

ARCHIVE: COVID-19 Superintendent Call

April 20, 2020

The following are questions asked by directors of schools during this call and the answers provided by the department. For additional guidance and up-to-the-minute supports, please check the TDOE website for more information:

<https://www.tn.gov/education/health-and-safety/update-on-coronavirus.html>.

Academics

- Announcement: Districts will continue to have access through September 1, 2020 because of the generous partnership with Governor's Early Literacy Foundation and Ready Rosie. In addition, districts can choose to customize their access in three ways: 1. Districts can assign a point of contact that customizes the modeled moment videos available to families in their county; 2. Teachers can sign up for family access accounts and incorporate modeled moment videos into their own family communications 3. Districts can choose to customize their platform, upload all of their parent contacts, and use the full version of Ready Rosie to support their families. If a district is interested in this additional access, please contact lisa.coons@tn.gov.
- Announcement: Through TDOE's partnership with PBS, the Department has developed 320 lessons, and Tennessee teachers have already filmed 280 of those. These lessons were viewed over 30,000 times in their first week. These lessons will continue through the end of May.
- Announcement: Last week, the Department launched a new partnership with the Tennessee STEM Innovation Network (TSIN). The STE(A)M Resource Hub includes three weekly challenges around design activities, critical thinking, and career exploration that can all be done at home.

Legal Requirements and Needs

- Announcement: Several new resources and toolkits will be available on the Department's website in the next few days:
 - State Board of Education Emergency Rule Guidance Toolkit
 - Link to SBE Emergency Rules
 - Link to SBE FAQs on Emergency Rules
 - Department Guidance Documents Regarding Emergency SBE Rules:
 - Teacher Evaluation
 - Teacher Licensure
 - Differentiated Pay Plans
 - Special Education
 - TASL Credit
 - Department FAQs on Emergency SBE Rules: Special Education

- COVID-19 LEA Waiver Request Form
- Question: Please provide examples of additional waivers that may need to be sent to Commissioner Schwinn for approval.
 - **RESPONSE:** The Department is continuing to receive questions regarding the need for waivers of state law and state board of education (SBE) rules to address school closures required by COVID-19. Most issues (testing, teacher licensure, teacher evaluation, school and district accountability, graduation requirements, etc.) were specifically addressed by Chapter 652 of the Public Acts of 2020 (PC 652) or the SBE emergency rules passed at the April 9th meeting. School districts will not have to take any action for those items to be waived.

The department is currently working with the SBE staff to produce a document that will include frequently asked questions both agencies have received related to the emergency rules adopted on April 9. The SBE will be releasing the FAQ document in the coming days.

In addition, the department is working on an SBE emergency rule resource toolkit that will provide further clarifications regarding the implementation of some of the emergency rules. The resource toolkit is scheduled to be released on Friday and will include guidance documents and FAQs on the following:

- Teacher Evaluation
- Teacher Licensure
- Differentiated Pay Plans
- Special Education
- TASL Credit

The toolkit will also include a waiver form to deal with issues not addressed by PC 652 or the SBE emergency rules. Districts will have time to submit individual waiver requests to the department on the form prior to the May 29 state board meeting.

This waiver form will allow districts to submit waiver requests to the commissioner that will be sent on to the SBE for approval at the next meeting. The form will include a menu of options to waive laws related to teacher nonrenewal, tenure eligibility, and other issues that all districts will most likely need, but will also include an option for districts to fill in other waivers needed based on COVID-19 school closures.

Examples of options to be provided in the menu of options:

- Tenure - The form will include the option to request a waiver of the tenure law. The waiver would allow teachers to be deemed eligible for tenure, if they have met all other requirements for tenure

eligibility (including a 5 year probationary period), by utilizing the most recent two (2) years of available evaluation scores achieved during the probationary period. The 2019-2020 school year will count toward a teacher's five (5) probationary period.

- Teacher Nonrenewal - The waiver form will include an option to waive the current law requiring school districts to notify teachers within five (5) business days following the last instructional day for the school year if a teacher's contract will not be renewed for the succeeding school year. The waiver would authorize a district requesting the waiver to notify teachers of non-renewal no later than June 15, 2020.

The department will ensure that all directors are aware of additional waivers requested by districts and approved waivers will be posted on the department's website.

