

**RULES
OF
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-01-03
ACADEMIC AND INSTRUCTIONAL REQUIREMENTS**

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0520-01-03-.01 PURPOSE.

T.C.A. § 49-1-302(a)(8) authorizes the State Board of Education to “set policies governing all academic standards and courses of study in the public schools.” The approved standards are to be the basis for planning instructional programs in each local education agency (LEA), state special school, and public charter school.

Authority: T.C.A. § 49-1-302. **Administrative History:** Original rule certified June 10, 1974. Amendment filed July 15, 1976; effective August 16, 1976. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed October 1, 1985; effective October 31, 1985. Amendment filed May 28, 1986; effective June 27, 1986. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendments filed October 25, 2017; effective January 23, 2018. Amendments filed March 20, 2018; to have been effective June 18, 2018. However, on May 24, 2018, the Government Operations Committee filed a 5-day stay; new effective date June 23, 2018. Amendments filed January 11, 2019; effective April 11, 2019. Amendments filed August 20, 2020; effective November 18, 2020.

0520-01-03-.02 UNIFORM GRADING SYSTEM.

- (1) Until the 2022-2023 school year, LEAs shall use the following uniform grading system for students enrolled in grades nine through twelve (9-12) for purposes of application for postsecondary financial assistance administered by the Tennessee Student Assistance Corporation:

Uniform Grading System					
Grade	Percentage Range		Honors Courses	Local and Statewide Dual Credit Courses, Industry Certification-Aligned Courses, and Dual Enrollment Courses	Advanced Placement, Cambridge International, College Level Exam Program (CLEP), and International Baccalaureate Courses
A	93	100	Shall include the	Shall include the	Shall include the
B	85	92			

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C	75	84	addition of 3 percentage points to the grades used to calculate the semester average.	addition of 4 percentage points to the grades used to calculate the semester average.	addition of 5 percentage points to the grades used to calculate the semester average.
D	70	74			
F	0	69			

- (2) Beginning with grades issued in the 2022-2023 school year and thereafter, LEAs shall use the following uniform grading system for students enrolled in grades nine through twelve (9-12) for purposes of application for postsecondary financial assistance administered by the Tennessee Student Assistance Corporation:

Uniform Grading System					
Grade	Percentage Range		Honors Courses	Local and Statewide Dual Credit Courses, Industry Certification-Aligned Courses, and Dual Enrollment Courses	Advanced Placement, Cambridge International, College Level Exam Program (CLEP), and International Baccalaureate Courses
A	90	100	Shall include the addition of 3 percentage points to the grades used to calculate the semester average.	Shall include the addition of 4 percentage points to the grades used to calculate the semester average.	Shall include the addition of 5 percentage points to the grades used to calculate the semester average.
B	80	89			
C	70	79			
D	60	69			
F	0	59			

- (3) Assigning additional quality points above 4.0 for honors courses, Advanced Placement (AP), College Level Exam Program (CLEP), International Baccalaureate (IB), Cambridge International, dual credit, dual enrollment, and Industry Certification-aligned courses is not allowed for the purpose of determining eligibility for the lottery scholarships.
- (4) LEAs must utilize the Uniform Grading System to calculate eligibility for financial assistance administered by the Tennessee Student Assistance Corporation. However, LEAs may adopt an additional local grading scale(s) for other purposes.
- (5) LEAs may adopt the Uniform Grading System for grades pre-K through eight (8) or they may adopt a local grading scale for those grades.

Authority: T.C.A. §§ 49-1-302, 49-6-407, and 49-6-3004. **Administrative History:** Original rule certified June 10, 1974. 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. Amendment filed April 13, 1982; effective May 28, 1982. Repeal and new rule filed April 18, 1983; effective May 18, 1983. Amendment filed January 6, 1984; effective April 15, 1984. Amendment filed August 20, 1984; effective November 13, 1984. Amendment filed October 3, 1985; effective January 14,

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1986. Amendment filed March 25, 1986; effective June 14, 1986. Amendment filed May 28, 1986; effective June 27, 1986. Amendment filed July 10, 1986; effective October 29, 1986. Amendment filed October 29, 1986; effective December 13, 1986. Amendment filed July 22, 1987; effective October 28, 1987. Amendment filed November 18, 1987; effective February 28, 1988. Amendment filed July 21, 1988; effective October 29, 1988. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed November 3, 1993; effective March 30, 1994. Amendment filed March 14, 1995; effective July 28, 1995. Amendment filed April 29, 1996; effective August 28, 1996. Amendments filed October 25, 2017; effective January 23, 2018. Amendments filed March 20, 2018; to have been effective June 18, 2018. However, on May 24, 2018, the Government Operations Committee filed a 5-day stay; new effective date June 23, 2018. Amendments filed January 11, 2019; effective April 11, 2019. Amendments filed August 20, 2020; effective November 18, 2020. Emergency rules filed August 1, 2022; effective through January 28, 2023. Emergency rules expired effective January 29, 2023, and the rules reverted to their previous statuses. Amendments filed January 6, 2023; effective April 6, 2023.

0520-01-03-.03 ACADEMIC PROGRAM REQUIREMENTS.

- (1) The Tennessee state academic standards approved by the State Board shall be used for all courses grades kindergarten through twelve (K-12).
- (2) All textbooks and instructional materials adopted and purchased shall be aligned with state academic standards.
- (3) All courses listed in State Board's Approved High School Courses Policy 3.205 may be offered for credit in grades nine through twelve (9-12). Additional details about approved courses shall be included in the Correlation of Course and Endorsement Codes database managed by the Department of Education.
- (4) LEAs may offer special courses in addition to the courses listed in the State Board's Approved High School Courses Policy 3.205. Such special courses shall be approved by the Department of Education and the State Board. Each special course approved by the Department shall be recommended to the State Board for an approval period of one (1), three (3), or six (6) years.
- (5) Each school shall evaluate and report in writing to the parent or legal guardian each student's progress in each subject, at least every nine (9) weeks, in accordance with the local school board's grading policy.
- (6) LEAs shall implement the Response to Instruction and Intervention (RTI²) framework adopted by the State Board. RTI² shall include high-quality instruction and interventions tailored to student need where core instructional and intervention decisions are guided by student outcome data. Tiered interventions in the areas of reading, mathematics, and/or writing shall occur in the general education setting depending on the needs of the student. If a student fails to respond to intensive interventions and is suspected of having a Specific Learning Disability as defined in State Board Rule 0520-01-09-.02, then the student may require special education interventions.
- (7) LEAs shall award high school credit to students who successfully complete college-level courses aligned to a graduation requirement course, including general education and elective focus courses.
 - (a) Local high schools shall accept postsecondary credits as a substitution for an aligned graduation requirement course, including general education and elective focus courses for those students who take and pass dual enrollment courses at a postsecondary institution for credit.

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- (b) Local boards of education may adopt policies providing for college-level courses to be offered during the school day on the high school campus. Such courses must be taught by a licensed high school teacher or credentialed postsecondary faculty member approved by the local school system and partnering postsecondary institution. These courses are to be considered part of the high school program, with content and instruction subject to the supervision of the school principal and local board of education.
- (8) Coursework successfully completed in an LEA, public charter school, or Category I, II, or III private school, including coursework completed during a summer school operated or offered by these entities, is fully transferrable to any other approved school. All summer school teachers at a summer school operated or offered by an LEA or public charter school shall be licensed and hold endorsements in the subject areas in which they are teaching.
 - (9) LEAs may offer Work-Based Learning (WBL) experiences that allow students to apply classroom theories to practical problems and to explore career options. All WBL experiences shall align to the State Board's Work-Based Learning Framework set forth in State Board High School Policy 2.103.
 - (10) State-mandated student testing programs shall be undertaken in accordance with procedures published by the Department of Education.
 - (a) State-mandated assessments shall be given for grades three through eleven (3-11).
 - (b) End-of-course examinations shall be given in English I, English II, Algebra I, Geometry, Algebra II, Integrated Math I, Integrated Math II, Integrated Math III, U.S. History, and Biology I.
 - (c) A comprehensive writing assessment shall be conducted in at least one (1) grade within elementary, middle grades, and high school as part of the state-mandated assessment program.
 - (d) The Department of Education shall provide raw score data from the end-of-course examinations to each LEA for the purpose of including student scores on the examinations into a student's final grade for the course. The weight of the examination on the student's final average shall be determined by the LEA from a range of not less than fifteen percent (15%) and not more than twenty-five percent (25%). If an LEA does not receive its students' end-of-course examination scores at least (5) instructional days before the scheduled end of the course, then the LEA may choose not to include its students' examination scores in the students' final average.
 - (e) Each local school board shall adopt a policy that details the methodology used and the required weighting for incorporating students' scores on end-of-course examinations into final report card grades.
 - (f) Local school boards shall adopt a policy regarding security of test administration, consistent with Department of Education guidelines.
 - (g) The Department of Education shall annually report to the State Board the number and percentage of students who scored below but were promoted to the next grade level by the LEA. This data shall be disaggregated by subgroups similar to those required for federal reporting.
 - (11) Beginning in the 2023-24 school year, all students in grade eight (8), including students with an Individualized Education Program (IEP), shall begin the development of the high school

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

and beyond plan in accordance with the State Board's Middle Grades Policy 2.102 and High School Policy 2.103.

- (12) Each local board of education shall adopt a credit recovery policy, aligned to the State Board's High School Policy 2.103, to provide standards-based extended learning opportunities for students who have previously been unsuccessful in mastering the standards required to receive course credit or earn promotion.

(a) Each credit recovery policy shall address, at a minimum:

1. Admission to and removal from credit recovery programs;
2. Instruction; and
3. Grading and awarding of credit.

- (13) High School Equivalency Credentials.

(a) Pursuant to T.C.A. § 4-3-1422, the Tennessee Department of Labor and Workforce Development (Department of Labor) is required to make recommendations to the State Board for approval of assessments or criteria leading to the award of a high school equivalency credential. A high school equivalency credential is recognized as being equivalent to a traditional high school diploma.

(b) The Department of Labor shall oversee the issuance of high school equivalency credentials to individuals who meet the criteria established in subparagraphs (c) and (d) of this Rule.

(c) An individual shall be eighteen (18) years of age before being eligible to obtain a high school equivalency credential. However, a seventeen (17) year old who is not currently enrolled in school or who is currently enrolled in a Tennessee public school may be eligible to obtain a high school equivalency credential upon receiving a signed recommendation from the director of schools (or the director's designee) of the LEA having jurisdiction over the individual. A seventeen (17) year old enrolled in a private school or church-related school may be eligible to obtain a high school equivalency credential upon receiving a signed recommendation from the leader of the private school or church-related school where the student is currently enrolled. The director of schools or leader of the private school or church-related school may require written documentation from the individual to support this recommendation. A seventeen (17) year old who is independently home schooled by their parent or legal guardian may be eligible to obtain a high school equivalency credential upon receiving a signed recommendation from the individual's parent or legal guardian.

