition plans shall include aligning of curricula, intake procedures for students returning to traditional school, professional development opportunities for traditional and alternative school staff, educational and behavioral supports, follow-up for students returning to traditional school, and the development of graduation and postsecondary goals.

(Rule 0520-01-02-.09, continued)

- (n) All alternative school classrooms shall have working two-way communication systems that make it possible for teachers or other employees to notify a principal, supervisor, or other administrator that there is an emergency.
- (o) It is the responsibility of the director of schools to ensure that all alternative school teachers and other employees have been trained to use the two-way communication system and are notified of emergency procedures prior to the beginning of classes for any school year and when changes are made in the emergency procedures and/or personnel. Such emergency procedures shall be linked to the school and school district emergency preparedness plan.
- (p) LEAs shall submit an annual alternative education survey to the Department that provides the following information:
  - 1. Alternative schools or alternative programs currently in operation in the LEA;
  - 2. Number and grade level of students served;
  - 3. Primary reason for student assignment;
  - 4. Number of faculty and staff; and
  - 5. Information required by T.C.A. § 49-6-3405.

(11) Funding:

- (a) Students attending an alternative school or alternative program shall continue to earn funding through the state's K-12 education funding formula for the LEA in which the student is enrolled.

(12) Facilities:

- (a) A local board of education may not contract or otherwise affiliate with an alternative school program which requires an order of a court as a precondition of placement in such alternative school.
- (b) A local board of education may contract with independent contractors to provide alternative school facilities and other appropriate services consistent with T.C.A. § 49-2-203.
- (c) A local board of education may establish its own facility.
- (d) Two (2) or more boards may join together and establish an alternative school attended by students from any such LEA.
- (e) Through a mutually accepted agreement with another local board of education, a board may send its suspended or expelled students to an alternative school already existing in another LEA or may enter into an agreement with an LEA that established a virtual school to provide virtual instruction to students who have been suspended or expelled.

**Authority:** T.C.A. §§ 49-6-3401, 49-6-3402, and 49-6-3405. **Administrative History:** Original rule certified June 10, 1974. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed January 9, 1979; effective February 23, 1979. Amendment filed April 14, 1980; effective May 28, 1980. Amendment filed June 28, 1984; effective September 11, 1984. Amendment filed January 2, 1986; effective April 15, 1986. Amendment filed May 28, 1986; effective June 27, 1986. Amendment filed April 24, 1987; effective June 8, 1987. Repeal and new rule filed March 16, 1992; effective June 29, 1992.

(Rule 0520-01-02-.09, continued)

*Amendment filed June 24, 1992; effective September 28, 1992. Amendment filed April 18, 1997; effective August 28, 1997. Amendment filed April 27, 1998; effective August 28, 1998. Amendments filed August 20, 2020; effective November 18, 2020. Amendments filed August 28, 2023; effective November 26, 2023. Amendments filed January 24, 2024; effective April 23, 2024.*

**0520-01-02-.10 HOMEBOUND INSTRUCTION.**

(1) Definitions. As used in this rule:

- (a) "Homebound Instruction Period" means the number of school days that the medical homebound instruction program shall be provided to the student.
- (b) "Individualized Education Program (IEP) team" means a group of individuals described in 34 C.F.R. § 300.321 that is responsible for developing, reviewing, and/or revising an IEP for a child with a disability.
- (c) "Medical Condition" means a physical or mental condition, illness, or disorder that prevents a student from attending regular classes and is certified in writing by the student's treating physician.
- (d) "Medical Homebound Instruction Program" means an instruction program provided at home, hospital, or other related locations to all students, including students with disabilities, who are enrolled in a public school but are unable to attend regular classes due to a medical condition.
- (e) "Regular Classes" means the classes to which the student has been assigned by the school where the student is enrolled.
- (f) "Review Team" means Local Education Agency ("LEA") staff and/or school staff, including the student's 504 team or IEP team if applicable, who are familiar with the health and educational needs of the student for whom a medical homebound instruction program is being requested.
- (g) "Student" means a child enrolled in a Tennessee public school in grades kindergarten through grade twelve (K-12).
- (h) "Treating Physician" means a person who is licensed under T.C.A. Title 63, Chapter 6; T.C.A. Title 63, Chapter 9; T.C.A. Title 63, Chapter 11; or T.C.A. § 63-23-105 or similar statute in another jurisdiction and who is the professional treating the student for the medical condition requiring medical homebound instruction.

(2) Medical Homebound Qualification and Placement.

- (a) Each LEA shall establish a medical homebound instruction program for each student enrolled in the LEA who qualifies. A student qualifies for a medical homebound instruction program if the student's treating physician certifies in writing that the student has a medical condition that prevents the student from attending regular classes. A student is prevented from attending regular classes if the student will miss more than ten (10) consecutive instructional days over the period of the school year due to the medical condition. An LEA may also create a policy that allows students who miss an aggregate number of instructional days over the period of the school year due to a medical condition to be eligible for a medical homebound instruction program.
- (b) Once a student has qualified for a medical homebound instruction program, the homebound instruction period shall be determined by the student's review team on a case-by-case basis and shall take into consideration the recommendations of the

(Rule 0520-01-02-.10, continued)

student's treating physician, if available. Educational decisions regarding the student's medical homebound instruction program shall be determined by the student's review team on a case-by-case basis.

- (c) Decisions regarding students with disabilities who require instruction in the home, hospital, or related site pursuant to an IEP team's determination that the home, hospital, or related site is the child's least restrictive environment are governed by the requirements set forth in the Individuals with Disabilities Education Act (34 C.F.R. § 300.39; 34 C.F.R. § 300.115) and State Board Rule 0520-01-09-.07 regarding educational homebound placements.

(3) Medical Homebound Instructional Requirements.

- (a) A medical homebound instruction program shall consist of a minimum of three (3) hours of instruction per week while school is in session for the homebound instruction period determined by the student's review team.
- (b) For students receiving special education and related services, the frequency and duration of instruction necessary to provide a free appropriate public education for a student with a disability during a medical homebound instruction program placement shall be determined by the student's IEP team, but shall not be less than the minimum of three (3) hours per week.
- (c) The student's review team shall consider the student's grade level, academic status, physical abilities, individual academic needs, homebound instruction period, and similar factors when determining the amount of instructional time per week provided to the student under a medical homebound instruction program.
- (d) The minimum of three (3) hours of instruction per week shall not include travel to and from the student or preparation time. Homebound instruction is measured by the amount of time that the student and the homebound teacher are working together; or, if a student is enrolled in an LEA's virtual program, homebound instruction is only the actual time that the student is engaging in instruction via the virtual program.
- (e) Homebound instruction shall be provided by a teacher holding a valid Tennessee teacher license as provided in T.C.A. Title 49, Chapter 5.
- (f) An adult, other than the homebound teacher/instructor, shall be present during the homebound instruction period.
- (g) The LEA may provide the homebound instruction program by sending a teacher to the student's home, hospital, or related site, by contracting with a hospital or related site to provide educational services to the student in compliance with this rule, or via the LEA's own online or virtual program, if the review team deems it appropriate for the student. The LEA shall verify that the student has all the necessary equipment, access, and training for working via the internet at no additional cost to the student.

