

**Department of State
Division of Publications**

312 Rosa L. Parks Ave., 8th Floor, Snodgrass/TN Tower
Nashville, TN 37243
Phone: 615-741-2650
Email: publications.information@tn.gov

For Department of State Use Only

Sequence Number: 10-25-19
Notice ID(s): 3029
File Date: 10/29/19

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:	Angie Sanders
Address:	500 James Robertson Parkway, 5 th Floor, Nashville, TN 37243
Phone:	615 741-2966
Email:	Angela.C.Sanders@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:	Angie Sanders
Address:	500 James Robertson Parkway, 5 th Floor, Nashville, TN 37243
Phone:	615 741-2966
Email:	Angela.C.Sanders@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 :	12/20/2019		
Hearing Time:	11:00 am	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

Additional Hearing Information:

Please bring identification so that you may be checked into the building by security.

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
0520-01-02	Administrative Rules and Regulations
Rule Number	Rule Title
0520-01-02-.01	Definition of a Tennessee Public School
0520-01-02-.03	Employment Standards

Rule Number	Rule Title
0520-01-02-.07	Joint Career and Technical Centers
0520-01-02-.09	Alternative Schools
0520-01-02-.11	School Board Training
0520-01-02-.12	Waivers
0520-01-02-.14	Recruitment, Employment, and Retention of African American Teachers
0520-01-02-.16	Reporting Attendance Relative to Disciplinary Actions
0520-01-02-.17	State Attendance Guidelines
0520-01-02-.30	Student Health and Safety Services (New section)
0520-01-02-.31	Organization and Administration of Schools (New section)

**RULES
OF
THE STATE BOARD OF EDUCATION**

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

TABLE OF CONTENTS

0520-01-02-.01	Approval of Schools	0520-01-02-.12	Waivers
0520-01-02-.02	Salary Schedules	0520-01-02-.13	Fiscal Accountability Standards
0520-01-02-.03	Repealed	0520-01-02-.14	Repealed e
0520-01-02-.04	Leave for Teachers		
0520-01-02-.05	Adult High Schools	0520-01-02-.15	Repealed
0520-01-02-.06	Adult Education Programs	0520-01-02-.16	
0520-01-02-.07	Library Information Centers		
0520-01-02-.08	Interscholastic Athletics	0520-01-02-.17	State Attendance Guidelines
0520-01-02-.09	Alternative Schools	0520-01-02-.18	
0520-01-02-.10	Homebound Instruction	through	
0520-01-02-.11	School Board Training	0520-01-02-.29	Repealed
		0520-01-02-.30	Student Health and Safety Services
		0520-01-02-.31	Organization and Administration of Schools

0520-01-02-.01 APPROVAL OF SCHOOLS.

- (1) A public school is the basic administrative unit of a state, county, city, or special district school system, consisting of one or more grade groups, one or more teachers to give instruction, and one principal, which school shall be subject to the statutes of the State of Tennessee, and to rules, regulations, and minimum standards of the Tennessee State Board of Education.
- (2) The Department of Education shall make periodic inspections of the schools under its control. These inspections shall be made to determine the extent to which local school systems operate in compliance with State Board of Education rules and regulations and to verify the information received on reports from local school officials.
- (3) Each school system shall be classified as approved or non-approved. School systems classified as non-approved by the Commissioner of Education shall receive a written explanation of the reasons for such classification and shall be afforded the opportunity to respond. The Commissioner's notification shall include a time by which corrective action shall be completed by the school system. If such corrective action is not taken within the time specified, the Commissioner shall impose sanctions on the school system which may include withholding part or all of state school funding to the non-approved system.
- (4) The Department of Education shall make an annual report to the State Board of Education regarding each school system's compliance with the rules and regulations. The report shall include the approval status of each local school system, deficiencies identified by the school in the approval process, an assessment of action needed to attain approval, local school system response, and sanctions imposed upon systems which do not comply.
- (5) The Department of Education shall maintain an internal audit function which shall assist the Department in the inspection of schools. Internal audit reports shall be presented to the Commissioner of Education and the State Board of Education.

Authority: T.C.A. § 49-1-302 **Administrative History:** Original rule certified June 10, 1974. Amendment filed August 20, 1984; effective November 13, 1984. Amendment filed September 26, 1985; effective December 14, 1985. Amendment filed September 20, 1987; effective December 22, 1987. Amendment filed October 18, 1988; effective January 29, 1989. New rule filed February 16, 1989; effective April 2,

(Rule 0520-01-02-.03, continued)

1989. Amendment filed July 11, 1990; effective October 29, 1990. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Repeal and new rule filed December 5, 2011; effective May 30, 2012.