(d) In addition to meeting the requirements set forth in subparagraph (c), a high school equivalency credential may be obtained by meeting the requirements of any one (1) of the following pathways:

1. Pathway 1: High School Equivalency Test (HiSET).

(i) The HiSET test shall be operated in accordance with the policies established by the Department of Labor.

(ii) The HiSET test consists of five (5) subtests that count twenty (20) points each. In order to pass, the total composite score on the HiSET test shall be forty-five (45) or higher, and the minimum score on each subtest shall be eight (8) or higher.

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

2. Pathway 2: General Educational Development Test (GED).
 - (i) The GED test shall be operated in accordance with the policies established by the Department of Labor.
 - (ii) The GED test consists of four (4) subtests that count 200 points each. In order to pass, the score on each subtest shall be 145 or higher.
3. Pathway 3: Multiple Measures.
 - (i) Demonstrating subject matter competency by achieving passing subtest scores in math, reading, writing/language, science, and social studies. Passing scores can be demonstrated through a combination of HiSET, GED, Test of Adult Basic Education (TABE), CASAS GOALS, or ACT WorkKeys subtests.
 - (I) All tests shall be operated in accordance with the policies established by the Department of Labor.
 - (II) The TABE test consists of three (3) subtests in the subject areas of math, reading, and writing/language. In order to pass the math subtest, the scale score shall be 537 or higher. In order to pass the reading subtest, the scale score shall be 536 or higher. In order to pass the writing/language subtest, the scale score shall be 547.
 - (III) The CASAS GOALS test consists of two (2) subtests in the subject areas of math and reading. In order to pass the math subtest, the scale score shall be 214 or higher. In order to pass the reading subtest, the scale score shall be 228 or higher.
 - (IV) The ACT WorkKeys test consists of one (1) math subtest and one (1) reading subtest. In order to pass the math subtest, the "Applied Math" score shall be 83 or higher. In order to pass the reading subtest, the "Workplace Documents" score shall be 78 or higher.

Authority: T.C.A. §§ 4-3-1422, 49-1-302, 49-2-110, 49-2-114, 49-6-101, 49-6-201, 49-6-3001, 49-6-3003, 49-6-3005, 49-6-3104, 49-6-3105, 49-6-6001, and 49-6-6002; and Public Chapter 652 of 2020.
Administrative History: Original rule certified June 10, 1974. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed April 14, 1980; effective May 28, 1980. Amendment filed July 19, 1982; effective October 13, 1982. Repeal and new rule filed April 18, 1983; effective May 18, 1983. Amendment filed June 10, 1983; effective September 14, 1983. Amendment filed June 27, 1984; effective July 27, 1984. Amendment filed June 28, 1984; effective July 28, 1984. Amendment filed May 28, 1986; effective June 27, 1986. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed July 21, 1992; effective October 28, 1992. Amendment filed September 1, 1992; effective December 29, 1992. Amendment filed October 11, 1995; effective February 28, 1996. Amendment filed April 29, 1996; effective August 28, 1996. Amendment filed May 31, 1996; effective September 27, 1996. Amendment filed May 28, 1999; effective September 28, 1999. Amendment filed August 31, 2001; effective December 28, 2001. Amendment filed March 28, 2002; effective July 29, 2002. Amendment filed June 30, 2003; effective October 28, 2003. Amendment filed March 1, 2005; effective July 29, 2005. Amendment filed September 6, 2007; effective January 28, 2008. Amendment filed April 30, 2009; effective August 28, 2009. Amendment filed October 20, 2009; effective March 31, 2010. Amendment filed March 25, 2010; effective August 29, 2010. Amendment filed December 19, 2012; effective May 30, 2012. Amendments filed March 21, 2012; effective August 29, 2012. Amendment filed February 6, 2013; effective July 29, 2013. Amendment filed May 22, 2015; effective August 20, 2015. Amendments filed October 25, 2017; effective January 23, 2018. Amendments filed March 20, 2018; to have been effective

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

June 18, 2018. However, on May 24, 2018, the Government Operations Committee filed a 5-day stay; new effective date June 23, 2018. Amendments filed January 11, 2019; effective April 11, 2019. Amendments filed August 20, 2020; effective November 18, 2020. Emergency rules filed November 19, 2020; effective through May 18, 2021. Emergency rules expired effective May 19, 2021, and the rules reverted to their previous statuses. Amendments filed September 6, 2022; effective December 5, 2022. Amendments filed January 4, 2024; effective April 3, 2024.

0520-01-03-.04 REPEALED.

Authority: T.C.A. §§ 49-1-302, 49-5-5103, and 49-5-5202. **Administrative History:** Original rule certified June 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 filed October 15, 1979; effective January 9, 1980. Amendment filed April 14, 1980; effective May 28, 1980. Amendment filed November 13, 1981; effective December 28, 1981. Amendment filed June 24, 1984; effective July 27, 1984. Amendment filed June 28, 1984; effective July 28, 1984. Amendment filed June 28, 1984; effective September 11, 1984. Amendment filed August 20, 1984; effective November 13, 1984. Amendment filed January 31, 1985; effective April 16, 1985. Amendment filed June 24, 1985; effective September 13, 1985. Amendment filed September 30, 1985; effective December 14, 1985. Amendment filed December 31, 1985; effective March 17, 1986. Amendment filed May 28, 1986; effective June 27, 1986. Amendment filed July 10, 1986; effective October 29, 1986. Amendment filed October 29, 1986; effective December 13, 1986. Amendment filed October, 15, 1986; effective January 27, 1987. Amendment filed April 24, 1987; effective June 8, 1987. Amendment filed April 18, 1988; effective July 27, 1988. Amendment filed May 13, 1988; effective August 29, 1988. Amendment filed November 22, 1988; effective February 28, 1989. Amendment filed October 31, 1989; effective January 29, 1990. Amendment filed October 12, 1990; effective January 29, 1991. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Repeal filed October 25, 2017; effective January 23, 2018.

0520-01-03-.05 VIRTUAL EDUCATION.

(1) Public Virtual Schools

- (a) A “public virtual school” is a public school that uses technology to deliver a significant portion of instruction to its students via the internet in a virtual or remote setting. Public virtual schools may be established in accordance with T.C.A. §§ 49-16-201 – 49-16-216 and the rules and regulations of the State Board. The LEA establishing the public virtual school is directly responsible for the performance of the public virtual school and ensuring the school remains in compliance with all applicable state and federal laws and rules and regulations of the State Board regardless of whether the LEA directly operates the school or contracts with an entity for the management or operation of the school.
- (b) Public virtual schools shall:
 1. Be established and approved by an LEA.
 2. Use technology to deliver a significant portion of instruction to its students via the internet in a virtual or remote setting.
 3. Review and provide access to a sequential curriculum that meets or exceeds the academic standards adopted by the State Board utilizing state-approved textbooks and instructional materials, unless a waiver has been granted to the LEA in accordance with T.C.A. § 49-6-2206 and State Board Rules Chapter 0520-01-18.

(Rule 0520-01-03-.05, continued)

4. Meet the equivalent of the one hundred and eighty (180) days of instruction per academic year and six and one-half (6½) hours of instructional time per day pursuant to T.C.A. § 49-6-3004, provided, however, that a student, at the student's own pace, may demonstrate mastery or completion of a course or subject area and be given credit for the course or subject area.
5. Administer all state tests required of public school students to students enrolled in a virtual school in a proctored environment consistent with state test administration guidelines.
6. Be evaluated annually by the LEA.
 - (i) The evaluation must assess the following utilizing a standardized template provided by the Department of Education:
 - (I) Academic, fiscal, and operational performance; and
 - (II) The extent to which the school demonstrates increases in student achievement.
 - (ii) The results of such evaluation shall be publicly reported through the following methods:
 - (I) Posting of the results of the evaluation, utilizing a standardized template provided by the Department of Education on both the virtual school's and the LEA's website;
 - (II) Direct distribution of the evaluation, utilizing a standardized template provided by the Department of Education, to all enrolled families. Such distribution may be accomplished via e-mail, U.S. mail, or other method determined by the LEA.
7. Ensure that students with special needs, including students with disabilities and limited English proficiency, are not excluded from enrolling and participating in virtual schools, and receive all services required by the student's Individualized Education Program (IEP), Section 504 Plan, or Individual Learning Plan (ILP).
8. Ensure that each virtual school course has an assigned teacher of record who is properly endorsed and licensed to teach in Tennessee in compliance with state law, State Board Rules Chapter 0520-02-03, and State Board Policy 5.502. For purposes of virtual schools, teacher of record means the teacher who:
 - (i) Provides instruction for the course based on the Tennessee Academic Standards;
 - (ii) Ensures student progress toward the Tennessee Academic Standards;
 - (iii) Monitors the physical safety and well-being of students;
 - (iv) Verifies attendance and reports course grades for students; and
 - (v) If the teacher is employed by the LEA, claims instructional time for instructionally available students.

(Rule 0520-01-03-.05, continued)

9. Ensure that all teachers employed by the LEA serving as teacher of record within the virtual school are evaluated annually pursuant to T.C.A. § 49-1-302 and State Board Rules Chapter 0520-02-01.
 10. Ensure students have access to instructional materials, technology such as a computer and printer that may be necessary for participation in the virtual school, and an internet connection used for school work.
 11. Meet class size standards established by T.C.A. § 49-1-104. A public virtual school may increase the enrollment in virtual classes by up to twenty-five percent (25%) over the class size maximum established by T.C.A. § 49-1-104 if the school demonstrates student achievement growth at a level of “at expectations” or greater, as represented by the Tennessee Value-Added Assessment System (TVAAS) in the prior year where TVAAS data is available.
 - (i) Public virtual schools shall continue to comply with class size and case load requirements for special education as defined in State Board Policy 3.206. Public virtual schools shall review individual teacher’s student caseloads, and shall consult with the teacher when determining class size and student caseloads, to ensure that teachers can meet the needs of students, including students with disabilities, as determined by the Individuals with Disabilities Education Act (20 U.S.C. §§ 1400 et seq.), Section 504 of the Rehabilitation Act (29 U.S.C. §§ 701 et seq.), and any student’s IEP.
 - (ii) Public virtual schools shall maintain accurate records and monitor compliance with class size requirements.
- (c) Public virtual schools shall comply with all compulsory attendance requirements and shall monitor and report daily attendance as required in T.C.A. § 49-6-3007, including:
1. Monitoring and taking daily student attendance, which shall include seeking and receiving daily visual, verbal, and/or written confirmation of student participation in six and one-half (6½) hours of instructional time per day using multiple methods of confirming student attendance. Multiple methods of confirming student attendance include two (2) or more of the following:
 - (i) Students participating in a phone call with a teacher, with parent or legal guardian support as appropriate for the age of the student;
 - (ii) Students participating in synchronous virtual instruction;
 - (iii) Students completing work in a learning management system;
 - (iv) Students submitting work via hard-copy or virtual formats; or
 - (v) Other method the LEA identifies as appropriate to track individual student participation in instructional activities.
 2. Each LEA shall develop and implement procedures for determining an excused versus unexcused absence, the internal attendance tracking system to be used, and how the LEA will communicate attendance policies and/or procedures to parents and/or legal guardians and students.