(4) Recertification for Medical Homebound.

- (a) A medical homebound instruction program for longer than the initial medical homebound instruction period shall only be provided to a student who is recertified in writing by his or her treating physician as having a medical condition that, in the student's treating physician's judgment, continues to prevent the student from returning to regular classes.

(Rule 0520-01-02-.10, continued)

- (b) The initial medical homebound instruction period and any additional medical homebound instruction period shall be for the number of school days certified by the student's review team.
  - (c) Recertification must be obtained upon the expiration of each additional medical homebound instruction period if medical homebound instruction is to be continued beyond the initial medical homebound instruction period.
- (5) Reentry.
  - (a) Prior to the expiration of the medical homebound instruction period, the review team shall develop a transition plan for the student's reentry into the school environment.
- (6) Attendance and Funding.
  - (a) LEAs are responsible for ensuring the provision of medical homebound instruction to students enrolled in the LEA. Such students shall not be counted absent from school and shall continue to earn funding through the state's K-12 education funding formula for the LEA in which the student is enrolled.
  - (b) IDEA Part B funds may be expended only for instruction of students with disabilities who are placed in a homebound instruction program.

**Authority:** T.C.A. §§ 49-10-1101 and 49-10-1103; 34 C.F.R. § 300.39; and 34 C.F.R. § 300.115.  
**Administrative History:** Original rule certified June 10, 1974. Amendment filed June 10, 1974; effective July 10, 1974. Amendment filed June 30, 1975; effective July 30, 1975. Amendment filed July 15, 1976; effective August 16, 1976. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed January 9, 1979; effective February 23, 1979. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Repeal and new rule filed May 20, 2019; effective August 18, 2019. Amendments filed April 7, 2021; effective July 6, 2021. Amendments filed August 28, 2023; effective November 26, 2023.

#### **0520-01-02-.11 SCHOOL BOARD TRAINING.**

- (1) Approval of Training Courses.
  - (a) Local school board member training courses ("Training Courses") shall be approved by the State Board.
  - (b) Training Course hours will be recognized only for Training Courses approved by the State Board in accordance with this rule.
  - (c) The State Board shall appoint a School Board Training Advisory Committee ("Advisory Committee") responsible for evaluating and recommending Training Courses for approval. The Advisory Committee shall include a member of the State Board of Education, the Executive Director of the State Board or his/her designee, the Commissioner of Education or his/her designee, and at least one (1) local school board member. The Advisory Committee may also include others appointed by the State Board for terms designated by the State Board.
  - (d) Beginning in 2022, the Advisory Committee shall evaluate proposed Training Courses and recommend Training Courses for approval to the State Board. The Advisory Committee shall require prospective Training Course providers to submit an application for Training Course approval to the Advisory Committee by February 15 prior to the fiscal year in which the Training Course will be offered. The application for Training Course approval shall include, but is not limited to, the following information:

(Rule 0520-01-02-.11, continued)

1. Name of the prospective Training Course provider (individual(s), entity, and/or LEA);
  2. Experience of the prospective Training Course provider in providing school board member training;
  3. Instructor qualifications;
  4. Title, proposed agenda, and length of Training Course(s);
  5. Intended audience for the Training Course(s) (New Board Members and/or Experienced Board Members);
  6. Description of content to be delivered and learning objectives;
  7. Description of instructional strategies, activities, and presentation materials;
  8. Method of delivery of Training Course content (webinar, in-person, etc.);
  9. Fees, if any, to be charged;
  10. Methods used to evaluate the achievement of stated learning objectives and Training Course provider effectiveness; and
  11. If an LEA proposes Training Courses for approval, the proposal shall state whether the Training Courses are restricted to members of the LEA's Board of Education or if Training Courses will be open to any Board of Education member who wishes to participate.
- (e) Any Training Courses not recommended for approval may be re-submitted by the provider to the Advisory Committee during the next application cycle.
- (f) Training Courses that meet the requirements of this rule and are recommended by the Advisory Committee for approval shall be submitted by the Advisory Committee to the State Board for approval.
1. Beginning in 2022, the Advisory Committee shall submit recommended Training Courses for approval to the State Board no later than May 1 prior to the fiscal year in which the Training Course will be offered.
  2. Training Courses recommended by the Advisory Committee and approved by the State Board shall be included in State Board Local School Board Member Training Policy 2.100.
  3. Training Course approvals are valid for three (3) years, unless the provider or State Board indicates the Training Course is proposed or approved for a shorter period of time.
  4. Approved Training Course providers shall notify State Board staff if any changes to information outlined in subparagraph (1)(d) are made to approved Training Courses during the approval period. State Board staff shall determine if re-approval by the State Board is required as a result of the changes.
- (g) When submitting recommended Training Courses for approval to the State Board, the Advisory Committee shall include a summary of the reasons for the approval recommendation.

(Rule 0520-01-02-.11, continued)

(2) Training Requirements.

- (a) Training Requirements for New Board Members. Beginning on July 1, 2022, newly elected or newly appointed members of a local board of education ("New Board Members") shall, at a minimum, participate in twenty-one (21) hours of training during their first year in office. The twenty-one (21) hours shall include fourteen (14) hours of orientation Training Courses covering topics outlined in subparagraph (2)(a)1.; however, if a New Board Member has been elected to a local board of education with a break in service of more than four (4) years, the New Board Member may choose to substitute any orientation Training Course with any other approved Training Course to count toward the required fourteen (14) hours of orientation training. The remaining seven (7) hours shall be selected from any additional approved Training Course(s). All required training hours shall be completed within twelve (12) months of joining the local board of education.

1. Orientation Training Course Content. New Board Members shall complete orientation Training Courses covering the following topics:

- (i) Education's governance structure, including an overview of the roles and responsibilities of the State Board of Education, Department of Education, and the Public Charter School Commission;
- (ii) School data and finance;
- (iii) Communication and engagement;
- (iv) Board policies;
- (v) Strategic planning;
- (vi) School law;
- (vii) Board/Director of Schools relations;
- (viii) Board/staff relations;
- (ix) Board/student relations;
- (x) Tennessee open meetings and open records requirements; and
- (xi) Conflict of interest and ethics.

- (b) Training Requirements for Experienced Board Members. Beginning on July 1, 2022, experienced local school board members with one (1) or more years of service on a local board of education with a break in service of no more than four (4) years ("Experienced Board Members") shall, at a minimum, complete seven (7) hours of training each fiscal year.

- 1. Training Course Content. Experienced Board Members shall select any approved Training Course(s) to meet the required seven (7) hours each fiscal year.
- 2. Local school board members who are re-elected to a local board of education with no break in service shall be considered Experienced Board Members for training purposes.

