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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) 253-5707
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) 253-5707
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 :	3/31/2022		
Hearing Time:	9:00am	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

Additional Hearing Information:

<p>**Anyone wishing to participate electronically may access the hearing using the following information:** URL: https://bit.ly/34vg9s3 Password: SBerules Phone: +1-415-655-0001 Access Code: 2319 815 7997</p> <p>Please check the State Board’s website at https://www.tn.gov/sbe/meetings.html for any additional information regarding this rulemaking hearing. If prohibitions on in-person gatherings due to COVID-19 prevent this hearing from occurring in-person, such information will be posted on the State Board’s website and all attendees will utilize the above information to participate</p>
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electronically.

Oral comments are invited at the hearing.

In addition, written comments may be submitted via email at angela.c.sanders@tn.gov or mailed to:

Tennessee State Board of Education

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 April 5, 2022 in order to ensure consideration.

Email comments are preferred as mail is running very slow and may not arrive in time. For further information, please contact Angie Sanders 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.

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
0520-12-05	Civil Rights Compliance
Rule Number	Rule Title
0520-12-05-.01	Definitions
0520-12-05-.02	Purpose
0520-12-05-.03	TOCR Responsibilities
0520-12-05-.04	TOCR Investigations

Chapter Number	Chapter Title
0520-01-09	Special Education Programs and Services
Rule Number	Rule Title
0520-01-09-.05	Child Find and Free Appropriate Public Education
0520-01-09-.15	Parent Participation in IEP Meetings

Chapter Number	Chapter Title
0520-02-03	Educator Licensure
Rule Number	Rule Title
0520-02-03-.05	Requirements for School Services Personnel Licenses
0520-02-03-.11	Endorsements

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

**CHAPTER 0520-12-05
CIVIL RIGHTS COMPLIANCE**

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0520-12-05-.01 DEFINITIONS

- (1) "Charter School" means a public charter school as defined at T.C.A. § 49-13-104.
- (2) "Complainant" means an individual who has filed an allegation or report of harassment or discrimination under Title VI or Title IX with TOCR.
- (3) "Complaint" means a report or notice of discrimination or harassment under Title VI or Title IX filed with TOCR.
- (4) "Department" means the Tennessee Department of Education.
- (5) "Federal Financial Assistance" means the definition of "federal financial assistance" provided at 34 C.F.R. §100.13(f) and §106.2(g).
- (6) "LEA" means local education agency and has the same meaning given in T.C.A. § 49-1-103(2).
- (7) "Pass-through Entity" means a non-Federal entity that provides a subaward to a subrecipient to carry out part of a Federal program.
- (8) "Records" include, but are not limited to, original or copies of the following: the complaint, investigative notes, investigation reports, evidence logs, transcripts or video documentation of testimony, electronic files and communications, photographs and evidentiary documents, lists of all personnel and witnesses involved in proceedings, resolution agreements, findings or determinations of responsibility, and appeal documents; or for the purposes of Title IX sexual harassment allegations, items prepared and maintained in accordance with 34 C.F.R. § 106.45(b)(10).
- (9) "Title VI" means Title VI of the Civil Rights Act of 1964, a federal statute codified at 42 U.S.C. § 2000d et seq. that prohibits discrimination based on race, color, or national origin in programs or activities receiving Federal Financial Assistance.
- (10) "Title IX" means Title IX of the Education Amendments of 1972, a federal statute codified at 20 U.S.C. § 1681 et seq. that prohibits discrimination based on sex in education programs and activities that receive Federal Financial Assistance.

(11) "TOCR" means the Tennessee Department of Education Office for Civil Rights.

Authority: T.C.A. §§ 49-1-102, 49-1-302, 49-3-201, 42 U.S.C. § 2000d et seq., 20 U.S.C. § 1681 et seq., 34 C.F.R. Part 100, 34 C.F.R. Part 106. **Administrative History:**

0520-12-05-.02 PURPOSE

The purpose of this chapter is to assist in Department, LEA, and Charter School compliance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.) and Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.).