(Rule 0520-01-03-.05, continued)

3. The reporting of attendance to the Department must be via the LEA's student information system utilizing the attendance code set by the Department of Education.
 4. The LEA establishing the public virtual school is required to implement the LEA's progressive truancy intervention plan, as required by T.C.A. § 49-6-3009 and State Board Rule 0520-01-02-.17, for students enrolled in the virtual school and report truancy to the juvenile court having jurisdiction over that student in compliance with state law.
- (d) On or before August 1 of each year, the public virtual school shall notify all LEAs of the enrollment of students residing within another LEA's jurisdiction. LEAs shall be notified within two (2) weeks when changes occur relative to students residing within the LEA's jurisdiction.
 - (e) Once a student has been accepted by and enrolled in a public virtual school, it shall be the responsibility of the LEA that has established the public virtual school to maintain enrollment of that student until such a time as the student is withdrawn by the parent or guardian or withdrawn from the virtual school in accordance with the LEA's policy. If the student is withdrawn, the public virtual school shall send transcripts and other student records to the receiving school in a timely manner.
 - (f) Public virtual schools and the LEA establishing a public virtual school shall maintain accurate records regarding the operation and compliance of the public virtual school and shall be subject to periodic inspection by the Department of Education as specified in Rule 0520-01-02-.01 and T.C.A. § 49-1-201. The LEA and the public virtual school shall comply with requests for information from the Department in a timely manner.
- (2) Virtual Education Programs
- (a) Virtual education programs may be established in accordance with T.C.A. §§ 49-16-101 – 49-16-105 and this rule. A "virtual education program" means a course or series of courses offered through the use of technology by an LEA or public charter school to provide students a broader range of educational opportunities. Providing students a broader range of educational opportunities includes any of the following:
 1. Academic remediation or enrichment, or providing students access to a wider range of courses.
 2. Continuity of educational service for students who are homebound pursuant to State Board Rule 0520-01-02-.10 or State Board Rule 0520-01-09-.07.
 3. Continuity of educational service for students who are quarantined pursuant to State Board Rule 0520-01-13-.01.
 4. Continuity of educational service for students enrolled in an alternative school pursuant to State Board Rule 0520-01-02-.09.
 - (b) Virtual education programs must be comprised of individual courses accessed by students in an entirely virtual setting; however, teachers of virtual education program courses may meet with students in-person for non-instructional time such as office hours.
 - (c) Remote instruction via a virtual education program shall not constitute the majority of a student's total instructional time per school semester unless the student meets one of the following criteria:

(Rule 0520-01-03-.05, continued)

1. The student is temporarily receiving all of the student's instruction via a virtual education program pursuant to paragraph (2)(a)2. or (2)(a)4. of this rule;
 2. The student is taking coursework virtually so the student may participate in a work-based learning program or internship that takes place during regular school hours;
 3. The student is accessing Advanced Placement (AP) courses or similar advanced coursework virtually; or
 4. The student is taking virtual coursework for purposes of credit recovery.
- (d) A student may participate in a virtual education program without enrolling in a virtual school; provided, however, that the student must be enrolled at the school where the student receives the majority of the student's instruction each school year.
- (e) The criteria for student participation in a virtual education program shall be at the discretion of the LEA or public charter school where the student is enrolled or zoned to attend; provided that a student may participate in a virtual education program within another LEA if permitted by the out-of-district enrollment policy of the receiving LEA.
- (f) Each LEA and public charter school offering a virtual education program shall maintain attendance policies and procedures for determining when a student is present in a course offered via the virtual education program, including plans for seeking and receiving daily periodic visual, verbal, and/or written confirmation of student participation in the courses offered within a virtual education program using multiple methods of confirming student attendance. Multiple methods of confirming attendance include two (2) or more of the following:
1. Students participating in a phone call with a teacher, with parent or legal guardian support as appropriate for the age of the student;
 2. Students participating in synchronous virtual instruction;
 3. Students completing work in a learning management system;
 4. Students submitting work via hard-copy or virtual formats; or
 5. Other method the LEA or public charter school identifies as appropriate.
- (g) Each LEA and public charter school shall develop procedures for determining an excused versus unexcused absence, the internal attendance tracking system to be used, and how the LEA or public charter school will communicate attendance policies and/or procedures to parents and/or legal guardians and students.
- (h) The reporting of attendance to the Department must be via the LEA or public charter school's student information system utilizing the attendance code set by the Department.
- (i) Classes offered via a virtual education program shall comply with the class size requirements set forth in T.C.A. § 49-1-104(h) and class size and case load requirements for special education as defined in State Board Policy 3.206. Instruction provided virtually by a non-virtual public school, including a public charter school, pursuant to the LEA's or public charter school's approved continuous learning plan in

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accordance with State Board Rules Chapter 0520-01-17 shall be considered a virtual education program for purposes of compliance with T.C.A. § 49-1-104(h).

(j) Accountability

1. The results of student assessments for courses taken as part of a virtual education program and other accountability measures will be attributed to the school where the student is enrolled.
2. Promotion, certificates, and diplomas for a student taking courses as part of a virtual education program shall be determined and issued by the school where the student is currently enrolled.

(k) Each LEA or public charter school offering a virtual education program shall:

1. Ensure there is a teacher of record for each virtual education program course who is properly endorsed and licensed to teach in Tennessee in compliance with state law, State Board Rules Chapter 0520-02-03, and State Board Policy 5.502. For purposes of virtual education programs, teacher of record means the teacher who:
 - (i) Provides instruction for the course based on the Tennessee Academic Standards;
 - (ii) Ensures student progress toward the Tennessee Academic Standards;
 - (iii) Monitors the physical safety and well-being of students enrolled in the course;
 - (iv) Verifies attendance and reports student course grades to the school where the student receives the majority of instruction; and
 - (v) If the teacher is employed by the LEA or public charter school, claims instructional time for instructionally available students.
2. Ensure that all teachers employed by the LEA or public charter school serving as teacher of record for coursework within the virtual education program are evaluated annually pursuant to T.C.A. § 49-1-302 and State Board Rules Chapter 0520-02-01.
3. Ensure teachers provide instruction utilizing state-approved textbooks and instructional materials in alignment with state law, unless a waiver has been granted pursuant to T.C.A. § 49-6-2206 or § 49-13-111.
4. Ensure participating students have access to instructional materials, technology such as a computer and printer that may be necessary for participation in the virtual program, and an internet connection.
5. Ensure that students with special needs, including students with disabilities and limited English proficiency, are not excluded from enrolling and participating in virtual education programs and receive all services required by the student's Individualized Education Program (IEP), Section 504 Plan, or Individual Learning Plan (ILP).
6. Establish a virtual education program policy that contains the following:

(Rule 0520-01-03-.05, continued)

- (i) Student eligibility and participation requirements, including interventions for students struggling to maintain eligibility requirements, and a process for removing students from virtual education program courses who fail to maintain eligibility requirements and placing them into a comparable in-person course.
- (ii) An articulated enrollment agreement for students from another LEA or public charter school to access virtual education program courses, if the LEA or public charter school chooses to allow such arrangements.

Authority: T.C.A. §§ 49-1-104, 49-1-201, 49-16-101, et seq., and 49-16-201, et seq.; and Public Chapter 652 of 2020. **Administrative History:** Original rule certified June 10, 1974. Amendment filed June 30, 1975; effective July 30, 1975. Amendment filed July 15, 1976; effective August 16, 1976. Amendment filed October 3, 1985; effective January 14, 1986. Amendment filed January 17, 1986; effective April 15, 1986. Amendment filed May 28, 1986; effective June 27, 1986. Amendment filed August 26, 1986; effective November 29, 1986. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed April 28, 1992; effective July 29, 1992. Amendment filed September 1, 1992; effective December 29, 1992. Amendment filed January 21, 1994; effective May 31, 1994. Amendment filed April 29, 1996; effective August 28, 1996. Amendment filed January 14, 1997; effective May 30, 1997. Amendment filed April 27, 1998; effective August 28, 1998. Amendment filed July 13, 1998; effective November 27, 1998. Amendment filed November 18, 1998; effective March 30, 1999. Amendment filed April 28, 2000; effective August 28, 2000. Amendment filed October 31, 2002; effective February 28, 2003. Amendment filed March 31, 2003; effective July 29, 2003. Amendment filed June 30, 2003; effective October 28, 2003. Amendment filed June 30, 2005; effective October 28, 2005. Amendments filed December 28, 2005; effective April 28, 2006. Amendments filed September 6, 2013; effective February 28, 2014. Amendment filed April 6, 2015; effective July 5, 2015. Amendments filed October 25, 2017; effective January 23, 2018. Amendments filed March 20, 2018; to have been effective June 18, 2018. However, on May 24, 2018, the Government Operations Committee filed a 5-day stay; new effective date June 23, 2018. Amendments filed January 11, 2019; effective April 11, 2019. Amendments filed August 20, 2020; effective November 18, 2020. Amendments filed November 30, 2020; effective February 28, 2021. Emergency rule filed July 9, 2021; effective through January 5, 2022. Emergency rule expired effective January 6, 2022, and the rule reverted to its previous status. Amendments filed December 14, 2021; effective March 14, 2022.

0520-01-03-.06 GRADUATION REQUIREMENTS.

- (1) Students in Tennessee may earn the following diploma options:
 - (a) Traditional high school diploma;
 - (b) Special education high school diploma;
 - (c) Occupational high school diploma; or
 - (d) Alternate academic high school diploma.
- (2) In order to earn a traditional high school diploma, a student shall:
 - (a) Earn the following twenty-two (22) minimum credits required for graduation:

English language arts	4 credits
Mathematics	4 credits
Science	3 credits
Social Studies	3 credits
Physical Education and Wellness	1.5 credits
Personal Finance	0.5 credit

(Rule 0520-01-03-.06, continued)

Elective Focus	3 credits
World Language	2 credits
Fine Arts	1 credit

- (b) Beginning with students who enroll in ninth (9th) grade in the 2024-25 school year or any subsequent school year, earn at least one (1) credit of computer science in high school;
1. Students may fulfill this requirement by substituting computer science for the student's fourth credit of mathematics, third credit of science, or an elective focus credit. Students may only use computer science as a substitution to fulfill one (1) credit in mathematics, or one (1) credit in science, or one (1) or more elective focus credits required for a traditional high school diploma.
 2. Students who transfer from another state or country, or from a non-public school to a Tennessee high school during their twelfth (12th) grade year are exempt from this requirement.
- (c) Participate in the ACT, SAT, or other eleventh (11th) grade postsecondary readiness assessment as determined by the Commissioner, unless the student qualifies for a limited medical exemption as defined by the Department; and
- (d) Have a satisfactory record of attendance and discipline;
- (3) Beginning in the 2024-25 school year, each public high school shall offer its students access to at least one (1) credit of computer science education.
- (4) To earn a traditional high school diploma, students with disabilities must earn the prescribed twenty-two (22)-credit minimum. Students with disabilities shall be included in general education classes to the degree possible and with appropriate support and accommodations.
- (5) A special education diploma may be awarded at the end of the fourth (4th) year of high school to students with disabilities who:
- (a) Have not met the requirements for a traditional high school diploma;
 - (b) Have satisfactorily completed an IEP; and
 - (c) Have satisfactory records of attendance and conduct.
- (6) Students who obtain the special education diploma may continue to work toward a traditional high school diploma through the end of the school year in which they turn twenty-two (22) years old.
- (7) An occupational diploma may be awarded at the end of the fourth (4th) year of high school to students with disabilities who:
- (a) Have not met the requirements for a traditional high school diploma;
 - (b) Have satisfactorily completed an IEP;
 - (c) Have satisfactory records of attendance and conduct;
 - (d) Have completed the occupational diploma Skills, Knowledge, and Experience Mastery Assessment (SKEMA) created by the Department of Education; and