(Rule 0520-01-02-.11, continued)

## (3) School Board Member Stipends and Monitoring.

- (a) Local school board members may receive a stipend for completing approved Training Courses, subject to available funding. The Department of Education may be responsible for administration of any stipend payments utilizing state funds.
  - (b) The Department of Education shall be responsible for monitoring local school board member compliance with these rules. Approved Training Course providers shall provide a list to the Department of Education of all local school board members who have completed approved Training Courses during the fiscal year. This report shall be submitted to the Department of Education by July 15 following each fiscal year.
  - (c) If a local school board member is unable to complete all required training hours due to an unanticipated hardship, the Commissioner of Education may reduce the number of hours required for the board member under this rule upon receiving explanation of the unanticipated hardship and request for reduction. Any reduction granted by the Commissioner of Education shall only be valid for one (1) year. If a New Board Member is granted a reduction by the Commissioner, any orientation Training Courses not completed by the board member shall be made up in the following year. If a local school board member was unable to complete any of the required training hours due to an unanticipated hardship, the local board of education may request that the Commissioner of Education waive the annual training requirement for that board member. The waiver request shall include an explanation of the unanticipated hardship that prevented the board member from completing any required training hours.
- (4) Until June 30, 2022, local school board members shall comply with Training Course requirements through participation in the School Board Academy program administered by the Department of Education. Beginning on July 1, 2022 and thereafter, local school board members shall comply with Training Course requirements outlined in this rule.

**Authority:** T.C.A. § 49-2-202(a)(6). **Administrative History:** Original rule certified June 10, 1974. Amendment filed June 10, 1974; effective July 10, 1974. Amendment filed June 30, 1975; effective July 30, 1975. Amendment filed July 15, 1976; effective August 16, 1976. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed January 9, 1979; effective February 23, 1979. Amendment and new rule filed October 15, 1979; effective January 8, 1980. Amendment filed April 14, 1980; effective May 28, 1980. Amendment filed November 13, 1981; effective January 20, 1982. Amendment filed January 2, 1986; effective April 15, 1986. Amendment filed May 23, 1986; effective June 27, 1986. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed September 22, 2015; effective December 21, 2015. Amendments filed March 2, 2021; effective May 31, 2021. Amendments filed December 2, 2021; effective March 2, 2022.

**0520-01-02-.12 WAIVERS.**

- (1) Pursuant to T.C.A. § 49-1-201(d), upon application by an LEA for one (1) or more of its schools, the Commissioner of Education may waive any State Board rule or statute that inhibits or hinders the LEA's ability to meet its goals or comply with its mission.
- (2) Waivers shall not be granted by the Commissioner for requirements related to:
  - (a) Federal and state civil rights;
  - (b) Federal, state, and local health and safety;
  - (c) Federal and state public records;
  - (d) Immunizations;

(Rule 0520-01-02-.12, continued)

- (e) Possession of weapons on school grounds;
  - (f) Background checks and fingerprinting of personnel;
  - (g) Federal and state special education services;
  - (h) Student due process;
  - (i) Parental rights;
  - (j) Federal and state student assessment and accountability;
  - (k) Open meetings;
  - (l) Educators' due process rights;
  - (m) Reductions in teachers' salaries;
  - (n) Employee rights, salaries and benefits;
  - (o) Licensure of employees;
  - (p) Maximum class sizes established in T.C.A. § 49-1-104, unless in the case of a natural disaster that results in the enrollment of displaced students.
- (3) All waiver requests shall be submitted in writing to the Commissioner by the director of schools on the forms provided by the Department.
  - (4) All waiver requests shall include a listing of the specific State Board rule or statute requested to be waived.
  - (5) The Commissioner may request additional information to supplement a completed request.
  - (6) The Department shall post to its website any waiver of statutes, rules, regulations, or policies granted by the Commissioner within five (5) business days of the Commissioner's approval. The waivers shall include the name of the LEA requesting the waiver and an explanation of the waiver requested.

**Authority:** T.C.A. §§ 49-1-104, 49-1-201(d), and 49-1-203. **Administrative History:** Original rule certified June 10, 1974. Amendment filed June 30, 1975; effective July 30, 1975. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed January 9, 1979; effective February 23, 1979. Amendment filed April 14, 1980; effective May 28, 1980. Amendment filed April 12, 1983; effective May 12, 1983. Amendment filed June 27, 1984; effective July 27, 1984. Amendment filed June 28, 1984; effective September 11, 1984. Amendment filed May 28, 1986; effective June 27, 1986. Amendment filed October 15, 1986; effective January 27, 1987. Amendment filed July 21, 1988; effective October 29, 1988. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendments filed August 20, 2020; effective November 18, 2020.

#### **0520-01-02-.13 FISCAL ACCOUNTABILITY STANDARDS.**

- (1) Data Collection.
  - (a) The Commissioner of Education (Commissioner), in consultation with the Comptroller of the Treasury, shall prescribe a system of school fiscal accounting for all LEAs which ensures that the expenditure of funds is properly accounted for and safeguarded in

(Rule 0520-01-02-.13, continued)

accordance with current law and State Board rules, regulations, and minimum standards. The Commissioner shall require such reports from LEAs as are required by federal or state law, State Board rules, or as are otherwise necessary for ensuring fiscal accountability standards.

- (b) To ensure proper financial reporting of revenue and expenditures for all public school purposes, the system of school fiscal accounting shall include a standard chart of accounts and audit procedures. The standard chart of accounts shall be the basis for the Annual Public School Budget Document (Budget Document), which shall contain the account codes necessary to ensure the capability for meaningful comparisons of school systems. At a minimum, the Budget Document shall be designed to facilitate year-to-year and agency-to-agency comparison, as well as adequately indicating the sources and uses of all funds received by each LEA, and sufficient revenue account codes to differentiate between federal, state and local revenue.
  - (c) The report of actual expenditures shall be the Annual Public School Financial Report (Financial Report) and shall include sufficient information to allow an LEA by LEA comparison of budgeted and actual expenditures. The Financial Report shall, at a minimum, be designed to facilitate year-to-year and agency-to-agency comparison, as well as adequately indicating the sources and uses of all funds received by each LEA, and shall differentiate between federal, state and local revenue when reporting actual revenue for the prior year and estimated revenue for budget purposes.
  - (d) The Department of Education shall establish procedures for collecting and verifying required data inputs for use in determining allocations through the state's K-12 education funding formula.
- (2) Reports & Documents.
- (a) Within thirty (30) days after the beginning of each fiscal year, each LEA shall submit to the Commissioner, on a form provided by the Department of Education, a complete and certified copy of its entire school budget for the current school year.
  - (b) On or before October 1 of each year, each LEA shall submit to the Commissioner a correct and accurate financial report of public school revenues and expenditures for the school year ending on June 30. The Commissioner shall require such reports and maintain such documents as will allow a comparison of the state's K-12 education funding allocations with actual expenditures for each school system.
  - (c) The Commissioner shall provide to the State Board on or before October 1 of each year a report of ADM for each LEA for the previous school year.
  - (d) The Department of Education shall prepare and report to the State Board final allocations of the state's K-12 education funding formula for each LEA prior to the start of the school year.
- (3) Review and Verification.
- (a) The budget submitted by each LEA will be reviewed by the Department of Education to ensure that state funds are not being used to supplant local funds and that each school system has appropriated funds sufficient to fund its local share of the state's K-12 education funding formula.
  - (b) Revenue derived from local sources must equal or exceed prior year actual revenues - excluding capital outlay and debt service, and adjusted for decline in average daily membership (ADM).

