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Emergency Rule Filing Form

Emergency rules are effective from date of filing, unless otherwise stated in the rule, for a period of up to 180 days.

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Revision Type (check all that apply):

- ☒ Amendment
☒ New
☐ Repeal

Statement of Necessity:

The following emergency rules are authorized by Public Chapter 652 of 2020 to address issues arising from the state-wide closure of public and private schools and post-secondary institutions in the Spring of 2019-20 due to the COVID-19 public health emergency. These rules address graduation requirements, teacher evaluation, educator licensure including renewal and advancement, school and district accountability, testing requirements, and other relevant issues.

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0520-01-02	Administrative Rules and Regulations
Rule Number	Rule Title
0520-01-02-.17	State Attendance Guidelines

Chapter Number	Chapter Title
0520-01-03	Minimum Requirements for the Approval of Public Schools
Rule Number	Rule Title
0520-01-03-.11	Requirements for 2019-20 School Year as a Result of the COVID-19 Public Health Emergency

Chapter Number	Chapter Title
0520-01-09	Special Education Programs and Services
Rule Number	Rule Title
0520-01-09-.24	Extension of Initial Evaluation Timelines for the 2019-20 School Year

Chapter Number	Chapter Title
0520-01-11	Individualized Education Accounts
Rule Number	Rule Title

0520-01-11-.07	Monitoring and Compliance
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Chapter Number	Chapter Title
0520-02-01	Evaluations
Rule Number	Rule Title
0520-02-01-.01	General Requirements for Evaluation

Chapter Number	Chapter Title
0520-02-03	Educator Licensure
Rule Number	Rule Title
0520-02-03-.03	Requirements for Teacher Licenses
0520-02-03-.09	Denial, Formal Reprimand, Suspension and Revocation
0520-02-03-.10	Requirements for Instructional Leader Licenses
0520-02-03-.15	Requirements as a Result of the COVID-19 Public Health Emergency

Chapter Number	Chapter Title
0520-02-04	Educator Preparation
Rule Number	Rule Title
0520-02-04-.11	Requirements for 2019-20 School Year as a Result of the COVID-19 Public Health Emergency

Chapter Number	Chapter Title
0520-07-02	Non-Public Schools Administrative Rules
Rule Number	Rule Title
0520-07-02-.09	Requirements for 2019-20 School Year as a Result of the COVID-19 Public Health Emergency

AMENDED RULES

AMEND Rule 0520-01-02-.17, State Attendance Guidelines, by adding the following as a new paragraph (5):

0520-01-02-.17 STATE ATTENDANCE GUIDELINES

- (5) Notwithstanding any other provision of this rule, as a result of the COVID-19 public health emergency in the spring semester of the 2019-20 school year, LEAs and public charter schools that choose to provide instruction during the period of school closure either virtually or via any form of remote learning may take attendance for purposes of determining the extent to which students have access to the instruction and the effectiveness of the remote programming; however, students shall not be given an unexcused absence or reported as truant as a result of any absences during the period of school closure.

Authority: T.C.A. § 49-6-3002(a), Executive Order No. 14 of 2020 (and applicable, subsequent Executive Orders addressing COVID-19 relief), Public Chapter 652 of 2020. **Administrative History:** (For history prior to June 1992, see pages iii through ix). Repeal filed March 16, 1992; effective June 29, 1992. New rule filed December 23, 2014; effective March 23, 2015.

AMEND Chapter 0520-01-03, Minimum Requirements for the Approval of Public Schools, by adding a new rule .11 and **FURTHER AMEND** the table of contents for Chapter 0520-01-03 to add a new rule .11, so that, as amended the new table of contents and rule shall read:

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0520-01-03-.01	Approval of Schools	0520-01-03-.08	Pupil Personnel Services
0520-01-03-.02	Organization of Schools	0520-01-03-.09	Special Education Programs and Services
0520-01-03-.03	Administration of Schools	0520-01-03-.10	Waivers
0520-01-03-.04	Repealed	0520-01-03-.11	Requirements for 2019-20 School Year as a Result of the COVID-19 Public Health Emergency
0520-01-03-.05	State Academic Standards	0520-01-03-.12	
0520-01-03-.06	Graduation	through	
0520-01-03-.07	Library Information Center	0520-01-03-.13	Repealed

0520-01-03-.11 REQUIREMENTS FOR 2019-20 SCHOOL YEAR AS A RESULT OF THE COVID-19 PUBLIC HEALTH EMERGENCY

- (1) A Local Education Agency ("LEA") may request that the Commissioner waive a State Board rule or state statute for one (1) or more of the LEA's schools that inhibits or hinders the LEA's ability to meet the LEA's goals or comply with the LEA's mission due solely to the outbreak of COVID-19 during the spring semester of the 2019-2020 school year. No waiver shall be effective until approved by the State Board. Waiver requests shall be submitted to the Commissioner by June 30, 2020.
- (2) For students in the 12th grade in the 2019-2020 school year, the following shall apply:
- (a) A student in the 12th grade in the 2019-20 school year shall receive as their spring semester grade no grade lower than the grade they earned in the course as of March 20, 2020; however, LEAs and public charter schools may provide remote learning opportunities to students as an opportunity to improve the student's grade.
- (b) LEAs and public charter schools who allow students to complete additional work to improve their spring semester grade should support students who lack home internet access by providing printed materials to complete necessary coursework to obtain a passing grade.

- (c) LEAs and public charter schools may provide remote credit recovery opportunities for students who failed their first attempt at a course in spring 2020 in order to obtain a passing score.
- (d) LEAs that have adopted a locally approved grading system may continue to calculate grades and graduation distinctions under a locally approved grading system as determined by the local board of education.
- (e) In order to graduate in the 2019-20 school year, students must earn a minimum of twenty (20) credit hours which shall include the following subjects:
 - 1. Four (4) credits of mathematics as described in the State Board's High School Policy 2.103;
 - 2. Four (4) credits of English language arts as described in the State Board's High School Policy 2.103;
 - 3. Three (3) credits of science as described in the State Board's High School Policy 2.103; and
 - 4. Two (2) credits of social studies as described in the State Board's High School Policy 2.103.
- (f) A student in the 12th grade in the 2019-20 school year shall not have End-of-Course exams scheduled to occur in the spring semester of the 2019-20 school year count as a percentage of a student's final grade in a course with an associated End-of-Course exam.
- (g) A student scheduled to graduate in the 2019-20 school year is not required to take and pass the civics test required by T.C.A. § 49-6-408 to meet the social studies course credit requirements to earn a regular high school diploma.
- (h) Students receiving the occupational diploma in the 2019-20 or 2020-21 school year may receive the occupational diploma if they can demonstrate work experience of at least one (1) year.
- (i) Students in the 12th grade during the 2019-20 school year who were enrolled in a Tennessee public school during their 11th grade year and who did not take the ACT or SAT shall not be required to take the ACT or SAT for graduation purposes.
- (3) Students in the 11th grade during the 2019-20 school year shall not be required to take the ACT or SAT to assess post-secondary readiness during the 2019-20 school year.
- (4) Tennessee comprehensive assessment program (TCAP) tests, which include, but are not limited to, TNReady assessments, English learner assessments, alternate TCAP assessments, and end-of-course examinations, shall not be required in the spring of the 2019-20 school year. This does not prohibit an LEA or public charter school from voluntarily administering TCAP tests to students in the 2019-20 school year.
- (5) Students taking courses for high school credit who were not scheduled to graduate in the 2019-20 school year shall receive no grade lower than the grade they earned in the course as of March 20, 2020; however, LEAs and public charter schools may provide remote learning opportunities to students as an opportunity to improve the student's grade.
- (6) LEAs and public charter schools shall not be required to complete required professional development trainings or required safety drills that a school was unable to conduct due to school closures in the spring semester of the 2019-20 school year.

- (7) Student performance and student growth data from the TCAP tests, which include, but are not limited to, TNReady assessments, English learner assessments, alternate TCAP assessments, and end-of-course examinations, administered in the 2019-20 school year shall not be used to assign a letter grade to a school, unless the use results in a higher letter grade for the school. Additionally, student performance and student growth data from TCAP tests administered in the 2019-20 school year shall not be used to identify a school as a priority school or to assign a school to the achievement school district.
- (8) The Department of Education will not recommend and the State Board will not approve school or LEA performance designations based on performance goals and measures in the 2019-20 school year.

Authority: 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. **Administrative History:** (For history prior to June, 1992, see pages iii-ix). Repeal filed March 16, 1992; effective June 29, 1992.