(Rule 0520-01-03-.06, continued)

- (e) Have completed two (2) years of paid or non-paid work experience.
- (8) The determination that an occupational diploma is the goal for a student with a disability shall be made at the conclusion of the student's tenth (10th) grade year or two (2) academic years prior to the expected graduation date. Students who obtain the occupational diploma may continue to work towards the traditional high school diploma through the end of the school year in which they turn twenty-two (22) years old.
- (9) An alternate academic diploma may be awarded to students with significant cognitive disabilities at the end of their fourth (4th) year of high school who have:
- (a) Participated in the high school alternate assessments;
 - (b) Earned the prescribed twenty-two (22) credit minimum, either through the state-approved standards or through alternate academic diploma modified course requirements approved by the State Board;
 - (c) Received special education services or supports and made satisfactory progress on an IEP;
 - (d) Satisfactory records of attendance and conduct; and
 - (e) Completed a transition assessment(s) that measures, at a minimum, preparedness for postsecondary education and training; employment; independent living; and community involvement.
- (10) A student who earns an alternate academic diploma shall continue to be eligible for special education services under IDEA until he or she receives a traditional high school diploma or through the school year in which the student turns twenty-two (22).
- (11) The required four (4) credits of English shall include English I, English II, English III, and English IV.
- (12) Three (3) of the required (4) credits of mathematics shall include Algebra I, Algebra II, and Geometry, or the equivalent Integrated Math I, II, and III. The fourth (4th) credit shall be in another mathematics course beyond Algebra I or, Integrated Math I which may include, but is not limited to, Computer Science as set forth in Paragraph (2)(b) of this Rule.
- (a) Students shall be enrolled in a mathematics course or courses that are approved course substitutions that count as meeting this requirement each year of high school.
 - (b) Students who complete any of the required math credits prior to the ninth (9th) grade shall receive graduation credit for that coursework; however, those students are still required to enroll in math during each high school year.
 - (c) Students with a qualifying disability who have deficits in mathematics as documented in the individualized education program (IEP) shall be required to achieve at least Algebra I and Geometry (or the equivalent Integrated Math I and Integrated Math II). The required number of credits in math will be achieved through strategies such as, but not limited to, increased time, appropriate methodologies, and accommodations as determined by the IEP team.
- (13) The three (3) credits of science shall include Biology, Chemistry or Physics, and a third lab science which may include, but is not limited to, Computer Science as set forth in Paragraph (2)(b) of this Rule.

(Rule 0520-01-03-.06, continued)

- (a) Students with a qualifying disability as documented in the IEP shall be required to achieve at least Biology I and two (2) other lab science credits. The required number of credits in science will be achieved through strategies such as, but not limited to, increased time, appropriate methodologies, and accommodations as determined by the IEP team.
- (14) The three (3) credits of social studies shall include United States History and Geography, World History and Geography, Economics, and United States Government and Civics.
 - (15) Students must earn one-half ($\frac{1}{2}$) credit in Personal Finance. Three (3) years of JROTC may be substituted for one-half ($\frac{1}{2}$) credit of Personal Finance if the JROTC instructor attends the Personal Finance training conducted by the Department.
 - (16) The two (2) world language credits must be earned in the same world language.
 - (17) The three (3) elective focus credits may be earned in CTE, science and math, humanities, fine arts, AP/IB, computer science, or other areas designed to prepare students for the workforce and postsecondary approved by the local board of education.
 - (a) Students completing a CTE elective focus must complete three (3) credits in the same CTE career cluster or state-approved program of study.
 - (b) The credit requirement for fine arts or world language may be waived by the director of schools for students, under certain circumstances, to expand and enhance the elective focus. Prior to waiver of the requirement for fine arts or world language, the student's parent or guardian must agree to the waiver in writing.
 - (c) The director of schools may waive the third (3rd) credit requirement of the elective focus during a student's 12th grade year if the completion of the third (3rd) elective focus credit would prevent or delay graduation. This waiver option includes those students who transfer during the eleventh (11th) or twelfth (12th) grade year to a Tennessee high school from a school in another state or country, or from a non-public school.
 - (18) All full-time students in grades nine (9) through twelve (12) shall be enrolled each semester in subjects that produce a minimum of five (5) units of credit for graduation per year. Students with hardships and gifted students may appeal this requirement to the director of schools and then to the local board of education.
 - (19) Every local board of education shall develop a policy regarding the minimum and maximum units in any course or subject area for which a student may earn credit toward graduation.
 - (20) A public high school student may complete an early high school graduation program through the Move on When Ready Program and be eligible for unconditional entry into a public two (2)-year institution of higher education or conditional entry into a public four (4)-year institution of higher education in accordance with T.C.A. §§ 49-6-8101 - 49-6-8106 and the State Board's High School Policy 2.103. A student who does not participate in the Move on When Ready Program may still graduate earlier than the end of their 12th grade year of high school, provided the student meets all graduation requirements for a traditional high school diploma set forth in this rule and the State Board's High School Policy 2.103, and any additional requirements for early graduation set by the LEA.
 - (21) A variety of honors and distinctions may be awarded to graduating students meeting state or locally specified criteria. Each local school board shall develop a policy prescribing how students meeting honors and distinctions requirements will be noted and recognized.

(Rule 0520-01-03-.06, continued)

- (22) LEAs may design student recognition programs that allow students to graduate with honors if they have met the graduation requirements and have attained an overall grade point average (GPA) of at least a 3.0 or higher on a 4.0 scale. LEAs may set a higher GPA at their discretion. LEAs may specify additional requirements, such as requiring students to demonstrate performance of distinction in one (1) or more areas.
- (23) Students who score at or above all the subject area readiness benchmarks on the ACT or equivalent score on the SAT shall graduate with “state honors.”
- (24) Students shall be recognized as graduating with “district distinction” if they have met the graduation requirements for their diploma type, have obtained an overall GPA of at least a 3.0 or higher on a 4.0 scale, and have earned an industry credential that was on the list promoted by the Department of Education at the time the student earned it.
- (25) A student who earns a composite score of nineteen (19) or higher on the ACT, or an equivalent score on the SAT, and earns a capstone industry credential as promoted by the Department of Education, shall be recognized as a “Tennessee Tri-Star Scholar” upon graduation from high school. A student who fulfills the requirements of the Tennessee Work Ethic Distinction program shall also be recognized as a Tennessee Tri-Star Scholar upon graduation from high school. The public high school shall recognize the student’s achievement at the graduation ceremony by placing an appropriate designation on the student’s diploma, or other credential, or by providing a ribbon or cord to be worn with graduation regalia. The student shall be noted as a Tennessee Tri-Star Scholar in the school’s graduation program.
- (26) Students will be recognized as graduating with “state distinction” by attaining a B or better grade point average and completing one (1) of the following:
 - (a) Earning an industry credential that was on the list promoted by the Department of Education at the time the student earned it;
 - (b) Participating in at least one (1) of the Governor’s Schools;
 - (c) Participating in one (1) of the state’s AllState musical organizations;
 - (d) Earning statewide recognition or award at a skill- or knowledge-based state tournament, convention, or competition hosted by a statewide student organization, and/or qualifying for national recognition by a national student organization;
 - (e) Being selected as a National Merit Finalist or Semi-Finalist;
 - (f) Attaining a score of thirty-one (31) or higher composite score on the ACT or SAT equivalent;
 - (g) Attaining a score of three (3) or higher on at least two (2) advanced placement exams;
 - (h) Successfully completing the International Baccalaureate Diploma Programme; or
 - (i) Earning twelve (12) or more semester hours of postsecondary credit.
- (27) LEAs shall recognize students who have attained a high level of proficiency in speaking, reading, and writing in one (1) or more languages in addition to English with a “Seal of Bilingualism.” Students receiving this recognition shall meet the following criteria:
 - (a) Complete all English language arts (ELA) requirements for graduation with an overall grade point average of 3.0 or higher in those classes;

(Rule 0520-01-03-.06, continued)

- (b) Demonstrate English proficiency through one (1) of the following:
 - 1. Score at the on-track or mastered level on each ELA end-of-course assessment taken;
 - 2. Score three (3) or higher on an Advanced Placement English Language or English Literature exam; B1 or higher on a Cambridge International English exam; or four (4) or higher on an International Baccalaureate English exam;
 - 3. Score twenty-two (22) or higher on the ACT Reading subtest or four hundred eighty (480) or higher on the SAT evidence-based reading and writing subtest; or
 - 4. Score 4.5 or higher on the WIDA Access, if the student is an English learner; and
 - (c) Demonstrate proficiency in a world language through one (1) of the following:
 - 1. Score Intermediate-Mid or higher in all three (3) communication modes (interpersonal, interpretive, and presentational) on a world language proficiency assessment recognized by the American Council on the Teaching of Foreign Languages (ACTFL);
 - 2. Score three (3) or higher on an Advanced Placement world language exam; B1 or higher on a Cambridge International world language exam; or four (4) or higher on an International Baccalaureate world language exam;
 - 3. Score at the Intermediate level or higher on the Sign Language Proficiency Interview (SLPI: ASL);
 - 4. Pass a foreign government's approved non-English language exam, or score at a level comparable to Intermediate-Mid or higher on the ACTFL proficiency scale on another country's secondary level standardized exam in the country's non-English native language; or
 - 5. Score at a level comparable to Intermediate-Mid or higher on the ACTFL proficiency scale on an LEA developed alternate model. Alternate models may only be used if the identified world language does not have an associated nationally recognized assessment and must address communication, cultures, connections, comparisons, and communities.
 - (d) Each school shall document and track students' progress toward the Seal of Biliteracy.
 - (e) Each local board shall affix an appropriate insignia to the diploma of the qualifying student indicating that the student has been awarded a Tennessee Seal of Biliteracy.
- (28) Students who voluntarily complete at least ten (10) hours of community service each semester the student is in attendance at a public high school shall be recognized at their graduation ceremony.
 - (29) Students graduating with a gold or platinum medal on National Career Readiness Certificate (WorkKeys) shall be recognized at their graduation ceremony.
 - (30) Students graduating with a district-developed work ethic distinction shall be recognized at their graduation ceremony.