(Rule 0520-01-02-.13, continued)

- (c) The Department of Education shall verify that funds generated in the state's K-12 education funding formula are being budgeted for eligible expenses, inclusive of any legal requirements that restrict fund usage. The Commissioner shall advise the State Board of all LEAs which fail to meet these minimum standards by January 15 of each year.
  - (d) Each LEA shall provide to the Commissioner or a designated representative copies of all LEA related audit reports, including those made by governmental or independent public accountants.
  - (e) The Department of Education shall conduct review and follow-up procedures to ensure that audit exceptions are evaluated and appropriate actions are taken. The Commissioner shall notify the State Board of any material and significant findings which reflect on the ability of the LEA to provide a quality education or which indicate that progress toward satisfactory resolution is not being made.
- (4) Audit.
- (a) An Internal Audit Section will be maintained in the Department of Education for the purpose of testing and evaluating LEA administrative and accounting controls, compliance, and financial and program accountability for state and federally funded programs, and for compliance with State Board rules, regulations, and minimum standards. The Internal Audit Section shall make such full and limited scope audits as it deems necessary under the circumstances, and special audits as requested by responsible government officials. The audits will be performed in accordance with standards for the professional practice of internal auditing and with generally accepted governmental auditing standards.
  - (b) To provide reasonable assurance that attendance and financial reports are reliable and accurate, the Internal Audit Section shall conduct audit procedures for the review and testing of the attendance accounting system. The Internal Audit Section shall review such programs as necessary to provide reasonable assurance that funds are properly accounted for and safeguarded in accordance with current law, applicable federal standards, and State Board rules, regulations, and minimum standards. Audits shall include evaluating program objectives, grant performance and accountability to determine that each LEA has a system in place to ensure compliance with program regulations and guidelines.
  - (c) The Commissioner shall be advised of all audits, including a summary of the scope of the audit, the findings, recommendations, management comments, and conclusions including a determination as to the adequacy of corrective action planned or implemented. The State Board, Director of Schools, and representatives of the Comptroller's Office shall be provided copies of all audits conducted.

**Authority:** T.C.A. §§ 49-1-201, 49-1-210, 49-1-302, and 49-3-316 and Public Chapter 966 of the Public Acts of 2022. **Administrative History:** Original rule filed November 3, 1993; effective March 30, 1994. Amendment filed June 30, 1995; effective October 27, 1995. Amendments filed August 11, 2017; effective November 9, 2017. Amendments filed August 28, 2023; effective November 26, 2023.

#### **0520-01-02-.14 REPEALED.**

**Authority:** T.C.A. §§ 49-1-209, 49-1-210, and 49-1-302(i). **Administrative History:** Original rule filed January 31, 1995; effective May 31, 1995. Amendment filed August 7, 1995; effective December 29, 1995. Repeal filed August 20, 2020; effective November 18, 2020.

**0520-01-02-.15 REPEALED.**

**Authority:** T.C.A. §§ 49-1-302(a) and 49-6-2202(c). **Administrative History:** Original rule filed January 31, 1995; effective May 31, 1995. Amendment filed August 7, 1995; effective December 29, 1995. Repeal filed August 11, 2017; effective November 9, 2017.

**0520-01-02-.16 SCHOOL FEES AND DEBTS.**

## (1) School Fees.

- (a) No fees or tuition shall be required of any student as a condition of attending a public school or using its equipment while receiving educational training.
- (b) Local boards of education may adopt a policy requesting, but not requiring certain school fees of any student, regardless of financial status (including eligibility for free or reduced price lunch). All school fees must be authorized by the local board of education. The school fees that may be requested, but not required include:
  - 1. Fees for activities that occur during regular school hours (the required 180 instructional days), including field trips, any portion of which fall within the school day; or for activities outside regular school hours if required for credit or grade;
  - 2. Fees for activities and supplies required to participate in all courses offered for credit or grade, including interscholastic athletics and marching band if taken for credit in accordance with local board policies;
  - 3. Fees or tuition applicable to courses taken during the summer by a student, except that nonresident students regularly enrolled in another school system may be required to pay fees or tuition for such summer courses;
  - 4. Fees required for graduation ceremonies; and
  - 5. Refundable security deposits requested by a school for use of school property for courses offered for credit or grade, including interscholastic athletics and marching band if taken for credit or grade in accordance with local board policies.
- (c) Local Education Agencies (LEAs) shall establish a process by which to waive any requested, but not required, school fees.
  - 1. At the beginning of the school year, at the time of enrollment, and/or at the time of requesting school fees, all students and their parents or legal guardians shall be given clear and prominent written notice of authorized fees that may be requested, but not required, and notice of the fee waiver process.
  - 2. The parent or legal guardian of a student shall be given the opportunity to pay all or any portion of the requested school fee if they desire.
  - 3. If a waiver is not approved by the LEA, the LEA cannot require payment of the requested fee. If the parent chooses not to pay a requested fee, the child shall not be prevented from participating in the activity or course for which the fee is being requested.

## (2) School Debts and Other Permissible Charges.

- (a) LEAs are authorized to require payment of the following by all affected students:

(Rule 0520-01-02-.16, continued)

1. Fines imposed on all students for late-returned library books; parking or other traffic fines imposed for abuse of parking privileges on school property; or reasonable charges for lost or destroyed textbooks, library books, workbooks, or any other property of the school;
2. Debts incurred pursuant to paragraph (2)(b);
3. Refundable security deposits collected by a school for use of school property for participation in extracurricular, non-credit-bearing activities;
4. Costs for extracurricular activities occurring outside the regular school day including sports, optional trips, clubs, or social events; and
5. Non-resident tuition charged of all students attending a school system other than the one (1) serving their place of residence.

(b) Withholding of Student Grades for Debts Owed to the School.

1. LEAs are authorized to withhold all grade cards, diplomas, certificates of progress, or transcripts of a student who has taken property that belongs to a LEA, or has incurred a debt to a school, until such student makes restitution in full. Unpaid school fees, as defined above, shall not be considered debts owed to the school.
2. No student shall be sanctioned under the provisions of this rule when the student is deemed by the LEA to be without fault for the debt owed to the LEA or the school.
3. Nothing in this rule authorizes any LEA to limit the rights of parents or legal guardians to have access to their children's educational records pursuant to the Family Educational Rights and Privacy Act.
4. LEAs shall afford the student and/or the student's parent or legal guardian the opportunity to appear and be heard if such student and/or the parent or legal guardian disputes the debt, the amount of the debt, or the application of sanctions.

**Authority:** T.C.A. §§ 49-1-302, 49-2-110, 49-2-114, and 49-6-3401. **Administrative History:** Original rule filed April 28, 2000; effective August 28, 2000. Amendments filed August 20, 2020; effective November 18, 2020.

