

**RULES  
OF  
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-01-17  
CONTINUOUS LEARNING PLANS**

**AMEND** Rule 0520-01-17-.01 by adding a new paragraph (14) which shall read as follows:

**0520-01-17-.01 CONTINUOUS LEARNING PLANS FOR THE 2020-21 SCHOOL YEAR**

- (1) As used in this chapter:
- (a) “Authorizer” has the same meaning given in T.C.A. § 49-13-104.
  - (b) “Charter Management Organization” or “CMO” means a non-profit entity that manages or operates two (2) or more public charter schools.
  - (c) “The Department” means the Tennessee Department of Education.
  - (d) “Instructional Time” means the amount of instruction provided through synchronous or asynchronous instruction, or a combination of the two (2), as defined in this rule. To the extent practicable, instruction delivered remotely must be as commensurate in quality, rigor, and effectiveness as in-person instructional time.
  - (e) “LEA” means local education agency and has the same meaning given in T.C.A. § 49-1-103(2).
  - (f) “Remote Instruction” means instruction that takes place when teachers are not providing in-person instruction to students within the traditional school setting. Remote instruction does not include operation of a virtual school pursuant to T.C.A. Title 49, Chapter 16 and State Board rules.
  - (g) “CLP” means continuous learning plan.
  - (h) “State Board” means the Tennessee State Board of Education.
  - (i) “Synchronous Instruction” means instruction provided by a Tennessee educator to a student or students at the same time but not necessarily in the same place who engage in instruction while it occurs. This may include but not be limited to in-person instruction or telephonic, Internet-based, or other appropriate methods of communication as determined by the Department and may include full-class or small-group instruction or one-on-one instruction between student and teacher.
  - (j) “Asynchronous Instruction” means instruction provided by a Tennessee educator to students who participate in instruction at a separate time from when the teacher delivered the instruction. This may include but not be limited to methods such as printed work materials, teacher-assigned individual or group projects, audio- or video-recorded lessons, or online course modules, or other appropriate methods as determined by the Department.

(Rule 0520-01-17-.01, continued)

- (k) "Public Charter School" means a Tennessee public charter school authorized to operate under T.C.A. Title 49, Chapter 13.
- (2) Each LEA and Public Charter School shall develop a CLP for the 2020-21 school year that shall be submitted to the Department of Education for approval. A CMO may develop and submit one (1) CLP for all of the schools operated by the CMO in Tennessee. All Public Charter Schools shall provide their Authorizer a copy of the CLP submitted to the Department by the Public Charter School or the Public Charter School's CMO. Public Charter Schools are encouraged to share their CLP with the Authorizer prior to submission of the CLP to the Department.
- (3) The Department shall develop and provide LEAs and Public Charter Schools with a template for CLPs. The CLP template and any rubric utilized by the Department for evaluation of CLPs shall be posted on the Department's website.
- (4) LEAs and Public Charter Schools shall submit their CLP to the Department utilizing the CLP template no later than July 24, 2020. The Department shall be responsible for evaluation and approval of all submitted plans in accordance with the evaluation and approval process developed by the Department. The evaluation and approval process shall ensure CLPs adhere to the requirements of this rule, State Board COVID-19 Continuous Learning Plan Policy 3.210, and all applicable federal and state laws and rules, unless waived. The Department shall post information regarding the evaluation and approval process on the Department's website. The Department shall report the outcomes of the approval process and common strategies and challenges identified in the CLPs to the State Board. An interim report shall be submitted no later than February 28, 2021, and a final report shall be submitted no later than July 31, 2021.
- (5) The CLP shall address how the LEA or Public Charter School will continue to deliver quality instruction during the 2020-21 school year in the event of future COVID-19 related disruptions to one or more students, schools, or district-wide school operations. The CLP shall address, at minimum, the following components as defined in State Board COVID-19 Continuous Learning Plan Policy 3.210:
  - (a) Communications;
  - (b) Monitoring implementation;
  - (c) Access to instructional materials and technology;
  - (d) Attendance procedures;
  - (d) Educator and staff training;
  - (e) Standards-based instruction;
  - (f) Support for all students, including special populations and at-risk students; and
  - (h) How the LEA or Public Charter School will meet the requirements of T.C.A. § 49-6-3004 and T.C.A. § 49-6-201(b)(2) during a COVID-19 related disruption to school operations, including:

(Rule 0520-01-17-.01, continued)

1. If one (1) or more school buildings are closed and all instruction is being provided via Remote Instruction. The CLP shall include how the LEA or Public Charter School will provide students in grades one (1) through twelve (12) access to six and one half (6 ½) hours of Instructional Time each school day and students in Kindergarten with access to four (4) hours of Instructional Time each school day;
  2. If one (1) or more school buildings are open but on a modified schedule or operating with a reduced capacity. The CLP shall include how the LEA or Public Charter School will provide students in grades one (1) through twelve (12) access to six and one half (6 ½) hours of Instructional Time each school day and students in Kindergarten with access to four (4) hours of Instructional Time each school day.
  3. If one (1) or more school buildings are open but the LEA or Public Charter School permits certain students to participate in Remote Instruction due to COVID-19 related reasons. The CLP shall include how the LEA or Public Charter School will provide students participating in Remote Instruction in grades one (1) through twelve (12) access to six and one half (6 ½) hours of Instructional Time each school day and students in Kindergarten with access to four (4) hours of Instructional Time each school day.
- (6) The Instructional Time requirements set forth in paragraph (5)(h)1.-3. do not apply to students being served under the homebound program, incarcerated students, and students in a residential mental health facility or court-ordered day-treatment program. Instructional Time requirements for students being served under the homebound program, incarcerated students, and students in a residential mental health facility or court-ordered day-treatment program shall comply with state law and state board rules governing these students.
- (7) CLPs may address the following additional components as defined in State Board COVID-19 Continuous Learning Plan Policy 3.210:
- (a) Stakeholder engagement; and
  - (b) Evaluating the effectiveness of the CLP.
- (8) CLPs shall also:
- (a) Provide students with disabilities access to instruction in a manner consistent with each student's individualized education program (IEP) or 504 plan. Remote Instruction supports shall be considered and included, as appropriate for the student, when an IEP or 504 plan is initially developed or at any subsequent review or revision of an IEP or 504 plan;
  - (b) Provide students who are English Learners access to instruction in a manner consistent with each student's individualized learning plan and with State Board English as a Second Language Program Policy 3.207;
  - (c) Address the needs of other at-risk student populations as defined in State Board High School Policy 2.103;