(Rule 0520-01-03-.06, continued)

- (31) Students who are interested in pursuing a career in a high-need, high-skill industry after graduation may earn an “Industry 4.0 diploma distinction.” The student’s school shall include on the student’s transcript the Industry 4.0 distinction if the student fulfills all Industry 4.0 distinction requirements upon graduation.
- (a) Each public high school, including public charter high schools, shall notify ninth (9th) grade and tenth (10th) grade students enrolled in the high school of the opportunity to pursue an Industry 4.0 diploma distinction no later than ten (10) days after the first day of each semester of the school year.
 - (b) A high school student interested in receiving an Industry 4.0 diploma distinction shall before the end of their tenth (10th) grade year:
 - 1. Notify the student’s counselor or school principal of the student’s intent to pursue an Industry 4.0 diploma distinction;
 - 2. Provide the student’s counselor or school principal with documentation signed by the student’s parent or legal guardian indicating that the student’s parent or legal guardian is aware of the requirements for the parent’s or legal guardian’s student to obtain an Industry 4.0 diploma distinction and consenting to the student’s participation;
 - 3. Register with a regional American Job Center or other career counseling or community partner approved by the student’s school; and.
 - 4. Enroll in at least one (1) work-based learning or dual enrollment course for the student’s eleventh (11th) grade year.
 - (c) Beginning in the student’s eleventh (11th) grade year, a student pursuing an Industry 4.0 diploma distinction shall meet, no less than once per month, with a career coach who has been approved to provide career coaching services by the student’s school. The career coach must:
 - 1. Be an American Job Center career coach, a career coach from a career counseling or community partner approved by the United States Department of Labor’s regional office for the state of Tennessee, or a licensed school counselor or an educator who holds a work-based learning certificate provided by the Department of Education; and
 - 2. Meet, no less than once per month during the school year, with students assigned to the career coach by the student’s school principal to assist students in:
 - (i) Developing the personal attributes required for success in the workforce, which include, but are not limited to, time management, networking, communication, teamwork, creative thinking, and conflict resolution;
 - (ii) Applying for dual enrollment grants or other available financial aid opportunities, including, but not limited to, grants and scholarships administered by the Tennessee Student Assistance Corporation;
 - (iii) Identifying the best combination of dual enrollment, work-based learning, and internship opportunities available to the student; and
 - (iv) Preparing for standardized assessments such as the ACT.

(Rule 0520-01-03-.06, continued)

- (d) Before the end of the student's eleventh (11th) grade year, a student pursuing an Industry 4.0 diploma distinction shall enroll in work-based learning or dual enrollment courses for the student's twelfth (12th) grade year.
- (e) A student receiving an Industry 4.0 diploma distinction shall successfully complete all coursework required for graduation for their diploma type.
- (f) A student pursuing an Industry 4.0 diploma distinction may earn at least one (1) science credit and at least one (1) math credit through course substitutions approved by the State Board, including, but not limited to, dual enrollment and work-based learning courses that are aligned to a student's chosen career path. Work-based learning course substitutions may only fulfill a student's third (3rd) credit of science and/or fourth (4th) credit of math. Pursuant to State Board Rule 0520-01-03-.03, high schools shall accept dual enrollment courses as a substitution for an aligned graduation requirement course.
- (g) A student receiving an Industry 4.0 diploma distinction shall earn nine (9) credits of dual enrollment or work-based learning in grades nine (9) through twelve (12), which may be satisfied by the student's successful completion of dual enrollment coursework, work-based learning experiences, on-the-job training, or other mentorships or structured educational experiences that allow the student to apply the student's knowledge and skills in a work environment to develop an understanding of workplace expectations.

Authority: T.C.A. §§ 49-1-302, 49-1-302(a)(2) and (13), 49-6-101, 49-6-201, 49-6-3001(c) and (c)(1), 49-6-3003, 49-6-3005, 49-6-3104, 49-6-3105, 49-6-6001, 49-6-6201, and 49-6-8301, et seq.; Sections 30, 78 through 80, and 88 of Chapter 535 of the Public Acts of 1992; and Public Chapter 448 (2013).

Administrative History: Original rule certified June 10, 1974. Amendment filed July 18, 1974; effective August 17, 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 filed October 15, 1979; effective January 8, 1980. Amendment filed April 14, 1980; effective May 28, 1980. Amendment filed April 13, 1982; effective May 28, 1982. Amendment filed September 28, 1982; effective December 15, 1982. Amendment filed January 19, 1983; effective April 18, 1983. Amendment filed September 28, 1983; effective December 14, 1983. Amendment filed January 6, 1984; effective April 15, 1984. Amendment filed June 28, 1984; effective July 28, 1984. Amendment filed June 28, 1984; effective September 11, 1984. Amendment filed May 12, 1985; effective August 13, 1985. Amendment filed October 3, 1985; effective January 14, 1986. Amendment filed March 25, 1986; effective June 14, 1986. Amendment filed May 28, 1986; effective June 27, 1986. Amendment filed July 10, 1987; effective October 28, 1987. Amendment filed July 22, 1987; effective October 28, 1987. Amendment filed September 20, 1987; effective December 29, 1987. Amendment filed November 18, 1987; effective February 28, 1988. Amendment filed April 18, 1988; effective July 27, 1988. Amendment filed May 13, 1988; effective August 29, 1988. Amendment filed October 18, 1988; effective January 29, 1989. Amendment filed November 22, 1988; effective February 28, 1989. Amendment filed November 16, 1989; effective February 28, 1990. Amendment filed June 5, 1990; effective September 26, 1990. Amendment filed October 12, 1990; effective January 29, 1991. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed June 24, 1992; effective September 28, 1992. Amendment filed July 21, 1992; effective October 28, 1992. Amendment filed September 1, 1992; effective December 29, 1992. Amendment filed April 14, 1993; effective July 28, 1993. Amendment filed August 10, 1993; effective December 29, 1993. Amendment filed October 28, 1993; effective March 1, 1994. Amendment filed January 21, 1994; effective May 31, 1994. Amendment filed January 31, 1995; effective May 31, 1995. Amendment filed March 27, 1995; effective July 28, 1995. Amendment filed May 31, 1996; effective September 27, 1996. Amendment filed April 27, 1998; effective August 28, 1998. Amendment filed July 13, 1998; effective November 27, 1998. Amendment filed November 18, 1998; effective March 30, 1999. Amendment filed May 28, 1999; effective September 28, 1999. Amendment filed November 30, 1999; effective March 29, 2000. Amendment filed April 28, 2000; effective August 28, 2000. Amendment filed July 31, 2000;

(Rule 0520-01-03-.06, continued)

effective November 28, 2000. Amendment filed October 31, 2000; effective February 28, 2001. Amendment filed August 31, 2001; effective December 28, 2001. Amendment filed December 31, 2001; effective April 30, 2002. Amendment filed March 28, 2002; effective July 29, 2002. Amendment filed October 31, 2002; effective February 28, 2003. Amendment filed March 31, 2003; effective July 29, 2003. Amendment filed June 30, 2003; effective October 28, 2003. Amendment filed August 30, 2004; effective December 29, 2004. Amendments filed May 19, 2005; effective September 28, 2005. Amendments filed June 30, 2005; effective October 28, 2005. Amendment filed June 19, 2007; effective October 26, 2007. Amendments filed September 6, 2007; effective January 28, 2008. Repeal and new rule filed June 11, 2008; effective October 28, 2008. Amendment filed July 17, 2009; effective December 29, 2009. Amendment filed February 24, 2010; effective July 29, 2010. Amendment filed February 6, 2013; effective July 29, 2013. Amendment filed June 18, 2013; effective November 28, 2013. Amendments filed September 6, 2013; effective February 28, 2014. Amendments filed October 7, 2013; to be effective March 31, 2014. However, the State Board of Education filed a withdrawal of the rule. Amendments filed November 27, 2013; effective April 30, 2014. Amendment filed May 8, 2014; effective October 29, 2014. Amendment filed October 13, 2014; effective January 11, 2015. Amendment to rule 0520-01-03-.06(1)(b) filed May 22, 2015; effective August 20, 2015. Amendment to rule 0520-01-03-.06(3) filed May 22, 2015; effective August 20, 2015. Amendments filed December 30, 2015; effective March 29, 2016. Amendments filed October 25, 2017; effective January 23, 2018. Amendments filed March 20, 2018; to have been effective June 18, 2018. However, on May 24, 2018, the Government Operations Committee filed a 5-day stay; new effective date June 23, 2018. Amendments filed January 11, 2019; effective April 11, 2019. Amendments filed August 20, 2020; effective November 18, 2020. Amendments filed January 6, 2023; effective April 6, 2023.

0520-01-03-.07 CIVICS.

- (1) All high school students must take and pass a United States civics test in order to meet the social studies course credit requirement to earn a traditional diploma.
 - (a) The LEA shall prepare the civics test. The test shall be developed in accordance with T.C.A. § 49-6-408.
 - (b) A student shall pass the test if the student correctly answers at least seventy percent (70%) of the questions. The LEA may provide students with the opportunity to take the test as many times as necessary. Each LEA may determine if a student's grade on the U.S. civics test will be counted in the classroom grade. A passing score on the civics test shall be noted on a student's transcript.
 - (c) The U.S. civics test shall be administered to a student who has an IEP with the accommodations and/or modifications that are deemed necessary by the IEP team.
 - (d) A school shall be recognized on the Tennessee Department of Education's website as a United States civics all-star school if all of the school's seniors receiving a traditional diploma make a passing grade of eighty-five percent (85%) or higher on the United States civics test for that school year.
- (2) All LEAs shall implement a project-based assessment in civics at least once in grades four through eight (4-8) and once in grades nine through twelve (9-12) pursuant to T.C.A. § 49-6-1028.
 - (a) "Project-based" means an approach that engages students in learning essential knowledge and skills through a student-influenced inquiry process structured around complex authentic questions and carefully designed products and tasks.
 - (b) The project-based assessment shall be developed by the LEA, measure the civics learning objectives contained in the social studies standards, and allow students to demonstrate understanding and relevance of public policy; the structure of federal,

(Rule 0520-01-03-.07, continued)

state, and local governments; and both the Tennessee and the United States constitutions.

- (3) The Governor's Tennessee Excellence in Civics Education Seal shall be awarded to each school that:
- (a) Incorporates civic learning across a broad range of grades and academic subjects that build on the Tennessee academic standards, such as the civics lesson plans and the blue book lesson plans provided by the secretary of state;
 - (b) Provides instruction regarding our nation's democratic principles and practices, the significant events and individuals responsible for the creation of our foundational documents, and the formation of the governments of the United States and the state of Tennessee using the federal and state foundational documents, as evidenced by submission of at least five (5) lesson plans or activities that focus on civics and are aligned with the Tennessee academic standards and a summary of how the lesson was implemented;
 - (c) Provides professional development opportunities or student resources that facilitate civics education, such as civics education workshops offered by the secretary of state, as evidenced by submission of documentation identified by the Department of Education;
 - (d) Provides one (1) or more of the following opportunities for students to engage in real world learning activities:
 1. Participation in a mock election, such as the secretary of state's student mock election;
 2. Participation in the secretary of state's civics essay contest by at least fifteen percent (15%) of the school's students;
 3. A school voter registration drive for the school or community;
 4. Participation in another state or national civics-based contest by at least fifteen percent (15%) of the school's students;
 5. Participation of an individual student or school team in the United States Senate Youth Program or Model United Nations; or
 6. Participation in a real world learning activity recognized by the Department of Education.
 - (e) Implements a high-quality, project-based assessment in accordance with T.C.A. § 49-6-1028(e), if applicable; and
 - (f) Is recognized as a civics all-star school in accordance with T.C.A. § 49-6-408, if applicable.
- (4) The Governor's Tennessee Excellence in Civics Education Seal shall be awarded to each LEA in which at least eighty percent (80%) of the LEA's schools earn the Governor's Tennessee Excellence in Civics Education Seal.