Authority: T.C.A. §§ 49-1-102, 49-1-302, 4-4-123, 49-3-201, 42 U.S.C. § 2000d et seq., 20 U.S.C. § 1681 et seq., 34 C.F.R. Part 100, 34 C.F.R. Part 106. **Administrative History:**

0520-12-05-.03 TOCR RESPONSIBILITIES

(1) TOCR shall:

- (a) Ensure LEA or Charter School compliance with Titles VI and IX and this chapter pursuant to its obligations under 34 C.F.R. 76.770 and as a Pass-through Entity under 2 C.F.R. § 200.332;
- (b) Provide training and technical assistance to LEAs and Charter Schools regarding compliance with Titles VI and IX, and this chapter and any state statutes relevant to compliance with Titles VI and IX including, but not limited to T.C.A. Title 39 and Title 49, upon request;
- (c) Investigate complaints arising under Titles VI and IX filed with TOCR in accordance with this chapter;
- (d) Annually complete a Title IX compliance report and implementation plan in accordance with T.C.A. § 4-4-123;
- (e) Annually submit a Title VI compliance report and implementation plan in accordance with T.C.A. § 4-21-901;
- (f) Annually submit a civil rights and bullying compliance report to the education committees of the General Assembly pursuant T.C.A. § 49-6-4503; and
- (g) Maintain all Records or other investigative actions or resolution actions in accordance with federal, state, and local record retention laws, rules, and policies.

Authority: T.C.A. §§ 49-1-102, 49-1-302, 49-6-4503, 4-4-123, 49-3-201 4-21-901; 42 U.S.C. § 2000d et seq., 20 U.S.C. § 1681 et seq. 34 C.F.R. Part 100, 34 C.F.R. Part 106. **Administrative History:**

0520-12-05-.04 TOCR INVESTIGATIONS

(1) Upon receiving a Complaint arising under Title VI or Title IX, TOCR shall:

- (a) Assign the Complaint a complaint number and enter such into a log or electronic filing system that is maintained in accordance with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g;
 - (b) Contact the Complainant to obtain any additional information or clarification, as needed;
 - (c) Determine if TOCR has jurisdiction to investigate;
 - (d) Send an acknowledgement letter to the Complainant stating whether TOCR will pursue an investigation.
- (2) The following timeliness requirements apply to TOCR's investigation of a Complaint arising under Title IV or Title IX:
- (a) TOCR may investigate allegations that have been filed within one hundred eighty (180) days of the date on which the discrimination is alleged to have occurred.
 - (b) If the Complaint alleges discrimination of an ongoing or continuous nature, TOCR shall include older events in its investigation as long as the most recent event of the ongoing discrimination occurred within one hundred eighty (180) days of submitting the Complaint.
 - (c) TOCR may grant waivers of timeliness if:
 1. The Complainant could not reasonably be expected to have known the act was discriminatory within the one hundred eighty (180) calendar day period and the Complaint was filed within sixty (60) calendar days after the Complainant could have become aware of the alleged discrimination. Lack of previous awareness of TOCR's complaint process or the civil rights laws and regulations enforced by TOCR shall not be a basis for a waiver;
 2. The Complainant was unable to file a Complaint because of incapacitating illness or other incapacitating circumstances during the one hundred eighty (180) calendar day period that rendered the Complainant physically or mentally incapable of filing a Complaint or obtaining assistance so that a Complaint could be filed on their behalf, the Complainant provides to TOCR documentation demonstrating such lack of capacity, and the Complaint allegation was filed within sixty (60) calendar days after the incapacitation ended;
 3. The Complainant filed a complaint alleging the same or similar allegation based on the same operative facts within the one hundred eighty (180) calendar day period in federal or state court, and filed a Complaint with TOCR within sixty (60) calendar days after there had been no decision on the merits or settlement of the complaint allegations. Dismissal with prejudice shall be considered a decision on the merits;
 4. The Complainant filed a complaint alleging the same or similar allegation based on the same operative facts within the one hundred eighty (180) calendar day period with another federal, state or local agency, and filed a Complaint with TOCR within sixty (60) calendar days after the other agency completed its investigation; or

