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Sequence Number: 08-16-24
Notice ID(s): 3866-3869
File Date: 8/16/2024

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	State Board of Education
Division:	N/A
Contact Person:	P. Danielle Nellis
Address:	500 James Robertson Parkway, 8 th Floor, Nashville, TN 37243
Phone:	615-483-0268
Email:	Danielle.Nellis@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	P. Danielle Nellis
Address:	500 James Robertson Parkway, 8 th Floor, Nashville, TN 37243
Phone:	615-483-0268
Email:	Danielle.Nellis@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	500 James Robertson Parkway		
Address 2:	Davy Crockett Building, Conference Room 1C, 1 st Floor		
City:	Nashville, TN		
Zip:	37243		
Hearing Date:	10/08/2024		
Hearing Time:	9:30am	<div><div><div>___x_CST/CDT</div><div>EST/EDT</div></div></div>	

Additional Hearing Information:

****Anyone seeking to participate electronically may access the hearing using the following information:****

<https://tn.webex.com/tn/j.php?MTID=mc9a98930a57a6262a27588acbd6cafe6>

Meeting number: 2313 598 8720

Password: SBERules

+1 615-747-4911 Webex Call-In

Access code: 231 359 88720

Please check the State Board's website at <https://www.tn.gov/sbe/meetings.html> for any additional information regarding this rulemaking hearing.

Verbal comments are invited at the hearing.

In addition, written comments may be submitted via email at danielle.nellis@tn.gov or mailed to:

Tennessee State Board of Education

Attention: P. Danielle Nellis

Davy Crockett Tower, 8th Floor
500 James Robertson Parkway
Nashville, Tennessee 37243

Written comments must be received by **9:00 AM CT on October 11, 2024** in order to ensure consideration.

*****Email comments are preferred as regular mail is running very slow and may not arrive in time*****

For further information, please contact P. Danielle Nellis by e-mail at Danielle.Nellis@tn.gov.

If attending the hearing in-person, please bring identification so that you may be checked into the building by security. Conference room 1C is located on the first floor.

Revision Type (check all that apply):

☒ Amendment
☒ New
☐ Repeal

Rule(s) (**ALL** chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0520-02-03	Educator Licensure
Rule Number	Rule Title
0520-02-03-.03	Requirements for Teacher Licenses
0520-02-03-.05	Requirements for School Services Personnel Licenses
0520-02-03-.08	Requirements for the Adjunct License
0520-02-03-.10	Requirements for Instructional Leader Licenses

Chapter Number	Chapter Title
0520-02-04	Educator Preparation Rule
Rule Number	Rule Title
0520-02-04-.04	Approval for Educator Preparation Providers
0520-02-04-.08	Admission to Educator Preparation Programs
0520-02-04-.10	Clinical Experiences

Chapter Number	Chapter Title
0520-01-02	District and School Operations
Rule Number	Rule Title
0520-01-02-.34	Equitable Services for Students in Non-Public Schools

Chapter Number	Chapter Title
0520-01-03	Academic and Instructional Requirements
Rule Number	Rule Title
0520-01-03-.16	Promotion and Retention

AMENDMENT
RULES
OF
THE STATE BOARD OF EDUCATION

CHAPTER 0520-02-03
EDUCATOR LICENSURE

0520-02-03-.03 REQUIREMENTS FOR TEACHER LICENSES.

- (1) Prospective educators seeking a practitioner teacher license shall meet the requirements of one (1) of the following pathways:
 - (a) Pathway 1. The prospective educator:
 1. Holds a bachelor's degree or higher from a regionally or nationally accredited college or university recognized by the Council for Higher Education Accreditation (CHEA) or the United States Department of Education (USDOE);;
 2. Has completed a State Board-approved educator preparation program;
 3. Is recommended by the State Board-approved educator preparation provider; and
 4. Submits qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy.
 - (b) Pathway 2. The prospective educator:
 1. Holds a bachelor's degree or higher from a regionally or nationally accredited college or university recognized by the Council for Higher Education Accreditation (CHEA) or the United States Department of Education (USDOE) ;
 2. Is enrolled in a State Board-approved educator preparation program with a job-embedded clinical practice;
 3. Is recommended by the State Board-approved educator preparation provider; and
 4. Submits qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy or holds a degree with a major in the specialty area.
 - (c) Pathway 3. The prospective educator:
 1. Holds a bachelor's degree or higher from a regionally or nationally accredited college or university recognized by the Council for Higher Education Accreditation (CHEA) or the United States Department of Education (USDOE) ;
 2. Holds an active Tennessee practitioner or professional occupational teacher license with an endorsement covering the Secondary Grade span;
 3. Has completed a State Board-approved occupational educator preparation program or an occupational educator preparation program approved by a state other than Tennessee;

4. Submits qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy; and
 5. Seeks an endorsement in either Middle and Secondary Grades – Core Academic, or Middle and Secondary Grades – World Languages, or College, Career, and Technical Education – Academic as defined in Educator Licensure Policy 5.502.
- (2) Prospective educators from a state other than Tennessee that is a partner in the NASDTEC interstate agreement and who are seeking a practitioner teacher license shall meet the requirements of one (1) of the following pathways:
- (a) Out-of-State Pathway 1. The out-of-state prospective educator:
 1. Holds a bachelor's degree or higher from a regionally or nationally accredited college or university recognized by the Council for Higher Education Accreditation (CHEA) or the United States Department of Education (USDOE);
 2. Has completed an educator preparation program approved by a state other than Tennessee;
 3. Is recommended by the approved educator preparation provider; and
 4. Submits qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy.
 - (b) Out-of-State Pathway 2. The out-of-state prospective educator:
 1. Holds a bachelor's degree or higher from a regionally or nationally accredited college or university recognized by the Council for Higher Education Accreditation (CHEA) or the United States Department of Education (USDOE);
 2. Holds a full and valid initial level teacher license from a state other than Tennessee that is a partner in the NASDTEC interstate agreement;
 3. Has completed an educator preparation program approved by a state other than Tennessee; and
 4. Is recommended by the approved educator preparation provider.
 - (c) Out-of-State Pathway 3. The out-of-state prospective educator:
 1. Holds a bachelor's degree or higher from a regionally or nationally accredited college or university recognized by the Council for Higher Education Accreditation (CHEA) or the United States Department of Education (USDOE);
 2. Is enrolled in an educator preparation program with job-embedded clinical practice that is approved by a state other than Tennessee that has a state-recognized partnership with a Tennessee local education agency (LEA);
 3. Is recommended by the approved educator preparation provider; and
 4. Submits qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy.
- (3) Prospective educators from a state other than Tennessee that is a partner in the NASDTEC interstate agreement and who are seeking a professional academic teacher license shall meet requirements of one (1) of the following pathways:

- (a) Out-of-State Pathway 4. The out-of-state prospective educator:
 - 1. Holds a bachelor's degree or higher from a regionally or nationally accredited college or university recognized by the Council for Higher Education Accreditation (CHEA) or the United States Department of Education (USDOE); and
 - 2. Holds a full and valid professional-level license from a state other than Tennessee that is a partner in the NASDTEC interstate agreement.
- (b) Out-of-State Pathway 5. The out-of-state prospective educator:
 - 1. Holds a bachelor's degree or higher from a regionally or nationally accredited college or university recognized by the Council for Higher Education Accreditation (CHEA) or the United States Department of Education (USDOE); and
 - 2. Holds a valid certification from the National Board for Professional Teaching Standards.
- (4) A practitioner license may be renewed once upon completion of an approved educator preparation program and submission of qualifying scores on all State Board-required assessments as defined in the Professional Assessments for Tennessee Educators Policy prior to the end of the validity period of the first (1st) issuance of the practitioner license. An educator issued a practitioner teacher license following the issuance of a Limited License in accordance with Rule 0520-02-02-.13 of this Chapter, is not required to complete an approved educator preparation program to renew the license.
- (5) If the requirements for practitioner license renewal are not met prior to the end of the validity period of the first (1st) issuance of the practitioner license, the license shall expire. Educators who fail to apply for renewal prior to the expiration of the license shall have a grace period until October 1 following the date of expiration to apply for renewal. Applications for renewal submitted during the grace period shall demonstrate that the educator completed all requirements for license renewal (with the exception of submitting the application) prior to the end of the validity period.
- (6) An educator with a practitioner teacher license may seek to advance to a professional teacher license. In order to advance from a practitioner license to a professional license, an educator shall meet one (1) of the following sets of requirements:
 - (a) Option 1:
 - 1. Completed an approved educator preparation program and submitted qualifying scores on all State Board-required assessments as defined in the Professional Assessments for Tennessee Educators Policy prior to the end of the validity period of the first (1st) issuance of the practitioner license;
 - 2. Obtained three (3) years of qualifying experience as an educator as defined by the Department; and
 - 3. Earned thirty (30) professional development points or obtained the recommendation from a Director of Schools or leader of a charter school or the school's charter management organization (CMO).
 - (b) Option 2: Holds a full and valid professional-level license from a state other than Tennessee that is a partner in the NASDTEC interstate agreement or holds a full and valid professional-level occupational teaching license in Tennessee.
 - (c) Option 3: Holds a valid certification from the National Board for Professional Teaching Standards.