AMEND Chapter 0520-01-09, Special Education Programs and Services, by adding the a new rule .24 and **FURTHER AMEND** the table of contents for Chapter 0520-01-09 to add a new section .24, so that, as amended the new table of contents and rule shall read:

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0520-01-09-.01	General Regulations.	Adoption by	0520-01-09-.13	When IEPs Must Be in Effect
	Reference			
0520-01-09-.02	Definitions		0520-01-09-.14	Review and Revision of the IEP
0520-01-09-.03	Consent		0520-01-09-.15	Parent Participation
0520-01-09-.04	Parent		0520-01-09-.16	Prior Notice by LEA
0520-01-09-.05	Free Appropriate Public Education		0520-01-09-.17	Mediation
0520-01-09-.06	Child Find		0520-01-09-.18	Impartial Due Process Hearing
0520-01-09-.07	Placements		0520-01-03-.19	Civil Action
0520-01-09-.08	State Advisory Panel			
0520-01-09-.09	LEA Eligibility		0520-01-09-.20	Surrogate Parents
0520-01-09-.10	Repealed		0520-01-09-.21	Transfer of Parental Rights at Age of Majority
0520-01-09-.11	Evaluation Procedures		0520-01-09-.22	Amendment of Records at Parent's Request
0520-01-09-.12	Definition of Individualized Education Program (IEP)		0520-01-09-.23	Isolation and Restraint for Students Receiving Special Education Services
			0520-01-09-.24	Extension of Initial Evaluation Timelines for the 2019-20 School Year

0520-01-09-.24 EXTENSION OF INITIAL EVALUATION TIMELINES FOR THE 2019-20 SCHOOL YEAR

- (1) Pursuant to the Governor's Executive Orders of the year 2020 declaring the existence of a State of Emergency in response to COVID-19, tornadoes, and severe weather that impacted middle Tennessee, Public Chapter 652 of 2020, and 34 C.F.R. § 300.301(c), the timeline for initial evaluations initiated or in process as of March 3, 2020 may be extended beyond sixty (60) calendar days by the number of calendar days equal to the duration of an order, declaration, or recommendation to stay at home, self-quarantine, or implement social distancing issued by the LEA's or public charter school's local, state, or federal government.
 - (a) LEAs and public charter schools may request an additional extension up to thirty (30) calendar days after an order is lifted to be approved by the Department due to extenuating circumstances.

Authority: Executive Order No. 14 of 2020 (and applicable, subsequent Executive Orders addressing COVID-19 relief), Public Chapter 652 of 2020, 34 C.F.R. § 300.301(c). **Administrative History:**

AMEND Rule 0520-01-11-.07, Monitoring and Compliance, by adding the following as a new paragraph (4):

0520-01-11-.07 MONITORING AND COMPLIANCE

- (4) Pursuant to the Governor's Executive Orders of the year 2020 declaring the existence of a State of Emergency in response to COVID-19 and Public Chapter 652 of 2020, participating students in grades three (3) through eight (8) shall not be required to take a nationally norm-referenced test identified by the Department or the Tennessee comprehensive assessment program ("TCAP") tests if such tests were scheduled to occur in the spring semester of the 2019-20 school year.

Authority: T.C.A. §§ 49-1-302, 49-10-1403, Executive Order No. 14 of 2020 (and applicable, subsequent Executive Orders addressing COVID-19 relief), Public Chapter 652 of 2020. **Administrative History:** Emergency rules filed October 28, 2016; effective through April 26, 2017. Emergency rules superseded by new rules filed September 2, 2016; effective December 1, 2016. Emergency rules filed September 22, 2017; effective through March 21, 2018. Amendments filed December 21, 2017; effective March 21, 2018. Amendments filed October 25, 2018; effective January 23, 2019.

AMEND Rule 0520-02-01-.01, General Requirements for Evaluations, by adding the following as a new paragraph (5):

0520-02-01-.01 GENERAL REQUIREMENTS FOR EVALUATIONS.

- (5) Pursuant to the Governor's Executive Orders of the year 2020 declaring the existence of a State of Emergency in response to COVID-19 and Public Chapter 652 of 2020, and notwithstanding paragraph three (3), level of overall effectiveness scores shall not be generated for educators in the 2019-20 school year. Any observations required by State Board Policy 5.201 that were not completed in the 2019-20 school year prior to the COVID-19 Public Health Emergency shall not be required.
- (a) No adverse action may be taken against any student, teacher, administrator, school, or LEA based, in whole or in part, on student achievement, student performance, or student growth data generated from The Tennessee comprehensive assessment program (TCAP) tests, which include, but are not limited to, TNReady assessments, English learner assessments, alternate TCAP assessments, and end-of-course examinations, administered in the 2019-2020 school year.
- (b) Pre-Kindergarten and Kindergarten teachers employed in an LEA that receives pre-kindergarten program approval under T.C.A. §§ 49-6-103 - 49-6-110 shall not be evaluated using the pre-K/Kindergarten growth portfolio model approved by the State Board, or a comparable alternative measure of student growth approved by the State Board and adopted by the LEA, for the 2019-20 school year.
- (c) Any other educator evaluated under a student growth portfolio model shall not be evaluated using that portfolio model during the 2019-20 school year.

Authority: T.C.A. §§ 49-1-201, 49-1-302, Executive Order No. 14 of 2020 (and applicable, subsequent Executive Orders addressing COVID-19 relief), and Public Chapter 652 of 2020. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed July 17, 1981; effective October 28, 1981. Amendment filed March 7, 1983; effective June 15, 1983. Amendment filed September 30, 1986; effective November 14, 1986. Amendment filed October 18, 1989; effective January 29, 1989. Amendment filed November 18, 1988; effective February 28, 1989. Amendment filed October 31, 1989; effective January 29, 1990. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed April 27, 1998; effective August 28, 1998. Amendment filed May 28, 1999; effective September 28, 1999. Repeal and new rule filed February 18, 2011; effective July 29, 2011. Amendment filed December 16, 2011; effective May 30, 2012.

AMEND the table of contents for Chapter 0520-02-03, Educator Licensure, to add a new rule .15, so that, as amended the new table of contents shall read:

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0520-02-03-.01	General Information and Regulations	0520-02-03-.10	Requirements for Instructional Leader Licenses
0520-02-03-.02	Educator License Types	0520-02-03-.11	Endorsements
0520-02-03-.03	Requirements for Teacher Licenses	0520-02-03-.12	Permits
0520-02-03-.04	Requirements for Occupational Teacher Licenses	0520-02-03-.13	Emergency Teacher License
0520-02-03-.05	Requirements for School Services Personnel Licenses	0520-02-03-.14	Professional Development Points
0520-02-03-.06	Requirements for the JROTC License	0520-02-03-.15	Requirements as a result of the COVID-19 Public Health Emergency
0520-02-03-.07	Requirements for Licenses of Postsecondary Educators	0520-02-03-.16 through	Repealed
0520-02-03-.08	Requirements for the Adjunct License	0520-02-03-.94	
0520-02-03-.09	Denial, Formal Reprimand, Suspension and Revocation		

FURTHER AMEND Rule 0520-02-03-.03, Requirements for Teacher Licenses, by adding a new subparagraph (b) and renumbering the subsequent subparagraphs, so that as amended the rule shall read:

0520-02-03-.03 REQUIREMENTS FOR TEACHER LICENSES.

- (1) Prospective educators seeking a practitioner teacher license shall meet the requirements of one (1) of the following pathways:
 - (a) Pathway 1. The prospective educator:
 1. Holds a bachelor's degree from a regionally-accredited college or university;
 2. Has completed a State Board-approved educator preparation program;
 3. Is recommended by the approved educator preparation provider; and
 4. Submits qualifying scores that are no more than five (5) years old on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy.
 - (b) Pathway 2. The prospective educator:
 1. Holds a bachelor's degree from a regionally-accredited college or university;
 2. Is enrolled in a State Board-approved educator preparation program with a job-embedded clinical practice;
 3. Is recommended by the approved educator preparation provider; and
 4. Submits qualifying scores that are no more than five (5) years old on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy.
- (2) Prospective educators from a state other than Tennessee seeking a practitioner teacher license shall meet the requirements of one (1) of the following pathways:

- (a) Out-of-State Pathway 1. The out-of-state prospective educator:
 - 1. Holds a bachelor's degree from a regionally-accredited college or university;
 - 2. Has completed an educator preparation program approved by a state other than Tennessee;
 - 3. Is recommended by the approved educator preparation provider; and
 - 4. Submits qualifying scores that are no more than five (5) years old on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy.
- (b) Out-of-State Pathway 2. The out-of-state prospective educator:
 - 1. Holds a bachelor's degree from a regionally-accredited college or university;
 - 2. Holds a valid initial level license from a state other than Tennessee;
 - 3. Has completed an educator preparation program approved by a state other than Tennessee; and
 - 4. Is recommended by the approved educator preparation provider.
- (c) Out-of-State Pathway 3. The out-of-state prospective educator:
 - 1. Holds a bachelor's degree from a regionally-accredited college or university; and
 - 2. Holds a valid professional level license from a state other than Tennessee.
- (d) Out-of-State Pathway 4. The out-of-state prospective educator:
 - 1. Holds a bachelor's degree from a regionally-accredited college or university;
 - 2. Is enrolled in an educator preparation program with job-embedded clinical practice that is approved by a state other than Tennessee that has a state-recognized partnership with a Tennessee local education agency (LEA);
 - 3. Is recommended by the approved educator preparation provider; and
 - 4. Submits qualifying scores that are no more than five (5) years old on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy.
- (3) At the time of application for a Tennessee license, out-of-state prospective educators who hold a valid certification from the National Board for Professional Teaching Standards shall be issued a professional level teacher license.
- (4) Out-of-state prospective educators who are military spouses and who hold an active license (initial or professional) from a state other than Tennessee shall be issued the practitioner license upon providing documentation of active military dependent status.
- (5) A practitioner license may be renewed once upon completion of an approved educator preparation program and submission of qualifying scores on all State Board-required assessments as defined in

the Professional Assessments for Tennessee Educators Policy prior to the end of the validity period of the first (1st) issuance of the practitioner license.