Authority: T.C.A. §§ 49-1-302, 49-2-301, 49-5-108, 49-6-6006, and Section 86 of Chapter 535 of the Public Acts of 1992. **Administrative History:** Original rule certified June 10, 1974. Amendment filed July 10, 1974; effective July 10, 1974. Amendment filed June 30, 1975; effective July 30, 1975. Amendment filed July 15, 1976; effective August 15, 1976. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed January 9, 1979; effective February 23, 1979. Amendment and new rule filed October 15, 1979; effective January 8, 1980. Amendment filed November 13, 1981; effective March 16, 1982. Amendment filed June 4, 1982; effective September 30, 1982. Amendment filed August 17, 1983; effective November 14, 1983. Amendment filed August 20, 1984; effective November 13, 1984. Amendment filed September 26, 1985; effective December 14, 1985. Amendment filed May 8, 1986; effective June 27, 1986. Amendment filed September 20, 1987; effective December 22, 1987. Amendment filed October 18, 1988; effective January 29, 1989. Amendment filed November 9, 1989; effective February 28, 1990. Amendment filed July 11, 1990; effective October 29, 1990. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed May 12, 1992; effective August 29, 1992. Amendment filed September 1, 1992; effective December 29, 1992. Amendment filed August 10, 1993; effective December 29, 1993. Amendment filed November 22, 1993; effective March 30, 1994. Amendment filed January 21, 1994; effective May 31, 1994. Amendment filed March 31, 1994; effective June 14, 1994. Amended by Public Chapter No. 957, Acts of 1994; effective May 10, 1994. (See Attorney General opinion No. 094-080). Amendment filed January 31, 1995; effective May 31, 1995. Amendment filed May 31, 1996; effective September 27, 1996. Amendment filed October 17, 1997; effective February 27, 1998. Amendment filed May 28, 1999; effective September 28, 1999. Amendment filed July 31, 2000; effective November 28, 2000. Amendment filed March 1, 2005; effective July 29, 2005. Amendments filed May 19, 2005; effective September 28, 2005. Amendment filed June 15, 2005; effective October 28, 2005. Amendment filed March 23, 2007; effective July 27, 2007. Amendments filed September 6, 2007; effective January 28, 2008. Amendment filed May 30, 2008; effective September 26, 2008. Amendment filed July 17, 2009; effective December 29, 2009. Amendments filed February 6, 2013; effective July 29, 2013. Amendments filed September 6, 2013; effective February 28, 2014. Amendment filed May 8, 2014; effective October 29, 2014. Amendment filed May 26, 2015; effective August 24, 2015. Amendment filed September 22, 2015; effective December 21, 2015. Amendments filed December 23, 2016; effective March 23, 2017. Amendments filed October 16, 2017; effective January 14, 2018. Amendments filed November 29, 2018; effective February 27, 2019.

0520-01-02-.07 LIBRARY INFORMATION CENTERS.

(1) School Library Information Center.

- (a) All school libraries shall serve as resources for students, teachers, and community members to strengthen student learning. School library information specialists shall work collaboratively with classroom teachers and school administrators to integrate both curricular concepts and information skills that assist research and other learning activities. The collection and the services of the library shall adequately support the curricular priorities within the school.
- (b) School libraries shall provide an environment that allows efficient access to resources, including both print and electronic. Schools must be organized to allow the library program to operate a flexible schedule that allows students and teachers to access resources at the point of need.
- (c) School libraries shall provide parents and community members access to resources, so that the school library information center serves as a community resource.

(2) Library Information Center Personnel.

(a) Elementary/Middle Schools. Schools including grades kindergarten (K) through eight (8) or any combination thereof shall provide library information personnel as follows:

1. A school having a current average daily membership of 550 or more students shall have a full-time library information specialist with endorsement as a library information specialist.
2. A school with a current average daily membership of 400 to 549 students shall have a half-time library information specialist with endorsement as a library information specialist. During the time that the library is open during regular school hours and the library information specialist is not present, staff member(s) shall be designated to provide supervision to students in the library.
3. In a school with fewer than 400 students, a faculty member shall serve as a library information coordinator. If the library information coordinator is not present during the time that the library is open during regular school hours, staff member(s) shall be designated to provide supervision to students in the library.
4. Schools are encouraged to have the library open outside the regularly scheduled school day and if the library personnel specialist or coordinator is not present, appropriate supervision shall be provided to the students in the library.

(b) High Schools. Schools including any combination of grades nine through twelve (9-12) shall provide library information personnel as follows:

1. A school with a current average daily membership of 1,500 or more students shall have two (2) full-time library information specialists, each with endorsement as a library information specialist.
2. A school with a current average daily membership of more than 300 but less than 1,500 students shall have a full-time library information specialist with endorsement as a library information specialist.
3. A school with a current average daily membership of fewer than 300 students shall have a half-time library information specialist. During the time that the library is open during regular school hours and the library information specialist is not present, staff member(s) shall be designated to provide supervision to students in the library.
4. Schools are encouraged to have the library open outside the regularly scheduled school day and if the library information specialist is not present, appropriate supervision shall be provided to the students in the library.

