

Attention: Angie Sanders
Davy Crockett Tower, 5th Floor
500 James Robertson Parkway
Nashville, Tennessee 37243.

Written comments must be received by 4:30 PM CT on October 8, 2020 in order to ensure consideration. For further information, please contact Angie Sanders at the above address or by e-mail at angela.c.sanders@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 of the building.

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
0520-01-03	Academic and Instructional Requirements
Rule Number	Rule Title
0520-01-03-.05	Public Virtual Schools

AMENDMENT

0520-01-03-.05 PUBLIC VIRTUAL SCHOOLS.

- (1) Public virtual schools may be established in accordance with T.C.A. §§ 49-16-201 – 49-16-216 and the rules and regulations of the State Board. The LEA establishing the public virtual school is directly responsible for ensuring the school remains in compliance with all applicable state and federal laws and rules and regulations of the State Board.
- (2) Public virtual schools shall:
 - (a) Be established and approved by an LEA.
 - (b) Use technology to deliver a significant portion of instruction to its students via the Internet in a virtual or remote setting.
 - (c) Review and provide access to a sequential curriculum that meets or exceeds the academic standards adopted by the State Board.
 - (d) Meet the equivalent of the one hundred and eighty (180) days of instruction per academic year and six and one-half (6½) hours of instructional time per day pursuant to T.C.A. § 49-6-3004, provided, however, that a student at the student's own pace may demonstrate mastery or completion of a course or subject area and be given credit for the course or subject area.
 - (e) Administer all state tests required of public school students to students enrolled in a virtual school in a proctored environment consistent with state test administration guidelines.
 - (f) Be evaluated annually by the LEA.
 1. The evaluation must assess the following utilizing a standardized template provided by the Department of Education:
 - (i) The accountability and viability of the virtual school as demonstrated by the school's academic, fiscal, and operational performance; and
 - (ii) The extent to which the school demonstrates increases in student achievement according to the goals of its authorizing contract and state academic standards.
 2. The results of such evaluation shall be publicly reported through the following methods:
 - (i) Posting of the results of the evaluation, utilizing a standardized template provided by the Department of Education on both the virtual school's and the LEA's website;
 - (ii) Direct distribution of the evaluation, utilizing a standardized template provided by the Department of Education, to all enrolled families. Such distribution may be accomplished via e-mail, U.S. mail, or other method determined by the LEA.
 - (g) Ensure that students with special needs, including students with disabilities and limited English proficiency, are not excluded from enrolling and participating; further, the public virtual school is responsible for implementing the Individualized Education Program (IEP) of all enrolled students.
 - (h) Ensure that all teachers serving as teacher of record for a class or providing services to the students are properly endorsed and licensed to teach in Tennessee in compliance with state law, State Board Rule 0520-02-03, and State Board policy 5.502.