Authority: T.C.A. §§ 49-1-302, 49-6-408, 49-6-1018, and 49-6-1028. **Administrative History:** Original rule certified June 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.

(Rule 0520-01-03-.07, continued)

Amendment filed January 9, 1979; effective February 23, 1979. Amendment filed October 15, 1979; effective January 8, 1980. Amendment filed June 27, 1984; effective July 27, 1984. Amendment filed October 1, 1985; effective January 14, 1986. Amendment filed May 28, 1986; effective June 27, 1986. Amendment filed July 22, 1987; effective October 28, 1987. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed March 28, 2002; effective July 29, 2002. Repeal and new rule filed May 16, 2014; effective October 29, 2014. Amendments filed October 25, 2017; effective January 23, 2018. Amendments filed March 20, 2018; to have been effective June 18, 2018. However, on May 24, 2018, the Government Operations Committee filed a 5-day stay; new effective date June 23, 2018. Amendments filed August 20, 2020; effective November 18, 2020. Amendments filed January 4, 2024; effective April 3, 2024.

0520-01-03-.08 REPEALED.

Authority: T.C.A. §§ 49-1-302 and 49-1-302(a)(2) and (13). **Administrative History:** Original rule certified June 10, 1974. Amendment filed October 3, 1974; effective November 2, 1974. Amendment filed June 30, 1975; effective July 30, 1975. Amendment filed January 15, 1976; effective April 15, 1976. 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 filed April 14, 1980; effective May 28, 1980. Amendment filed October 1, 1985; effective January 14, 1986. Amendment filed May 28, 1986; effective June 27, 1986. Amendment filed July 10, 1986; effective October 29, 1986. Amendment filed July 22, 1987; effective October 28, 1987. Amendment filed October 18, 1988; effective January 29, 1989. Amendment filed November 16, 1989; effective February 28, 1990. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed October 11, 1995; effective February 28, 1996. Amendment filed April 29, 1996; effective August 28, 1996. Amendment filed November 30, 1999; effective March 29, 2000. Amendment filed April 30, 2001; effective August 28, 2001. Amendment filed April 17, 2006; effective August 28, 2006. Amendment to rule 0520-01-03-.08 filed June 11, 2008; to become effective October 28, 2008; was withdrawn August 4, 2008. Amendments filed October 25, 2017; effective January 23, 2018. Amendments filed March 20, 2018; to have been effective June 18, 2018. However, on May 24, 2018, the Government Operations Committee filed a 5-day stay; new effective date June 23, 2018. Amendments filed January 11, 2019; effective April 11, 2019. Repeal filed August 20, 2020; effective November 18, 2020.

0520-01-03-.09 SPECIAL EDUCATION PROGRAMS AND SERVICES.

See Rule 0520-01-09.

Authority: T.C.A. §§ 49-10-101, et seq. **Administrative History:** Original rule filed June 10, 1974. Amendment filed October 3, 1974; effective November 2, 1974. Amendment filed June 30, 1975; effective July 30, 1975. Amendment filed January 15, 1976; effective April 15, 1976. 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 filed April 14, 1980; effective May 28, 1980. Amendment filed June 27, 1984; effective July 27, 1984. Amendment filed May 12, 1985; effective August 13, 1985. Amendment filed October 1, 1985; effective January 14, 1986. Amendment filed May 28, 1986; effective June 27, 1986. Amendment filed July 10, 1986; effective October 29, 1986. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Repealed and new rule filed August 18 1993; effective December 29, 1993. Amendment filed June 21, 1995; effective October 27, 1995. Amendment filed August 7, 1995; effective December 29, 1995. (For Requirement H, see Chapter 0520-01-09, per Tennessee State Board of Education letter dated April 29, 1999.) Amendments filed October 25, 2017; effective January 23, 2018. Amendments filed March 20, 2018; to have been effective June 18, 2018. However, on May 24, 2018, the Government Operations Committee filed a 5-day stay; new effective date June 23, 2018.

0520-01-03-.10 REPEALED.

Authority: T.C.A. §§ 49-1-203 and 49-1-302. **Administrative History:** Original rule certified June 10, 1974. Amendment filed January 9, 1979; effective February 23, 1979. Amendment filed October 15,

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1979; effective January 8, 1980. Amendment filed November 13, 1981; effective March 16, 1982. Amendment filed April 13, 1982; effective May 28, 1982. Amendment filed April 12, 1983; effective May 12, 1983. Amendment filed May 7, 1985; effective June 6, 1985. Amendment filed May 28, 1986; effective June 27, 1986. Amendment filed August 26, 1986; effective November 29, 1986. Amendment filed December 30, 1986; effective March 31, 1987. Amendment filed May 21, 1987; effective August 29, 1987. Amendment filed April 18, 1988; effective July 27, 1988. Amendment filed January 23, 1989; effective March 9, 1989. Amendment filed November 16, 1989; effective February 28, 1990. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendments filed October 25, 2017; effective January 23, 2018. Amendments filed March 20, 2018; to have been effective June 18, 2018. However, on May 24, 2018, the Government Operations Committee filed a 5-day stay; new effective date June 23, 2018. Repeal filed August 20, 2020; effective November 18, 2020.

0520-01-03-.11 REPEALED.

Authority: T.C.A. §§ 49-1-103 and 49-1-302, Executive Order No. 14 of 2020 (and applicable, subsequent Executive Orders addressing COVID-19 relief), U.S. Department of Education 2020 Waiver of Tennessee Assessment Requirements, Public Chapter 652 of 2020, and Public Chapter 770 of 2020. **Administrative History:** (For history prior to June, 1992, see pages iii-ix). Repeal filed March 16, 1992; effective June 29, 1992. 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. Emergency rules filed July 2, 2020; effective through December 29, 2020. Emergency rules filed August 26, 2020; effective through February 22, 2021. Emergency rules expired effective February 23, 2021, and the rules reverted to their previous statuses.

0520-01-03-.12 THROUGH 0520-01-03-.13 REPEALED.

Authority: T.C.A. §§ 49-1-103 and 49-1-302. **Administrative History:** (For history prior to June, 1992, see pages iii-ix). Repeal filed March 16, 1992; effective June 29, 1992.

0520-01-03-.14 RESERVED.

Authority: T.C.A. §§ 49-6-1501, et seq., and Public Chapter 1 of 1st Extraordinary Session of 2021. **Administrative History:** Emergency rule filed April 27, 2021; effective through October 24, 2021. Emergency rule expired effective October 25, 2021, and the rule reverted to its previous status.

0520-01-03-.15 UNIVERSAL STUDENT SCREENERS AND STATE-ADOPTED BENCHMARK ASSESSMENTS.

- (1) Definitions. As used in this Rule:
 - (a) “Nationally Normed” means screener scores, classifications, and score distribution percentiles are reported and calibrated using a representative National Sample.
 - (b) “National Sample” means a sample of students that represents the population of U.S. students. For universal screeners, a national sample consists of at least one hundred fifty (150) students in each of at least three (3) of nine (9) U.S. Census Bureau divisions sampled before the year 2020. Part of completing the sample may include any needed statistical transformations required to achieve demographic representativeness. Such a sampling must be able to produce valid and reliable scores for classifying and identifying students.
 - (c) “Significant Reading Deficiency” means:
 1. A student in Kindergarten through grade three (K-3), who scores in the 15th percentile or below on a Nationally Normed Universal Reading Screener. Students in Kindergarten through grade three (K-3) who have a significant

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reading deficiency are considered below proficient in English language arts (ELA) and shall be regarded as priority students for purposes of implementing the Tennessee Learning Loss Remediation and Student Acceleration Act.

- (d) “At Risk for Significant Reading Deficiency” means:
1. A student in Kindergarten through grade three (K-3), who scores between the 16th and 40th percentile on a Nationally Normed Universal Reading Screener. Students in Kindergarten through grade three (K-3) who are at risk for significant reading deficiency are considered below proficient in ELA and shall be regarded as priority students for purposes of implementing the Tennessee Learning Loss Remediation and Student Acceleration Act.
- (e) “Universal Reading Screener” means a uniform tool that screens and monitors a student’s progress in foundational literacy skills of phonemic awareness, phonics, fluency, vocabulary, and comprehension.
- (f) “Innovative Benchmark Assessment Pilot Program” means a program established, funded, and implemented by the Department of Education (Department) as part of the Tennessee Learning Loss Remediation and Student Acceleration Act to provide the Tennessee universal math screener, the Tennessee Universal Reading Screener, and state-adopted benchmark assessments to LEAs and public charter schools to more frequently measure student learning and address student learning loss.
- (g) “Pre-test” means a state-mandated assessment that is part of the Innovative Benchmark Assessment Pilot Program provided to students at the beginning of summer programming required by the Tennessee Learning Loss Remediation and Student Acceleration Act to determine current knowledge on prioritized math and ELA content.
- (h) “Post-test” means a state-mandated assessment that is part of the Innovative Benchmark Assessment Pilot Program provided to students at the end of summer programming required by the Tennessee Learning Loss Remediation and Student Acceleration Act to determine knowledge gained on prioritized math and/or ELA content. The post-test used to determine adequate growth pursuant to T.C.A. § 49-6-3115 for purposes of determining eligibility for promotion from third (3rd) to fourth (4th) grade shall be the assessment created by the Department that is aligned to the ELA portion of the third (3rd) grade TCAP assessment beginning in the 2022-2023 school year.
- (i) “Tennessee Literacy Success Act” means Tennessee Code Annotated (“T.C.A.”) §§ 49-1-901 et seq.
- (j) “Tennessee Learning Loss Remediation and Student Acceleration Act” means T.C.A. §§ 49-5-1501 et seq.
- (2) Pursuant to the Tennessee Literacy Success Act, each LEA and public charter school shall annually administer a Universal Reading Screener approved by the State Board of Education to each student in Kindergarten through grade three (K-3) during each of the three (3) administration windows established by the Department.
- (3) Student performance on a Universal Reading Screener shall be used to identify students in Kindergarten through grade three (K-3) with a Significant Reading Deficiency or students who are At Risk for Significant Reading Deficiency. Students in Kindergarten through grade three (K-3) with a Significant Reading Deficiency or students who are At Risk for Significant Reading Deficiency are considered below proficient in ELA and shall be regarded as priority

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students for purposes of implementing the Tennessee Learning Loss Remediation and Student Acceleration Act.

