

TO: Directors of Schools  
From: Nikkie Kiene, Paralegal  
RE: 2023-24 LEA Calendar Approval Process  
DATE: February 2, 2023

The purpose of this memorandum is to outline current law associated with the development and approval of local education agency (LEA) district-wide calendars for the 2023-24 school year.

Tenn. Code Ann. § 49-6-3004(a), requires each LEA to maintain a term of no less than 200 days, divided as follows:

- 180 days for classroom instruction;
- 10 days for vacation with pay for a term;
- Five days for in-service education;
- One day for teacher-parent conferences; and
- Four other days as designated by the local board of education upon recommendation of the director of schools.

Pursuant to Tenn. Code Ann. § 49-6-3004(e)(1), LEAs may exceed the full six and one half (6 ½) hours of daily instructional time required by law for the full academic year and be credited with the additional instructional time as “stockpiled” days. Extending the school day by one half (1/2) hour daily for the full academic year allows an LEA to stockpile 13 days, which is the maximum number authorized in the law for any school year. Unused stockpiled days shall not carry over to a school year other than the year in which the time was accumulated.

### **Use of stockpiled days:**

As a reminder, stockpile days may only be used for purposes specifically outlined in the law. Tenn. Code Ann. § 49-6-3004(e)(1) authorizes stockpiled days to be used for the following purposes:

- Dangerous or extreme weather conditions;
- Serious outbreaks of illness affecting or endangering students or staff;
- Natural disaster or dangerous structural or environmental conditions rendering a school unsafe for use; or
- Early student dismissal for faculty professional development and instructional planning meetings.

LEAs do not need to request approval from the Commissioner of Education for use of stockpiled days to meet instructional time missed due to dangerous or extreme weather conditions or serious outbreaks of illness affecting or endangering students or staff. LEAs must only update their calendars in EIS to reflect the change from a regular instructional day to the use of the stockpiled day.

LEAs must obtain approval from the Commissioner for the use of stockpiled days to meet instructional time missed due to natural disaster or dangerous structural or environmental conditions rendering a school unsafe. Approval may be granted by submitting a written request via email to [Commissioner.Schwinn@tn.gov](mailto:Commissioner.Schwinn@tn.gov). Once approval is received, LEAs must update their calendars in EIS to reflect the change from a regular instructional day to the use of the stockpiled day.

The use of stockpiled days for professional development (PD) or instructional planning must be preapproved by the Commissioner of Education. LEAs must receive the Commissioner's approval for the use of stockpiled days for PD or instructional planning PRIOR to publishing the days on LEA district-wide or school calendars. Preapproval may be granted by submitting a 2023-24 Stockpiled Professional Development Days Application via email to [Commissioner.Schwinn@tn.gov](mailto:Commissioner.Schwinn@tn.gov).

It is acceptable practice for LEAs to submit the upcoming year's calendar for approval in EIS with proposed stockpiled PD days designated therein, so long as the LEA has submitted a Stockpiled Professional Development Days Application with proposed PD agendas to the Commissioner by April 14, 2023.

The Commissioner will consider requests to amend LEA district-wide or school calendars to convert an instructional day to a PD stockpiled day during the school year on a case-by-case basis. However, the Commissioner will not approve the conversion of more than two instructional days to PD stockpiled days during any active calendar school year and will not approve the conversion of instructional days to PD stockpiled days to end the school year early.

### **Approval of calendars:**

Pursuant to Tenn. Code Ann. § 49-6-3004(f), LEAs shall commence the school year no earlier than Aug. 1 unless the LEA's board of education votes to establish year-round or alternative calendar for all or any of the schools. All 2023-24 school year LEA district wide calendars must be submitted via student management systems by May 15, 2023. All calendars via student management systems must show each date and the event type for five in-service days, one parent teacher conference day, and four other days designated by the local board of education as recommended by the Director of Schools. LEAs submitting calendars not in compliance with state law will be contacted with instructions to correct discrepancies.

### **Waivers of instructional time requirements:**

Tenn. Code Ann. § 49-6-3004(a)(6) provides that in the event of a natural disaster or serious outbreaks of illness affecting or endangering students or staff during a school year, the Commissioner of Education may waive for that school year the requirement of 180 days of classroom instruction, if a request is submitted to the Commissioner by the Director of Schools. Waiver requests may be for the entire LEA or for individual schools within the LEA. The Commissioner will consider requests to waive the instructional time requirements in law on a case-by-case basis but will not consider such requests unless the LEA has already used all stockpiled days for the school year. Requests for the Commissioner to approve a waiver of instructional time requirements may be submitted by the Director of Schools via email to [Commissioner.Schwinn@tn.gov](mailto:Commissioner.Schwinn@tn.gov).

Please do not forget the two major calendar due dates are:

- April 14 – 2023-24 Stockpiled Professional Development Days Application due
- May 15 – District Calendars submitted in EIS

For questions, please email [Nikkie.Kiene@tn.gov](mailto:Nikkie.Kiene@tn.gov).