- (6) If the requirements for practitioner license renewal are not met prior to the end of the validity period of the first (1st) issuance of the practitioner license, the license shall become inactive.
- (7) An educator with a practitioner teacher license may seek to advance to a professional teacher license. In order to advance from a practitioner license to a professional license, an educator shall meet the following requirements:
 - (a) Completed an approved educator preparation program and submitted qualifying scores on all State Board-required assessments as defined in the Professional Assessments for Tennessee Educators Policy prior to the end of the validity period of the first (1st) issuance of the practitioner license;
 - (b) Obtained three (3) years of qualifying experience as an educator as defined by the Department; and
 - (c) Earned thirty (30) professional development points.
- (8) If the requirements for licensure advancement are not met prior to the end of the validity period of the second (2nd) issuance of the practitioner license, the license shall become inactive.
- (9) Educators who obtained the practitioner teaching license through the out-of-state pathway 3 shall not be required to submit qualifying scores on State Board-required assessments to advance if:
 - (a) The educator has been employed in a Tennessee public school in the candidate's area of endorsement; and
 - (b) The educator earned a level of overall effectiveness (LOE) score of "above expectations" or "significantly above expectations" in each of the first two (2) years immediately following the issuance of the individual's initial practitioner license.
- (10) To renew the professional license, an educator shall earn sixty (60) qualifying professional development points as indicated in SBE Educator Licensure Policy 5.502.
- (11) If the educator has not met the requirements for renewal at the end of the validity period of the professional license, then the license shall become inactive.
- (12) In order to reactivate a license and endorsements held, an educator shall submit to the Department evidence of completion of an approved educator preparation program and shall submit qualifying scores on all State Board-required assessments that are not more than five (5) years old.

Authority: T.C.A. § 49-1-302, T.C.A. § 49-5-108, Executive Order No. 14 of 2020 (and applicable, subsequent Executive Orders addressing COVID-19 relief), Public Chapter 652 of 2020. **Administrative History:** Repeal and new rules filed December 18, 2014; effective March 18, 2015. A stay of the rules was filed January 28, 2015; new effective date June 1, 2015. Emergency rules filed August 27, 2015; effective through February 23, 2016. Repeal and new rules filed October 27, 2015; effective January 25, 2016. Amendments filed October 16, 2017; effective January 14, 2018.

FURTHER AMEND paragraph (2) of Rule 0520-02-03-.09, Denial, Formal Reprimand, Suspension and Revocation, by adding the following as a new subparagraph (a):

0520-02-03-.09, DENIAL, FORMAL REPRIMAND, SUSPENSION AND REVOCATION

- (a) Notwithstanding paragraph (2) and pursuant to the Governor's Executive Orders of the year 2020 declaring the existence of a State of Emergency in response to COVID-19 and Public Chapter 652 of 2020, a Director may request an extension of the thirty (30) day reporting period if the Director is unable to submit a timely report due to school closures as a result of the COVID-19 public health emergency. Extension requests, including the date by which the Director will submit the report, shall be submitted to State Board counsel.

Authority: T.C.A. §§ 4-5-320, 49-1-302, 49-1-607, 49-5-108, 49-5-413, 49-5-417, Executive Order No. 14 of 2020 (and applicable, subsequent Executive Orders addressing COVID-19 relief), Public Chapter 652 of 2020. **Administrative History:** Repeal and new rules filed December 18, 2014; effective March 18, 2015. A stay of the rules was filed January 28, 2015; new effective date June 1, 2015. Amendment filed May 29, 2015; effective August 27, 2015. Emergency rules filed August 27, 2015; effective through February 23, 2016. Repeal and new rules filed October 27, 2015; effective January 25, 2016. Emergency rule filed September 5, 2017; effective through March 4, 2018. Amendments filed December 5, 2017; effective March 5, 2018.

FURTHER AMEND paragraph (4) of Rule 0520-02-03-.10, Requirements for Instructional Leader Licenses, so that as amended the rule shall read as follows:

0520-02-03-.10 REQUIREMENTS FOR INSTRUCTIONAL LEADER LICENSES

- (1) All principals, assistant principals, and supervisors serving as instructional leaders in Tennessee shall hold the appropriate instructional leader license.
- (2) Dual assignment personnel whose work assignment includes more than fifty percent (50%) instructional leadership responsibilities shall hold the appropriate instructional leader license.
- (3) Educators seeking the Instructional Leader License (ILL) shall meet the following requirements:
 - (a) Hold an advanced degree from a regionally accredited college or university;
 - (b) Have at least three (3) years of qualifying experience as an educator as defined by the Department;
 - (c) Have completed a State Board-approved instructional leader preparation program;
 - (d) Be recommended by the State Board-approved instructional leader preparation provider; and
 - (e) Submit qualifying scores that are no more than five (5) years old on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy.
- (4) Educators from a state other than Tennessee who are seeking the ILL shall meet the requirements of one (1) of the following pathways:
 - (a) Out-of-State Pathway 1: The out-of-state prospective instructional leader shall:
 - 1. Hold an advanced degree from a regionally-accredited college or university;
 - 2. Have at least three (3) years of qualifying experience as an educator as defined by the Department;

3. Submit qualifying scores that are no more than five (5) years old on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy; and
 4. Have completed an instructional leader preparation program approved by a state other than Tennessee as demonstrated by:
 - (i) A full and valid license, comparable to the Tennessee ILL, from a state other than Tennessee; or
 - (ii) A provider recommendation from the out-of-state instructional leader preparation program where the educator completed preparation.
- (b) Out-of-State Pathway 2. The out-of-state prospective instructional leader shall:
1. Hold an advanced degree from a regionally-accredited college or university;
 2. Have at least three (3) years of qualifying experience as an educator as defined by the Department, of which, one (1) year must be as a school principal;
 3. Have completed an instructional leader preparation program approved by a state other than Tennessee as demonstrated by:
 - (i) A full and valid license comparable to the ILL from a state other than Tennessee; or
 - (ii) A provider recommendation from the approved instructional leader preparation program.
- (5) Educators holding the ILL may renew the license through one (1) of the following pathways:
- (a) Serve in a Tennessee Academy for School Leaders (TASL)-mandated position for at least two (2) years of the validity period of the license and be current in all TASL requirements; or
 - (b) Successfully complete a Department-approved instructional leadership training.
- (6) Educators enrolled in a State Board-approved instructional leader preparation program may apply for the Instructional Leader License–Aspiring (ILL-A). Educators holding the ILL-A may only serve as an assistant principal and may not serve as a principal or instructional supervisor. Educators seeking the ILL-A shall meet the following requirements:
- (a) Have at least three (3) years of qualifying experience as an educator as defined by the Department;
 - (b) Be enrolled in a State Board-approved instructional leader preparation program; and
 - (c) Be recommended by the State Board-approved instructional leader preparation provider.
- (7) Candidates from a state other than Tennessee who are seeking the ILL-A shall meet the following requirements:
- (a) Have at least three (3) years of qualifying experience as an educator as defined by the Department;
 - (b) Have completed an instructional leader preparation program approved by a state other than Tennessee as demonstrated by:

1. A full and valid license, comparable to the Tennessee ILL, from a state other than Tennessee; or
 2. A provider recommendation from the out-of-state instructional leader preparation program where the educator completed preparation.
- (8) The ILL-A shall become inactive at the end of the validity period. The ILL-A is not renewable and may not be reactivated.
- (9) Educators currently holding the ILL may seek advancement to the Instructional Leader License - Professional (ILL-P) through one (1) of the following advancement pathways:
- (a) Tennessee Academy for School Leaders (TASL) Pathway. Educators seeking advancement through the TASL pathway shall meet the following requirements:
 1. Be recommended by the TASL director;
 2. Successfully complete the Beginning Principals' Academy or the Beginning Supervisors' Academy; and
 3. Be recommended by the educator's director of schools verifying the educator has a minimum of two (2) years of successful experience as a principal, assistant principal, or an instructional supervisor as demonstrated by an overall evaluation rating of at expectations or higher on a state-approved administrator evaluation model during the most recent validity period of the ILL.
 - (b) Individual Professional Learning Plan (IPLP) Pathway. Educators seeking advancement through the IPLP pathway shall meet the following requirements:
 1. Be recommended by the TASL director;
 2. Successfully complete an Individual Professional Learning Plan in coordination with an approved instructional leader preparation program; and
 3. Be recommended by the educator's director of schools verifying the educator has a minimum of two (2) years of successful experience as a principal, assistant principal, or an instructional supervisor as demonstrated by an overall evaluation rating of at expectations or higher on a state-approved administrator evaluation model during the most recent validity period of the ILL.
- (10) Educators may renew the ILL-P through one (1) of the following pathways:
- (a) TASL Pathway. Educators who currently serve in a TASL mandated position shall meet the following renewal requirements:
 1. Have served as an instructional leader in a TASL-mandated position for at least four (4) years of the validity period of the ILL-P; and
 2. Meet all TASL requirements.
 - (b) Instructional Leadership Training Pathway. Educators who do not currently serve in a TASL mandated position seeking renewal shall successfully complete a Department approved instructional leadership training.

filed January 28, 2015; new effective date June 1, 2015. Emergency rules filed August 27, 2015; effective through February 23, 2016. Repeal and new rules filed October 27, 2015; effective January 25, 2016.