**0520-01-02-.17 STATE ENROLLMENT AND ATTENDANCE GUIDELINES.**

- (1) Children entering kindergarten shall be five (5) years of age on or before August 15. However, a child does not have to enroll in school at five (5) years of age, but enrollment must occur no later than the beginning of the academic year following the child's sixth (6th) birthday.
- (2) Any transfer student applying for admission who was legally enrolled in an approved kindergarten in another state and who will be five (5) years of age no later than December 31 of the current school year shall be enrolled.
- (3) Pursuant to the Tennessee compulsory attendance law, all children must attend school between the ages of six (6) and seventeen (17), both inclusive. T.C.A. §§ 49-6-3001 and 49-6-3005 provide that the following children may be exempt from the compulsory attendance law:

(Rule 0520-01-02-.17, continued)

- (a) Children mentally or physically incapacitated to perform school duties, with the disability attested to by a duly licensed physician in all cases;
  - (b) Children who have completed high school and hold a high school diploma or other certificate of graduation;
  - (c) Children enrolled in and making satisfactory progress in a course of instruction leading to a high school equivalency credential approved by the State Board of Education;
  - (d) Children participating in a program of hospital or homebound instruction administered or approved by the LEA;
  - (e) 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 T.C.A. § 49-6-3001 or who are conducting a home school as provided by T.C.A. § 49-6-3050;
  - (f) Children enrolled in a home school who have reached seventeen (17) years of age; and
  - (g) Children who have attained their seventeenth (17th) birthday and whose continued compulsory attendance, in the opinion of the local 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.
- (4) Local boards of education may admit students from outside their respective local school district at any time.
- (a) Local boards of education may arrange for the transfer of students residing within their district to other school districts by establishing agreements with other local boards of education for the admission or transfer of students from one (1) school district to another.
  - (b) The receiving board of education may set a time before or during the school year after which it will not accept transfer students. The receiving board of education may charge the non-resident student tuition to attend.
  - (c) If a local board of education otherwise permits non-resident students to transfer into its schools, it may not discriminate against any students solely on the grounds of their race, sex, national origin, or disability, nor may it charge such students a tuition over and above the usual tuition for students without disabilities.
- (5) Each local board of education shall adopt an attendance policy that is firm, but fair; includes effective accounting and reporting procedures to keep parents or guardians informed of student absences; accounts for extenuating circumstances created by emergencies over which the student has no control; includes appeal procedures; and establishes and maintains alternative programs for students who fail to meet minimum attendance requirements.
- (a) Excused Absences. The policy shall address requirements for the excusing of absences. Students receiving an excused absence shall be afforded the opportunity to complete all missed assignments. The policy shall include, but not be limited to, excused absences for the following situations:
    - 1. Absences pursuant to a summons, subpoena, court order, or other legal requirement.

(Rule 0520-01-02-.17, continued)

- (i) This does not apply to absences that are the result of a commission of a delinquent act and when notice of intent to transfer the student to criminal court has been provided pursuant to § 37-1-134, or for detention purposes pursuant to § 37-1-114(c).
- 2. Missing a class or day of school because of the observance of a day set aside as sacred by a recognized religious denomination of which the student is a member or adherent, where such religion calls for special observances of such a day.
- 3. The student's parent or legal guardian is a member of the United States armed forces, including a member of a state National Guard or a reserve component, and is called to federal active duty. In this case, the principal shall give the student:
  - (i) An excused absence for one (1) day when the member is deployed;
  - (ii) An additional excused absence for one (1) day when the service member returns from deployment;
  - (iii) Excused absences for up to ten (10) days for visitation when the member is granted rest and recuperation leave and is stationed out of the country; and
  - (iv) Excused absences for up to ten (10) days cumulatively within the school year for visitation during the member's deployment cycle. The student shall provide documentation to the school as proof of the service member's deployment. However, the total number of excused absences under this subparagraph (iv) and subparagraph (iii) shall not exceed ten (10) days within the school year.
- 4. The student attends a released time course and the local board of education has adopted a policy that excuses a student from school to attend a released time course in compliance with T.C.A. § 49-2-130. However, if the local board of education has not adopted such a policy, a public school shall, upon the request of a student's parent or legal guardian, excuse a student from school to attend a released time course if the requirements of T.C.A. § 49-2-130(h) are met.
- 5. Participation in a non-school-sponsored extracurricular activity, provided the LEA has adopted a policy authorizing excused absences for participating in non-school-sponsored extracurricular activities and provided the following conditions are met:
  - (i) The student provides documentation to the school as proof of the student's participation in the non-school-sponsored extracurricular activity;
  - (ii) The student's parent, custodian, or other person with legal custody or control of the student, prior to the extracurricular activity, submits to the principal or the principal's designee a written request for the excused absence. The written request shall be submitted no later than seven (7) business days prior to the student's absence and shall include all requirements set forth in T.C.A. § 49-6-3022;
  - (iii) The principal or the principal's designee shall approve, in writing, the student's participation in the non-school-sponsored extracurricular activity; and

(Rule 0520-01-02-.17, continued)

- (iv) The principal may limit the number and duration of non-school-sponsored extracurricular activities for which excused absences may be granted to a student during the school year, provided, however, the principal shall excuse no more than ten (10) absences each school year for students participating in non-school-sponsored extracurricular activities.
- (b) Unexcused Absences. The policy shall address unexcused absences.
- (c) Students Counted as Present. The policy shall include the following situations for which students shall be counted as present, in the same manner as an educational field trip, rather than given an excused or unexcused absence. Students counted as present shall be afforded the opportunity to complete all missed assignments.
  - 1. Students serving in-school suspension and receiving educational services.
  - 2. Students receiving medical or educational homebound instruction.
  - 3. Students who serve as pages for the General Assembly during the school year, either at regular or special sessions.
  - 4. Students participating in school-sponsored events shall be counted present provided the events or activities are school directed, related to an instructional activity, and have prior approval of the local board of education.
  - 5. Students participating in an activity or program sponsored by 4-H shall be counted present in accordance with requirements set forth in T.C.A. § 49-6-3026 and provided the program or activity does not occur during the schedule established by the Commissioner of Education for the administration of the Tennessee comprehensive assessment program (TCAP) or any period of time for which the student has been suspended, expelled, or assigned to an alternative school or program if the suspension, expulsion, or assignment to the alternative school or program would otherwise preclude the student from participating in an educational field trip.
  - 6. Students appointed as the student member of the State Board of Education shall be counted as present for the time the student spends in the performance of duties as a member of the State Board of Education. The student shall provide to the principal of the student's school written certification from the Executive Director of the State Board of Education that the student was participating in duties as a member of the State Board of Education.
  - 7. LEAs may adopt a policy allowing high school students participating in postsecondary school visits to be counted as present. Students shall only be counted present the day of the postsecondary visit and shall not be counted as present during any travel days. If an LEA adopts such a policy, the policy shall include:
    - (i) The number of days a student may be counted present for postsecondary school visits;
    - (ii) A requirement of prior written notice from a parent or legal guardian specifying the date of the postsecondary school visit;

(Rule 0520-01-02-.17, continued)