(3) Library Information Center Collection.

The three (3) levels of collection standards for Tennessee school libraries are: Basic, Standard, and Exemplary. The criteria by which school library collections are evaluated are listed below:

(a) Item Count.

Basic collection - Contains a minimum of twelve (12) items per student in Average Daily Membership (ADM);

Standard collection - Contains fifteen (15) items per student in ADM; and

Exemplary collection - Contains eighteen (18) items per students in ADM.

(b) Collection Compilation.

1. Pamphlets, textbooks, class sets, periodicals, out-of-date items, and items in poor physical condition shall neither be counted nor reported in the total collection. No more than five (5) copies of the same print title may be counted to meet standards for a minimum number of items per student.
2. Digital resources should be accessible through a school library webpage or Online Public Access Catalog (OPAC) and may comprise fifty percent (50%) of the collection.
3. The library shall provide access to the virtual library administered by the Tennessee State Library and Archives and the library personnel should receive training. These resources may count for up to twenty percent (20%) of the overall collection or, in schools in which the librarian has received official training within the last five (5) years, they may count for up to thirty percent (30%) of the overall collection.
4. The collection shall include access to a current, complete encyclopedia in any format. In high schools, the collection shall also include an unabridged dictionary, one (1) foreign language dictionary in the native language of ESL students in attendance at the school, a local newspaper, and one (1) daily newspaper presenting news on both state and national levels. For digital materials, only full text should be counted in the total.
5. The collection should include a balance of fiction and nonfiction with an appropriate level of text complexity. The resources in the collection should be chosen to: complement and augment the most recently adopted curriculum, be a motivational springboard for student research, and encourage self-expression and curiosity by offering a variety of recreational reading material.

(c) Age.

Collections meeting the compilation standards are evaluated based on age of the collection as measured in years from the current year:

Basic collection - sixteen (16) years and older;

Standard collection - fifteen (15) years; and

Exemplary collection - fourteen (14) years or less.

(d) Technology - Access to Digital Materials.

1. Workstations with internet access in the library information center are sufficient to provide access for students. The number of workstations should be no less than the maximum average class size allowable by the state. A workstation may be a desktop, laptop, tablet or similar device, but devices available for checkout should not be counted in the total.
2. School libraries should be equipped with instructional technology, including, but not limited to, LCD projector, screen and/or interactive smart board, document camera, computer, etc., and provide user training for such devices.
3. Separate computers must be maintained for both the library management system/circulation and for the library personnel.

Authority: T.C.A. §§ 49-1-302, . **Administrative History:** Original rule certified June 10, 1974. Amendment filed June 10, 1974; effective July 10, 1974. Amendment filed June 30, 1975; effective July 30, 1975. Amendment filed July 15, 1976; effective August 16, 1976. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed January 9, 1979; effective February 23, 1979. Amendment and new rule filed October 15, 1979; effective January 8, 1980. Amendment filed April 14, 1980; effective May 28, 1980. Amendment filed November 13, 1982; effective March 16, 1982. Amendment filed June 4, 1982; effective September 30, 1982. Amendment filed August 17, 1983; effective November 14, 1983. Repeal filed June 28, 1984; effective September 11, 1984. Amendment filed January 31, 1985; effective April 16, 1985. Repeal filed July 22, 1987; effective October 28, 1987. New rule filed February 16, 1989; effective April 2, 1989. Amendment filed November 9, 1989; effective February 28, 1990. Amendment filed July 11, 1990; effective October 29, 1990. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed September 6, 2007; effective January 28, 2008.

0520-01-02-.09 ALTERNATIVE SCHOOLS.

- (1) An alternative school is a short term intervention program designed to develop academic and behavioral skills for students who have been suspended or expelled from the regular school program.
- (2) Requirements:
 - (a) The instruction shall be 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 regular school. 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 school where the student was enrolled prior to his or her placement in the alternative school.
 - (c) Local Education Agencies (LEAs) shall monitor and regularly evaluate the academic progress of each student enrolled in an alternative school.
 - (d) Students are subject to all rules of the school system providing the alternative school. Violation of rules may cause students to be removed from the program but shall not constitute grounds for extending the length of original suspension or expulsion.
 - (e) All laws, rules, and regulations shall be followed with children eligible for special education. If a change of placement is made, due process procedures are mandated.
 - (f) Reasons for placement in an alternative school must be documented. End of year reports must be made to the regular school for each student.
 - (g) Teachers must have a valid Tennessee teacher license.
 - (h) Support services such as counseling and psychological services must be accessible.
 - (i) 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.
 - (j) It is the responsibility of the superintendent to insure 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 system emergency preparedness plan.