- (i) Ensure that all teachers serving as teacher of record within the virtual school are evaluated annually pursuant to T.C.A. § 49-1-302 and State Board Rule 0520-02-01.
 - (j) Ensure students have access to instructional materials, technology such as a computer and printer that may be necessary for participation in the virtual school, and an Internet connection used for school work.
 - (k) Meet class size standards established by T.C.A. § 49-1-104. With the exception of the 2020-21 school year, a public virtual school may increase the enrollment in virtual classes by up to twenty-five percent (25%) over the class size maximum established by T.C.A. § 49-1-104 if the school demonstrates student achievement growth at a level of "at expectations" or greater, as represented by the Tennessee Value-Added Assessment System (TVAAS) in the prior year where TVASS data is available.
 - 1. For the 2020-21 school year, a public virtual school may increase the enrollment in virtual classes by up to twenty-five percent (25%) over the class size maximum established by T.C.A. § 49-1-104 as long as the increase does not require an individual teacher to have a total student caseload over one hundred and eighty (180) students at any time during the 2020-21 school year.
 - 2. Notwithstanding paragraph (2)(k)(1), public virtual schools shall continue to comply with class size and case load requirements for special education as defined in State Board Policy 3.206. Public virtual schools shall review individual teacher's student caseloads and may consult with the teacher when determining class size and student caseloads to ensure that teachers can meet the needs of students, including students with disabilities, as determined by the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.), Section 504 of the Rehabilitation Act (29 U.S.C. § 701 et seq.), and any student's individualized education program.
 - 3. Public virtual schools shall maintain accurate records and monitor compliance of class size requirements.
 - 4. Remote instruction provided virtually by a non-virtual public school, including a public charter school, pursuant to the LEA's or public charter school's approved continuous learning plan shall be considered a virtual education program for purposes of compliance with T.C.A. § 49-1-104 (h).
- (3) Public virtual schools shall comply with all compulsory attendance requirements and shall monitor and report daily attendance as required in T.C.A. § 49-6-3007 including, but not limited to the following:
- (a) Monitoring and taking daily student attendance should include seeking and receiving daily visual, verbal, and/or written confirmation of student participation in 6 ½ hours of instructional time per day. The Department may issue guidance to virtual schools regarding additional acceptable means of tracking daily attendance in a virtual environment.
 - (b) The LEA establishing the public virtual school is required to implement the LEA's progressive truancy intervention plan, as required by T.C.A. § 49-6-3009 and State Board Rule 0520-01-02-.17, for students enrolled in the virtual school and report truancy to the juvenile court having jurisdiction over that student in compliance with state law.
 - (c) On or before August 1 of each year, the public virtual school shall notify all LEAs of the enrollment of students residing within the LEA's jurisdiction. LEAs shall be notified within two (2) weeks when changes occur relative to students residing within the LEA's jurisdiction.
 - (d) Once a non-resident student has been accepted by and enrolled in a public virtual school, it shall be the responsibility of the LEA that has established the public virtual school to maintain enrollment of that student until such a time as the student is withdrawn by the parent or guardian.

If the student is withdrawn by the parent or guardian, the public virtual school shall send transcripts and other student records to the receiving school in a timely manner.

- (4) Public virtual schools and the LEA establishing public virtual schools shall maintain accurate records regarding the operation and compliance of the public virtual school and shall be subject to periodic inspection by the Department of Education as specified in Rule 0520-01-02-.01 and T.C.A. § 49-1-201 . The LEA and the public virtual school shall comply with requests for information from the Department in a timely manner.

Authority: T.C.A. §§ 49-16-201 et. seq., 49-1-201, 49-1-104. **Administrative History:** Original rule certified June 10, 1974. Amendment filed June 30, 1975; effective July 30, 1975. Amendment filed July 15, 1976; effective August 16, 1976. Amendment filed October 3, 1985; effective January 14, 1986. Amendment filed January 17, 1986; effective April 15, 1986. Amendment filed May 28, 1986; effective June 27, 1986. Amendment filed August 26, 1986; effective November 29, 1986. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed April 28, 1992; effective July 29, 1992. Amendment filed September 1, 1992; effective December 29, 1992. Amendment filed January 21, 1994; effective May 31, 1994. Amendment filed April 29, 1996; effective August 28, 1996. Amendment filed January 14, 1997; effective May 30, 1997. Amendment filed April 27, 1998; effective August 28, 1998. Amendment filed July 13, 1998; effective November 27, 1998. Amendment filed November 18, 1999; effective March 30, 1999. Amendment filed April 28, 2000; effective August 28, 2000. Amendment filed October 31, 2002; effective February 28, 2003. Amendment filed March 31, 2003; effective July 29, 2003. Amendment filed June 30, 2003; effective October 28, 2003. Amendment filed June 30, 2005; effective October 28, 2005. Amendments filed December 28, 2005; effective April 28, 2006. Amendments filed September 6, 2013; effective February 28, 2014. Amendment filed April 6, 2015; effective July 5, 2015. Amendments filed October 25, 2017; effective January 23, 2018. Amendments filed March 20, 2018; to have been effective June 18, 2018. However, on May 24, 2018, the Government Operations Committee filed a 5-day stay; new effective date June 23, 2018. Amendments filed January 11, 2019; effective April 11, 2019.

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: 8/12/20

Signature: _____

Angela C. Sanders

Name of Officer: Angela C. Sanders

Title of Officer: General Counsel

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Filed with the Department of State on: _____

Tre Hargett
Secretary of State