FURTHER AMEND Chapter 0520-02-03, Educator Licensure, by adding a new rule .15 so that the new rule .15 shall read:

0520-02-03-.15 REQUIREMENTS AS A RESULT OF THE COVID-19 PUBLIC HEALTH EMERGENCY.

- (1) The validity period of a current, valid practitioner license that is set to expire in August 2020 shall be extended to August 31, 2021. Educators may use the additional validity period to complete any required licensure assessments, professional development points, or other requirements that were interrupted due to the COVID-19 public health emergency.
- (2) Prospective educators who complete a State Board approved educator preparation program in the spring of 2020 and who meet all other requirements for the license type for which they are applying but are unable to submit qualifying scores on the required assessments as defined in the Professional Assessments for Tennessee Educators Policy shall be eligible for a provisional practitioner license that will be valid from the date of issuance until August 31, 2021.
 - (a) The provisional practitioner license shall be converted to a full practitioner license upon submission of qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy prior to the end of the validity period.
 - (b) If qualifying scores on all required assessments are not submitted prior to the end of the validity period of the provisional practitioner license, the license shall become inactive.
 - (c) The provisional practitioner license shall not be renewed or reactivated.
 - (d) The provisional practitioner license shall not be issued if the application was received by the Department after December 31, 2020.
- (3) Educators who complete a State Board approved instructional leader program in the spring of 2020 and who meet all other requirements for the Instructional Leader License (ILL) but are unable to submit qualifying scores on the required assessments as defined in the Professional Assessments for Tennessee Educators Policy shall be eligible for a provisional ILL that will be valid from the date of issuance until August 31, 2021.
 - (a) The provisional ILL shall be converted to a full ILL upon submission of qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy prior to the end of the validity period.
 - (b) If qualifying scores on all required assessments are not submitted prior to the end of the validity period of the provisional ILL, the license shall become inactive.
 - (c) The provisional ILL shall not be renewed or reactivated.
 - (d) The provisional ILL shall not be issued if the application was received by the Department after December 31, 2020.

Authority: T.C.A. § 49-1-302, Executive Order No. 14 of 2020 (and applicable, subsequent Executive Orders addressing COVID-19 relief), Public Chapter 652 of 2020. **Administrative History:** Repeal and new rules filed December 18, 2014; effective March 18, 2015. A stay of the rules was filed January 28, 2015; new

effective date June 1, 2015. Emergency rules filed August 27, 2015; effective through February 23, 2016. Repeal and new rules filed October 27, 2015; effective January 25, 2016.

0520-02-03-.16 THROUGH 0520-02-03-.20 REPEALED.

Authority: T.C.A. § 49-1-302. **Administrative History:** Repeal and new rules filed December 18, 2014; effective March 18, 2015. A stay of the rules was filed January 28, 2015; new effective date June 1, 2015. Emergency rules filed August 27, 2015; effective through February 23, 2016. Repeal and new rules filed October 27, 2015; effective January 25, 2016.

AMEND Chapter 0520-02-04, Educator Preparation, by adding a new rule .11 and **FURTHER AMEND** the table of contents for Chapter 0520-02-04 to add a new rule .11, so that, as amended the new table of contents and rule shall read:

TABLE OF CONTENTS

0520-02-04-.01 Scope of Rules	0520-02-04-.08 Admission to Educator Preparation Programs
0520-02-04-.02 Definitions	0520-02-04-.09 Partnerships
0520-02-04-.03 Eligible Educator Preparation Providers	0520-02-04-.10 Clinical Experiences
0520-02-04-.04 Approval of Educator Preparation Providers	0520-02-04-.11 Requirements for the 2019-20 School Year as a
0520-02-04-.05 Approval of Specialty Area Programs	Result of the COVID-19 Public Health
0520-02-04-.06 Program Requirements	Emergency
0520-02-04-.07 Provider and Program Reviews and Annual Reports	

0520-02-04-.11 REQUIREMENTS FOR 2019-20 SCHOOL YEAR AS A RESULT OF THE COVID-19 PUBLIC HEALTH EMERGENCY

- (1) Notwithstanding Educator Preparation Rule 0520-02-04-.06(2) and 0520-02-04-.10, candidates whose clinical experiences were interrupted or truncated due to the COVID-19 public health emergency in Spring 2020 shall remain eligible for recommendation for licensure by their EPP despite completing less than the required duration for clinical placement as specified in Educator Licensure Policy 5.502.
- (a) EPPs shall continue to determine whether a candidate meets the minimum criteria for being recommended for a license pursuant to State Board rule and policy, and EPP policy and practice.

Authority: Executive Order No. 14 of 2020 (and applicable, subsequent Executive Orders addressing COVID-19 relief), Public Chapter 652 of 2020. **Administrative History:**

AMEND Chapter 0520-07-02, Non-Public School Approval Process, by adding a new rule .09 and **FURTHER AMEND** the table of contents to add a new rule .09, so that, as amended the new table of contents and rule shall read:

TABLE OF CONTENTS

0520-07-02-.01 Categories	0520-07-02-.05 Category IV: Exempted Schools
0520-07-02-.02 Category I: Department of Education Approval	0520-07-02-.06 Category V: Acknowledged for Operation
0520-07-02-.03 Category II: Agency Accreditation	0520-07-02-.07 Repealed
0520-07-02-.04 Category III: Regional Accreditation	0520-07-02-.08 Repealed
	0520-07-02-.09 Requirements for 2019-20 School Year as a Result of the COVID-19 Public Health Emergency

0520-07-02-.09 REQUIREMENTS FOR 2019-20 SCHOOL YEAR AS A RESULT OF THE COVID-19 PUBLIC HEALTH EMERGENCY

- (1) Pursuant to the Governor's Executive Orders of the year 2020 declaring the existence of a State of Emergency in response to COVID-19 and Public Chapter 652 of 2020:
 - (a) An approved Category I or II private school shall not be required to administer Tennessee comprehensive assessment program ("TCAP") tests or a nationally standardized achievement test if such tests were scheduled to occur in the spring semester of the 2019-20 school year.
 - (b) Approved Category I or II private schools required to comply with the same number of instructional days as Tennessee public schools shall not be required to comply with the 180 instructional day requirement in the 2019-20 school year if the private school was unable to meet the 180 day requirement due to school closures as a result of the COVID-19 public health emergency.
 - (c) For students scheduled to graduate from high school in the 2019-20 school year, approved private schools required to meet the same minimum requirements for high school graduation as Tennessee public schools shall be subject to the amended requirements outlined in State Board Emergency Rule 0520-01-03-.11.

Authority: Executive Order No. 14 of 2020 (and applicable, subsequent Executive Orders addressing COVID-19 relief), Public Chapter 652 of 2020. **Administrative History:**

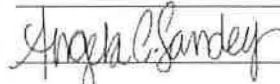
* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Lillian Hartgrove	X				
Bob Eby	X				
Darrell Cobbins	X				
Larry Jensen	X				
Gordon Ferguson	X				
Elissa Kim	X				
Mike Edwards	X				
Nick Darnell	X				
Nate Morrow	X				

I certify that this is an accurate and complete copy of an emergency rule(s), lawfully promulgated and adopted.

Date: 4/14/2020

Signature:



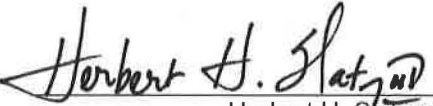
Name of Officer: Angie Sanders

Title of Officer: General Counsel, State Board of Education

Agency/Board/Commission: State Board of Education

Rule Chapter Number(s): 0520-01-02, 0520-01-03, 0520-01-11, 0520-02-01, 0520-02-03, 0520-02-04, 0520-07-02

All emergency rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.