(k) LEAs shall submit an annual alternative education survey to the Department of Education that provides the following information:

1. Alternative schools or programs currently in operation in the LEA;
2. Number and grade level of students served;
3. Primary reason for student assignment; and
4. Number of faculty and staff,

(3) Funding.

- (a) Students attending an alternative school shall continue to earn state education funds in the regular school system.
- (b) Other state funding shall be made according to a formula developed annually by State Commissioner of Education.

(4) 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(a)(2).
- (c) A local board of education may establish its own facility.
- (d) Two or more boards may join together and establish an alternative school attended by students from any such system.
- (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 school system.

Authority: T.C.A. § 49-6-3401 and 49-6-3402 **Administrative History:** Original rule certified June 10, 1974. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed January 9, 1979; effective February 23, 1979. Amendment filed April 14, 1980; effective May 28, 1980. Amendment filed June 28, 1984; effective September 11, 1984. Amendment filed January 2, 1986; effective April 15, 1986. Amendment filed May 28, 1986; effective June 27, 1986. Amendment filed April 24, 1987; effective June 8, 1987. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed June 24, 1992; effective September 28, 1992. Amendment filed April 18, 1997; effective August 28, 1997. Amendment filed April 27, 1998; effective August 28, 1998.

0520-01-02-.11 SCHOOL BOARDS.

(1) Every member of a local board of education shall participate annually in seven (7) hours of training provided by the School Board Academy. In addition, all newly-elected members of a local board of education shall attend a fourteen (14) hour orientation during their first year in office.

(Rule 0520-01-02-.11, continued)

- (2) The School Board Academy shall be administered by the State Department of Education.
- (3) The annual program of the School Board Academy will consist of modules approved by the State Board of Education. The Tennessee School Boards Association (TSBA) shall develop and conduct the majority of the approved modules.
- (4) A School Board Academy Advisory Committee shall be established by the State Board of Education. The Advisory Committee will be responsible for evaluating academy programs. The Advisory Committee will also be responsible for recommending an annual program plan for the academy prior to the beginning of each school year for approval by the State Board of Education. The Advisory Committee will include the Executive Director and the President of the Tennessee School Boards Association, a member of the State Board of Education, the President of the Tennessee Organization of School Superintendents, and the Commissioner of Education or his designee. It will also include others appointed by the State Board of Education for terms designated by the State Board of Education.
- (5) Each local board of education shall develop, maintain, and implement a long-range strategic plan that addresses at least a five (5) year period of time. The plan shall be updated every two (2) years and include a mission statement, goals, objectives, and strategies, and address the State Board of Education master plan.
- (6) Each local board of education shall have each school under its jurisdiction develop, maintain, and implement a school improvement plan. The plan shall be updated annually and include areas outlined in the State Board's District and School Improvement Planning Policy 2.101.

Authority: T.C.A. §§ 49-2-202(a)(5) 49-2-202(a)(6), 49-1-613, and 49-1-302. **Administrative History:** Original rule certified June 10, 1974. Amendment filed June 10, 1974; effective July 10, 1974. Amendment filed June 30, 1975; effective July 30, 1975. Amendment filed July 15, 1976; effective August 16, 1976. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed January 9, 1979; effective February 23, 1979. Amendment and new rule filed October 15, 1979; effective January 8, 1980. Amendment filed April 14, 1980; effective May 28, 1980. Amendment filed November 13, 1981; effective January 20, 1982. Amendment filed January 2, 1986; effective April 15, 1986. Amendment filed May 23, 1986; effective June 27, 1986. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed September 22, 2015; effective December 21, 2015.

0520-01-02-.12 WAIVERS.

- (1) The Commissioner of Education is authorized to grant waivers to a school which does not comply with these rules and regulations only when requested by action of the local board of education.
- (2) For limitation on the Commissioner's authority to waive rules and regulations, see T.C.A. § 49-1-203.
- (3) The Department of Education shall post to its website any waiver of rules, regulations, or policies granted by the department within five (5) business days of the Commissioner's approval. The waivers shall include the name of the system requesting the waiver and an explanation of the waiver requested.

Authority: T.C.A. § 49-1-203. **Administrative History:** Original rule certified June 10, 1974. Amendment filed June 30, 1975; effective July 30, 1975. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed January 9, 1979; effective February 23, 1979. Amendment filed April 14, 1980; effective May 28, 1980. Amendment filed April 12, 1983; effective May 12, 1983. Amendment filed June 27, 1984; effective July 27, 1984. Amendment filed June 28, 1984; effective September 11, 1984. Amendment filed May 28, 1986; effective June 27, 1986. Amendment filed October 15, 1986; effective

(Rule 0520-01-02-.12, continued)

January 27, 1987. Amendment filed July 21, 1988; effective October 29, 1988. Repeal and new rule filed March 16, 1992; effective June 29, 1992.