- (iii) A specific procedure for documenting that a student visit to a postsecondary school occurred, such as a signed letter or form from a campus official of the postsecondary institution;
    - (iv) A requirement for students to complete all school work missed during a postsecondary school visit;
    - (v) A requirement that the postsecondary school visit does not occur during the schedule established by the Commissioner of Education for the administration of the Tennessee comprehensive assessment program (TCAP);
    - (vi) A provision specifying that postsecondary school visits are not required of any student; and
    - (vii) A provision specifying that the student's parent or guardian, not the district, is solely responsible for facilitating postsecondary school visits and for ensuring the safety of students during the visit.
  - (d) The policy shall align with the McKinney-Vento Homeless Assistance Act [found at 42 U.S.C. §§ 11431, et seq.].
  - (e) Local attendance policies shall not be used to penalize students academically, however, it is up to the LEA whether or not a student is allowed to make up work for assignments missed during an unexcused absence.
  - (f) The attendance policy adopted by the local board of education shall be posted on the local board of education's website, and school counselors shall be supplied copies for discussion with students.
  - (g) The policy shall be referenced in all school handbooks. All teachers, administrative staff, and parents/guardians shall be provided copies of the policy. Such copies may be provided electronically or in writing.
  - (h) LEAs that are charter school authorizers shall ensure that authorized charter schools have adopted a policy in compliance with this Rule or that the charter school complies with the LEA's attendance policy.
- (6) Pursuant to T.C.A. § 49-6-3009, each local board of education shall adopt a progressive truancy intervention plan for students who violate compulsory attendance requirements prior to the filing of a truancy petition or a criminal prosecution for educational neglect. These interventions must be designed to address student conduct related to truancy in the school setting and minimize the need for referrals to juvenile court.
- (7) Whenever possible, attendance issues should be resolved at the school level. To ensure due process, local boards of education must adopt a policy that affords students with excessive (more than five (5)) unexcused absences the opportunity to appeal. Such policy must, at minimum, include written or actual notice to the student or their parent/guardian and the opportunity to be heard. The burden of proof rests on the student or their parent/guardian. The appeal process for determining unexcused absences is ancillary to a truancy decision rendered by a juvenile court judge as described in T.C.A. § 49-6-3010.
- (8) LEAs are encouraged to develop truancy boards, youth courts, or other alternative programs to serve as an intervention for students with excessive absences. These may be in addition to, or a part of, the progressive truancy intervention plan required by T.C.A. § 49-6-3009.

(Rule 0520-01-02-.17, continued)

**Authority:** T.C.A. §§ 49-2-130, 49-6-3002, 49-6-3005, 49-6-3009, 49-6-3018, 49-6-3019, 49-6-3022, and 49-6-3026 and Chapter 549 of the Public Acts of 2024. **Administrative History:** (For history prior to June 1992, see pages iii through ix). Repeal filed March 16, 1992; effective June 29, 1992. New rule filed December 23, 2014; effective March 23, 2015. Emergency rules filed April 16, 2020; effective through October 13, 2020. Emergency rules expired effective October 14, 2020, and the rules reverted to their previous statuses. Amendments filed August 20, 2020; effective November 18, 2020. Amendments filed January 24, 2024; effective April 23, 2024. Amendments filed September 11, 2024; effective December 10, 2024.

#### **0520-01-02-.18 THROUGH 0520-01-02-.29 REPEALED.**

**Authority:** T.C.A. § 49-1-203. **Administrative History:** (For history prior to June 1992, see pages iii through ix). Repeal filed March 16, 1992; effective June 29, 1992.

#### **0520-01-02-.30 REPEALED.**

**Authority:** T.C.A. §§ 49-1-302 and 49-2-122. **Administrative History:** Original rules filed August 20, 2020; effective November 18, 2020. Repeal filed May 28, 2025; effective August 26, 2025.

#### **0520-01-02-.31 ORGANIZATION AND ADMINISTRATION OF SCHOOLS.**

- (1) The minimum length of the school day for students shall be six and one-half (6½) hours.
  - (a) LEAs may provide for professional development during the school day under one (1) of the following options:
    1. LEAs which elect to extend the school day to at least seven (7) hours for the purpose of meeting instructional time requirements missed due to dangerous or extreme weather conditions may allocate a portion of that extension for the purpose of faculty professional development, IEP team meetings, school-wide or system-wide instructional planning meetings, parent/teacher conferences, or other similar meetings, as permitted in T.C.A. § 49-6-3004(e)(1), under the following conditions:
      - (i) Prior to the beginning of the school year, the LEA shall designate how many days shall be allocated for dangerous or extreme weather conditions and how many shall be allocated for student dismissals for faculty professional development, IEP team meetings, school-wide or system-wide instructional planning meetings, parent/teacher conferences, or other similar meetings. The total number of days shall not exceed thirteen (13).
      - (ii) Faculty professional development shall be consistent with the policies, standards, and guidelines established by the State Board of Education.
      - (iii) LEAs shall submit their plans for the allocation of excess time to the Commissioner for approval.
    2. LEAs may adopt policies providing for individual schools to have school days of at least seven (7) hours in order to accumulate instructional time to be used for periodic early student dismissals for the purpose of faculty professional development. The following conditions shall apply to LEAs exercising this option:
      - (i) Early dismissals shall not exceed the equivalent of thirteen (13) days and shall not exceed three and one-half (3½) hours in any week.
      - (ii) Students shall attend school one hundred eighty (180) days.

(Rule 0520-01-02-.31, continued)

- (iii) Faculty professional development shall be consistent with standards and guidelines established by the State Board of Education in the Professional Development Policy 5.200.
- (2) The length of the kindergarten day shall not be less than four (4) hours. Double sessions in any kindergarten program may be permitted so long as both sessions meet all legal requirements for kindergarten programs.
- (3) A cumulative record provided to teachers by the LEA shall be kept up to date for each student, kindergarten (K) through grade twelve (12), and shall remain as local school property.
  - (a) Each school shall provide for the storage and safekeeping of all records and reports.
  - (b) The maintenance, use, dissemination, and confidentiality of information in school records and reports shall be governed by written policies of the local board of education.
- (4) Local boards of education shall have policies providing for class sizes in grades kindergarten (K) through twelve (12) in accordance with the following:

| Grade Level                    | Average Class Size | Maximum Class Size |
|--------------------------------|--------------------|--------------------|
| K-3                            | 20                 | 25                 |
| 4-6                            | 25                 | 30                 |
| 7-12                           | 30                 | 35                 |
| Career and Technical Education | 20                 | 25                 |

- (a) The average class size for a grade level unit (such as the unit K-3) shall not exceed the stated average, although individual classes within that grade level unit may exceed the average.
- (b) No class shall exceed the prescribed maximum size.
- (c) The average class size and the maximum class size shall be based on regular classroom teaching positions pursuant to T.C.A. § 49-1-104(c).
- (d) Class size limits may be exceeded in such areas as keyboarding and instrumental and vocal music classes, provided that the effectiveness of the instructional program in these areas is not impaired.
- (e) LEAs may seek a waiver from the Commissioner to extend the Career and Technical Education (CTE) class size average in grades nine through twelve (9-12), provided that individual class sizes do not exceed the maximum class size set for CTE classes.
- (f) LEAs shall not establish split-grade classes for the purpose of complying with the provisions of the class size averages and maximums. However, these provisions do not prevent LEAs from using multi-aged classes.
- (g) Local boards of education must approve the establishment of any split-grade classes for any purpose, provided that split-grade classes shall not be established for the purpose of compliance with the provisions herein.
- (h) The average class size specified for the grade levels involved in split-grade classes will be the maximum size allowed in such classes.