Herbert H. Slatery III
Attorney General and Reporter
4/14/2020
Date

Department of State Use Only

Filed with the Department of State on: 4/16/2020

Effective for: 180 *days

Effective through: 10/13/2020

* Emergency rule(s) may be effective for up to 180 days from the date of filing.


Tre Hargett
Secretary of State

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SECRETARY OF STATE
PUBLICATIONS

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://publications.tnsosfiles.com/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly.)

No Impact.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

These emergency rules address special circumstances created by the statewide closure of schools in the spring semester of the 2019-20 school year due to COVID-19. Topics covered include attendance requirements, graduation and grading considerations, testing and accountability requirements, educator evaluation, educator licensure, and educator preparation.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

Public Chapter 652 of 2020 gave the State Board of Education authority to promulgate emergency rules addressing issues as a result of COVID-19.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

These rules impact all public schools, local education agencies, licensed educators, students enrolled in and graduating an educator preparation program in Spring 2020, students enrolled in high school credit courses in Spring 2020, private schools that are required to meet the same number of instructional days and graduation requirements as public schools, and students enrolled in the Individualized Education Account program in Spring 2020.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

N/A

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

None.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Angie Sanders, General Counsel, State Board of Education

Nathan James, Director of Legislative and External Affairs, State Board of Education

Charlie Bufalino, Assistant Commissioner of Policy and Legislative Affairs, Department of Education

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Angie Sanders, General Counsel, State Board of Education

Nathan James, Director of Legislative and External Affairs, State Board of Education

Charlie Bufalino, Assistant Commissioner of Policy and Legislative Affairs, Department of Education

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Angie Sanders, General Counsel, State Board of Education
500 James Robertson Parkway, 5th Floor
Nashville, TN 37243
(615) 253-5707
Angela.C.Sanders@tn.gov

Nathan James, Director of Legislative and External Affairs, State Board of Education
500 James Robertson Parkway, 5th Floor
Nashville, TN 37243
(615) 532-3528
Nathan.James@tn.gov

Charlie Bufalino, Assistant Commissioner of Policy and Legislative Affairs, Department of Education
710 James Robertson Parkway, 9th Floor
Nashville, TN 37243
(615) 571-0449
Charlie.Bufalino@tn.gov

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

N/A

RULES
OF
THE STATE BOARD OF EDUCATION

CHAPTER 0520-01-02
ADMINISTRATIVE RULES AND REGULATIONS

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AMEND Rule 0520-01-02-.17, State Attendance Guidelines, by adding the following as a new paragraph (5):

(5) Notwithstanding any other provision of this rule, as a result of the COVID-19 public health emergency in the spring semester of the 2019-20 school year, LEAs and public charter schools that choose to provide instruction during the period of school closure either virtually or via any form of remote learning may take attendance for purposes of determining the extent to which students have access to the instruction and the effectiveness of the remote programming; however, students shall not be given an unexcused absence or reported as truant as a result of any absences during the period of school closure.

Authority: T.C.A. § 49-6-3002(a); Executive Order No. 14 of 2020 (and applicable, subsequent Executive Orders addressing COVID-19 relief), Public Chapter 652 of 2020. **Administrative History:** (For history prior to June 1992, see pages iii through ix). Repeal filed March 16, 1992; effective June 29, 1992. New rule filed December 23, 2014; effective March 23, 2015.

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**RULES
OF
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-01-03
MINIMUM REQUIREMENTS FOR THE APPROVAL
OF PUBLIC SCHOOLS**

AMEND Chapter 0520-01-03, Minimum Requirements for the Approval of Public Schools, by adding a new rule .11 and FURTHER AMEND the table of contents for Chapter 0520-01-03 to add a new section .11, so that, as amended the new table of contents and rule shall read:

TABLE OF CONTENTS

0520-01-03-.01	Approval of Schools	0520-01-03-.08	Pupil Personnel Services
0520-01-03-.02	Organization of Schools	0520-01-03-.09	Special Education Programs and Services
0520-01-03-.03	Administration of Schools	0520-01-03-.10	Waivers
0520-01-03-.04	Repealed	0520-01-03-.11	<u>Requirements for 2019-20 School Year as a Result of the COVID-19 Public Health Emergency</u>
0520-01-03-.05	State Academic Standards	<u>0520-01-03-.12</u>	
0520-01-03-.06	Graduation	through	
0520-01-03-.07	Library Information Center	0520-01-03-.13	Repealed

0520-01-03-.11 REQUIREMENTS FOR 2019-20 SCHOOL YEAR AS A RESULT OF THE COVID-19 PUBLIC HEALTH EMERGENCY

- (1) A Local Education Agency ("LEA") may request that the Commissioner waive a State Board rule or state statute for one (1) or more of the LEA's schools that inhibits or hinders the LEA's ability to meet the LEA's goals or comply with the LEA's mission due solely to the outbreak of COVID-19 during the spring semester of the 2019-2020 school year. No waiver shall be effective until approved by the State Board. Waiver requests shall be submitted to the Commissioner by June 30, 2020.
- (2) For students in the 12th grade in the 2019-2020 school year, the following shall apply:-
- (a) A student in the 12th grade in the 2019-20 school year shall receive as their spring semester grade no grade lower than the grade they earned in the course as of March 20, 2020; however, LEAs and public charter schools may provide remote learning opportunities to students as an opportunity to improve the student's grade.
- (b) LEAs and public charter schools who allow students to complete additional work to improve their spring semester grade should support students who lack home internet access by providing printed materials to complete necessary coursework to obtain a passing grade.
- (c) LEAs and public charter schools may provide remote credit recovery opportunities for students who failed their first attempt at a course in spring 2020 in order to obtain a passing score.
- (d) LEAs that have adopted a locally approved grading system may continue to calculate grades and graduation distinctions under a locally approved grading system as determined by the local board of education.

- (e) In order to graduate in the 2019-20 school year, students must earn a minimum of twenty (20) credit hours which shall include the following subjects:
1. Four (4) credits of mathematics as described in the State Board's High School Policy 2.103;
 2. Four (4) credits of English language arts as described in the State Board's High School Policy 2.103;
 3. Three (3) credits of science as described in the State Board's High School Policy 2.103; and
 4. Two (2) credits of social studies as described in the State Board's High School Policy 2.103.
- (f) A student in the 12th grade in the 2019-20 school year shall not have End-of-Course exams scheduled to occur in the spring semester of the 2019-20 school year count as a percentage of a student's final grade in a course with an associated End-of-Course exam.
- (g) A student scheduled to graduate in the 2019-20 school year is not required to take and pass the civics test required by T.C.A. § 49-6-408 to meet the social studies course credit requirements to earn a regular high school diploma
- (h) Students receiving the occupational diploma in the 2019-20 or 2020-21 school year may receive the occupational diploma if they can demonstrate work experience of at least one (1) year.
- (i) Students in the 12th grade during the 2019-20 school year who were enrolled in a Tennessee public school during their 11th grade year and who did not take the ACT or SAT shall not be required to take the ACT or SAT for graduation purposes.
- (3) Students in the 11th grade during the 2019-20 school year shall not be required to take the ACT or SAT to assess post-secondary readiness during the 2019-20 school year.
- (4) Tennessee comprehensive assessment program (TCAP) tests, which include, but are not limited to, TNReady assessments, English learner assessments, alternate TCAP assessments, and end-of-course examinations, shall not be required in the spring of the 2019-20 school year. This does not prohibit an LEA or public charter school from voluntarily administering TCAP tests to students in the 2019-20 school year.
- (4) Students taking courses for high school credit who were not scheduled to graduate in the 2019-20 school year shall receive no grade lower than the grade they earned in the course as of March 20, 2020; however, LEAs and public charter schools may provide remote learning opportunities to students as an opportunity to improve the student's grade.
- (5) LEAs and public charter schools shall not be required to complete required professional development trainings or required safety drills or that a school was unable to conduct due to school closures in the spring semester of the 2019-20 school year.
- (6) Student performance and student growth data from the TCAP tests, which include, but are not limited to, TNReady assessments, English learner assessments, alternate TCAP assessments, and end-of-course examinations, administered in the 2019-20 school year shall not be used to assign a letter grade to a school, unless the use results in a higher letter grade for the school. Additionally, student performance and student growth data from TCAP tests administered in the

2019-20 school year shall not be used to identify a school as a priority school or to assign a school to the achievement school district.

- (7) The Department of Education will not recommend and the State Board will not approve school or LEA performance designations based on performance goals and measures in the 2019-20 school year.

Authority: 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. ***Administrative History:*** (For history prior to June, 1992, see pages iii-ix). Repeal filed March 16, 1992; effective June 29, 1992.