- (4) Each LEA and public charter school's foundational literacy skills plan shall include the chosen Universal Reading Screener.
- (5) All Universal Reading Screeners shall be Nationally Normed. LEAs and public charter schools may choose from the following Universal Reading Screener options:
 - (a) A Nationally Normed Tennessee Universal Reading Screener provided by the Department at no cost to LEAs and public charter schools;
 - (b) A Universal Reading Screener from an approved list of Nationally Normed Universal Reading Screeners identified by the Department and approved by the State Board in State Board Policy 3.302; or
 - (c) LEAs and public charter schools may request from the State Board approval to use a locally identified Universal Reading Screener. LEAs and public charter schools requesting approval from the State Board to use a locally identified Universal Reading Screener shall submit a revised foundational literacy skills plan to the Department by June 1 prior to the school year in which the LEA or public charter school wishes to use the locally identified screener. The request shall identify the Universal Reading Screener and provide written documentation outlining the evidence that the Universal Reading Screener meets the requirements identified in parts 1. through 6. below. The Department shall review each request and make recommendations to the State Board for approval by July 31 of each year. Each request shall provide proof, including technical reports and assessment specifications, that the Universal Reading Screener meets the following criteria:
 1. Is Nationally Normed;
 2. Complies with dyslexia screening requirements established in T.C.A. § 49-1-229;
 3. Complies with the universal screening norms and identification requirements established in Tennessee's RTI² framework manual;
 4. Produces scores that meet the Department's criteria to reliably and validly identify students with a Significant Reading Deficiency or students who are At Risk for Significant Reading Deficiency, identifies priority students for purposes of implementation of the Tennessee Learning Loss Remediation and Student Acceleration Act, and can measure student growth from one (1) administration window to another;
 5. Produces results that allow for the reliable generation of individual growth scores for teachers teaching pre-Kindergarten through grade two (pre-K-2) to use as an alternative growth model in accordance with the Tennessee Literacy Success Act and the Tennessee Learning Loss Remediation and Student Acceleration Act; and
 6. Provides a full dataset of student and educator data that can be submitted electronically to the Department three (3) times a year in a manner that complies with the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g), T.C.A. § 10-7-504, the Data Accessibility, Transparency and Accountability Act (Title 49, Chapter 1, Part 7), and all other applicable state and federal privacy laws in a format that meets the Department's data standard.

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- (d) All Universal Reading Screeners approved by the State Board for use by LEAs and public charter schools shall be listed in State Board Policy 3.302. A Universal Reading Screener may be removed from the approved list in State Board Policy 3.302 by the State Board if the Universal Reading Screener does not continue to meet the requirements set forth in paragraphs (5)(c)1.–6. of this Rule, or the Tennessee Literacy Success Act, such that any LEA or public charter school that utilizes the Universal Reading Screener is unable to maintain compliance with the Literacy Success Act.
1. After every administration of the Universal Reading Screener, the Department shall send written notice to any LEA or public charter school that is out of compliance with this rule or the Tennessee Literacy Success Act due to use of a Universal Reading Screener that does not comply with the requirements set forth in paragraphs (5)(c)1.–6. of this Rule. The notice shall:
 - (i) Clearly state that the LEA or public charter school's vendor is out of compliance with this rule or the Tennessee Literacy Success Act;
 - (ii) Outline the reasons for non-compliance; and
 - (iii) State that failure to remedy the non-compliance by the deadline set by the Department may result in a recommendation to the State Board to remove the Universal Reading Screener from the approved list based on such non-compliance.
 2. The notice shall also be sent to the Universal Reading Screener vendor and the chair of the State Board. LEAs and public charter schools that receive a notice of non-compliance from the Department shall work with their Universal Reading Screener vendor to remedy the non-compliance with this rule and the Tennessee Literacy Success Act.
 3. If the Universal Reading Screener vendor does not come into compliance by the deadline set by the Department, and the LEA or public charter school continues to be out of compliance with this rule or the Tennessee Literacy Success Act due to the use of a non-compliant Universal Reading Screener, the Department may bring a recommendation to the State Board that the Universal Reading Screener be removed from the approved list in State Board Policy 3.302. The recommendation shall provide specific information to the State Board regarding the non-compliance, including, but not limited to:
 - (i) A list of LEAs and public charter schools that use the Universal Reading Screener that is being recommended for removal from the approved list;
 - (ii) A copy of the non-compliance notice that was provided to the LEA or public charter school and Universal Reading Screener vendor by the Department;
 - (iii) Data comparing the performance of the Universal Reading Screener vendor as compared to other State Board-approved Universal Reading Screener vendors, including, but not limited to the number of accurate and inaccurate data sets submitted by each approved vendor out of the total required data sets within the required window, whether all data sets were submitted for each LEA or public charter school by each approved vendor, and the number of errors in the data sets provided by each approved vendor; and
 - (iv) Any additional information requested by the State Board regarding the non-compliance and reasons supporting the recommendation for removal of the

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Universal Reading Screener from the approved list, provided such information is available to the Department.

4. The Universal Reading Screener vendor, any LEA and/or any public charter school may request to speak at the Board meeting when the recommendation is presented by providing notice to the State Board in compliance with State Board Policy 1.400.
 5. The Board may vote to remove the Universal Reading Screener vendor from the approved list, to keep the Universal Reading Screener on the approved list, or to defer the vote to a later date.
 6. The Department shall create and post on its website a Universal Reading Screener data guide which may include a technical manual, data dictionary, and/or data submission template to support LEAs, public charter schools, and State Board-approved Universal Reading Screener vendors to maintain accurate and timely submissions of data in accordance with this rule and the Tennessee Literacy Success Act.
- (6) Approved Universal Reading Screeners may be used by LEAs and public charter schools to comply with dyslexia screening requirements established in T.C.A. § 49-1-229 and with the universal screening requirements established in Tennessee's RTI² framework manual.
 - (7) LEAs and public charter schools may need to find an alternate tool to measure reading proficiency if a student has a documented disability in an Individualized Education Program (IEP) or section 504 plan that indicates the student has a language or physical barrier to using one (1) of the approved Universal Reading Screeners outlined in paragraph (5) of this rule.
 - (8) Each LEA and public charter school shall submit electronically to the Department the full dataset for each Universal Reading Screener administered to students three (3) times per school year. All student information must be maintained in accordance with the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g), T.C.A. § 10-7-504, the Data Accessibility, Transparency and Accountability Act (Title 49, Chapter 1, Part 7) and all other applicable state and federal privacy laws in a format that meets the Department's data standard.
 - (9) LEAs and public charter schools may choose to administer a Universal Reading Screener to pre-Kindergarten students.
 - (10) The Department shall implement an Innovative Benchmark Assessment Pilot Program pursuant to the Tennessee Learning Loss Remediation and Student Acceleration Act to provide the Tennessee Universal Reading Screener, the Tennessee universal math screener, and state-adopted benchmark assessments to LEAs and public charter schools to more frequently measure student learning and address student learning loss.
 - (11) Pursuant to the Tennessee Learning Loss Remediation and Student Acceleration Act, LEAs and public charter schools may use the state-adopted benchmark assessments, the Tennessee universal math screener, the Tennessee Universal Reading Screener, or a Universal Reading Screener approved by the State Board to identify priority students for after-school learning mini-camps, learning loss bridge camps, and summer learning camps.
 - (a) For grades Kindergarten through three (K-3), the Tennessee Universal Reading Screener provided by the Department, the Tennessee universal math screener provided by the Department, or a Universal Reading Screener approved by the State Board shall serve as the state-adopted benchmark assessments required to be used

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by LEAs and public charter schools to identify priority students for after-school learning mini-camps, learning loss bridge camps, and summer learning camps.

- (b) For grades four (4) through nine (9), a locally adopted benchmark assessment approved by the Department for use by the LEA or public charter school shall serve as the state-adopted benchmark assessments used by LEAs and public charter schools in implementing the Tennessee Learning Loss Remediation and Student Acceleration Act. Each LEA or public charter school shall request from the Commissioner of Education approval to use locally adopted benchmark assessments as the state-adopted benchmark assessment. Each request shall include:
 1. The name of each locally adopted benchmark assessment requested for use; and
 2. The performance category for each locally adopted benchmark assessment that the LEA or public charter school will use to identify priority students, to implement the Tennessee Learning Loss Remediation and Student Acceleration Act.
 - (c) Any student in Kindergarten through grade three (K-3) scoring in the 40th percentile or below on a Nationally Normed universal math screener shall be considered below proficient in math and regarded as a priority student for purposes of implementing the Tennessee Learning Loss Remediation and Student Acceleration Act.
- (12) Pursuant to the Tennessee Learning Loss Remediation and Student Acceleration Act, LEAs and public charter schools shall use the state-provided pre- and post-test to monitor student growth in summer programming during the summer of 2021 and every summer thereafter.

Authority: T.C.A. §§ 49-1-901, et seq., and 49-6-1501, et seq.; Chapter 1 of the Public Acts of 2021 (1st Extraordinary Session); and Chapter 3 of the Public Acts of 2021 (1st Extraordinary Session).

Administrative History: Emergency rule filed May 27, 2021; effective through November 23, 2021. New rule filed August 5, 2021; effective November 3, 2021. Amendments filed April 25, 2022; effective July 24, 2022. Amendments filed October 25, 2023; effective January 23, 2024.

0520-01-03-.16 PROMOTION AND RETENTION.

- (1) The academic program implemented in each public school shall be designed to help students achieve the expectations of the grade-level State Board-approved Tennessee Academic Standards and meet the requirements for promotion to the next grade.
- (2) Promotion to the next grade level shall be based on the successful completion of required academic work or demonstration of satisfactory progress in each of the relevant academic areas.
- (3) Each LEA and public charter school governing body shall develop and implement promotion and retention policies for students in grades Kindergarten through eight (K-8) in accordance with T.C.A. § 49-6-3115, this rule, and the State Board's Promotion and Retention Policy 3.300. The LEA or public charter school's promotion and retention policy shall include a right for the parent or legal guardian to appeal a decision to retain a student.
- (4) Schools shall identify students who demonstrate difficulty in achieving the requirements for promotion to the next grade level and therefore may be at risk for retention by February 1. However, a student may be identified as at risk for retention after February 1 if reasons for identifying a student as at risk for retention are identified in a lawfully adopted local board policy that identifies limited situations in which students may be identified as at risk for retention. Schools shall notify the parent or legal guardian of any student who is identified as at risk for retention within fifteen (15) calendar days of identification.