(Rule 0520-01-02-.31, continued)

- (5) Teachers shall be on duty at least seven (7) hours per day and such additional time as the LEA requires.
- (6) Local boards of education shall provide full-time classroom teachers in grades kindergarten (K) through twelve (12) with individual duty-free planning periods during the established instructional day.
  - (a) Individual planning time shall consist of two and one-half (2½) hours each week during which teachers have no other assigned duties or responsibilities other than planning for instruction. The two and one-half (2½) hours may be divided on a daily or other basis.
  - (b) In schools providing a lunch period for students, all teachers shall be provided each day with a lunch period during which they shall not have assigned duties. The lunch period for each teacher shall be at least the same amount of time as that allowed for students. Individual duty-free planning time shall not occur during any period that teachers are entitled to duty-free lunch.
  - (c) Any LEA which is providing an individual duty-free planning period by extending the school day by thirty (30) minutes as of the beginning of the 2000-01 school year may continue such practice and satisfy the planning time requirements.
- (7) Local boards of education shall ensure compliance with the background check requirements of T.C.A. §§ 49-5-406 and 49-5-413, for all teachers or for any other positions requiring close proximity to children.
- (8) Local boards of education shall develop, maintain, and implement a long-range strategic plan that addresses at least a five (5)-year period of time. The plan shall be posted to the LEA's website and include a mission statement, goals, objectives, and strategies, and identify how the strategic plan supports one (1) or more goals contained in the State Board of Education Master Plan. The strategic plan shall be reviewed every two (2) years and updated, if necessary. The LEA shall develop and implement a district-level improvement plan that operationalizes the local board of education's five (5)-year strategic plan in accordance with State Board District and School Improvement Planning Policy 2.101.

**Authority:** T.C.A. §§ 49-1-104, 49-1-302, 49-1-613, and 49-6-3004. **Administrative History:** Original rules filed August 20, 2020; effective November 18, 2020. Amendments filed December 2, 2021; effective March 2, 2022.

#### **0520-01-02-.32 ASSESSMENT MATERIALS REVIEW.**

- (1) Definitions. As used in this Rule:
  - (a) "Department" means the Tennessee Department of Education.
  - (b) "LEA" means Local Education Agency and has the same meaning given in T.C.A. § 49-1-103(2).
  - (c) "Materials" means Testing Materials or Proposed Testing Materials as defined in this Rule.
  - (d) "Member" means an active sworn-in representative or senator of the Tennessee General Assembly.

(Rule 0520-01-02-.32, continued)

- (e) “Testing Materials” or “Proposed Testing Materials” means any copies of questions, writing prompts, or scoring rubrics and tables that have been used, or have been proposed or planned for future use as part of statewide Tennessee Comprehensive Assessment Program (TCAP) and end-of-course assessments. This does not include student answer sheets or materials completed by specific students.
- (2) A Member may make a request to the LEA or Department to inspect and review any Materials that are in the LEA or Department’s possession.
- (3) When submitting a request to inspect and review Materials directly to an LEA, the request shall be made in writing to the LEA and the request shall include the name of the Material(s) requested (if known), the grade level and subject area, and the purpose for the request. An LEA who receives a request from a Member for Materials shall forward the request to the Commissioner of Education (“Commissioner”) or the Commissioner’s designee within five (5) business days of the LEA’s receipt of the request. The Commissioner or Commissioner’s designee shall respond to the Member’s request and provide any Materials that are in the Department’s possession pursuant to paragraphs (4) and (5) of this Rule.
- (4) When submitting a request to inspect and review Materials directly to the Department, the request shall be made in writing to the Commissioner or the Commissioner’s designee and include the name of the Material(s) requested (if known), the grade level and subject area, the purpose for the request, and any additional information required by the Department. The Department shall provide any Materials that are in the Department’s possession to a Member upon the Member’s request to inspect and review the Materials.
- (5) Within five (5) business days of the Department’s receipt of the request from the Member pursuant to paragraph (4) of this Rule or from the LEA pursuant to paragraph (3) of this Rule, the Department shall respond to the Member acknowledging receipt of the Member’s request. The Department shall provide the requested Materials to the Member for the Member to review in person either at the Department’s offices or, if requested by the Member, at the Member’s legislative offices in Nashville.
  - (a) The Department shall provide the requested Materials to the Member for the Member to review in person within fifteen (15) business days of receipt of the request, unless another date is agreed upon by the Member and the Department.
  - (b) The Department and the Member may otherwise mutually agree to a different meeting time and location.
  - (c) All test security protocols outlined in the Tennessee Test Security Manual published by the Department shall be followed by the Member prior to, during, and after review and receipt of the Materials.
  - (d) In order to protect the validity or reliability of Materials, Members granted access to Materials must complete a non-disclosure agreement provided by the Department prior to accessing and receiving Materials.
  - (e) The Department shall provide necessary test security training to the Member prior to providing access to the Materials.
  - (f) The Department and the Member shall comply with the Data Accessibility, Transparency and Accountability Act, compiled in Title 49, Chapter 1, Part 7, the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. 1232g), and T.C.A. § 10-7-504 at all times during and after the review and receipt of Materials.

(Rule 0520-01-02-.32, continued)

- (6) The release of Materials to a Member by the Department pursuant to this Rule shall not include:
  - (a) Items required by the Department to validate future administrations of the Tennessee Comprehensive Assessment Program (TCAP) and end-of-course assessments;
  - (b) Items that are being field tested for future administrations of the Tennessee Comprehensive Assessment Program (TCAP) and end-of-course assessments;
  - (c) Passages, content, or related items if the release would be in violation of copyright infringement laws; or
  - (d) Items that would impact the validity, reliability, or cost of administering the Tennessee Comprehensive Assessment Program (TCAP) and end-of-course assessments. This includes, but is not limited to, the release of information that would place the Department in violation of intellectual property or privacy clauses outlined in contracts held by the Department.

**Authority:** T.C.A. § 49-6-6016. **Administrative History:** New rule filed April 20, 2023; effective July 19, 2023.

#### **0520-01-02-.33 FISCAL CAPACITY FORMULA REVIEW AND APPROVAL.**

- (1) The Tennessee Investment in Student Achievement (“TISA”) Act passed by the Tennessee General Assembly in 2022 established a new student-based funding formula for Tennessee public schools, beginning in the 2023-24 school year.
- (2) T.C.A. § 49-3-104 requires that the fiscal capacity formula be evaluated by the Comptroller of the Treasury and approved by the State Board. Additionally, Department of Education TISA Rule 0520-12-05-.08 provides that the Comptroller of the Treasury may make recommendations on any changes to the fiscal capacity formula to the State Board, and that the State Board shall establish a process and timeline for approval of the formulas.
- (3) The purpose of this Rule is to set forth the process and timeline for the State Board to approve the fiscal capacity formula after receipt of an evaluation of the formula from the Comptroller of the Treasury and any accompanying recommendations or considerations.
- (4) Review and Approval Process.
  - (a) Prior to the implementation of TISA in the 2023-24 school year, the State Board shall review the evaluation report of the fiscal capacity formula from the Comptroller of the Treasury, along with any recommendations or considerations from the Comptroller of the Treasury and approve the formula.
  - (b) The Comptroller of the Treasury shall conduct a new evaluation of the fiscal capacity formula and provide the evaluation report and any recommendations or considerations to the State Board no more than five (5) years from the date the formula was last approved by the State Board. The evaluation report shall be submitted to the State Board on or before January 1 of the fifth (5th) year.
    - 1. If the Comptroller of the Treasury undertakes an off-cycle review and the State Board approves changes to the fiscal capacity formula as a result of the off-cycle review as set forth in paragraph (4)(e) of this Rule, the regular five (5) year review cycle does not reset. The regular five (5) year review cycle will always be determined based on the date the formula was last approved by the State Board as part of a regular review.