**RULES
OF
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-01-09
SPECIAL EDUCATION PROGRAMS AND SERVICES**

AMEND Chapter 0520-01-09, Special Education Programs and Services, by adding a new rule .24 and FURTHER AMEND the table of contents for Chapter 0520-01-09 to add a new section .24, so that, as amended the new table of contents and rule shall read:

TABLE OF CONTENTS

0520-01-09-.01	General Regulations. Adoption by Reference	0520-01-09-.13	When IEPs Must Be in Effect
0520-01-09-.02	Definitions	0520-01-09-.14	Review and Revision of the IEP
0520-01-09-.03	Consent	0520-01-09-.15	Parent Participation
0520-01-09-.04	Parent	0520-01-09-.16	Prior Notice by LEA
0520-01-09-.05	Free Appropriate Public Education	0520-01-09-.17	Mediation
0520-01-09-.06	Child Find	0520-01-09-.18	Impartial Due Process Hearing
0520-01-09-.07	Placements	0520-01-03-.19	Civil Action
0520-01-09-.08	State Advisory Panel		
0520-01-09-.09	LEA Eligibility	0520-01-09-.20	Surrogate Parents
0520-01-09-.10	Repealed	0520-01-09-.21	Transfer of Parental Rights at Age of Majority
0520-01-09-.11	Evaluation Procedures	0520-01-09-.22	Amendment of Records at Parent's Request
0520-01-09-.12	Definition of Individualized Education Program (IEP)	0520-01-09-.23	Isolation and Restraint for Students Receiving Special Education Services
		<u>0520-01-09-.24</u>	<u>Extension of Initial Evaluation Timelines for the 2019-20 School Year</u>

0520-01-09-.24 EXTENSION OF INITIAL EVALUATION TIMELINES FOR THE 2019-20 SCHOOL YEAR

- (1) Pursuant to the Governor's Executive Orders of the year 2020 declaring the existence of a State of Emergency in response to COVID-19, tornadoes, and severe weather that impacted middle Tennessee, Public Chapter 652 of 2020, and 34 C.F.R. § 300.301(c), the timeline for initial evaluations initiated or in process as of March 3, 2020 may be extended beyond sixty (60) calendar days by the number of calendar days equal to the duration of an order, declaration, or recommendation to stay at home, self-quarantine, or implement social distancing issued by the LEA's or public charter school's local, state, or federal government.
- (a) LEAs and public charter schools may request an additional extension up to thirty (30) calendar days after an order is lifted to be approved by the department due to extenuating circumstances.

Authority: Executive Order No. 14 of 2020 (and applicable, subsequent Executive Orders addressing COVID-19 relief); Public Chapter 652 of 2020, 34 C.F.R. § 300.301(c), **Administrative History:**

**RULES
OF
THE STATE BOARD OF EDUCATION

CHAPTER 0520-01-11
INDIVIDUALIZED EDUCATION ACCOUNTS**

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AMEND Rule 0520-01-11-.07, Monitoring and Compliance, by adding the following as a new paragraph (4):

(4) Pursuant to the Governor's Executive Orders of the year 2020 declaring the existence of a State of Emergency in response to COVID-19 and Public Chapter 652 of 2020, participating students in grades three (3) through eight (8) shall not be required to take a nationally norm-referenced test identified by the Department or the Tennessee comprehensive assessment program ("TCAP") tests if such tests were scheduled to occur in the spring semester of the 2019-20 school year.

Authority: T.C.A. §§ 49-1-302, 49-10-1403, Executive Order No. 14 of 2020 (and applicable, subsequent Executive Orders addressing COVID-19 relief), Public Chapter 652 of 2020. **Administrative History:** Emergency rules filed October 28, 2016; effective through April 26, 2017. Emergency rules superseded by new rules filed September 2, 2016; effective December 1, 2016. Emergency rules filed September 22, 2017; effective through March 21, 2018. Amendments filed December 21, 2017; effective March 21, 2018. Amendments filed October 25, 2018; effective January 23, 2019.

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**RULES
OF
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-02-01
EVALUATIONS**

AMEND Rule 0520-02-01-.01, General Requirements for Evaluations, by adding the following as a new paragraph (5):

0520-02-01-.01 GENERAL REQUIREMENTS FOR EVALUATIONS.

(5) Pursuant to the Governor's Executive Orders of the year 2020 declaring the existence of a State of Emergency in response to COVID-19 and Public Chapter 652 of 2020, and notwithstanding paragraph three (3), level of overall effectiveness scores shall not be generated for educators in the 2019-20 school year. Any observations required by State Board Policy 5.201 that were not completed in the 2019-20 school year prior to the COVID-19 Public Health Emergency shall not be required.

(a) No adverse action may be taken against any student, teacher, administrator, school, or LEA based, in whole or in part, on student achievement, student performance, or student growth data generated from The Tennessee comprehensive assessment program (TCAP) tests, which include, but are not limited to, TNReady assessments, English learner assessments, alternate TCAP assessments, and end-of-course examinations, administered in the 2019-2020 school year.

(a)(b) Pre-Kindergarten and Kindergarten teachers employed in an LEA that receives pre-kindergarten program approval under §§ 49-6-103 - 49-6-110 shall not be evaluated using the pre-K/kindergarten growth portfolio model approved by the state board of education, or a comparable alternative measure of student growth approved by the state board of education and adopted by the LEA, for the 2019-20 school year.

(c) Any other educator evaluated under a student growth portfolio model shall not be evaluated using that portfolio model during the 2019-20 school year.

Authority: T.C.A. §§ 49-1-201, 49-1-302, and 49-5-5205; Executive Order No. 14 of 2020 (and applicable, subsequent Executive Orders addressing COVID-19 relief); and Public Chapter 652 of 2020.
Administrative History: Original rule certified June 10, 1974. Repeal and new rule filed July 17, 1981; effective October 28, 1981. Amendment filed March 7, 1983; effective June 15, 1983. Amendment filed September 30, 1986; effective November 14, 1986. Amendment filed October 18, 1989; effective January 29, 1989. Amendment filed November 18, 1988; effective February 28, 1989. Amendment filed October 31, 1989; effective January 29, 1990. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed April 27, 1998; effective August 28, 1998. Amendment filed May 28, 1999; effective September 28, 1999. Repeal and new rule filed February 18, 2011; effective July 29, 2011. Amendment filed December 16, 2011; effective May 30, 2012.

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**RULES
OF
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-02-03
EDUCATOR LICENSURE**

AMEND Chapter 0520-02-03, Educator Licensure, by adding a new rule .15 and FURTHER AMEND the table of contents for Chapter 0520-01-03 to add a new section .15, so that, as amended the new table of contents and rule shall read:

TABLE OF CONTENTS

0520-02-03-.01	General Information and Regulations	0520-02-03-.10	Requirements for Instructional Leader Licenses
0520-02-03-.02	Educator License Types	0520-02-03-.11	Endorsements
0520-02-03-.03	Requirements for Teacher Licenses	0520-02-03-.12	Permits
0520-02-03-.04	Requirements for Occupational Teacher Licenses	0520-02-03-.13	Emergency Teacher License
0520-02-03-.05	Requirements for School Services Personnel Licenses	0520-02-03-.14	Professional Development Points
0520-02-03-.06	Requirements for the JROTC License	<u>0520-02-03-.15</u>	<u>Requirements as a result of the COVID-19 Public Health Emergency</u>
0520-02-03-.07	Requirements for Licenses of Postsecondary Educators	0520-02-03-.16	Repealed
0520-02-03-.08	Requirements for the Adjunct License	through	
0520-02-03-.09	Denial, Formal Reprimand, Suspension and Revocation	0520-02-03-.94	

0520-02-03-.03 REQUIREMENTS FOR TEACHER LICENSES.

- (1) Prospective educators seeking a practitioner teacher license shall meet the requirements of one (1) of the following pathways:
- (a) Pathway 1. The prospective educator:
1. Holds a bachelor's degree from a regionally-accredited college or university;
 2. Has completed a State Board-approved educator preparation program;
 3. Is recommended by the approved educator preparation provider; and
 4. Submits qualifying scores that are no more than five (5) years old on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy.
- (b) Pathway 2. The prospective educator:
1. Holds a bachelor's degree from a regionally-accredited college or university;
 2. Is enrolled in a State Board-approved educator preparation program with a job-embedded clinical practice;
 3. Is recommended by the approved educator preparation provider; and
 4. Submits qualifying scores that are no more than five (5) years old on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy.

- (2) Prospective educators from a state other than Tennessee seeking a practitioner teacher license shall meet the requirements of one (1) of the following pathways:

(a) ~~Out-of-State~~ Pathway 1. The out-of-state prospective educator:

1. Holds a bachelor's degree from a regionally-accredited college or university;
2. Has completed an educator preparation program approved by a state other than Tennessee;
3. Is recommended by the approved educator preparation provider; and
4. Submits qualifying scores that are no more than five (5) years old on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy.

(b) Out-of-State Pathway 2. The out-of-state prospective educator:

1. Holds a bachelor's degree from a regionally-accredited college or university;
2. Holds a valid initial level license from a state other than Tennessee;
3. Has completed an educator preparation program approved by a state other than Tennessee; and
4. Is recommended by the approved educator preparation provider.