0520-01-02-.14 REPEALED.

Authority: T.C.A. §§ 49-1-209, 49-1-210, and 49-1-302(i). **Administrative History:** Original rule filed January 31, 1995; effective May 31, 1995. Amendment filed August 7, 1995; effective December 29, 1995.

0520-01-02-.15 REPEALED.

Authority: T.C.A. §§ 49-1-302(a) and 49-6-2202(c). **Administrative History:** Original rule filed January 31, 1995; effective May 31, 1995. Amendment filed August 7, 1995; effective December 29, 1995. Repeal filed August 11, 2017; effective November 9, 2017.

0520-01-02-.16 SCHOOL FEES.

- (1) No fees or tuition shall be required of any student as a condition of attending public schools or using its equipment while receiving educational training. All school fees must be authorized by the local board of education. Local board policy will determine activities during the school day and supplies that are required for participation in courses offered for credit or grade for which the board authorizes the requesting of fees.
- (2) The following school fees may be requested from but not required of any student, regardless of financial status (including eligibility for free or reduced price lunch):
 - (a) Fees for activities that occur during regular school hours (the required 180 instructional days), including field trips, any portion of which fall within the school day; or for activities outside regular school hours if required for credit or grade;
 - (b) Fees for activities and supplies required to participate in all courses offered for credit or grade, including interscholastic athletics and marching band if taken for credit in accordance with local board policies; and
 - (c) Refundable security deposits collected by a school for use of school property for courses offered for credit or grade, including interscholastic athletics and marching band if taken for credit in accordance with local board policies.
- (3) LEAs shall establish a process by which to waive the following school fees for students eligible for free or reduced price school lunches:
 - (a) Fees or tuition applicable to courses taken for credit or grade during the summer by a student; except that non-resident students regularly enrolled in another school system may be required to pay fees or tuition for such summer courses; and
 - (b) Fees required for graduation ceremonies.
- (4) Fee waiver process for students eligible for free or reduced price lunch. At the beginning of the school year, at the time of enrollment, and/or at the time of requesting school fees, all students and their parents or legal guardians shall be given clear and prominent written notice of authorized fees that may be requested, and notice of the fee waiver process.

(Rule 0520-01-02-.16, continued)

- (a) The parent or legal guardian of a student shall be given the opportunity to pay all or any portion of the school fee if they desire. However, if the parent chooses not to pay a fee, the child may not be prevented from participating in the activity or course for which the fee is being requested.
 - (b) Local education agencies shall provide written notice to parents or legal guardians of approval or denial of requests for fee waivers. Any denial shall contain the specific grounds for denial and shall afford the parent or legal guardian the opportunity for a personal meeting with the appropriate school personnel to discuss the validity of the denial.
 - (c) Local education agencies shall keep copies of any forms, notices and/or instructions used by schools in the waiver of fees and shall keep records of any denials, appeals of denials, and resolution of such appeals.
- (5) LEAs are authorized to require payment of the following fees by all affected students:
- (a) Fines imposed on all students for late-returned library books; parking or other traffic fines imposed for abuse of parking privileges on school property; or reasonable charges for lost or destroyed textbooks, library books, workbooks, or any other property of the school;
 - (b) Debts incurred pursuant to paragraph (6);
 - (c) Refundable security deposits collected by a school for use of school property for participation in extracurricular activities;
 - (d) Costs for extracurricular activities occurring outside the regular school day including sports, optional trips, clubs, or social events; and
 - (e) Non-resident tuition charged of all students attending a school system other than the one serving their place of residence.
- (6) Withholding of Student Grades for Debts Owed to the School.
- (a) Local education agencies are authorized to withhold all grade cards, diplomas, certificates of progress, or transcripts of a student who has taken property that belongs to a local education agency, or has incurred a debt to a school, until such student makes restitution in full. Unpaid school fees, as defined above, shall not be considered debts owed to the school.
 - (b) No student shall be sanctioned under the provisions of this rule when the student is deemed to be without fault for the debt owed to the local education agency or the school.
 - (c) Nothing in this Rule authorizes any local education agency to limit the rights of parents to have access to their children's educational records pursuant to the Family Educational Rights and Privacy Act.
 - (d) Local education agencies shall afford the student and/or the student's parent the opportunity to appear and be heard if such student and/or the parent disputes the debt, the amount of the debt, or the application of sanctions.

Authority: T.C.A §§ 49-1-302 and 49-2-114. **Administrative History:** Original rule filed April 28, 2000; effective August 28, 2000.

(Rule 0520-01-02-.16, continued)

0520-01-02-.17 STATE ENROLLMENT AND ATTENDANCE GUIDELINES.