- (7) If the requirements for licensure advancement are not met prior to the end of the validity period of the second (2nd) issuance of the practitioner teacher license, then the license may be renewed. To renew the practitioner teacher license, an educator shall earn thirty (30) qualifying professional development points as defined in Educator Licensure Policy 5.502.
- (8) Educators who obtained the practitioner teaching license through the out-of-state pathway 4 prior to enactment of Public Chapter 125 of 2021 shall not be required to submit qualifying scores on State Board-required assessments to advance if:
- (a) The educator has been employed in a Tennessee public school in the area of endorsement; and
 - (b) The educator earned a level of overall effectiveness (LOE) score of "above expectations" or "significantly above expectations" in each of the first two (2) years immediately following the issuance of the individual's initial practitioner license; or
 - (c) If the educator did not receive an overall performance effectiveness level during one (1) or both of the two (2) years immediately following issuance of the educator's practitioner license, then the educator may:
 - 1. Choose to use the educator's most recent overall performance effectiveness level that is available to demonstrate an overall performance effectiveness level of "above expectations" or "significantly above expectations"; or
 - 2. The educator may request that the Director of Schools or the Director of the public charter school submit a recommendation to the Department of Education on the educator's effectiveness.
- (9) To renew the professional teacher license, an educator shall earn sixty (60) qualifying professional development points within the validity period of the license and as defined in the Educator Licensure Policy 5.502 or demonstrate two (2) years of qualifying experience as an educator as defined by the Department within the validity period of the license.
- (10) If the educator has not met the requirements for renewal at the end of the validity period of the professional license, then the license shall expire. Educators who fail to apply for renewal prior to the expiration of the license shall have a grace period until October 1 following the date of expiration to apply for renewal. Applications for renewal submitted during the grace period shall demonstrate that the educator completed all requirements for license renewal (with the exception of submitting the application) prior to the end of the validity period.
- (11) Educators may reactivate an expired license and endorsements held by meeting one (1) of the following requirements:
- (a) Option A (Professional License only): Earn sixty (60) qualifying professional development points as defined in the Educator Licensure Policy 5.502.
 - (b) Option B (Professional License only): Demonstrate two (2) years of qualifying experience as an educator as defined by the Department.
 - (c) Option C: Submit to the Department evidence of completion of an approved educator preparation program (if not already provided) and submit qualifying scores on all State Board-required assessments as defined in the Professional Assessments for Tennessee Educators Policy.
 - (d) Option D: Present a full and valid professional-level teaching license from a state other than Tennessee that is a partner in the NASDTEC interstate agreement.
 - (e) Option E: Submit to the Department evidence of current National Board Certification issued by the National Board for Professional Teaching Standards.

Authority: T.C.A. §§ 49-1-302, 49-5-108, and 49-5-5603. **Administrative History:** Repeal and new rules filed December 18, 2014; effective March 18, 2015. A stay of the rules was filed January 28, 2015; new effective date June 1, 2015. Emergency rules filed August 27, 2015; effective through February 23, 2016. Repeal and new rules filed October 27, 2015; effective January 25, 2016. Amendments filed October 16, 2017; effective January 14, 2018. Amendments filed August 16, 2019; effective November 14, 2019. Emergency rules filed April 16, 2020; effective through October 13, 2020. Amendments filed April 16, 2020; effective July 15, 2020. Emergency rules filed July 9, 2021; effective through January 5, 2022. Emergency rules expired effective January 6, 2022, and the rules reverted to their previous statuses. Amendments filed December 2, 2021; effective March 2, 2022.

0520-02-03-.05 REQUIREMENTS FOR SCHOOL SERVICES PERSONNEL LICENSES.

- (1) School services personnel licenses are available in the following areas:
 - (a) School speech-language pathologist;
 - (b) School speech-language pathology assistant;
 - (c) School audiologist;
 - (d) School psychologist;
 - (e) School counselor;
 - (f) School social worker; and
 - (g) School educational interpreter.
- (2) School speech-language pathologists shall hold a school services personnel license with the school speech-language pathologist endorsement.
 - (a) Candidates seeking a practitioner school services personnel license as a school speech-language pathologist shall meet one (1) of the following requirements:
 1. Submit qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy and hold an advanced degree in speech-language pathology from a regionally or nationally accredited college or university recognized by the Council for Higher Education Accreditation (CHEA) or the United States Department of Education (USDOE) with a speech-language program approved by the Council on Academic Accreditation in Audiology and Speech-Language Pathology; or
 2. Hold an advanced degree in speech-language pathology and hold a full and valid out-of-state initial level speech-language pathology license from a state that is a partner in the NASDTEC interstate agreement.
 - (b) Candidates seeking a professional school services personnel license as a school speech-language pathologist shall hold an advanced degree in speech-language pathology and meet one (1) of the following requirements:
 1. Hold a full and valid out-of-state professional level speech-language pathology license from a state that is a partner in the NASDTEC interstate agreement;
 2. Hold a valid license issued by the Tennessee Board of Communication Disorders and Sciences;
 3. Hold a valid license issued by an out-of-state Board of Communication Disorders and Sciences; or

4. Hold the Certificate of Clinical Competence from the American Speech-Language Hearing Association.
- (3) School speech-language pathology assistants shall hold a school services personnel license with the school speech-language pathology assistant endorsement.
 - (a) Candidates seeking a practitioner school services personnel license as a school speech-language pathology assistant shall meet one (1) of the following requirements:
 1. Hold a current Speech-Language Pathology Assistant Certification (SLPA-C) from the American Speech-Language & Hearing Association (ASHA);
 2. Hold a bachelor's degree with a major or concentration in speech-language pathology, communication disorders, or speech and hearing sciences from a regionally or nationally accredited college or university recognized by the Council for Higher Education Accreditation (CHEA) or the United States Department of Education (USDOE);
 3. Hold a valid registration with the Tennessee Board of Communication Disorders and Sciences as a speech-language pathology assistant;
 4. Hold a degree from a Speech-Language Pathology Assistant Program; or
 5. Hold a full and valid out-of-state initial level speech-language pathology assistant license from a state that is a partner in the NASDTEC interstate agreement and hold a bachelor's degree with a major or concentration in speech-language pathology, communication disorders, or speech and hearing sciences from a regionally or nationally accredited college or university recognized by the Council for Higher Education Accreditation (CHEA) or the United States Department of Education (USDOE) .
 - (b) Out-of-state candidates seeking a professional school services personnel license as a school speech-language pathology assistant shall hold a bachelor's degree with a major or concentration in speech-language pathology, communication disorders, or speech and hearing sciences from a regionally or nationally accredited college or university recognized by the Council for Higher Education Accreditation (CHEA) or the United States Department of Education (USDOE) and hold a full and valid out-of-state professional level speech-language pathology assistant license from a state that is a partner in the NASDTEC interstate agreement.
- (4) School audiologists shall hold a school services personnel license with the audiologist endorsement.
 - (a) Candidates seeking a practitioner school services personnel license as a school audiologist shall meet the requirements of one (1) of the following pathways
 1. Pathway 1: Submit qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy and meet one (1) of the following:
 - (i) Hold an advanced degree in audiology from a state or a regionally or nationally accredited college or university recognized by the Council for Higher Education Accreditation (CHEA) or the United States Department of Education (USDOE) with a graduate level program approved by the Council on Academic Accreditation in Audiology and Speech-Language Pathology; or
 - (ii) Hold a valid audiology license issued by the Tennessee Board of Communication Disorders and Sciences or the licensing board of a state other than Tennessee;