~~(cb)~~ ~~Out-of-State~~ Pathway ~~23~~. The out-of-state prospective educator:

1. Holds a bachelor's degree from a regionally-accredited college or university; and
2. Holds a valid professional level license from a state other than Tennessee.

~~(de)~~ ~~Out-of-State~~ Pathway ~~43~~. The out-of-state prospective educator:

1. Holds a bachelor's degree from a regionally-accredited college or university;
2. Is enrolled in an educator preparation program with job-embedded clinical practice that is approved by a state other than Tennessee that has a state-recognized partnership with a Tennessee local education agency (LEA);
3. Is recommended by the approved educator preparation provider; and
4. Submits qualifying scores that are no more than five (5) years old on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy.

- (3) At the time of application for a Tennessee license, out-of-state prospective educators who hold a valid certification from the National Board for Professional Teaching Standards shall be issued a professional level teacher license.

- (4) Out-of-state prospective educators who are military spouses and who hold an active license (initial or professional) from a state other than Tennessee shall be issued the practitioner license upon providing documentation of active military dependent status.
- (5) A practitioner license may be renewed once upon completion of an approved educator preparation program and submission of qualifying scores on all State Board-required assessments as defined in the Professional Assessments for Tennessee Educators Policy prior to the end of the validity period of the first (1st) issuance of the practitioner license.
- (6) If the requirements for practitioner license renewal are not met prior to the end of the validity period of the first (1st) issuance of the practitioner license, the license shall become inactive.
- (7) An educator with a practitioner teacher license may seek to advance to a professional teacher license. In order to advance from a practitioner license to a professional license, an educator shall meet the following requirements:
 - (a) Completed an approved educator preparation program and submitted qualifying scores on all State Board-required assessments as defined in the Professional Assessments for Tennessee Educators Policy prior to the end of the validity period of the first (1st) issuance of the practitioner license;
 - (b) Obtained three (3) years of qualifying experience as an educator as defined by the Department; and
 - (c) Earned thirty (30) professional development points.
- (8) If the requirements for licensure advancement are not met prior to the end of the validity period of the second (2nd) issuance of the practitioner license, the license shall become inactive.
- (9) Educators who obtained the practitioner teaching license through the out-of-state pathway 32 shall not be required to submit qualifying scores on State Board-required assessments to advance if:
 - (a) The educator has been employed in a Tennessee public school in the candidate's area of endorsement; and
 - (b) The educator earned a level of overall effectiveness (LOE) score of "above expectations" or "significantly above expectations" in each of the first two (2) years immediately following the issuance of the individual's initial practitioner license.
- (10) To renew the professional license, an educator shall earn sixty (60) qualifying professional development points as indicated in SBE Educator Licensure Policy 5.502.
- (11) If the educator has not met the requirements for renewal at the end of the validity period of the professional license, then the license shall become inactive.
- (12) In order to reactivate a license and endorsements held, an educator shall submit to the Department evidence of completion of an approved educator preparation program and shall submit qualifying scores on all State Board-required assessments that are not more than five (5) years old.

Authority: T.C.A. § 49-1-302, T.C.A. § 49-5-108, Executive Order No. 14 of 2020 (and applicable, subsequent Executive Orders addressing COVID-19 relief); Public Chapter XXX652 of 2020.

Administrative History: Repeal and new rules filed December 18, 2014; effective March 18, 2015. A stay of the rules was filed January 28, 2015; new effective date June 1, 2015. Emergency rules filed SS-7038 (October 2018)

August 27, 2015; effective through February 23, 2016. Repeal and new rules filed October 27, 2015; effective January 25, 2016. Amendments filed October 16, 2017; effective January 14, 2018.

FURTHER AMEND paragraph (2) of Rule 0520-02-03-.09, DENIAL, FORMAL REPRIMAND, SUSPENSION AND REVOCATION, by adding the following as subparagraph (a):

0520-02-03-.09, DENIAL, FORMAL REPRIMAND, SUSPENSION AND REVOCATION

- (a) Notwithstanding paragraph (2) and pursuant to the Governor's Executive Orders of the year 2020 declaring the existence of a State of Emergency in response to COVID-19 and Public Chapter XXX652 of 2020, a Director may request an extension of the thirty (30) day reporting period if the Director is unable to submit a timely report due to school closures as a result of the COVID-19 public health emergency. Extension requests, including the date by which the Director will submit the report, shall be submitted to State Board counsel.

Authority: T.C.A. §§ 4-5-320, 49-1-302, 49-1-607, 49-5-108, 49-5-413, ~~and 49-5-417~~, Executive Order No. 14 of 2020 (and applicable, subsequent Executive Orders addressing COVID-19 relief), Public Chapter XXX652 of 2020. **Administrative History:** Repeal and new rules filed December 18, 2014; effective March 18, 2015. A stay of the rules was filed January 28, 2015; new effective date June 1, 2015. Amendment filed May 29, 2015; effective August 27, 2015. Emergency rules filed August 27, 2015; effective through February 23, 2016. Repeal and new rules filed October 27, 2015; effective January 25, 2016. Emergency rule filed September 5, 2017; effective through March 4, 2018. Amendments filed December 5, 2017; effective March 5, 2018.

FURTHER AMEND paragraph (2) of Rule 0520-02-03-.10, REQUIREMENTS FOR INSTRUCTIONAL LEADER LICENSES, (4), so that as amended the rule shall read as follows:

0520-02-03-.10 REQUIREMENTS FOR INSTRUCTIONAL LEADER LICENSES

- (1) All principals, assistant principals, and supervisors serving as instructional leaders in Tennessee shall hold the appropriate instructional leader license.
- (2) Dual assignment personnel whose work assignment includes more than fifty percent (50%) instructional leadership responsibilities shall hold the appropriate instructional leader license.
- (3) Educators seeking the Instructional Leader License (ILL) shall meet the following requirements:
 - (a) Hold an advanced degree from a regionally accredited college or university;
 - (b) Have at least three (3) years of qualifying experience as an educator as defined by the Department;
 - (c) Have completed a State Board-approved instructional leader preparation program;
 - (d) Be recommended by the State Board-approved instructional leader preparation provider; and

- (e) Submit qualifying scores that are no more than five (5) years old on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy.
- (4) Educators from a state other than Tennessee who are seeking the ILL shall meet the following requirements of one (1) of the following pathways:
- (a) Out-of-State Pathway 1: The out-of-state prospective instructional leader shall:
 - 1. Hold an advanced degree from a regionally-accredited college or university;
 - (b)2. Have at least three (3) years of qualifying experience as an educator as defined by the Department;
 - 3. (c) Submit qualifying scores that are no more than five (5) years old on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy; and
 - 4. (d) Have completed an instructional leader preparation program approved by a state other than Tennessee as demonstrated by:
 - (i) 1. A full and valid license, comparable to the Tennessee ILL, from a state other than Tennessee; or
 - (ii) 2. A provider recommendation from the out-of-state instructional leader preparation program where the educator completed preparation.
 - (b) Out-of-State Pathway 2. The out-of-state prospective instructional leader shall:
 - 1. Hold an advanced degree from a regionally-accredited college or university;
 - 2. Have at least three (3) years of qualifying experience as an educator as defined by the Department, of which, one (1) year must be as a school principal;
 - 3. Have completed an instructional leader preparation program approved by a state other than Tennessee as demonstrated by:
 - (i) A full and valid license comparable to the ILL from a state other than Tennessee; or
 - (ii) A provider recommendation from the approved instructional leader preparation program.
- (5) Educators holding the ILL may renew the license through one (1) of the following pathways:
- (a) Serve in a Tennessee Academy for School Leaders (TASL)-mandated position for at least two (2) years of the validity period of the license and be current in all TASL requirements; or
 - (b) Successfully complete a Department-approved instructional leadership training.
- (6) Educators enrolled in a State Board-approved instructional leader preparation program may apply for the Instructional Leader License–Aspiring (ILL-A). Educators holding the ILL-A may only serve as an assistant principal and may not serve as a principal or instructional supervisor. Educators seeking the ILL-A shall meet the following requirements:
- (a) Have at least three (3) years of qualifying experience as an educator as defined by the Department;

