

**RULES
OF
THE TENNESSEE DEPARTMENT OF EDUCATION
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-01-02
DISTRICT AND SCHOOL OPERATIONS**

0520-01-02-.09 ALTERNATIVE EDUCATION.

- (1) Alternative education is a non-traditional, short-term academic program or school designed to meet the student's educational, behavioral, and social needs. Alternative education includes alternative schools and alternative programs.
- (2) Alternative school means a short-term intervention program designed to provide educational services outside of the regular school program for students who have been suspended or expelled. Alternative schools are located in a separate facility from the regular school program.
- (3) Alternative program means a short-term intervention program designed to provide educational services outside of the regular school program for students who have been suspended or expelled. Alternative programs may be located within the regular school or be a self-contained program within a school. Alternative programs include, but are not limited to, night schools or in-school suspension.
- (4) Pursuant to T.C.A. § 49-6-3402(i) alternative schools and alternative programs may provide virtual instruction to students assigned to the alternative school or alternative program through a virtual school or virtual program in accordance with State Board Virtual Education Rule 0520-01-03-.05. Tracking of student attendance for students assigned to an alternative school or alternative program who are receiving virtual instruction shall comply with the attendance procedures set forth in State Board Virtual Education Rule 0520-01-03-.05.
- (5) Pursuant to T.C.A. § 49-6-3402, local boards of education may establish alternative schools or alternative programs for students in grades one (1) through six (6) who have been suspended or expelled from the regular school program.
- (6) Attendance in an alternative school or alternative program shall be voluntary for students in grades one through six (1-6) who have been suspended or expelled from the regular school program, unless the local board of education adopts a policy mandating attendance in either instance.
- (7) A local board of education shall establish at least one (1) alternative school or alternative program for students in grades seven (7) through twelve (12) who have been suspended or expelled. Attendance in an alternative school or alternative program is mandatory for students in grades seven through twelve (7-12) who have been suspended for more than ten (10) days or expelled from the regular school program if space and staff are available. Space and staff availability shall be determined by the LEA at the time the disciplinary decision is rendered.
 - (a) Attendance in an alternative school or alternative program is not mandatory for students in grades seven through twelve (7-12) who have been expelled from the regular school program for committing a zero-tolerance offense. However, this does not prohibit a director of schools, or a director's designee, from assigning a

(Rule 0520-01-02-.09, continued)

student who has been expelled from the regular school program for committing a zero-tolerance offense to an alternative school or alternative program.

- (b) A director of schools, or a director's designee, is not required to assign a student in grades seven through twelve (7-12) who has been suspended for more than ten (10) days or expelled from the regular school program for an offense of violence or threatened violence, or an offense that threatened the safety of persons attending or assigned to the student's school, to an alternative school or alternative program if conditions set forth in T.C.A. § 49-6-3402(c)(1)(C) are met.
- (8) Students in pre-Kindergarten or Kindergarten shall not be assigned to an alternative school or alternative program.
- (9) Each local board of education shall adopt a policy regarding alternative education that is aligned to this Rule and that defines and provides appropriate educational opportunities for all students assigned to an alternative school or alternative program. The policy shall recognize the impact of exclusionary discipline practices on students, and placement in an alternative education program should be reserved for infractions that significantly disrupt the educational process. LEAs shall utilize the Model Standards for Alternative Education Programs developed by the Department of Education as a guideline in development of their policies and procedures.
- (10) Requirements for alternative education:
 - (a) The scope, sequence, and pacing of instruction shall proceed as nearly as practicable in accordance with the instructional program in the student's regular school. Instruction shall be based on the academic standards adopted by the State Board.
 - (b) All course work and credits earned shall be transferred and recorded in the student's home school, which shall grant credit earned and progress thereon as if earned in the home school.
 - (c) Students shall participate in all required state assessments at sites determined by school officials and in accordance with established guidelines regarding student grade levels and eligibility. State assessment results shall be reported in the LEA where the student was enrolled prior to his or her placement in the alternative school.
 - (d) Each alternative school or alternative program shall comply with class size requirements established in T.C.A. § 49-1-104 and instructional and planning time requirements established by the State Board. Nothing shall prohibit an LEA from establishing a lower class size ratio in an alternative school or alternative program.
 - (e) The minimum length of the school day for alternative schools and alternative programs shall be six and one-half (6½) hours, provided that alternative schools and alternative programs may operate beyond traditional school hours to provide students with a range of educational opportunities.
 - (f) LEAs shall monitor and regularly evaluate the academic progress of each student enrolled in an alternative school or alternative program.
 - (g) Students are subject to all rules pertaining to the alternative school or alternative program.

