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## COVID-19 Emergency Rules

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### The Background:

Pursuant to Governor Lee's Executive Orders No. 13 and 14 declaring a state of emergency in Tennessee as a result of tornado damage and the infectious disease COVID-19, and Public Chapter 652 of 2020, The State Board of Education must approve emergency rules to address special circumstances created by the statewide closure of schools in the spring semester of the 2019-20 school year.

These rules were developed by State Board staff in close consultation with the Tennessee Department of Education. Feedback was solicited from numerous stakeholder organizations including the Tennessee Organization of School Superintendents, Tennessee School Boards Association, and others.

If approved by the State Board, these rules will be sent to the Attorney General for approval and filed with the Secretary of State's office. These rules will go into effect immediately upon filing with the Secretary of State's office and will remain in effect for 180 days. Any provision of these rules that will need to remain in effect beyond the 180 days will be included in a permanent rule which will be approved as a separate item.

This item includes the following emergency rules:

- 0520-01-02-.17 STATE ATTENDANCE GUIDELINES
  - This is an amendment to the attendance section of the State Board's Administrative Rules and Regulations. This rule clarifies that districts may take attendance during distance learning but may not issue students unexcused absences or report students as truant for failure to participate in distance learning activities conducted by the district during the period of closure due to COVID-19.
- 0520-01-03-.11 REQUIREMENTS FOR 2019-20 SCHOOL YEAR AS A RESULT OF THE COVID-19 PUBLIC HEALTH EMERGENCY
  - This adds a new section to the State Board's Minimum Requirements for Approval of Public Schools rule addressing a number of issues as a result of school closures due to COVID-19. Topics addressed include the process for LEAs to seek approval of waivers from the Commissioner and State Board, amended graduation requirements for students scheduled to graduate in 2019-20 school year, grading considerations for students taking high school credit courses, suspension of TCAP testing in the spring semester of the 2019-20 school year, and revised accountability requirements.

- 0520-02-04-.11 REQUIREMENTS FOR 2019-20 SCHOOL YEAR AS A RESULT OF THE COVID-19 PUBLIC HEALTH EMERGENCY
  - This adds a new section to the State Board’s Educator Preparation rule addressing modified requirements for teacher candidates who were unable to complete their clinical placement due to COVID-19 associated closures.
  
- 0520-02-03-.09 DENIAL, FORMAL REPRIMAND, SUSPENSION AND REVOCATION
  - This amends the State Board’s licensure discipline rule to allow Directors of Schools to 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 COVID-19.
  
- 0520-02-03-.15 REQUIREMENTS FOR 2019-20 SCHOOL YEAR AS A RESULT OF THE COVID-19 PUBLIC HEALTH EMERGENCY
  - This amends the State Board’s Educator Licensure rule to allow prospective educators who were unable to complete required licensure exams due to COVID-19 to receive a one-year practitioner license with the requirement that scores on licensure exams be submitted within the one-year validity period. This rule also allows educators whose practitioner license is set to expire in August 2020 to have the license validity period extended one year to allow the educator to complete requirements for renewal or advancement that were interrupted as a result of COVID-19.
  - There are also changes to 0520-02-03-.03 and -.10 to streamline pathways for out-of-state educators and school leaders to obtain licensure in Tennessee.
  
- 0520-02-01-.01 GENERAL REQUIREMENTS FOR EVALUATION
  - This amends the State Board’s Evaluations rule to clarify that Level of Overall Effectiveness (or “LOE”) scores will not be generated for the 2019-20 school year. Also clarifies that observations that were not able to be completed in the 2019-20 school year will not be required.
  
- 0520-01-09-.24 REQUIREMENTS FOR 2019-20 SCHOOL YEAR AS A RESULT OF THE COVID-19 PUBLIC HEALTH EMERGENCY
  - This amends the State Board’s special education rule to extend the time period by which a school must complete a student’s initial evaluation to ninety days after receipt of parental consent. This extension is authorized by 34 C.F.R. § 300.301(c).
  
- 0520-01-11-.07 MONITORING AND COMPLIANCE
  - This amends the State Board’s Individualized Education Accounts rule to waive the requirement that students participating in the program take a nationally norm-referenced test or the TCAP test if such test was scheduled to occur in the spring semester of the 2019-20 school year.
  
- 0520-07-02-.09 REQUIREMENTS FOR 2019-20 SCHOOL YEAR AS A RESULT OF THE COVID-19 PUBLIC HEALTH EMERGENCY
  - This amends the State Board’s Non-Public School Approval Process rule to clarify that approved Category I and II private schools are not required to take the TCAP or a nationally standardized achievement test if the test was scheduled to occur in the spring semester of the 2019-20 school year. Additionally, clarifies that the 180 instructional day requirement is also waived for Category

I and II private schools and that any approved private school that is required to meet the same graduation requirements as public schools is also subject to the amended graduation requirements for students scheduled to graduate in the 2019-20 school year.

**The Recommendation:**

State Board staff recommends approval of this item on first and final reading.