- (1) Children entering kindergarten shall be five (5) years of age on or before August 15. However, a child does not have to enroll in school at five (5) years of age, but enrollment must occur no later than the beginning of the academic year following the child's sixth (6th) birthday.
- (2) Any transfer student applying for admission who was legally enrolled in an approved kindergarten in another state and who will be five (5) years of age no later than December 31 of the current school year shall be enrolled.
- (3) A child must attend school until his/her eighteenth (18th) birthday, unless:
 - (a) He or she has received a diploma or other certificate of completion of high school;
 - (b) He or she is enrolled and making satisfactory progress in a course of instruction leading to a High School Equivalency Diploma; or
 - (c) He or she is enrolled in a home school and has reached his or her seventeenth (17th) birthday.
- (4) Local boards of education may admit pupils from outside their respective local school systems at any time.
 - (a) Local boards of education may arrange for the transfer of students residing within their systems to other school systems by establishing agreements with other local boards of education for the admission or transfer of students from one school system to another.
 - (b) The receiving board of education may set a time before or during the school year after which it will not accept transfer students. The receiving board of education may charge the non-resident student tuition to attend.
 - (c) If a local board of education otherwise permits non-resident students to transfer into its schools, it may not discriminate against any students solely on the grounds of their race, sex, national origin, or disability, nor may it charge such students a tuition over and above the usual tuition for students without disabilities.
- (5) Each Local Education Agency (LEA) shall adopt an attendance policy that is firm, but fair; includes effective accounting and reporting procedures; accounts for extenuating circumstances; includes appeal procedures; and establishes and maintains alternative programs for students who fail to meet minimum attendance requirements.
- (6) The number of unexcused absences shall comply with T.C.A. § 49-6-3007. When appropriate, responses to and consequences for unexcused absences shall be handled within the school setting using relevant supports and interventions that address the underlying cause(s) for the unexcused absences. Nontraditional learning environments that improve student engagement such as online or distance learning, credit recovery, evening programs and flexible scheduling should be considered.
 - (a) Upon or before five (5) days of unexcused absences, the principal or designee shall notify the director of schools or designee and initiate meaningful communications with the student and their parent/guardian. The school shall attempt to determine the underlying cause(s) of the unexcused absences. When appropriate, a plan to improve school attendance should be initiated for the student.

- (b) Upon or before ten (10) days of unexcused absences, the principal or designee shall attempt to meet in person with the student and/or their parent/guardian, develop or refine the attendance plan, and provide necessary supports and services to improve school attendance. The principal or designee shall maintain documented attempts to meet with the student and their parent/guardian and the resulting attendance plan.
- (7) The policy shall address the excusing of absences for reasons including but not limited to the following: injury, illness, pregnancy, hospitalization, homebound, summons, subpoena, court order, military, college visits, school-sponsored activities, school-endorsed activities, death of a family member, and extenuating circumstances determined on a case-by-case basis.
- (8) To the extent possible, local district attendance policies should not be used to penalize students academically.
- (9) The policy shall align with the McKinney-Vento Homeless Assistance Act [found at 42 U.S.C. §§ 11431, et seq.].
- (10) Whenever possible, attendance issues should be resolved at the school level. To ensure due process, LEAs must adopt a policy that affords students with excessive (more than 5) unexcused absences the opportunity to appeal. Such policy must, at minimum, include written or actual notice to the student or their parent/guardian and the opportunity to be heard. The burden of proof rests on the student or their parent/guardian. The appeal process for determining unexcused absences is ancillary to a truancy decision rendered by a juvenile court judge as described in T.C.A. § 49-6-3010.
- (11) When an attendance policy has been adopted by the governing body of an LEA, a copy of the policy shall be posted at each school, and school counselors shall be supplied copies for discussion with students. The policy shall be referenced in all school handbooks. All teachers, administrative staff, and parents/guardians shall be provided copies of the policy.
- (12) LEAs are encouraged to develop truancy boards, youth courts, or other alternative programs to serve as an intervention for students with excessive absences.

Authority: T.C.A. § 49-6-3002(a). **Administrative History:** (For history prior to June 1992, see pages iii through ix). Repeal filed March 16, 1992; effective June 29, 1992. New rule filed December 23, 2014; effective March 23, 2015.

0520-01-02-.18 THROUGH 0520-01-02-.29 REPEALED.

Authority: T.C.A. § 49-1-203. **Administrative History:** (For history prior to June 1992, see pages iii through ix). Repeal filed March 16, 1992; effective June 29, 1992.

0520-01-02-.30 STUDENT HEALTH AND SAFETY SERVICES.