(Rule 0520-01-02-.33, continued)

- (c) If the Comptroller of the Treasury's evaluation report includes recommendations or considerations regarding changes to the fiscal capacity formula, the evaluation report shall include:
  - 1. A detailed description of the proposed change and the rationale for the proposed change;
  - 2. The expected fiscal or other impact of the proposed change on school districts and/or local governments;
  - 3. A detailed description of options to mitigate any negative fiscal impact to school districts and/or local governments, including, but not limited to the appropriation of additional state funding external to the TISA formula by the Tennessee General Assembly or the passage of legislation;
  - 4. Any methods for implementing the proposed change; and
  - 5. Any additional information the Comptroller of the Treasury determines will aid the State Board in evaluating the proposed change.
- (d) If the Comptroller of the Treasury's evaluation report includes recommendations or considerations regarding changes to the fiscal capacity formula, the State Board may approve the formula, with or without the change(s). The approval of any changes to the fiscal capacity formula that includes a request for an adjustment in state appropriations shall be done in consultation with the Department of Finance and Administration.
  - 1. If changes to the formula are approved by the State Board, the Department shall incorporate the revised fiscal capacity estimates received from the Tennessee Advisory Commission on Intergovernmental Relations ("TACIR") and the Boyd Center for Business and Economic Research at the University of Tennessee ("CBER") into preliminary TISA allocations provided to districts in the first fiscal year following adoption of the changes. For the second fiscal year following adoption of the changes, the Department shall incorporate revised fiscal capacity estimates into final TISA allocations provided to districts.
  - 2. The State Board may also place additional requirements on the implementation of any approved changes to the formula, including, but not limited to, the occurrence of certain conditions specified by the State Board or delayed implementation of changes beyond the timelines set forth in paragraph (4)(d)1. of this Rule, according to a schedule specified by the State Board. If the State Board approves changes to the fiscal capacity formula contingent on additional state appropriations from the General Assembly external to the TISA formula, the approved changes shall not take effect pursuant to the schedule set forth in paragraph (4)(d)1. of this Rule until such funds are appropriated by the General Assembly.
- (e) The State Board may request that the Comptroller of the Treasury evaluate proposed changes to the fiscal capacity formula outside of the regular five (5) year cycle established above if the State Board receives a request from TACIR, CBER, the TISA Review Committee, the Commissioner of Finance and Administration, both chairs of the Finance Ways and Means Committees of the Tennessee House and Senate, or the Commissioner of Education to undertake an off-cycle evaluation of proposed changes to the fiscal capacity formula. Requests shall be submitted to the Executive Director of the State Board ("Executive Director").

(Rule 0520-01-02-.33, continued)

1. A request to undertake an off-cycle evaluation of proposed changes to the fiscal capacity formula submitted by TACIR or CBER shall include all information set forth in paragraphs (4)(c)1. through 4. of this Rule and any additional information that would aid the State Board and the Comptroller of the Treasury in evaluating the proposed change. Requests that do not contain all of the required information will not be considered.
2. A request to undertake an off-cycle evaluation of proposed changes to the fiscal capacity formula submitted by the TISA Review Committee, the Commissioner of Finance and Administration, both chairs of the Finance Ways and Means Committees of the Tennessee House and Senate, or the Commissioner of Education shall include a justification for the off-cycle review request and any information that would aid the State Board and the Comptroller of the Treasury in evaluating the request for the off-cycle evaluation and proposed change. Requests that do not contain all of the required information will not be considered.
3. After receipt of a complete request, the Executive Director shall conduct a review of the request and make a recommendation to the State Board. The Executive Director may recommend that the request for an off-cycle review be approved, denied, or that the request be considered by the Comptroller of the Treasury during the next scheduled regular five (5) year review.
4. If the State Board votes to request the Comptroller of the Treasury to conduct an off-cycle evaluation of proposed changes to the fiscal capacity formula, the Executive Director shall work with the Comptroller of the Treasury to determine an appropriate timeframe within which the evaluation of proposed changes to the formula shall be submitted by the Comptroller of the Treasury to the State Board for review.
5. The Comptroller of the Treasury shall submit its evaluation of the proposed changes to the fiscal capacity formula to the State Board by the deadline agreed upon by the Executive Director and the Comptroller of the Treasury. The evaluation report shall include:
  - (i) A detailed description of the proposed change and the rationale for the proposed change;
  - (ii) The expected fiscal or other impact of the proposed change on school districts and/or local governments;
  - (iii) A detailed description of options to mitigate any negative fiscal impact to school districts and/or local governments, including, but not limited to, the appropriation of additional state funding external to the TISA formula by the Tennessee General Assembly or the passage of legislation;
  - (iv) Any methods for implementing the proposed change; and
  - (v) Any additional information the Comptroller of the Treasury determines will aid the State Board in evaluating the proposed change.
6. Upon receipt of the Comptroller's report evaluating the proposed change, the State Board may take no action on the report or vote to approve the changes to the fiscal capacity formula. The approval of any changes to the fiscal capacity formula that includes a request for an adjustment in state appropriations shall be done in consultation with the Department of Finance and Administration.

(Rule 0520-01-02-.33, continued)

- (i) If changes to the formula are approved by the State Board, the Department shall incorporate the revised fiscal capacity estimates received from TACIR and CBER into preliminary TISA allocations provided to districts in the first fiscal year following adoption of the changes. For the second fiscal year following adoption of the changes, the Department shall incorporate revised fiscal capacity estimates into final TISA allocations provided to districts.
- (ii) The State Board may also place additional requirements on the implementation of any approved changes to the formula, including, but not limited to, the occurrence of certain conditions specified by the State Board or delayed implementation of changes beyond the timelines set forth in paragraph (4)(e)6.(i) of this Rule, according to a schedule specified by the State Board. If the State Board approves changes to the fiscal capacity formula contingent on additional state appropriations from the General Assembly external to the TISA formula, the approved changes shall not take effect pursuant to the schedule set forth in paragraph (4)(e)6.(i) of this Rule until such funds are appropriated by the General Assembly.

**Authority:** T.C.A. §§ 4-5-102, 49-1-302, and 49-3-104. **Administrative History:** New rule filed September 20, 2023; effective December 19, 2023.