2. Pathway 2: Hold an advanced degree in audiology and hold a full and valid out-of-state initial level school audiologist license from a state that is a partner in the NASDTEC interstate agreement.
- (b) Out-of-state candidates seeking a professional school services personnel license as a school audiologist shall hold an advanced degree in audiology and hold a full and valid out-of-state professional level school audiologist license from a state that is a partner in the NASDTEC interstate agreement.
- (5) School psychologists shall hold a school services personnel license with the school psychologist endorsement.
 - (a) Candidates seeking a practitioner school services personnel license as a school psychologist shall meet the requirements of one (1) of the following pathways:
 1. Pathway 1: Submit qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy and meet one (1) of the following:
 - (i) Complete a State Board-approved graduate level educator preparation program in school psychology or a graduate level educator preparation program in school psychology approved for licensure by a state other than Tennessee; or
 - (ii) Hold a valid certificate as a Nationally Certified School Psychologist issued by the National School Psychology Certification System;
 2. Pathway 2: Hold an advanced degree in school psychology and hold a full and valid out-of-state initial level school psychologist license from a state that is a partner in the NASDTEC interstate agreement.
 - (b) Out-of-state candidates seeking a professional school services personnel license as a school psychologist shall hold an advanced degree in school psychology and hold a full and valid out-of-state professional level school psychologist license from a state that is a partner in the NASDTEC interstate agreement.
 - (6) School counselors shall hold a school services personnel license with the school counselor endorsement.
 - (a) Candidates seeking a practitioner school services personnel licensure and endorsement as a school counselor shall meet the requirements of one (1) of the following pathways:
 1. Pathway 1. The candidate:
 - (i) Holds an advanced degree in school counseling from a regionally or nationally accredited college or university recognized by the Council for Higher Education Accreditation (CHEA) or the United States Department of Education (USDOE) ;
 - (ii) Has completed a State Board-approved educator preparation program in school counseling;
 - (iii) Is recommended by the approved educator preparation provider; and
 - (iv) Submits qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy.
 2. Pathway 2. The candidate:

- (i) Holds a bachelor's degree or higher from a regionally or nationally accredited college or university recognized by the Council for Higher Education Accreditation (CHEA) or the United States Department of Education (USDOE) ;
 - (ii) Is enrolled in a State Board-approved educator preparation program in school counseling with a job embedded clinical practice;
 - (iii) Is recommended by the approved educator preparation provider; and
 - (iv) Submits qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy.
3. Pathway 3. The candidate:
- (i) Holds an advanced degree in a counseling field;
 - (ii) Is enrolled in a State Board-approved educator preparation program in school counseling;
 - (iii) Has completed a minimum of twenty-four (24) hours of coursework in school counseling;
 - (iv) Is recommended by the approved educator preparation provider;
 - (v) Submits required supervision agreement between the LEA and approved educator preparation provider; and
 - (vi) Submits qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy.
4. Pathway 4. The out-of-state candidate:
- (i) Holds an advanced degree in school counseling from a regionally or nationally accredited college or university recognized by the Council for Higher Education Accreditation (CHEA) or the United States Department of Education (USDOE);
 - (ii) Has completed an educator preparation program in school counseling approved by a state other than Tennessee as evidenced by a recommendation from the out-of-state educator preparation provider where the educator completed preparation; and
 - (iii) Submits qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy.
5. Pathway 5. The out-of-state candidate:
- (i) Holds an advanced degree in school counseling from a regionally or nationally accredited college or university recognized by the Council for Higher Education Accreditation (CHEA) or the United States Department of Education (USDOE); and
 - (ii) Holds a full and valid out-of-state initial level school counselor license from a state that is a partner in the NASDTEC interstate agreement.

- (b) Out-of-state candidates seeking a professional school services personnel licensure and endorsement as a school counselor shall hold an advanced degree in school counseling and hold a full and valid out-of-state professional level educator license from a state that is a partner in the NASDTEC interstate agreement.
 - (c) School counselors who serve in a supervisory role shall have a professional school services personnel license with an endorsement in school counseling.
- (7) School social workers shall hold a school services personnel license with the school social worker endorsement.
 - (a) Candidates seeking a practitioner school services personnel license as a school social worker shall meet the requirements of one (1) of the following pathways:
 - 1. Pathway 1: Meet one (1) of the following sets of requirements:
 - (i) Complete a State Board-approved educator preparation program in school social work, or an educator preparation program in school social work approved for licensure by a state other than Tennessee, and be recommended by the approved educator preparation provider; or
 - (ii) Hold a full and valid social worker license issued by the Tennessee Board of Social Workers or the licensing board of a state other than Tennessee.
 - 2. Pathway 2: Hold a bachelor's degree or higher in social work from a regionally or nationally accredited college or university recognized by the Council for Higher Education Accreditation (CHEA) or the United States Department of Education (USDOE) and hold a full and valid out-of-state initial level school social work license from a state that is a partner in the NASDTEC interstate agreement.
 - (b) Out-of-state candidates seeking a professional school services personnel licensure and endorsement as a school social worker shall hold a bachelor's degree or higher in social work and hold a full and valid out-of-state professional level license from a state that is a partner in the NASDTEC interstate agreement.
- (8) School educational interpreters shall hold a school services personnel license with the educational interpreter endorsement.
 - (a) Candidates seeking a practitioner school services personnel license as an educational interpreter shall meet the following requirements:
 - 1. Hold a bachelor's degree or higher from a regionally or nationally accredited college or university recognized by the Council for Higher Education Accreditation (CHEA) or the United States Department of Education (USDOE) ; and
 - 2. Meet one (1) of the following:
 - (i) Hold a current, nationally recognized certification in interpreting which includes a written examination related to ethics and practice;
 - (ii) Submit qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy; or
 - (iii) Holds a full and valid out-of-state initial level educational interpreter license from a state that is a partner in the NASDTEC interstate agreement.

- (b) Out-of-state candidates seeking a professional school services personnel license and endorsement as an educational interpreter shall hold a bachelor's degree or higher in educational interpreting and hold a full and valid out-of-state professional level educational interpreter license from a state that is a partner in the NASDTEC interstate agreement.
- (9) A practitioner school services personnel license may be renewed once upon completion of an approved educator preparation program, if enrollment in a program is required for issuance of the license, and submission of qualifying scores on all State Board-required assessments as defined in the Professional Assessments for Tennessee Educators Policy 5.105, prior to the end of the validity period of the first (1st) issuance of the practitioner license.
- (10) In order to advance from a practitioner school services personnel license to a professional school services personnel license, an educator shall meet one (1) of the following sets of requirements:
 - (a) Option 1:
 - 1. Where applicable, complete a State Board-approved educator preparation program and submit qualifying scores on all State Board-required assessments as defined in the Professional Assessments for Tennessee Educators Policy prior to the end of the validity period of the first (1st) issuance of the practitioner license;
 - 2. Obtain three (3) years of qualifying experience as defined by the Department; and
 - 3. Earn thirty (30) qualifying professional development points as defined in Educator Licensure Policy 5.502 or obtain the recommendation from a Director of Schools or leader of a charter school or the school's charter management organization (CMO).
 - (b) Option 2: Hold a full and valid professional-level school services personnel license from a state other than Tennessee that is a partner in the NASDTEC interstate agreement.
- (11) If the requirements for licensure advancement are not met prior to the end of the validity period of the second (2nd) issuance of the practitioner license, then the license may be renewed. To renew the practitioner school services personnel second (2nd) issuance license, an educator shall earn thirty (30) qualifying professional development points as defined in Educator Licensure Policy 5.502.
- (12) In order to renew the professional school services personnel license, educators must earn sixty (60) qualifying professional development points within the validity period of the license and as defined in the Educator Licensure Policy 5.502 or demonstrate two (2) years of qualifying experience as an educator as defined by the Department within the validity period of the license.
- (13) If the educator has not met the requirements for renewal at the end of the validity period of the professional school services personnel license, then the license shall expire. Educators who fail to apply for renewal prior to the expiration of the license shall have a grace period until October 1 following the date of expiration to apply for renewal. Applications for renewal submitted during the grace period shall demonstrate that the educator completed all requirements for license renewal (except for submitting the application) prior to the end of the validity period.
- (14) Educators may reactivate a school services personnel license and endorsements held by meeting one (1) of the following sets of requirements:
 - (a) Option A (Professional License only): Earning sixty (60) qualifying professional development points as defined in the Educator Licensure Policy 5.502.

- (b) Option B (Professional License only): Demonstrating two (2) years of qualifying experience as an educator as defined by the Department.
- (c) Option C: Submit to the Department evidence of completion of an approved educator preparation program (if not already provided and if enrollment in a program is required for issuance of the license) and submit qualifying scores on all State Board-required assessments as defined in the Professional Assessments for Tennessee Educators Policy 5.105.
- (d) Option D: Present a full and valid professional-level school services personnel license from a state other than Tennessee that is a partner in the NASDTEC interstate agreement; or
- (e) Option E: Submit evidence of an active national credential in the area of endorsement as outlined below:
 - 1. Speech-language Pathologists – Certificate of Clinical Competence in Speech-language Pathology (CCC-SLP) issued by the American Speech-language Hearing Association
 - 2. Audiologist – Certificate of Clinical Competence in Audiology (CCC-A) issued by the American Speech-language Hearing Association
 - 3. School Psychologist – National Certification in School Psychology issued by the National School Psychology Certification Board
 - 4. School Counselor – National Counselor Certification (NCC, CCMHC, MAS, or NCSC) issued by the National Board for Certified Counselors
 - 5. School Social Worker – Certified School Social Work Specialist (C-SSWS) issued by the National Association of Social Workers or Certification by the Academy of Certified Social Workers (NASW)
 - 6. Educational Interpreter – Professional Deaf Interpreter Credential issued by the National Association for the Deaf or Registry of Interpreters for the Deaf Certification.