- (1) Each local board of education shall develop standards and policies for:
 - (a) Attendance Services
 - (b) Counseling Services
 - (c) School Psychological Services
 - (d) School Social Work Services
 - (e) School Health Services

- (2) The school health services program shall include but not be limited to the following:
 - (a) Each local school system shall have a written policy providing for a physical examination of every child entering school for the first time. A doctor of medicine, osteopathic physician, physician assistant, certified nurse practitioner, or a properly trained public health nurse shall perform this examination. No child shall be admitted to school without proof of immunization except those who are exempt by statute as provided in T.C.A. § 49-6-5001.
 - (b) Each local school system shall have a written policy providing for a physical examination of every student participating in interscholastic athletics. A doctor of medicine, osteopathic physician, physician assistant, or certified nurse practitioner shall perform this examination.
 - (c) Each local school system shall have a written policy for excluding pupils with communicable diseases and for readmitting them following recovery. In the case of diseases (listed in Regulations Governing Communicable Diseases in Tennessee: Tennessee Department of Health) the policy shall be in accordance with the recommendations of the State Department of Health as approved by the Commissioner of Health.
 - (d) Each local school system shall have a written policy for handling drug/alcohol problems that may arise in the schools.
 - (e) Each local school system shall develop procedures for reporting suspected cases of child abuse and neglect as provided in T.C.A. § 37-1-403.
 - (f) After an offer of employment has been made to an applicant and prior to the commencement of the employment duties, each employee shall present a physician's certificate showing a satisfactory health record. Employees shall present a certificate thereafter at intervals determined by the State Department of Health and approved by the Commissioner of Health. The provisions of this subsection shall be administered in a manner consistent with the Americans with Disabilities Act (42 U.S.C.A. §§ 12101 *et. seq*) and the associated regulations (29 C.F.R. Chapter XIV, Part 1630 *et. seq*).

- (3) HIV, HIV-Related Illness, and AIDS.
 1. All children with HIV, HIV-related illness, and AIDS infection who enroll in the public school systems of Tennessee shall attend and participate in educational programs appropriate to meet medical and educational needs.
 2. Each local school system shall:
 - (i) Develop a comprehensive local AIDS plan that addresses appropriate education programs, confidentiality, liability, personnel, safety, curriculum, education, communications, and public relations. The plan will be developed in conjunction with public health officials based upon guidelines approved by the State Board of Education.

- (ii) Include in the AIDS plan education/training programs for all school personnel, parents, and board members; and cooperate with other community organizations and state agencies in AIDS education for all citizens.
 - (iii) Include in the AIDS plan a policy for personnel with HIV, HIV-related illness, and AIDS infection. Employment conditions will be determined on a case-by-case basis. The review of individual cases will involve at a minimum the director of schools or designee, the employee's physician, and a public health official.
3. Information including names, records, reports, and/or correspondence and any other identifying information on HIV, HIV-related illness, and AIDS infection status for any individual child or adult shall be maintained in confidence.
 4. Local school systems and school personnel shall implement for all children and adults the universal precautions as defined by the State Department of Health for handling blood and other body fluids. Information about universal precautions and related safety procedures shall be distributed by the State Department of Education to all school systems and school personnel in Tennessee.
- (4) All public schools shall have an automated external defibrillator (AED) device placed within the school. Each school shall comply with the training, notification, and maintenance requirements relative to AEDs in accordance with all provisions of T.C.A. § 68-140-04.
 - (5) Each local school system shall have a multi-hazard emergency operations plan to include, but not be limited to, fire, tornado, earthquake, flood, bomb threat, and armed intrusion.
 - (a) Each school shall practice emergency safety procedures.
 - (b) Each local education agency having jurisdiction that lies entirely or partially within one hundred (100) miles of the New Madrid Fault Line shall implement earthquake preparedness drills in each of the schools administered by such local education agency. The Guidebook for Developing a School Earthquake Safety Program published by the Federal Emergency Management Agency shall serve as the model plan for local education agencies to consider when adopting plans for earthquake preparedness drills. Affected local education agencies shall review and consider the entire guidebook to ensure that their schools provide the optimal safety conditions for their students.
 - (c) Each school administered by a local education agency having jurisdiction that lies entirely or partially within one hundred (100) miles of the New Madrid Fault Line shall conduct at least two (2) earthquake preparedness drills every school year. A record of the earthquake preparedness drills, including the time and date, shall be kept in the respective schools and shall be made available upon request by the Department of Education.
 - (d) Each school that utilizes a two (2)-way communication system shall ensure teachers and other personnel are properly and adequately trained on the use of the system.
 - (e) Alternative schools must maintain a two (2)-way communication system.

Authority: T.C.A. §§ 49-1-302 and 49-1-302(a)(2) and (13), 49-2-122. **Administrative History:**

0520-01-02-.31 ORGANIZATION AND ADMINISTRATION OF SCHOOLS.

