

**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) 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 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	85	92			
C	75	84			
D	70	74			
F	0	69			

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

- (2) 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.
- (3) 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.
- (4) 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, 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.

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.

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

- (6) Each local school board shall develop and implement promotion, and retention policies for grades kindergarten through eight (K-8) in accordance with the State Board's Promotion and Retention Policy 3.300. Each local policy shall require, at a minimum:
 - (a) Schools to notify a student's parent or guardian if it is determined through a student's overall performance or a state or local assessment that a student in grades kindergarten through three (K-3) is not meeting the expectations of the grade-level standards in reading within fifteen (15) calendar days of such determination;
 - (b) Schools to notify the parent or guardian of any student that is being considered for retention within fifteen (15) calendar days of identification;
 - (c) Schools to develop and implement an individualized promotion plan for any student being considered for retention to help the student avoid retention;
 - (d) Schools to notify the parent or guardian of any student that is retained at least ten (10) calendar days prior to the start of the next school year, if the student was enrolled in a summer reading or learning program, or, if the student was not enrolled in a summer reading or learning program, at least thirty (30) calendar days prior to the start of the next school year. The communication shall include notice of the parent or guardian's right to appeal a retention decision; and
 - (e) If a retention decision has been made, then the school shall develop an individualized academic remediation plan for the retained student prior to the start of the next school year. A copy of the academic remediation plan shall be provided to the student's parent or guardian within ten (10) calendar days of development of such plan.
- (7) 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.
- (8) 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.
 - (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.
- (9) Any coursework successfully completed in a summer school approved by an LEA, public charter school, or Category I, II, or III private school is fully transferable to any other approved school. All summer school teachers at a summer school approved by an LEA or

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

public charter school shall be licensed and hold endorsements in the subject areas in which they are teaching.

- (10) 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.
- (11) 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.
- (12) Prior to grade nine (9), all students, including students with an Individualized Education Program (IEP), shall develop an initial four (4)-year plan of focused and purposeful high school study in accordance with the State Board's High School Policy 2.103.
- (13) 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

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

3. Grading and awarding of credit.

- (14) Students may transfer from a Category I, II, or III private school, as defined in State Board Rule 0520-07-02, to a public school without loss of credit for completed work. The school which the student leaves must supply a properly certified transcript showing the student's record of attendance, achievement, and the units of credit earned.
- (15) Students transferring from a Category IV or Category V private school, as defined in State Board Rule 0520-07-02, to a public school shall be allowed credit only when they have passed comprehensive written examinations approved, administered, and graded by the principal or designee of the public school. Student scores from a recognized standardized test may substitute for the required comprehensive written examinations.
- (a) The examination administered to students in grades one through eight (1-8) shall cover only the last grade completed.
- (b) The examinations administered to students in grades nine through twelve (9-12) shall cover the individual subjects appearing on the official transcripts. The examination for graduation requirement subjects may only cover the last course completed by the student (for example, if a student has completed English I, II, and III, the examination may only cover English III).
- (c) The principal of a Category IV or Category V private school is authorized to transmit transcripts of a student to any school to which the student transfers or applies for admission when the records are requested by the receiving school or parent or guardian. The parent or guardian of the student shall be notified by the private school that the transcript is being sent.
- (16) The High School Equivalency Testing (HiSET) shall be operated in accordance with the HiSET manual of the Education Testing Service and the rules established by the Department of Labor and Workforce Development.
- (a) The chief examiners shall ensure that all examinees meet the state requirements for age, residency, proper identification, and any other qualifications prior to admission to the testing session.
- (b) A candidate must be eighteen (18) years of age before being eligible to take the HiSET test. A seventeen (17) year old may be allowed to take the examination upon recommendation of the director of schools. The director of schools may require written documentation from the applicant to support this recommendation. This rule shall not be used to circumvent participation in the regular high school program.
- (c) The HiSET test consists of five (5) core areas that count twenty (20) points each. In order to pass, the total composite score on the HiSET test shall not be less than forty-five (45) and no score on any one (1) core area of the test battery shall be less than eight (8).