Authority: T.C.A. §§ 49-1-302, 49-5-108, and 49-5-5603. **Administrative History:** Repeal and new rules filed December 18, 2014; effective March 18, 2015. A stay of the rules was filed January 28, 2015; new effective date June 1, 2015. Emergency rules filed August 27, 2015; effective through February 23, 2016. Repeal and new rules filed October 27, 2015; effective January 25, 2016. Amendments filed August 16, 2019; effective November 14, 2019. Emergency rules filed July 9, 2021; effective through January 5, 2022. Emergency rules expired effective January 6, 2022, and the rules reverted to their previous statuses. Amendments filed December 2, 2021; effective March 2, 2022.

0520-02-03-.08 REQUIREMENTS FOR THE ADJUNCT LICENSE.

- (1) An adjunct license may be issued to qualifying candidates seeking to teach no more than three (3) classes in a content area of critical shortage identified by the State Board.
 - (a) Prospective educators seeking an adjunct license shall meet the following requirements:
 - 1. Holds a bachelor's degree or higher from a regionally or nationally accredited college or university recognized by the Council for Higher Education Accreditation (CHEA) or the United States Department of Education (USDOE) in the content area in which they will be teaching or hold an active industry license or credential for the occupational area in which they will be teaching;

2. Have a minimum of five (5) years of relevant work experience, completed within the last ten (10) years in the content area in which they will be teaching;
 3. Complete an adjunct licensure program approved by the State Board; and
 4. Be recommended by the approved adjunct licensure program.
- (2) The adjunct license shall be valid for one (1) year and may renewed five (5) times. Prior to the first renewal, the candidate shall submit qualifying scores on required assessments as defined in the Professional Assessments for Tennessee Educators Policy 5.105.
 - (3) Individuals holding the adjunct license may only teach in the content area identified on the initial license and no additional endorsements may be added to the adjunct license.

Authority: T.C.A. § 49-1-302, T.C.A. § 49-5-108. **Administrative History:** Repeal and new rules filed December 18, 2014; effective March 18, 2015. A stay of the rules was filed January 28, 2015; new effective date June 1, 2015. Emergency rules filed August 27, 2015; effective through February 23, 2016. Repeal and new rules filed October 27, 2015; effective January 25, 2016

0520-02-03-.10 REQUIREMENTS FOR INSTRUCTIONAL LEADER LICENSES.

- (1) All principals, assistant principals, and supervisors serving as instructional leaders in Tennessee shall hold the appropriate instructional leader license.
- (2) Dual assignment personnel whose work assignment includes more than fifty percent (50%) instructional leadership responsibilities shall hold the appropriate instructional leader license.
- (3) Educators seeking the Instructional Leader License (ILL) shall meet the following requirements:
 - (a) Hold an advanced degree from a regionally or nationally accredited college or university recognized by the Council for Higher Education Accreditation (CHEA) or the United States Department of Education (USDOE);
 - (b) Have at least three (3) years of qualifying experience as an educator as defined by the Department;
 - (c) Have completed a State Board-approved instructional leader preparation program;
 - (d) Be recommended by the State Board-approved instructional leader preparation provider; and
 - (e) Submit qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy.
- (4) Educators from a state other than Tennessee who are seeking the ILL shall meet the following requirements:
 - (a) Out-of-State Pathway 1: The out-of-state prospective instructional leader shall:
 1. Hold an advanced degree from a regionally or nationally accredited college or university recognized by the Council for Higher Education Accreditation (CHEA) or the United States Department of Education (USDOE);
 2. Have at least three (3) years of qualifying experience as an educator as defined by the Department;
 3. Submit qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy; and

- (i) Have completed an instructional leader preparation program approved by a state other than Tennessee as demonstrated by a provider recommendation from the out-of-state instructional leader preparation program where the educator completed preparation; or
 - (ii) Hold a full and valid license, comparable to the Tennessee ILL, from a state other than Tennessee that is a partner in the NASDTEC interstate agreement.
- (5) Educators from a state other than Tennessee who are seeking the Instructional Leader License - Professional (ILL-P) shall meet the following requirements:
 - (a) Out-of-State Pathway 2. The out-of-state prospective instructional leader shall:
 - 1. Hold an advanced degree from a regionally or nationally accredited college or university recognized by the Council for Higher Education Accreditation (CHEA) or the United States Department of Education (USDOE);
 - 2. Have at least three (3) years of qualifying out-of-state experience as an educator as defined by the Department, of which, one (1) year must be as a school principal, assistant principal, or instructional supervisor; and
 - 3. Hold a full and valid license comparable to the ILL-P from a state other than Tennessee that is a partner in the NASDTEC interstate agreement.
- (6) Educators holding the ILL may renew the license through one (1) of the following pathways:
 - (a) Serve in a Tennessee Academy for School Leaders (TASL)-mandated position for at least two (2) years of the validity period of the license and be current in all TASL requirements; or
 - (b) Successfully complete a Department-approved instructional leadership training.
- (7) Educators enrolled in a State Board-approved instructional leader preparation program may apply for the Instructional Leader License–Aspiring (ILL-A). Educators holding the ILL-A may only serve as an assistant principal and may not serve as a principal or instructional supervisor. Educators seeking the ILL-A shall meet the following requirements:
 - (a) Have at least three (3) years of qualifying experience as an educator as defined by the Department;
 - (b) Be enrolled in a State Board-approved instructional leader preparation program; and
 - (c) Be recommended by the State Board-approved instructional leader preparation provider.
- (8) Candidates from a state other than Tennessee who are seeking the ILL-A shall meet the following requirements:
 - (a) Have at least three (3) years of qualifying experience as an educator as defined by the Department; and
 - (b) Have completed an instructional leader preparation program approved by a state other than Tennessee as demonstrated by:
 - 1. A full and valid license, comparable to the Tennessee ILL, from a state other than Tennessee that is a partner in the NASDTEC interstate agreement; or
 - 2. A provider recommendation from the out-of-state instructional leader preparation program where the educator completed preparation.

- (9) The ILL-A shall expire at the end of the validity period. The ILL-A is not renewable and cannot be reactivated.
- (10) Educators currently holding the ILL may seek advancement to the ILL-P through one (1) of the following advancement pathways:
 - (a) Tennessee Academy for School Leaders (TASL) Pathway. Educators seeking advancement through the TASL pathway shall meet the following requirements:
 - 1. Be recommended by the TASL director and be current in all TASL requirements;
 - 2. Successfully complete the Beginning Principals' Academy or the Beginning Supervisors' Academy; and
 - 3. Be recommended by the educator's director of schools or director of the public charter school verifying the educator has a minimum of two (2) years of successful experience as a principal, assistant principal, or an instructional supervisor as demonstrated by an overall evaluation rating of at expectations or higher on a state-approved administrator evaluation model during the most recent validity period of the ILL.
 - (b) Individual Professional Learning Plan (IPLP) Pathway. Educators seeking advancement through the IPLP pathway shall meet the following requirements:
 - 1. Be recommended by the TASL director;
 - 2. Successfully complete an Individual Professional Learning Plan in coordination with an approved instructional leader preparation program; and
 - 3. Be recommended by the educator's director of schools or director of the public charter school verifying the educator has a minimum of two (2) years of successful experience as a principal, assistant principal, or an instructional supervisor as demonstrated by an overall evaluation rating of at expectations or higher on a state-approved administrator evaluation model during the most recent validity period of the ILL.
- (11) Educators may renew the ILL-P through one (1) of the following pathways:
 - (a) TASL Pathway. Educators who currently serve in a TASL-mandated position shall meet all TASL requirements.
 - (b) Instructional Leadership Training Pathway. Educators who do not currently serve in a TASL-mandated position seeking renewal shall successfully complete a Department-approved instructional leadership training.
- (12) If the educator has not met the requirements for renewal or advancement at the end of the validity period of the instructional leader license, then the license shall become inactive. Educators who fail to apply for renewal prior to the expiration of the license shall have a grace period until October 1 following the date of expiration to apply for renewal. Applications for renewal submitted during the grace period shall demonstrate that the educator completed all requirements for license renewal (except for submission of the application) prior to the end of the validity period.
- (13) In order to reactivate an instructional leader license and endorsements held (with the exception of the ILL-A which is not eligible for reactivation), an educator shall submit to the Department evidence of completion of an approved leader preparation program (if not already provided) and shall either:
 - (a) Submit qualifying scores on all State Board-required assessments as defined in the Professional Assessments for Tennessee Educators Policy; or

- (b) Present a full and valid professional-level instructional leader license from a state other than Tennessee that is a partner in the NASDTEC interstate agreement.
- (14) Out-of-state prospective educators who are military spouses and who hold an active instructional leader license (initial or professional) from a state other than Tennessee that is a partner in the NASDTEC interstate agreement shall be issued the ILL-P upon providing documentation of active military dependent status and a recommendation from an approved educator preparation provider verifying completion of an approved instructional leader preparation program in a state other than Tennessee.