- Question: What restrictions or requirements do districts have related to hosting summer programs and events, including summer school, Special Education Social Skills academics, or band and athletic camps?
 - **RESPONSE:** How and when to resume these types of activities must be determined at the local level with the input of board attorneys and in compliance with state and local government health and safety procedures.
- Question: Will additional blanket waivers be issued if numerous districts request waivers on specific rules or policies?
 - **RESPONSE:** Blanket waivers are not authorized under Chapter 652 of the Public Acts of 2020 but the department will share all waivers requested by districts and allow districts to submit multiple waiver forms if needed. Here is the language of the law:
 - *"Tennessee Code Annotated, Title 49, Chapter 6, Part 3, is amended by adding the following as a new section:*
 - *(a) Notwithstanding § 49-1-201(d), upon application by an LEA for one (1) or more of the LEA's schools, and upon the approval of the state board of education, the commissioner of education shall waive a state board rule or statute 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.*
 - *(b) The commissioner shall not waive Section 1 of this act, § 49-1-302(d)(2)(F)(G), § 49-6-105(h), § 49-1-617(d), § 49-1-228(f), § 49-1-602(a)(5), § 49-6-408(9), § 49-6-3004(a)(6)(B), § 49-3-317(a)(2), § 49-6-6001 (l), § 49-6-6012, or any of the emergency rules promulgated by the state board of education to effectuate this act.*
 - *(c)(1) The commissioner shall submit a report to the education committees of the senate and the house of representatives no later than February 28, 2021, on the implementation and use of this section.*

- *(2) The report required under subdivision (c)(1) must identify the substance of each waiver request submitted to the commissioner; whether the LEA's request for a waiver was approved by the state board of education; and the effect of the waiver on the receiving LEA.*
- *(3) The chairs of the education committees of the senate and the house of representatives may request interim reports from the commissioner on the implementation and use of this section before February 28, 2021.*
- *(d) This section is repealed on March 1, 2021."*

Grading and Graduation

- Question: Will we still have the local ability to award credits for students that were in Q4 courses that weren't seniors as long as they continue to produce work and show competency in the course?
 - **RESPONSE:** The emergency rules state that any student's grade in a high school course will not be lower than the grade the student had as of Mar. 20, but it states that districts may give students the option to complete additional work to improve the grade. If a student is able to complete the course in a remote setting, they may still earn credit regardless of grade level.
- Question: Please confirm the updated requirements for grading and/or graduation for fully virtual students.
 - **RESPONSE:** According to the emergency rules implemented by the State Board of Education, graduation requirements for seniors in 2019-20 have been reduced from 22 to 20 credits including 4 credits in Math, 4 credits in ELA, 3 credits in Science, and 2 credits in Social Studies.
- Question: Please provide guidelines on the promotion and retention of students in grades K-8.
 - **RESPONSE:** Here is a link to the information about the emergency State Board of Education meeting that was held on April 9 to address concerns related to school closures due to COVID-19: <https://www.tn.gov/sbe/meetings/meetings-calendar/2020/4/9/april-9--2020-sbe-conference-call-meeting.html>.

At this meeting, the board passed an emergency rule related to graduation requirements and student grades. The link above includes video of the meeting and the proposed rules considered. The emergency rule passed applies to graduating seniors and any student enrolled in a high school credit course. Please note that the proposed rule includes the following: "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."

For students K-8, the emergency rule leaves those grading decisions to local boards of education (unless the 8th grader is enrolled in a high school algebra course for example. This is consistent with the uniform grading policy which leaves K-8 grading considerations up to local district policy. The decision on if/ how districts allow students to complete extra work to raise their grade should be made on a district by district basis.

Whether public charter schools have the authority to adopt their own grading policies for grades K-8 or must follow their district authorizer's policy depends on the charter agreement. If a charter school does not currently follow the authorizer's grading policy for K-8, the charter school may have the authority to develop a separate policy. However, charter schools are encouraged to confirm this matter with their district authorizer. If a charter school currently follows their district authorizer's grading policy, the charter school should seek permission from the authorizer to do adopt a separate policy.

Staffing

- Question: Will the forthcoming toolkit on the new State Board rules include information about provisional practitioner licensure status?
 - **RESPONSE:** Yes, and the guidance document will include contact information for any additional questions districts have.

Dual Enrollment

- Question: When TBR makes a decision regarding dual enrollment credit, how will that be communicated to districts?
 - **RESPONSE:** Any decisions by TBR regarding dual enrollment credits and grading will be communicated in the weekly Communication Update for Directors, and it will also be updated in the High School FAQ on the TDOE website.