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- (5) Factors used to identify students who are at risk for retention shall, at a minimum, include:
 - (a) The student's ability to perform at the expectations of the current grade-level standards;
 - (b) The results of local assessments, screening, or monitoring tools;
 - (c) State assessments, as applicable;
 - (d) Home Literacy Reports provided in accordance with T.C.A. § 49-1-905;
 - (e) The overall academic achievement of the student;
 - (f) The student's likelihood of success with more difficult material if promoted to the next grade;
 - (g) The student's attendance record; and
 - (h) The student's maturity.
- (6) Schools shall develop and implement an individualized promotion plan for any student identified as at risk for retention to help the student avoid retention.
 - (a) The individualized promotion plan shall be developed in coordination with the student's teachers, IEP or 504 team, if applicable, and may also include input from the student's parents, school counselor, or other appropriate school personnel. All promotion plans shall include evidence-based promotion strategies and shall be tailored to the student's learning needs. Each promotion plan shall also include expectations and measurements that can be used to verify that a student has made sufficient progress to be promoted to the next grade level. Promotion plans for students in grades three (3) and four (4) shall include the additional requirements for promotion set forth in paragraph (7) of this rule.
 - (b) A copy of a student's promotion plan shall be provided to his or her parent or legal guardian, and the school shall offer to parents or legal guardians the opportunity for a parent-teacher conference to discuss the promotion plan.
 - (c) If a student is not making progress on his or her promotion plan, then the promotion strategies shall be modified to support the student in the goal of promotion to the next grade level. A student who demonstrates sufficient academic progress with the strategies included in his or her promotion plan during the school year shall be promoted to the next grade level unless retention is required as set forth in paragraph (7) of this rule.
 - (d) If a student has not demonstrated sufficient academic progress as defined in his or her promotion plan by the end of the school year, the student shall be eligible to enroll in a summer reading or learning program if such program is available. For a student in grade three (3) who is identified for retention in accordance with paragraph (7) of this rule and attends a summer reading or learning program, the program must be conducted in accordance with T.C.A. § 49-6-3115 and T.C.A. §§ 49-6-1501-1511.
 - (e) If the student was enrolled in a summer reading or learning program then a decision for retention shall be made and communicated to the parent or legal guardian in writing at least ten (10) calendar days prior to the start of the next school year, or, if the student was not enrolled in a summer reading or learning program, a decision for retention

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shall be made and communicated to the parent or legal guardian in writing at least thirty (30) calendar days prior to the start of the next school year. The notification to the student's parent or legal guardian of the retention decision shall be in writing and sent electronically and shall include information regarding the parent or legal guardian's right to appeal the retention decision in alignment with the LEA or public charter school's promotion and retention policy.

- (f) Retention shall be considered only when it is in the best interests of the student, or if retention is required by paragraph (7) for students in grades three (3) and four (4). Retention decisions affecting a student receiving special education services shall be made in consultation with the student's Individualized Education Program (IEP) or 504 team and in accordance with the provisions of the IEP or 504 plan.
- (g) If a retention decision has been made, then the school shall develop an individualized academic remediation plan for the retained student within thirty (30) calendar days after the beginning of the next school year. A copy of the academic remediation plan shall be provided to the student's parent or legal guardian within ten (10) calendar days of development of such plan.
 - 1. The academic remediation plan shall be developed in coordination with the student's teachers, IEP or 504 team, if applicable, and may also include input from the student's parents, school counselor, or other appropriate school personnel.
 - 2. The academic remediation plan shall be implemented to help the retained student attain and demonstrate learning proficiency and shall include at least one (1) of the following strategies:
 - (i) Adjustment to the current instructional strategies or high-quality instructional materials;
 - (ii) Additional instructional time;
 - (iii) Individual tutoring;
 - (iv) Modification to the student's classroom assignment to ensure the student receives instruction from a teacher with a level of overall effectiveness of above expectations (level 4) or significantly above expectations (level 5); or
 - (v) Attendance or truancy interventions.
- (h) A student shall not be retained more than one (1) time in any given grade level.
- (i) Retention shall not:
 - 1. Be used without an academic remediation plan;
 - 2. Be used as a punitive or disciplinary measure;
 - 3. Be based solely on English language proficiency, for students who are identified as English learners;
 - 4. Be based on the student's disability or suspected disability; or
 - 5. Be based solely on a student's maturity.

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- (j) This rule does not supersede an LEA's or public charter school's obligation to comply with the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.), or Section 504 of the Rehabilitation Act (29 U.S.C. § 794).
 - (k) The progress of a retained student shall be closely monitored and reported to the student's parent or legal guardian a minimum of three (3) times during the school year in which the student is retained.
- (7) Each LEA and public charter school shall comply with the following additional requirements for promotion and retention of students in grade three (3) and four (4), in accordance with the Tennessee Learning Loss Remediation and Student Acceleration Act and T.C.A. § 49-6-3115:
- (a) A student in grade three (3) shall not be promoted to the next grade level unless the student is determined to be proficient in English language arts (ELA) based on the student's achieving a performance level rating of "on track" or "mastered" on the ELA portion of the student's most recent Tennessee comprehensive assessment program (TCAP) test.
 - (b) Notwithstanding paragraph (7)(a):
 - 1. A student in grade three (3) who is not proficient in ELA, as determined by the student's achieving a performance level rating of "approaching" on the ELA portion of the student's most recent TCAP test, may be promoted to the fourth (4th) grade if:
 - (i) The student is an English language learner and has received less than two (2) full school years of ELA instruction;
 - (ii) The student was previously retained in any of the grades Kindergarten through three (K-3);
 - (iii) The student is retested in accordance with Department guidelines before the beginning of the next school year and scores proficient in ELA;
 - (iv) The student attends a learning loss bridge camp before the beginning of the upcoming school year, maintains a ninety percent (90%) attendance rate at the camp, and the student's performance on the post-test administered to the student at the end of the learning loss bridge camp, as required under T.C.A. § 49-6-1502(4)(F), demonstrates adequate growth, as defined in the State Board's Promotion and Retention Policy 3.300; or
 - (v) The student receives high-dosage, low-ratio tutoring for the entirety of the upcoming school year from a Tennessee accelerating literacy and learning corps (TALLC) tutor. For the purposes of this rule, "high-dosage, low-ratio tutoring" means a minimum of two (2) thirty (30) minute sessions per week with a one to three (1:3) teacher to student ratio. TALLC high-dosage, low-ratio tutoring may be provided through the following options, in accordance with T.C.A. § 49-6-1507:
 - (I) A tutor recruited and trained through the Department's TN ALL Corps grant program.
 - (II) A district recruited tutor who has completed the Department's TN ALL Corps training.

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2. A student in grade three (3) who is not proficient in ELA, as determined by the student's achieving a performance level rating of "below" on the ELA portion of the student's most recent TCAP test may be promoted to the fourth (4th) grade if:
 - (i) The student is an English language learner and has received less than two (2) full school years of ELA instruction;
 - (ii) The student was previously retained in any of the grades Kindergarten through three (K-3);
 - (iii) The student retested in accordance with Department guidelines before the beginning of the next school year and scores proficient in ELA; or
 - (iv) The student attends a learning loss bridge camp before the beginning of the upcoming school year and maintains a ninety percent (90%) attendance rate at the camp, and receives high-dosage, low-ratio tutoring for the entirety of the upcoming school year from a Tennessee accelerating literacy and learning corps (TALLC) tutor. For the purposes of this rule, "high-dosage, low-ratio tutoring" means a minimum of two (2) thirty (30) minute sessions per week with a one to three (1:3) teacher to student ratio. TALLC high-dosage, low-ratio tutoring may be provided through the following options, in accordance with T.C.A. § 49-6-1507:
 - (I) A tutor recruited and trained through the Department TN ALL Corps grant program.
 - (II) District recruited tutor who has completed the Department's TN ALL Corps training.
- (c) A student who is promoted to the fourth (4th) grade pursuant to paragraph (7)(b)1.(v) or (7)(b)2.(iv) must show adequate growth on the fourth (4th) grade ELA portion of the TCAP test as further defined in State Board Promotion and Retention Policy 3.300 before the student may be promoted to the fifth (5th) grade.
- (d) Notwithstanding paragraph (c), a student shall not be retained in fourth (4th) grade more than once.
- (e) The requirements set forth in paragraphs (7)(a)–(d) do not supersede an LEA's or public charter school's obligation to comply with the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.) or Section 504 of the Rehabilitation Act (29 U.S.C. § 794).
 1. In accordance with T.C.A. § 49-6-3115, an LEA or public charter school shall not retain a student with a disability or a suspected disability that impacts their ability to read.
 2. Retention and promotion decisions shall be made on a case-by-case basis and in consultation with the student's IEP and/or 504 team to determine whether the student's performance on the ELA TCAP was due to the student's disability. Such consultation includes, but is not limited to, a review of evaluation and eligibility data, input from the student's teachers and parents, benchmark assessments, and classroom performance.
- (f) Appeals to the Department.

(Rule 0520-01-03-.16, continued)

1. The parent or legal guardian of a student who is identified for retention in third (3rd) grade pursuant to paragraph (7)(a) based on the student's achieving a performance level rating of "approaching" on the ELA portion of the student's most recent TCAP test, may appeal directly to the Department.
 - (i) A decision to retain a student for any other reason, as set forth in paragraphs (1)–(6) of this rule may be appealed at the local level only, pursuant to the LEA or public charter school's promotion and retention policy.
2. The appeal process for a student who is identified for retention in third (3rd) grade pursuant to paragraph (7)(a) based on the student's achieving a performance level rating of "approaching" on the ELA portion of the student's most recent TCAP test shall be administered by the Department. Information regarding the appeals process and timelines shall be posted on the Department's website. All appeals shall be submitted on the appeal forms provided by the Department and posted on its website. If an appeal is not submitted on the appropriate appeal form, the appeal shall be denied.
3. An appeal shall be submitted by a parent or legal guardian to the Department within fourteen (14) calendar days of receipt of the notice from the LEA or public charter school that the student is identified as at risk for retention based on the student's achieving a performance level rating of "approaching" on the ELA portion of the student's most recent TCAP test. The notice that the student is at risk for retention shall be deemed received on the day it is electronically sent. The Commissioner's designee(s) shall review all properly submitted appeals, make a determination, and issue an electronic notification of the decision to the parent or legal guardian within fourteen (14) calendar days of receiving the appeal.
4. The Commissioner's designee(s) may overturn the identification of a student as at risk for retention in third (3rd) grade pursuant to paragraph (7)(a) and allow the student to be promoted to the fourth (4th) grade if one (1) or more of the following grounds is met:
5. Ground 1:
 - (i) The student demonstrated growth above the national norm as demonstrated in the student's composite score from a State Board-approved Universal Reading Screener or the Tennessee Universal Reading Screener administered by the LEA or public charter school; and
 - (ii) The student demonstrated growth in standards mastery based on the student's scores on a state-approved standards-based benchmark assessment administered by the student's school; or
6. Ground 2:
 - (i) The parent or legal guardian of the student identified as at risk for retention in third (3rd) grade pursuant to paragraph (7)(a) documents that a catastrophic situation occurred during the days leading up to the third (3rd) grade ELA TCAP test administration that impacted the student and impeded the student's ability to perform on the test. Examples of a catastrophic situation include, but are not limited to, a death in the immediate family, loss of a family home, or significant medical diagnosis.

(Rule 0520-01-03-.16, continued)

Authority: T.C.A. §§ 49-1-302; 49-6-1501, et seq.; 49-6-3001; and 49-6-3115. **Administrative History:** New rule filed September 6, 2022; effective December 5, 2022.