Authority: T.C.A. §§ 49-1-302, 49-5-108, and 49-5-5603. **Administrative History:** Repeal and new rules filed December 18, 2014; effective March 18, 2015. A stay of the rules was filed January 28, 2015; new effective date June 1, 2015. Emergency rules filed August 27, 2015; effective through February 23, 2016. Repeal filed October 27, 2015; effective January 25, 2016. New rules filed August 16, 2019; effective November 14, 2019. Emergency rules filed April 16, 2020; effective through October 13, 2020. Amendments filed April 16, 2020; effective July 15, 2020. Emergency rules filed July 9, 2021; effective through January 5, 2022. Emergency rules expired effective January 6, 2022, and the rules reverted to their previous statuses. Amendments filed December 2, 2021; effective March 2, 2022.

AMENDMENT
RULES
OF
THE STATE BOARD OF EDUCATION
CHAPTER 0520-02-04
EDUCATOR PREPARATION

0520-02-04-.04 APPROVAL OF EDUCATOR PREPARATION PROVIDERS.

- (1) Eligible organizations that wish to offer educator preparation programs in Tennessee must complete a two (2)-step approval process:
 - (a) The entity must receive initial approval by the State Board to begin serving as an EPP; and
 - (b) The EPP must undergo a comprehensive review to achieve full state approval to continue serving as an EPP within five (5) years of initial approval.
- (2) Eligible organizations seeking initial approval as an EPP in order to prepare and recommend candidates for licensure shall participate in the initial approval process by submitting a proposal to the Department that contains, at a minimum, the following information:
 - (a) Evidence that the entity has the capacity to serve as an EPP and provide programs leading to licensure or endorsement;
 - (b) Evidence for how the EPP will address all applicable educator preparation standards approved by the State Board, including:
 - 1. Content and pedagogical knowledge;
 - 2. Clinical partnerships and practice;
 - 3. Candidate quality, recruitment, and selectivity; and
 - 4. Provider quality assurance and continuous improvement.
 - (c) Geographic area to be served and documentation of the engagement of at least one (1) primary LEA or CMO partner;
 - (d) Plan for curriculum offerings, including delivery method and timeframe, clinical placements, and clinical supervision plans;
 - (e) A proposal for each SAP that, at a minimum, includes alignment to Tennessee academic standards, candidate assessment, relevant clinical experience(s), the professional education standards approved by the State Board, all applicable literacy standards, and applicable specialty area standards approved by the State Board;
 - (f) Evidence that the faculty who teach courses or provide direct coaching to teacher or instructional leader candidates possess sufficient knowledge, skills, training, and expertise;
 - (g) A description of admissions procedures, including the criteria which must be met in order for a candidate to be fully admitted to the licensure program;

- (h) Evidence of organizational and financial stability;
 - (i) Applicable provider characteristics, such as governance, control (private or public), regional or national accreditation agency, and THEC authorization; and
 - (j) If the provider is currently operating or has operated in Tennessee or any other state, data on program effectiveness, including but not limited to completion effectiveness, quality of district partnerships, and performance on annual reports, if available.
- (3) Proposals submitted for EPP initial approval shall be reviewed by the Department. After review of the proposal for initial approval, the Department shall recommend to the State Board one (1) of the following:
- (a) Initial approval. If initial approval is awarded, providers may begin enrolling and subsequently recommending candidates for licensure in approved specialty areas; or
 - (b) Denial of initial approval. If initial approval is denied, providers may not recommend candidates for licensure or identify programs as leading to licensure. Providers may submit a revised proposal for consideration during the next review period.
- (4) EPPs shall not publicize programs as leading to licensure prior to receiving initial approval.
- (5) All EPPs that receive initial approval shall submit annual report data to the Department.
- (6) Initial approval shall expire upon an EPP receiving full approval through the state-managed full-approval review or after five (5) years, whichever occurs first. If an EPP with initial approval has not received full approval within five (5) years, approval shall be revoked, and the EPP may no longer enroll or recommend candidates for licensure.
- (7) An EPP may seek full approval after three (3) years in operation under initial approval by requesting a state-managed full-approval review.
- (8) Upon completion of the full-approval review, the Department shall recommend to the State Board one (1) of the following:
- (a) Full approval. The EPP meets one (1) of the following statuses and may recommend candidates for licensure:
 - 1. Exemplary status. The EPP exceeds expectations on a majority of the standards and meets expectations on all other standards.
 - 2. Full approval. The EPP meets expectations on all standards.
 - 3. Full approval, minor stipulations. The EPP meets expectations on all standards, but falls below expectations on one (1) or more components across multiple standards. The EPP shall submit to the Department a plan for addressing the areas in need of improvement within three (3) months of receiving full approval, minor stipulations. The Department shall annually review the EPP's progress on the submitted plan for improvement. If the EPP has adequately addressed the areas in need of improvement, the Department may recommend to the State Board removal of the minor stipulations for the remainder of the approval period of the EPP. If, within a three (3)-year period, the Department determines the areas in need of improvement are not adequately addressed, the EPP may be required to participate in an interim review.
 - (b) Probationary approval, major stipulations. The EPP meets expectations on three (3) or more standards but falls below expectation on one (1) or more standard(s). An EPP that is issued probationary approval may recommend candidates for licensure but

shall submit to the Department an improvement plan for addressing the areas in need of improvement within three (3) months of receiving probationary approval status from the State Board. Each year, the EPP shall present evidence that the provider is implementing the improvement plan and making progress toward meeting expectations. The EPP shall also participate in a focused review within three (3) years of receiving probationary approval from the State Board. The EPP shall not submit SAP proposals for conditional approval until the Department determines all deficiencies have been adequately addressed. The EPP shall specifically report on the progress made in each area of deficiency on their annual report for the three (3) years following the issuance of probationary approval.

- (c) Denial of approval. The EPP falls below expectations on two (2) or more standards. EPPs that are denied approval shall no longer enroll new candidates for licensure and shall notify all current candidates of the denial of approval status of its program. Denied EPPs may continue to serve candidates who can complete the program by the end of the semester that falls twelve (12) months after the date of the denial of approval. The EPP shall assist candidates who are unable to complete the program within this period in transferring to another degree program at the institution or to another approved EPP. The EPP may not re-apply for initial approval for at least three (3) years from the date of denial.
- (9) The State Board has final authority on all provider and program decisions related to educator preparation.

Authority: T.C.A. §§ 49-1-302, 49-5-101, and 49-5-108. **Administrative History:** Original rule filed March 16, 1992; effective June 29, 1992. Amendment filed May 28, 1999; effective September 28, 1999. Repeal filed May 29, 2015; effective August 27, 2015. Emergency rules filed January 28, 2019; effective through July 27, 2019. Amendments filed January 28, 2019; effective April 28, 2019. Amendments filed October 25, 2023; effective January 23, 2024.

0520-02-04-.08 ADMISSION TO EDUCATOR PREPARATION PROGRAMS.

- (1) Candidates for admission to a baccalaureate-level educator preparation program shall, at a minimum, meet the following criteria:
 - (a) A minimum postsecondary grade point average (GPA) of 2.75 at the time of admission to the EPP;
 - (b) A qualifying score on the Praxis Core, ACT or SAT assessment defined in the State Board's Educator Preparation Policy; and
 - (c) Supply a fingerprint sample and submit to a criminal history records check to be conducted by the Tennessee Bureau of Investigation (TBI) and the Federal Bureau of Investigation (FBI) in accordance with T.C.A. § 49-5-5610.
- (2) Candidates for admission to a post-baccalaureate educator preparation program shall, at a minimum, meet the following criteria:
 - (a) Evidence of a bachelor's degree or higher from a regionally or nationally accredited college or university recognized by the Council for Higher Education Accreditation (CHEA) or the United States Department of Education (USDOE);
 - (b) A minimum overall GPA of 2.75 from a completed baccalaureate or post-baccalaureate degree program or a GPA of 3.00 in the most recent sixty (60) credit hours earned at a regionally or nationally accredited college or university recognized by the Council for Higher Education Accreditation (CHEA) or the United States Department of Education (USDOE);

- (c) Supply a fingerprint sample and submit to a criminal history records check to be conducted by the Tennessee Bureau of Investigation (TBI) and the Federal Bureau of Investigation (FBI) in accordance with T.C.A. § 49-5-5610; and
 - (d) For admission to programs that include job-embedded clinical practice, a degree with a major in the specialty area or qualifying scores on the required content assessment defined in the State Board's Professional Assessments for Tennessee Educators Policy.
- (3) Candidates for admission to an ILPP shall, at a minimum, meet the following criteria:
 - (a) Have successfully completed an educator preparation program and hold a valid teacher license from Tennessee or from a state other than Tennessee;
 - (b) Have at least two (2) years of qualifying education experience as defined by the Department;
 - (c) Have demonstrated effectiveness as an educator in the most recent two (2) years as evidenced by a state-approved evaluation model or similar measure for educators employed in schools that do not utilize a state-approved evaluation model;
 - (d) Have demonstrated leadership potential in accordance with guidelines developed by the Department; and
 - (e) Be recommended by an LEA and participate in an interview conducted by a program admissions committee.
- (4) EPPs may establish additional or more rigorous admission requirements than the state minimum requirements, provided they are in compliance with all state and federal laws, rules, and regulations.
- (5) To admit candidates on appeal, EPPs must submit an admissions appeal procedure process to the Department for approval. If the Department denies an admissions appeal procedure process, the EPP shall not admit candidates on appeal. Each EPP with an approved admission appeal procedure shall report to the Department the names, academic qualifications, and basis on which candidates were admitted on appeals each year.
- (6) Each EPP shall report to the Department each candidate admitted to the educator preparation program and identify each candidate admitted on appeal.