- (1) The minimum length of the school day for students shall be six and one-half (6½) hours.
 - (a) LEAs may provide for professional development during the school day under one (1) of the following options:
 1. LEAs which elect to extend the school day to at least seven (7) hours for the purpose of meeting instructional time requirements missed due to dangerous or extreme weather

conditions may allocate a portion of that extension for the purpose of faculty professional development, IEP team meetings, school-wide or system-wide instructional planning meetings, parent/teacher conferences, or other similar meetings, as permitted in T.C.A. § 49-6-3004(e)(1), under the following conditions:

- (i) Prior to the beginning of the school year, the LEA shall designate how many days shall be allocated for dangerous or extreme weather conditions and how many shall be allocated for student dismissals for faculty professional development, IEP team meetings, school-wide or system-wide instructional planning meetings, parent/teacher conferences, or other similar meetings. The total number of days shall not exceed thirteen (13).
- (ii) Faculty professional development shall be consistent with the policies, standards, and guidelines established by the State Board of Education.
- (iii) LEAs shall submit their plans for the allocation of excess time to the Commissioner for approval.

2. LEAs may adopt policies providing for individual schools to have school days of at least seven (7) hours in order to accumulate instructional time to be used for periodic early student dismissals for the purpose of faculty professional development. The following conditions shall apply to LEAs exercising this option:

- (i) Early dismissals shall not exceed the equivalent of thirteen (13) days and shall not exceed three and one-half (3½) hours in any week.
- (ii) Students shall attend school one-hundred eighty (180) days.
- (iii) Faculty professional development shall be consistent with standards and guidelines established by the State Board of Education.

(2) The length of the kindergarten day shall not be less than four (4) hours. Double sessions in any kindergarten program may be permitted so long as both sessions meet all legal requirements for kindergarten programs.

(3) A cumulative record provided to teachers by local school systems shall be kept up to date for each student, kindergarten (K) through grade twelve (12), and shall remain as local school property.

- (a) Each school shall provide for the storage and safekeeping of all records and reports.
- (b) The maintenance, use, dissemination, and confidentiality of information in school records and reports shall be governed by written policies of the local board of education.

(4) Local boards of education shall have policies providing for class sizes in grades kindergarten (K) through twelve (12) in accordance with the following:

Grade Level	Average Class Size	Maximum Class Size
K-3	20	25
4-6	25	30
7-12	30	35
Career and Technical Education	20	25

- (a) The average class size for a grade level unit (such as the unit K-3) shall not exceed the stated average, although individual classes within that grade level unit may exceed the average.
- (b) No class shall exceed the prescribed maximum size.

- (c) The average class size and the maximum class size shall be based on regular classroom teaching positions, exclusive of principal, assistant principal, counselor, elementary art, elementary music, elementary physical education, librarian, special education, or other specialized positions.
 - (d) Class size limits may be exceeded in such areas as keyboarding and instrumental and vocal music classes, provided that the effectiveness of the instructional program in these areas is not impaired.
 - (e) LEAs may seek a waiver from the Commissioner to extend the Career and Technical Education (CTE) class size average in grades nine through twelve (9-12), provided that individual class sizes do not exceed the maximum class size set for CTE classes.
 - (f) LEAs shall not establish split-grade classes for the purpose of complying with the provisions of the class size averages and maximums. However, these provisions do not prevent LEAs from using multi-aged classes.
 - (g) Local boards of education must approve the establishment of any split-grade classes for any purpose, provided that split-grade classes shall not be established for the purpose of compliance with the provisions herein.
 - (i) The average class size specified for the grade levels involved in split-grade classes will be the maximum size allowed in such classes.
- (3) Teachers shall be on duty at least seven (7) hours per day and such additional time as the LEA requires.
- (4) Local boards of education shall provide full-time classroom teachers in grades kindergarten (K) through twelve (12) with individual duty-free planning periods during the established instructional day.
- (a) Individual planning time shall consist of two and one-half (2½) hours each week during which teachers have no other assigned duties or responsibilities other than planning for instruction. The two and one-half (2½) hours may be divided on a daily or other basis.
 - (b) In schools providing a lunch period for students, all teachers shall be provided each day with a lunch period during which they shall not have assigned duties. The lunch period for each teacher shall be at least the same amount of time as that allowed for students. Individual duty-free planning time shall not occur during any period that teachers are entitled to duty-free lunch.
 - (c) Any school system which is providing an individual duty-free planning period by extending the school day by thirty (30) minutes as of the beginning of the 2000-01 school year may continue such practice and satisfy the planning time requirements.

Authority: T.C.A. §§ 49-1-104, 49-1-302 and 49-6-3004. **Administrative History:**

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: 10/29/19

Signature: Angela Sanders

Name of Officer: Angela Sanders

Title of Officer: General Counsel

Subscribed and sworn to before me on: 10/29/19

Notary Public Signature: [Signature]

My commission expires on: 3-8-21

Department of State Use Only

Filed with the Department of State on: 10/29/19

Tre Hargett
Tre Hargett
Secretary of State



RECEIVED
2019 OCT 29 PM 2:12
SECRETARY OF STATE
PUBLICATIONS