Authority: T.C.A. §§ 4-3-1422, 49-1-302, 49-1-302(a)(2) and (13), 49-2-110, 49-2-114, 49-6-101, 49-6-201, 49-6-3001, 49-6-3003, 49-6-3005(a) and (a)(4), 49-6-3104, 49-6-3105, and 49-6-6201; Sections 30, 78 through 80, and 88 of Chapter 535 of the Public Acts of 1992; 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;

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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 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.

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:

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

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.
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;

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

- (ii) Ensures student progress toward the Tennessee Academic Standards;
 - (iii) Monitors the physical safety and well-being of students;
 - (iv) Takes attendance and reports course grades for students; and
 - (v) If the teacher is employed by the LEA, claims instructional time for instructionally available students.
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. With the exception of the 2020-21 school year, 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) For the 2020-21 school year, 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.
 - (ii) Notwithstanding paragraph (1)(b)11.(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 to 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.
 - (iii) 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 for grades one (1) through twelve (12) and four (4) hours of instructional time per day for Kindergarten, using multiple methods of confirming student attendance. Multiple methods of confirming student attendance include two 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;

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

- (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 or public charter school identifies as appropriate to track individual student participation in instructional activities.
 - 2. Each LEA and public charter school 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.
 - 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.
- (d) 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.
- (e) 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.
- (f) Once a non-resident 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. If the student is withdrawn by the parent or guardian, the public virtual school shall send transcripts and other student records to the receiving school in a timely manner.
- (g) 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 0520-01-02-.10 or 0520-01-09-.07.

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

3. Continuity of educational service for students who are quarantined pursuant to 0520-01-13-.01.
 4. Continuity of educational service for students enrolled in an alternative school pursuant to 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:
1. The student is temporarily receiving all of their instruction via a virtual education program pursuant to paragraph (2)(a)2. or (2)(a)4. of this Rule;
 2. The student is taking course coursework virtually so they 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 a virtual school; provided, however, that the student must be enrolled at the school where the student receives the majority of his/her instruction each school year.
- (e) Student participation in a virtual education program shall be at the discretion of the LEA or public charter school where the student is enrolled.
- (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. Examples of methods of confirming attendance include two 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

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

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 of Education.
- (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 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) Takes 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, claims instructional time for instructionally available students.
 - 2. Ensure that all teachers employed by the LEA 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 unless a waiver has been granted pursuant to T.C.A. § 49-6-2206 or § 49-13-111.

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

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:
 - (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.

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.

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

- (2) In order to earn a traditional high school diploma, a student shall:
- (a) Earn the following twenty-two (22) 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
Elective Focus	3 credits
World Language	2 credits
Fine Arts	1 credit
 - (b) Participate in the ACT, SAT, or other eleventh (11th) grade postsecondary readiness assessment as determined by the commissioner of education; and
 - (c) Have a satisfactory record of attendance and discipline.
- (3) 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.
- (4) 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.
- (5) 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.
- (6) 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
 - (e) Have completed two (2) years of paid or non-paid work experience.
- (7) 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.

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

- (8) 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.
- (9) 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).
- (10) The required four (4) credits of English shall include English I, English II, English III, and English IV.
- (11) Three (3) of the required (4) credits of mathematics shall include Algebra I and II, Geometry, or the equivalent Integrated Math I, II, and III. The fourth credit shall be in another mathematics course beyond Algebra I or Integrated Math I.
 - (a) Students must be enrolled in a mathematics course 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.
- (12) The three (3) credits of science shall include Biology, Chemistry or Physics, and a third lab science.
 - (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.
- (13) 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.

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

- (14) Students must earn one-half (½) credit in Personal Finance. Three (3) years of JROTC may be substituted for one-half (½) credit of Personal Finance if the JROTC instructor attends the Personal Finance training conducted by the Department.
- (15) The two (2) world language credits must be earned in the same world language.
- (16) The three (3) elective focus credits may be earned in CTE, science and math, humanities, fine arts, AP/IB, 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 senior 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 junior or senior year to a Tennessee high school from a school in another state or from a non-public school.
- (17) Every candidate for a traditional diploma must have received a full year of computer education at some point during the candidate's educational career pursuant to T.C.A. § 49-6-1010. Students who transfer from another state to a Tennessee high school during their senior year are exempt from this requirement.
- (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.