(Rule 0520-01-17-.01, continued)

- (d) Align student grading expectations to the State Board's Uniform Grading Policy 3.301 for students in grades 9-12 and to the LEA's or public charter school's locally adopted grading policies for students in grades K-8, and, if applicable, for students in grades 9- 12; and
  - (e) Include a policy and/or procedure establishing standards governing daily student attendance when students are participating in Remote Instruction, including, but not limited to, procedures for determining when a student is present, determining an excused versus unexcused absence, the internal attendance tracking system to be used, and how the LEA or Public Charter School will communicate attendance policies and/or procedures to parents and/or legal guardians. LEAs and Public Charter Schools shall address in their attendance policy and/or procedure potential interventions for addressing student absences during Remote Instruction. The reporting of attendance to the Department must be via the LEA or Public Charter School's student information system utilizing the attendance code set by the Department;
  - (f) Include a process for monitoring the implementation of the CLP during the 2020-21 school year to ensure all components of the plan are implemented with fidelity; and
  - (g) Comply with class size averages and maximums pursuant to T.C.A. § 49-1-104. If the LEA or Public Charter School needs a waiver of class size averages in order to implement its CLP, a waiver request shall be submitted to the Commissioner of Education.
- (9) Each LEA and Public Charter School shall post its approved CLP on its website and make a copy available to parents/legal guardians and students upon request. All approved CLPs shall also be posted on the Department's website.
- (10) After an LEA's or Public Charter School's CLP receives final approval, the LEA, an individual school within the LEA, or Public Charter School shall be credited with an instructional day during the 2020-21 school year for all days in which the Public Charter School, LEA, or individual schools within the LEA, operated under the approved CLP. This includes days during which the LEA or Public Charter School implemented the CLP prior to final approval.
- (11) An LEA or Public Charter School that continues instruction during a COVID-19 related disruption to school operations in compliance with the LEA's or Public Charter School's approved CLP shall continue to receive Basic Education Program (BEP) funding as outlined in T.C.A. §§ 49-3-301, et seq.
- (12) Remote Instruction provided by a non-virtual public school, including a public charter school, pursuant to the LEA's or public charter school's approved CLP, shall be considered a virtual education program for purposes of compliance with T.C.A. § 49-1-104(h).
- (13) For purposes of compliance with T.C.A. § 49-1-104(h), the following class size standards shall apply to public virtual schools and virtual education programs for the 2020-21 school year:
- (a) A public virtual school or virtual education program may increase the enrollment in virtual classes by up to twenty-five percent (25%) over the class size maximum established by T.C.A. § 49-1-104.
  - (b) Notwithstanding paragraph (13)(a), public virtual schools and virtual education programs shall continue to comply with class size and case load requirements for special education

(Rule 0520-01-17-.01, continued)

as defined in State Board Policy 3.206. The public virtual school, public school, or public charter school shall review individual teachers' student caseloads, and are strongly encouraged to consult with the teacher when determining class sizes and student caseloads, to ensure that teachers can meet the needs of students, including students with disabilities, as determined by the Individuals with Disabilities Education Act (20 U.S.C. §§ 1400 et seq.), Section 504 of the Rehabilitation Act (29 U.S.C. §§ 701 et seq.), and any student's individualized education program.

- (14) If a local education agency or public charter school's continuous learning plan has received final approval from the Department of Education pursuant to this rule and State Board COVID-19 Continuous Learning Plan Policy 3.210, such approval shall be effective through the end of the 2020-21 school year to allow a local education agency or public charter school who operates under an approved continuous learning plan to be credited with an instructional day. Implementation of the local education agency or public charter school's approved continuous learning plan shall be for the sole purpose of addressing COVID-19 related disruptions to one or more students, schools, or district-wide school operations in the 2020-21 school year. If a local education agency or public charter school has exhausted stockpile days accumulated pursuant to T.C.A. § 49-6-3004(e)(1) due to COVID-19, the approved continuous learning plan may also be used during the 2020-21 school year to address disruptions due to dangerous or extreme weather conditions, natural disaster, serious outbreaks of illness affecting or endangering students or staff or dangerous structural or environmental conditions rendering a school unsafe for use.

**Authority:** T.C.A. §§ 49-1-104(h), 49-1-302, and 49-6-3004; Title 49, Chapter 16; and Public Chapter 652 of 2020. **Administrative History:** Emergency rules filed July 2, 2020; effective through December 29, 2020. Emergency rules filed August 26, 2020; effective through February 22, 2021.