Authority: T.C.A. §§ 49-1-302, 49-5-101, and 49-5-108. **Administrative History:** Original rule filed March 16, 1992; effective June 29, 1992. Expired rules edited by Secretary of State in October 1996. Repeal filed May 29, 2015; effective August 27, 2015. Emergency rules filed January 28, 2019; effective through July 27, 2019. Amendments filed January 28, 2019; effective April 28, 2019.

0520-02-04-.10 CLINICAL EXPERIENCES.

- (1) Each EPP shall provide candidates with clinical experiences. EPPs shall design these experiences to provide candidates with opportunities to build and demonstrate content knowledge, pedagogical knowledge, and pedagogical content knowledge. These experiences shall reflect the breadth of the grade span and the depth of the content reflected by the specialty area(s) in which the candidate is being prepared.
- (2) Each candidate shall complete field experiences and at least one (1) clinical practice in order to successfully complete an educator preparation program.
- (3) EPPs shall ensure candidates complete a clinical practice in the appropriate licensure and endorsement area.

- (4) Field experiences shall provide early and ongoing practice opportunities to apply content and pedagogical knowledge in settings reflective of the specialty area(s) in which the candidate is being prepared.
- (5) EPPs shall develop requirements for completion of clinical practice and outline the causes and procedures by which the clinical practice can be terminated. Candidates who do not successfully complete clinical practice shall not be recommended for licensure.
- (6) Prior to participating in a clinical practice, post-baccalaureate program candidates shall receive training on the professional education standards.
- (7) Clinical practice sites may include Tennessee public schools, including public charter schools and Tennessee state special schools, or Category 1, 2, or 3 non-public schools. Category 4 and 5 schools shall not be used as placement sites. These categories are defined in State Board Rule 0520-07-02. If extraordinary circumstances arise that prevent a candidate from completing the clinical experience in Tennessee, the EPP may request permission for the candidate to complete the clinical practice in another state. Information of candidates who complete the clinical practice outside of Tennessee shall be included as part of the comprehensive review process.
- (8) EPPs shall ensure all candidates participating in a clinical practice have a school-based clinical mentor.
- (9) Educators who serve as a school-based clinical mentor in a public school setting shall, at a minimum:
 - (a) Hold an active Tennessee license with an endorsement in the area or a closely related area where they will be supervising the candidate;
 - (b) Have a level of overall effectiveness of above expectations or significantly above expectations for the prior school year; and
 - (c) Have a minimum of three (3) years of experience as a teacher, school services personnel, or instructional leader, as applicable.
- (10) Clinical mentors shall be selected jointly by the EPP and the partner LEA and/or CMO.
- (11) Clinical mentors shall, in cooperation with the EPP clinical supervisor, direct the activities of the candidate in the classroom.
- (12) EPPs shall coordinate with LEAs and/or CMOs to ensure clinical mentors are provided release time for counseling, observation, evaluation, or other activities related to the clinical practice that occur during the school day.
- (13) Beginning on July 1, 2026, clinical mentors supervising candidates completing an Internship clinical practice, as defined in Educator Preparation Policy 5.504, shall use an observation tool approved by the Department.

Authority: T.C.A. §§ 49-1-302, 49-5-101, and 49-5-108. **Administrative History:** Original rule filed March 16, 1992; effective June 29, 1992. Expired rules edited by Secretary of State in October 1996. Amendment filed May 28, 1999; effective September 28, 1999. Amendment filed April 28, 2000; effective August 28, 2000. Repeal filed May 29, 2015; effective August 27, 2015. Emergency rules filed January 28, 2019; effective through July 27, 2019. Amendments filed January 28, 2019; effective April 28, 2019. Amendments filed May 27, 2021; effective August 25, 2021. Amendments filed October 25, 2023; effective January 23, 2024.

NEW
RULES
OF
THE STATE BOARD OF EDUCATION

CHAPTER 0520-01-02
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0520-01-02-.34 EQUITABLE SERVICES FOR STUDENTS IN NON-PUBLIC SCHOOLS.

- (1) LEAs shall count students in kindergarten through twelfth (12th) grade (K-12) who are parentally placed in a home school the same as students who are parentally placed in a private school for the purpose of calculating the proportionate share of federal funds and providing equitable services to the student under the Every Student Succeeds Act (ESSA), the Individuals with Disabilities Education Act (IDEA), and the Strengthening Career and Technical Education Act (Perkins V). LEAs shall calculate the proportionate share of federal funds and provide equitable services for students parentally placed in a home school in accordance with Department guidelines.

Authority: T.C.A. § 49-1-302; 20 U.S.C. § 1412(a)(10)(A); 20 U.S.C. § 2317(b); 20 U.S.C. § 7881(a)(1).
Administrative History:

AMENDMENT
RULES
OF
THE STATE BOARD OF EDUCATION
CHAPTER 0520-01-03
ACADEMIC AND INSTRUCTIONAL REQUIREMENTS

0520-01-03-.16 PROMOTION AND RETENTION.

- (1) The academic program implemented in each public school shall be designed to help students achieve the expectations of the grade-level State Board approved Tennessee Academic Standards and meet the requirements for promotion to the next grade.
- (2) Promotion to the next grade level shall be based on the successful completion of required academic work or demonstration of satisfactory progress in each of the relevant academic areas.
- (3) Each LEA and public charter school governing body shall develop and implement promotion and retention policies for students in grades Kindergarten through eight (K-8) in accordance with T.C.A. § 49-6-3115, this Rule, and the State Board's Promotion and Retention Policy 3.300. The LEA or public charter school's promotion and retention policy shall include a right for the parent or legal guardian to appeal a decision to retain a student.
- (4) Schools shall identify students who demonstrate difficulty in achieving the requirements for promotion to the next grade level and therefore may be at risk for retention by February 1. However, a student may be identified as at risk for retention after February 1 if reasons for identifying a student as at risk for retention are identified in a lawfully adopted local board policy that identifies limited situations in which students may be identified as at risk for retention. Schools shall notify the parent or legal guardian of any student who is identified as at risk for retention within fifteen (15) calendar days of identification.
- (5) Factors used to identify students who are at risk for retention shall, at a minimum, include:
 - (a) The student's ability to perform at the expectations of the current grade-level standards;
 - (b) The results of local assessments, screening, or monitoring tools;
 - (c) State assessments, as applicable;
 - (d) Home Literacy Reports provided in accordance with T.C.A. § 49-1-905;
 - (e) The overall academic achievement of the student;
 - (f) The student's likelihood of success with more difficult material if promoted to the next grade;
 - (g) The student's attendance record; and
 - (h) The student's maturity.
- (6) A parent or guardian of a student enrolled in any of the grades kindergarten through two (K-2) may elect to retain the parent's or guardian's student in the student's current grade level if the student has a documented academic or behavioral delay and the parent or guardian believes that retention may benefit the student. If a parent or guardian elects to retain the parent's or guardian's student, the parent or guardian shall notify the student's school, in writing, within thirty

(30) calendar days of the conclusion of the current school year.

(a) For the purposes of this Rule, a documented academic delay is defined as:

1. Receiving Tier III academic intervention(s) through the Tennessee's Response to Instruction and Intervention (RTI²) Framework; and
2. Having a current student intervention plan in the area(s) of reading or math or an Individual Learning Plan - Characteristics of Dyslexia (ILP-D) in accordance with State Board Rule 0520-01-22.

(b) For the purposes of this Rule, a documented behavioral delay is defined as:

1. Receiving Tier III behavior intervention(s) through the Tennessee's Response to Instruction and Intervention (RTI²) Framework; and
2. Having a current student intervention plan for behavior;

(c) If a parent or guardian elects to retain the parent's or guardian's student in the student's current grade level pursuant to this paragraph (6), then the LEA or public charter school in which the student is enrolled shall retain the student in the student's current grade level at the parent's or guardian's request subject to the requirements in paragraph (7)(g) of this Rule.