- (b) Be enrolled in a State Board-approved instructional leader preparation program; and
 - (c) Be recommended by the State Board-approved instructional leader preparation provider.
- (7) Candidates from a state other than Tennessee who are seeking the ILL-A shall meet the following requirements:
 - (a) Have at least three (3) years of qualifying experience as an educator as defined by the Department;
 - (b) Have completed an instructional leader preparation program approved by a state other than Tennessee as demonstrated by:
 - 1. A full and valid license, comparable to the Tennessee ILL, from a state other than Tennessee; or
 - 2. A provider recommendation from the out-of-state instructional leader preparation program where the educator completed preparation.
- (8) The ILL-A shall become inactive at the end of the validity period. The ILL-A is not renewable and may not be reactivated.
- (9) Educators currently holding the ILL may seek advancement to the Instructional Leader License - Professional (ILL-P) through one (1) of the following advancement pathways:
 - (a) Tennessee Academy for School Leaders (TASL) Pathway. Educators seeking advancement through the TASL pathway shall meet the following requirements:
 - 1. Be recommended by the TASL director;
 - 2. Successfully complete the Beginning Principals' Academy or the Beginning Supervisors' Academy; and
 - 3. Be recommended by the educator's director of schools verifying the educator has a minimum of two (2) years of successful experience as a principal, assistant principal, or an instructional supervisor as demonstrated by an overall evaluation rating of at expectations or higher on a state-approved administrator evaluation model during the most recent validity period of the ILL.
 - (b) Individual Professional Learning Plan (IPLP) Pathway. Educators seeking advancement through the IPLP pathway shall meet the following requirements:
 - 1. Be recommended by the TASL director;
 - 2. Successfully complete an Individual Professional Learning Plan in coordination with an approved instructional leader preparation program; and
 - 3. Be recommended by the educator's director of schools verifying the educator has a minimum of two (2) years of successful experience as a principal, assistant principal, or an instructional supervisor as demonstrated by an overall evaluation rating of at expectations or higher on a state-approved administrator evaluation model during the most recent validity period of the ILL.
- (10) Educators may renew the ILL-P through one (1) of the following pathways:
 - (a) TASL Pathway. Educators who currently serve in a TASL mandated position shall meet the following renewal requirements:

1. Have served as an instructional leader in a TASL-mandated position for at least four (4) years of the validity period of the ILL-P; and
 2. Meet all TASL requirements.
- (b) Instructional Leadership Training Pathway. Educators who do not currently serve in a TASL mandated position seeking renewal shall successfully complete a Department approved instructional leadership training.

Authority: T.C.A. § 49-1-302, T.C.A. § 49-5-108 Executive Order No. 14 of 2020 (and applicable, subsequent Executive Orders addressing COVID-19 relief), Public Chapter XXX652 of 2020. **Administrative History:** Repeal and new rules filed December 18, 2014; effective March 18, 2015. A stay of the rules was filed January 28, 2015; new effective date June 1, 2015. Emergency rules filed August 27, 2015; effective through February 23, 2016. Repeal and new rules filed October 27, 2015; effective January 25, 2016.

0520-02-03-.15 REQUIREMENTS AS A RESULT OF THE COVID-19 PUBLIC HEALTH EMERGENCY.

- (1) The validity period of a current, valid practitioner license that is set to expire in August 2020 shall be extended to August 31, 2021. Educators may use the additional validity period to complete any required licensure assessments, professional development points, or other requirements that were interrupted due to the COVID-19 public health emergency.
- (2) Prospective educators who complete a State Board approved educator preparation program in the spring of 2020 and who meet all other requirements for the license type for which they are applying but are unable to submit qualifying scores on the required assessments as defined in the Professional Assessments for Tennessee Educators Policy shall be eligible for a provisional practitioner license that will be valid from the date of issuance until August 31, 2021.
 - (a) The provisional practitioner license shall be converted to a full practitioner license upon submission of qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy prior to the end of the validity period.
 - (b) If qualifying scores on all required assessments are not submitted prior to the end of the validity period of the provisional practitioner license, the license shall become inactive.
 - (c) The provisional practitioner license shall not be renewed or reactivated.
 - (d) The provisional practitioner license shall not be issued if the application was received by the department after December 31, 2020.
- (3) Educators who complete a State Board approved instructional leader program in the spring of 2020 and who meet all other requirements for the Instructional Leader License (ILL) but are unable to submit qualifying scores on the required assessments as defined in the Professional Assessments for Tennessee Educators Policy shall be eligible for a provisional ILL that will be valid from the date of issuance until August 31, 2021.
 - (a) The provisional ILL shall be converted to a full ILL upon submission of qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy prior to the end of the validity period.
 - (b) If qualifying scores on all required assessments are not submitted prior to the end of the validity period of the provisional ILL, the license shall become inactive.
 - (c) The provisional ILL shall not be renewed or reactivated.

(d) The provisional ILL shall not be issued if the application was received by the department after December 31, 2020.

Authority: T.C.A. § 49-1-302; *Executive Order No. 14 of 2020 (and applicable, subsequent Executive Orders addressing COVID-19 relief), ÷Chapter-X 652 of the Public Act of 2020.* **Administrative History:** Repeal and new rules filed December 18, 2014; effective March 18, 2015. A stay of the rules was filed January 28, 2015; new effective date June 1, 2015. Emergency rules filed August 27, 2015; effective through February 23, 2016. Repeal and new rules filed October 27, 2015; effective January 25, 2016.

0520-02-03-.165 THROUGH 0520-02-03-.20 REPEALED.

Authority: T.C.A. § 49-1-302. **Administrative History:** *Repeal and new rules filed December 18, 2014; effective March 18, 2015. A stay of the rules was filed January 28, 2015; new effective date June 1, 2015. Emergency rules filed August 27, 2015; effective through February 23, 2016. Repeal and new rules filed October 27, 2015; effective January 25, 2016.*

AMEND Chapter 0520-02-04, Educator Preparation, by adding a new rule .11 and FURTHER AMEND the table of contents for Chapter 0520-02-04 to add a new section .11, so that, as amended the new table of contents and rule shall read:

RULES OF
THE STATE BOARD OF EDUCATION
CHAPTER 0520-02-04
EDUCATOR PREPARATION
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0520-02-04-.02 Definitions
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0520-02-04-.04 Approval of Educator Preparation Providers
0520-02-04-.05 Approval of Specialty Area Programs
0520-02-04-.06 Program Requirements
0520-02-04-.07 Provider and Program Reviews and Annual Reports

0520-02-04-.08 Admission to Educator Preparation Programs
0520-02-04-.09 Partnerships
0520-02-04-.10 Clinical Experiences
0520-02-04-.11 Requirements for the 2019-20 School Year as a Result of the COVID-19 Public Health Emergency

0520-02-04-.11 REQUIREMENTS FOR 2019-20 SCHOOL YEAR AS A RESULT OF THE COVID-19 PUBLIC HEALTH EMERGENCY

(1) Notwithstanding Educator Preparation Rule 0520-02-04-.06(2) and 0520-02-04-.10, candidates whose clinical experiences were interrupted or truncated due to the COVID-19 public health emergency in Spring 2020 shall remain eligible for recommendation for licensure by their EPP despite completing less than the required duration for clinical placement as specified in Educator Licensure Policy 5.502.

(a) EPPs shall continue to determine whether a candidate meets the minimum criteria for being recommended for a license pursuant to State Board rule and policy and EPP policy and practice.

Authority: Executive Order No. 14 of 2020 (and applicable, subsequent Executive Orders addressing COVID-19 relief); Public Chapter ~~XXX~~ 652 of 2020. **Administrative History:**

**RULES
OF
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-07-02
NON-PUBLIC SCHOOL APPROVAL PROCESS**

AMEND Chapter 0520-07-02, Non-Public School Approval Process, by adding a new rule .09 and FURTHER AMEND the table of contents for Chapter 0520-07-02 to add a new section .09, so that, as amended the new table of contents and rule shall read:

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0520-07-02-.01	Categories	0520-07-02-.05	Category IV: Exempted Schools
0520-07-02-.02	Category I: Department of Education Approval	0520-07-02-.06	Category V: Acknowledged for Operation
0520-07-02-.03	Category II: Agency Accreditation	0520-07-02-.07	Repealed
0520-07-02-.04	Category III: Regional Accreditation	0520-07-02-.08	Repealed
		<u>0520-07-02-.09</u>	<u>Requirements for 2019-20 School Year as a Result of the COVID-19 Public Health Emergency</u>

0520-07-02-.09 REQUIREMENTS FOR 2019-20 SCHOOL YEAR AS A RESULT OF THE COVID-19 PUBLIC HEALTH EMERGENCY

- (1) Pursuant to the Governor's Executive Orders of the year 2020 declaring the existence of a State of Emergency in response to COVID-19 and Public Chapter **652** of 2020:
- (a) An approved Category I or II private school shall not be required to administer Tennessee comprehensive assessment program ("TCAP") tests or a nationally standardized achievement test if such tests were scheduled to occur in the spring semester of the 2019-20 school year.
- (b) Approved Category I or II private schools required to comply with the same number of instructional days as Tennessee public schools shall not be required to comply with the 180 instructional day requirement in the 2019-20 school year if the private school was unable to meet the 180 day requirement due to school closures as a result of the COVID-19 public health emergency.
- (c) For students scheduled to graduate from high school in the 2019-20 school year, approved private schools required to meet the same minimum requirements for high school graduation as Tennessee public schools shall be subject to the amended requirements outlined in State Board Emergency Rule 0520-01-03-.11.

Authority: Executive Order No. 14 of 2020 (and applicable, subsequent Executive Orders addressing COVID-19 relief), Public Chapter—**652** of 2020. **Administrative History:**