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;

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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; 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, 2015; 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.

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.

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

- (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, state, and local governments; and both the Tennessee and the United States constitutions.
 - (c) LEAs shall submit verification of implementation of the project-based assessment to the Department of Education.
- (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;

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

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, 49-3-305, 49-6-408, 49-6-1018, and 49-6-1028. **Administrative History:** Original rule certified June 10, 1974. Amendment filed June 30, 1985; 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 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.

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.

(Rule 0520-01-03-.09, continued)

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, 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, 1989. 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 SUMMER LEARNING PROGRAM REQUIREMENTS.

- (1) A Local Education Agency ("LEA") or public charter school may request permission from the Commissioner of Education to use locally adopted benchmark assessments to do the following:

(Rule 0520-01-03-.14, continued)

- (a) Identify priority students for after-school learning mini camps, learning loss bridge camps, and summer learning camps conducted in the summer of 2021 pursuant to T.C.A. § 49-6-1508. Each request must include:
 - 1. The name of each locally adopted benchmark assessment requested for use.
 - 2. The performance category for each locally adopted benchmark assessment that will be used to determine student priority status.
 - (b) Serve as an in-person pre-test and post-test required as part of after-school learning mini camps, learning loss bridge camps, and summer learning camps conducted in the summer of 2021 pursuant to T.C.A. § 49-6-1508.
- (2) If a teacher licensed and endorsed to teach the subjects and grades served is not available to provide instruction, intervention, and supplemental supports required by T.C.A. § 49-6-1501 et seq. for summer learning camps and learning loss bridge camps, the LEA or public charter school may hire:
- (a) A candidate enrolled in an educator preparation program; or
 - (b) A person with a college degree who has successfully completed a learning loss and remediation and student acceleration program preparation course. College degree is defined as a bachelor's degree. It is strongly encouraged that the LEA or public charter school hire personnel with demonstrated content knowledge in the courses they will be teaching.

Authority: T.C.A. § 49-6-1501, et seq., and Public Chapter 1 of First Extraordinary Session of 2021.

Administrative History: Emergency rule filed April 27, 2021; effective through October 24, 2021.

0520-01-03-.15 UNIVERSAL STUDENT SCREENERS.

- (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 the screener, a national sample consists of at least 150 students in each of at least three (3) of nine (9) US Census Bureau divisions. 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. For students in kindergarten through grade three (K-3), that a student’s score on a Universal Reading Screener is in the 15th percentile or below on a Nationally Normed Universal Reading Screener.
 - (d) “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.
- (2) Pursuant to Section 3 of Chapter 3 of Public Acts of 2021 (1st Extraordinary Session), each LEA and public charter school shall annually administer a Universal Reading Screener to

(Rule 0520-01-03-.15, continued)

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 with a Significant Reading Deficiency. Any student in kindergarten through grade three (K-3) who achieves a score within the following range shall be determined to have a Significant Reading Deficiency:
 - (a) A score in the 15th percentile or below on a Nationally Normed Universal Reading Screener.
- (4) Each LEA and public charter school shall indicate the chosen Universal Reading Screener option in their foundational literacy skills plan no later than June 1, 2021.
- (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 outline 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 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 requirements established in Tennessee's RTI² framework manual;
 4. Produces a range of scores that allows the Department to identify students with a Significant Reading Deficiency;
 5. Produces results that allow for the generation of individual growth scores for teachers as an alternative growth model and;
 6. Complies with the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g), T.C.A. § 10-7-504, and all other applicable state and federal privacy laws.
- (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.

(Rule 0520-01-03-.15, continued)

- (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 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 the results of each Universal Reading Screener administered to students to the Department. 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, and all other applicable state and federal privacy laws.
- (9) LEAs and public charter schools may choose to administer a Universal Reading Screener to pre-Kindergarten students.

Authority: 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.