(7) Schools shall develop and implement an individualized promotion plan for any student identified as at risk for retention to help the student avoid retention.

(a) The individualized promotion plan shall be developed in coordination with the student's teachers, IEP or 504 team, if applicable, and may also include input from the student's parents, school counselor, or other appropriate school personnel. All promotion plans shall include evidence-based promotion strategies and shall be tailored to the student's learning needs. Each promotion plan shall also include expectations and measurements that can be used to verify that a student has made sufficient progress to be promoted to the next grade level. Promotion plans for students in grades three (3) and four (4) shall include the additional requirements for promotion set forth in paragraph (8) of this Rule.

(b) A copy of a student's promotion plan shall be provided to his or her parent or legal guardian, and the school shall offer to parents or legal guardians the opportunity for a parent-teacher conference to discuss the promotion plan.

(c) If a student is not making progress on his or her promotion plan, then the promotion strategies shall be modified to support the student in the goal of promotion to the next grade level. A student who demonstrates sufficient academic progress with the strategies included in his or her promotion plan during the school year shall be promoted to the next grade level unless retention is required, as set forth in paragraph (8) of this Rule.

(d) If a student has not demonstrated sufficient academic progress as defined in his or her promotion plan by the end of the school year, the student shall be eligible to enroll in a summer reading or learning program if such program is available. For a student in grade three (3) who is identified for retention in accordance with paragraph (8) of this Rule and attends a summer reading or learning program, the program must be conducted in accordance with T.C.A. § 49-6-3115 and T.C.A. §§ 49-6-1501–1511.

(e) If the student was enrolled in a summer reading or learning program, a decision for retention shall be made and communicated to the parent or legal guardian in writing at least ten (10) calendar days prior to the start of the next school year, or, if the student was not enrolled in a summer reading or learning program, a decision for retention shall be made and communicated to the parent or legal guardian in writing at least thirty (30) calendar days prior to the start of the next school year. The notification to the

student's parent or legal guardian of the retention decision shall be in writing and sent electronically and shall include information regarding the parent or legal guardian's right to appeal the retention decision in alignment with the LEA or public charter school's promotion and retention policy.

- (f) Retention shall be considered only when it is in the best interests of the student, or if retention is required by paragraph (8) for students in grades three (3) and four (4). Retention decisions affecting a student receiving special education services shall be made in consultation with the student's Individualized Education Program (IEP) or 504 team and in accordance with the provisions of the IEP or 504 plan.
- (g) If a retention decision has been made, then the school shall develop an individualized academic remediation plan for the retained student within thirty (30) calendar days after the beginning of the next school year. A copy of the academic remediation plan shall be provided to the student's parent or legal guardian within ten (10) calendar days of development of such plan.
 - 1. The academic remediation plan shall be developed in coordination with the student's teachers, IEP or 504 team, if applicable, and may also include input from the student's parents, school counselor, or other appropriate school personnel.
 - 2. The academic remediation plan shall be implemented to help the retained student attain and demonstrate learning proficiency and shall include at least one (1) of the following strategies:
 - (i) Adjustment to the current instructional strategies or high-quality instructional materials;
 - (ii) Additional instructional time;
 - (iii) Individual tutoring;
 - (iv) Modification to the student's classroom assignment to ensure the student receives instruction from a teacher with a level of overall effectiveness of above expectations (level 4) or significantly above expectations (level 5); or
 - (v) Attendance or truancy interventions.
- (h) A student shall not be retained more than one (1) time in any given grade level.
- (i) Retention shall not:
 - 1. Be used without an academic remediation plan;
 - 2. Be used as a punitive or disciplinary measure;
 - 3. Be based solely on English language proficiency, for students who are identified as English learners;
 - 4. Be based on the student's disability or suspected disability; or
 - 5. Be based solely on a student's maturity.
- (j) This Rule does not supersede an LEA's or public charter school's obligation to comply with the Individuals with Disabilities Education Act (20 U.S.C. §§ 1400 et seq.), Section 504 of the Rehabilitation Act (29 U.S.C. § 794), Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d), the Equal Education Opportunities Act of 1974 (20 U.S.C. § 1701 et seq.), or any other federal or state law related to students with disabilities and English

learners.

- (k) The progress of a retained student shall be closely monitored and reported to the student's parent or legal guardian a minimum of three (3) times during the school year in which the student is retained.
 - (l) Beginning with the 2023-2024 school year, a student who is retained in any of the grades kindergarten through three (K-3) shall be assigned a tutor to provide the student with tutoring services for the entirety of the upcoming school year based on tutoring requirements established by the Department.
- (8) Each LEA and public charter school shall comply with the following additional requirements for promotion and retention of students in grade three (3) and four (4), in accordance with T.C.A. § 49-6-3115. Each LEA and public charter school shall notify parents or legal guardians of all students in grade three (3) and grade four (4) of the following promotion and retention requirements at the beginning of each school year:
- (a) A student in grade three (3) shall not be promoted to the next grade level unless the student is determined to be proficient in English language arts (ELA) based on the student's achieving a performance level rating of "on track" or "mastered" (otherwise known as "met expectations" or "exceeded expectations") on the ELA portion of the student's most recent Tennessee comprehensive assessment program (TCAP) test.
 - (b) Notwithstanding paragraph (8)(a):
 - 1. A student in grade three (3) who is not proficient in ELA, as determined by the student's achieving a performance level rating of "approaching" on the ELA portion of the student's most recent TCAP test, may be promoted to the fourth (4th) grade if:
 - (i) Pathway 1: The student is an English language learner and has received less than two (2) full school years of ELA instruction;
 - (ii) Pathway 2: The student was previously retained in any of the grades kindergarten through three (K-3);
 - (iii) Pathway 3: The student is retested in accordance with Department guidelines before the beginning of the next school year and scores proficient in ELA;
 - (iv) Pathway 4: The student attends a learning loss bridge camp before the beginning of the upcoming school year, maintains a ninety percent (90%) attendance rate at the camp, and the student's performance on the post-test administered to the student at the end of the learning loss bridge camp, as required under T.C.A. § 49-6-1502(4)(F), demonstrates adequate growth, as defined in the State Board's Promotion and Retention Policy 3.300;
 - (v) Pathway 5: The student receives high-dosage, low-ratio tutoring for the entirety of the upcoming school year from a Tennessee accelerating literacy and learning corps (TN ALL Corps) tutor. For the purposes of this Rule, "high-dosage, low-ratio tutoring" means a minimum of two (2) thirty (30) minute sessions per week with a one to three (1:3) teacher to student ratio. TN ALL Corps high-dosage, low-ratio tutoring may be provided through the following options, in accordance with T.C.A. § 49-6-1507:
 - (I) A tutor recruited and trained through the Department's TN ALL Corps grant program;

- (II) A district recruited tutor who has completed the Department's TN ALL Corps training; or
 - (vi) Pathway 6: Beginning with third (3rd) grade students in the 2023-24 school year, the student demonstrates proficiency in ELA standards based on the student scoring at or above the fiftieth (50th) percentile on the most recently administered state-provided benchmark assessment, if the benchmark assessment is administered to the student in a test environment, in accordance with Department guidance, and the student's LEA or public charter school agrees to provide tutoring services to the student for the entirety of the student's fourth (4th) grade year.
 - (I) If a student is promoted to the fourth (4th) grade pursuant to this Pathway 6, then the student's LEA or public charter school shall notify the student's parent or guardian, in writing, of the benefits of enrolling their student in a learning loss bridge camp and encouraging the parent or guardian to do so.
 - (II) For the purposes of Pathway 6, "state-provided benchmark assessment" means the Tennessee Universal Reading Screener provided by the Department.
 - (III) The tutoring services provided to the student for the entirety of the student's fourth (4th) grade year must be high-dosage, low-ratio tutoring. For the purposes of this Rule, "high-dosage, low-ratio tutoring" means a minimum of two (2) thirty (30) minute sessions per week with a one to three (1:3) teacher to student ratio. TN ALL Corps high-dosage, low-ratio tutoring may be provided through the following options, in accordance with T.C.A. § 49-6-1507:
 - I. A tutor recruited and trained through the Department's TN ALL Corps grant program.
 - II. A district recruited tutor who has completed the Department's TN ALL Corps training.
2. A student in grade three (3) who is not proficient in ELA, as determined by the student's achieving a performance level rating of "below" on the ELA portion of the student's most recent TCAP test may be promoted to the fourth (4th) grade if:
- (i) Pathway 1: The student is an English language learner and has received less than two (2) full school years of ELA instruction;
 - (ii) Pathway 2: The student was previously retained in any of the grades kindergarten through three (K-3);
 - (iii) Pathway 3: The student retested in accordance with Department guidelines before the beginning of the next school year and scores proficient in ELA; or
 - (iv) Pathway 4: The student attends a learning loss bridge camp before the beginning of the upcoming school year and maintains a ninety percent (90%) attendance rate at the camp, and receives high-dosage, low-ratio tutoring for the entirety of the upcoming school year from a Tennessee accelerating literacy and learning corps (TN ALL Corps) tutor. For the purposes of this Rule, "high-dosage, low-ratio tutoring" means a minimum of two (2) thirty (30) minute sessions per week with a one to

three (1:3) teacher to student ratio. TN ALL Corps high-dosage, low-ratio tutoring may be provided through the following options, in accordance with T.C.A. § 49-6-1507:

- (a) A tutor recruited and trained through the Department's TN ALL Corps grant program.
- (b) A district recruited tutor who has completed the Department's TN ALL Corps training.
- (c) A student who is promoted to the fourth (4th) grade pursuant to paragraph (8)(b)1.(v) or (8)(b)2.(iv) of this Rule may be promoted to the fifth (5th) grade by showing adequate growth on the fourth (4th) grade ELA portion of the TCAP test as further defined in State Board Promotion and Retention Policy 3.300.
- (d) Notwithstanding paragraph (8)(c):
 - 1. If a student who is promoted to the fourth (4th) grade pursuant to paragraph (8)(b)1.(v) or (8)(b)2.(iv) of this Rule does not demonstrate adequate growth on the fourth (4th) grade ELA portion of the TCAP test, the student's LEA or public charter school shall convene a conference that includes the following categories of participants: the student's parent or legal guardian, the student's ELA teacher, and student's principal. The recommendation made by a majority of the categories of participants in the conference shall determine whether the student is:
 - (i) Promoted to fifth (5th) grade and receives tutoring for the entirety of the upcoming school year. Fifth (5th) grade tutoring requirements shall be established by the Department; or
 - (ii) Retained in the fourth (4th) grade.
- (e) Notwithstanding paragraph (d)(1)(ii), a student shall not be retained in fourth (4th) grade more than once.
- (f) The requirements set forth in paragraphs (8)(a)–(d) do not supersede an LEA's or public charter school's obligation to comply with the Individuals with Disabilities Education Act (20 U.S.C. §§ 1400 et seq.) or Section 504 of the Rehabilitation Act (29 U.S.C. § 794).
 - 1. In accordance with T.C.A. § 49-6-3115, an LEA or public charter school shall not retain a student with a disability or a suspected disability that impacts their ability to read.
 - 2. Retention and promotion decisions shall be made on a case-by-case basis and in consultation with the student's IEP and/or 504 team to determine whether the student's performance on the ELA TCAP was due to the student's disability. Such consultation includes, but is not limited to, a review of evaluation and eligibility data, input from the student's teachers and parents, benchmark assessments, and classroom performance.
- (g) Appeals to the Department.
 - 1. The parent or legal guardian of a student who is identified for retention in third (3rd) grade pursuant to paragraph (8)(a) based on the student's achieving a performance level rating of "approaching" on the ELA portion of the student's most recent TCAP test, may appeal directly to the Department. A parent or legal guardian may provide written consent, on a form provided by the Department to LEAs and public charter schools, for a school principal, guidance counselor,

teacher, or other administrator of the student's school to file an appeal for the student on behalf of the parent or legal guardian. The LEA or public charter school shall fully inform the parent or legal guardian of the student's pathways to fourth (4th) grade promotion prior to the parent or legal guardian signing the consent form. Signed consent forms shall be collected by the LEA or public charter school either electronically or on paper and shall be maintained for monitoring purposes by the LEA or public charter school.

- (i) A decision to retain a student for any other reason, as set forth in paragraphs (1)–(6) of this Rule may be appealed at the local level only, pursuant to the LEA or public charter school's promotion and retention policy.
- 2. The appeal process for a student who is identified for retention in third (3rd) grade pursuant to paragraph (8)(a) based on the student's achieving a performance level rating of "approaching" on the ELA portion of the student's most recent TCAP test shall be administered by the Department. Information regarding the appeals process and timelines shall be posted on the Department's website. All appeals shall be submitted on the appeal forms provided by the Department and posted on its website. If an appeal is not submitted on the appropriate appeal form, the appeal shall be denied.
- 3. The Department shall open the appeals window no later than five (5) business days after the Department releases individual student results to LEAs and public charter schools for the ELA portion of the 3rd grade TCAP. All appeals shall be submitted within the appeals window determined by the Department. The Commissioner's designee(s) shall review all properly submitted appeals, make a determination, and issue an electronic notification of the decision to the parent or legal guardian within fourteen (14) calendar days of receiving the appeal. An extension of the fourteen (14) calendar day timeline is permitted if the Commissioner determines exceptional circumstances exist with respect to a particular appeal requiring the Department to request additional information necessary to make a determination.
- 4. The Commissioner's designee(s) may overturn the identification of a student as at risk for retention in third (3rd) grade pursuant to paragraph (8)(a) and allow the student to be promoted to the fourth (4th) grade if one (1) or more of the following grounds is met:
 - (i) Ground 1:
 - (I) The parent or legal guardian of the student agrees they were provided notice of all requirements of a Ground 1 appeal and agrees that their student will comply with all requirements of a Ground 1 appeal if the Commissioner's designee overturns the identification of the student as at risk for retention in 3rd grade;
 - (II) For the 2023-24 academic year, the student scores at or above the fortieth (40th) percentile on a State Board-approved universal reading screener identified in State Board Universal Reading Screener Policy 3.302 and administered by the LEA or public charter school;
 - (III) For the 2024-25 academic year and thereafter, the student scores at or above the fortieth (40th) percentile on the Tennessee Universal Reading Screener provided by the Department and administered by the LEA or public charter school;

(IV) The principal of the student's school agrees to develop an academic remediation plan for the student. The academic remediation plan shall be developed in coordination with the student's teachers, IEP or 504 team, if applicable, and may also include input from the student's parents, school counselor, or other appropriate school personnel. The academic remediation plan shall include evidence-based strategies tailored to the student's learning needs. These evidence-based strategies shall include at least one (1) of the following:

- I. Adjustment to current instructional strategies or high-quality instructional materials;
- II. Additional instructional time;
- III. Modification to the student's classroom assignment to ensure the student receives instruction from a teacher with a level of overall effectiveness of above expectations (level 4) or significantly above expectations (level 5); or
- IV. Placement of the student in a classroom with a reduced class size.

(V) The student's current ELA teacher and school principal provide a unanimous recommendation that the student be promoted to the 4th grade; and

(VI) The student's LEA or public charter school agrees to provide high-dosage low-ratio tutoring services to the student for the entirety of the student's fourth (4th) grade year. "High-dosage, low-ratio tutoring" means a minimum of two (2) thirty (30) minute sessions per week with a one to three (1:3) teacher to student ratio. TN ALL Corps high-dosage, low-ratio tutoring may be provided through the following options, in accordance with T.C.A. § 49-6-1507:

- I. A tutor recruited and trained through the Department's TN ALL Corps grant program.
- II. A district recruited tutor who has completed the Department's TN ALL Corps training.

(ii) Ground 2:

(I) The parent or legal guardian of the student identified as at risk for retention in third (3rd) grade pursuant to paragraph (8)(a), or the school personnel authorized to file an appeal on behalf of the parent or legal guardian, documents that a catastrophic situation occurred on the third (3rd) grade ELA TCAP test date or within sixty (60) calendar days leading up to the third (3rd) grade ELA TCAP test administration (and any makeup opportunities) that impacted the student and impeded the student's ability to demonstrate the student's current level of knowledge on the test. Examples of a catastrophic situation include, but are not limited to, a death in the immediate family, loss of a family home, or significant medical diagnosis.

5. If the Commissioner overturns the identification of a student as at risk for

retention in third (3rd) grade pursuant to a successful Ground 1 appeal under this subparagraph (g), the student may enroll in summer programming opportunities provided by the student's LEA or public charter school if the LEA or public charter school determines sufficient space is available.

6. If the Commissioner overturns the identification of a student as at risk for retention in third (3rd) grade pursuant to a successful Ground 2 appeal under this subparagraph (g), the student may enroll in summer programming and/or tutoring opportunities provided by the student's LEA or public charter school, if the LEA or public charter school determines sufficient space is available.

Authority: T.C.A. §§ 49-1-302; 49-6-311; 49-6-1501, et seq.; 49-6-3001; and 49-6-3115. **Administrative History:** New rule filed September 6, 2022; effective December 5, 2022. Amendments filed March 12, 2024; effective June 10, 2024.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: 08/16/2024

Signature: 

Name of Officer: P. Danielle Nellis

Title of Officer: Deputy General Counsel

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Tre Hargett
Secretary of State

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