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1. The director of schools, or the director's designee, may remove a student from the alternative school or alternative program if the director, or the director's designee, determines that:
 - (i) The student has violated the rules of the alternative school or alternative program; or
 - (ii) The student is not benefiting from the student's assignment to the alternative school or alternative program, and all interventions available to help the student to succeed in the alternative school or alternative program have been exhausted unsuccessfully.
 2. A student's removal from the alternative school or alternative program shall not constitute grounds for extending the length of original suspension or expulsion.
 3. The director of schools, or the director's designee, shall make the final decision on removal.
- (h) If a student has an active Individualized Education Program (IEP), a 504 plan, or is suspected of having a disability, all state and federal laws and rules relating to students with disabilities and special education shall be followed. The IEP team shall make all decisions regarding change of placement and delivery of services for students with disabilities. No student with a disability shall be arbitrarily placed in an alternative school or alternative program.
- (i) Prior to the assignment of a student to an alternative school or alternative program, the LEA shall provide written notice, which includes the reason for the student's placement, to the student's parent or guardian. Reasons for placement in an alternative school or alternative program must be documented. End of year reports must be made to the regular school for each student.
- (j) Each teacher providing instruction to students in an alternative school or alternative program shall be licensed to teach in Tennessee and shall meet the qualifications to teach in compliance with the rules and regulations of the State Board.
- (k) Alternative schools shall have an appropriately licensed administrator assigned to supervise the school.
- (l) Support services such as counseling and psychological services must be accessible.
- (m) Each LEA shall develop and implement formal transition plans for the integration of students from a traditional school to an alternative school or from an alternative school back to a traditional school. Transition plans shall be targeted to improve communication between a traditional school and an alternative school staff and should address any barriers that would prohibit students from successfully transitioning. Transition plans shall include aligning of curricula, intake procedures for students returning to traditional school, professional development opportunities for traditional and alternative school staff, educational and behavioral supports, follow-up for students returning to traditional school, and the development of graduation and postsecondary goals.

(Rule 0520-01-02-.09, continued)

- (n) All alternative school classrooms shall have working two-way communication systems that make it possible for teachers or other employees to notify a principal, supervisor, or other administrator that there is an emergency.
 - (o) It is the responsibility of the director of schools to ensure that all alternative school teachers and other employees have been trained to use the two-way communication system and are notified of emergency procedures prior to the beginning of classes for any school year and when changes are made in the emergency procedures and/or personnel. Such emergency procedures shall be linked to the school and school district emergency preparedness plan.
 - (p) LEAs shall submit an annual alternative education survey to the Department that provides the following information:
 - 1. Alternative schools or alternative programs currently in operation in the LEA;
 - 2. Number and grade level of students served;
 - 3. Primary reason for student assignment;
 - 4. Number of faculty and staff; and
 - 5. Information required by T.C.A. § 49-6-3405.
- (11) Funding:
- (a) Students attending an alternative school or alternative program shall continue to earn funding through the state's K-12 education funding formula for the LEA in which the student is enrolled.
- (12) Facilities:
- (a) A local board of education may not contract or otherwise affiliate with an alternative school program which requires an order of a court as a precondition of placement in such alternative school.
 - (b) A local board of education may contract with independent contractors to provide alternative school facilities and other appropriate services consistent with T.C.A. § 49-2-203.
 - (c) A local board of education may establish its own facility.
 - (d) Two (2) or more boards may join together and establish an alternative school attended by students from any such LEA.
 - (e) Through a mutually accepted agreement with another local board of education, a board may send its suspended or expelled students to an alternative school already existing in another LEA or may enter into an agreement with an LEA that established a virtual school to provide virtual instruction to students who have been suspended or expelled.

Authority: T.C.A. §§ 49-6-3401, 49-6-3402, and 49-6-3405. **Administrative History:** Original rule certified June 10, 1974. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed January

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