5. The Complainant filed, within the one hundred eighty (180) calendar day period, an internal grievance with their school or LEA or Charter School alleging the same discriminatory conduct that is the subject of the TOCR Complaint, and the Complaint is filed no later than sixty (60) calendar days after the internal grievance is concluded.
- (3) If TOCR opens an investigation, it shall send a copy of the Complaint and a letter to the LEA and/or Charter School requesting a response.
 - (a) The LEA or Charter School's response shall be provided by the deadline set by TOCR and shall include the information requested by TOCR and any relevant documentation and witness information the LEA or Charter School believes will aid TOCR in properly investigating and resolving the allegations.
 - (4) The LEA or Charter School shall make available to TOCR all Records, information, documents, personnel, students, and evidence needed to resolve the investigation.
 - (5) TOCR shall maintain the confidentiality of confidential student information in accordance with FERPA;
 - (6) TOCR shall comply with the Tennessee Public Records Act at T.C.A. § 10-7-503 while maintaining the confidentiality of student records protected by FERPA.
 - (7) Failure of the LEA or Charter School to provide necessary documentation, grant necessary interviews, or respond to specified questions, may result in a finding of noncompliance against the LEA or Charter School.
 - (8) An LEA or Charter School may ask to resolve the Complaint with a resolution agreement before TOCR completes its investigation.
 - (9) In accordance with Department procedures, TOCR and the LEA or Charter School may execute a resolution agreement in order to execute a mutually agreeable early resolution prior to the conclusion of the full investigation.
 - (10) At the conclusion of an investigation, TOCR shall determine that there is either sufficient or insufficient evidence to support a conclusion of noncompliance. In its investigative summary and findings, TOCR shall include:
 - (a) A statement of the issues raised by the Complainant;
 - (b) A statement of TOCR's jurisdiction over the Complaint;
 - (c) TOCR's determination of sufficient or insufficient evidence to conclude noncompliance; and
 - (d) A clear explanation of the pertinent legal standard and factual analysis, referencing the evidence relied upon in making the determination.
 - (11) The Complainant or LEA or Charter School may file a written request for reconsideration to the Department of Education's Office of General Counsel (OGC).

- (a) The request for reconsideration shall be as specific as possible and highlight factual or legal concerns that could change the disposition of the case. General dissatisfaction with the investigative summary and findings shall not be a sufficient basis for a request for reconsideration.
 - (b) In its review, the OGC shall examine the documentation obtained throughout TOCR's investigation. If deemed prudent by the OGC, the OGC may, in limited circumstances, request and include in the review additional responses or submissions from the Complainant and/or the LEA or Charter School. It may also be necessary to re-interview certain witnesses if records do not reflect clear responses to the alleged violations of law. The OGC shall not consider issues or concerns that were not raised during the initial investigation.
- (12) In addition, the Complainant or LEA or Charter School may directly file for review of the Department's initial decision or reconsideration decision with the U.S. Department of Education Office for Civil Rights.
 - (13) If TOCR determines that the evidence supports a conclusion that the LEA or Charter School failed to comply with applicable regulations, TOCR shall negotiate a resolution agreement with the LEA or Charter School after issuing its investigative summary and findings.
 - (14) Any resolution agreement entered into between TOCR and an LEA or Charter School shall include a corrective action plan which provides:
 - (a) The purpose of the plan;
 - (b) Specific acts or steps the LEA or Charter School will take to resolve compliance issues, if applicable;
 - (c) Dates for implementing each act or step and anticipated completion; and
 - (d) Dates for submission of reports and documentation verifying implementation.
 - (15) TOCR shall provide a copy of the signed resolution agreement entered into between TOCR and an LEA or Charter Schools to the LEA or Charter School. TOCR shall monitor resolution agreements to ensure LEA or Charter School compliance with the terms of each agreement.
 - (a) TOCR may require the LEA or Charter School to submit written reports and documentation that provides evidence of LEA or Charter School's continued compliance with the resolution agreement.
 - (b) TOCR shall provide written notice to the LEA or Charter School of any deficiencies in implementation and shall request immediate and appropriate action to address those deficiencies. When necessary, TOCR shall require additions to the resolution agreement to address the failure of the LEA or Charter School to fully implement commitments in the original agreement.
 - (16) TOCR may permit modification or termination of the resolution agreement or corrective action plan if it learns that circumstances have arisen that either fully resolve or render moot some or all of the compliance concerns that were addressed by the resolution agreement.

- (17) TOCR may modify the resolution agreement or corrective action plan in response to changes in controlling case law, statutes, and/or regulations.
- (18) Modification of any resolution agreement provision may be granted on a case-by-case basis. The Complainant shall be notified, in writing, of significant modifications to the resolution agreement.
- (19) TOCR shall conclude the monitoring of a case when it determines that the LEA or Charter School has fully implemented the terms of the resolution agreement. The LEA or Charter School and Complainant shall be promptly notified, in writing, of the conclusion of monitoring.

Authority: T.C.A. §§ 49-1-102, 49-1-302, 49-3-201, 42 U.S.C. § 2000d et seq., 20 U.S.C. § 1681 et seq., 34 C.F.R. Part 100, 34 C.F.R. Part 106. **Administrative History:**

**RULES
OF
STATE BOARD OF EDUCATION**

**CHAPTER 0520-01-09
SPECIAL EDUCATION PROGRAMS AND SERVICES**

0520-01-09-.05 CHILD FIND AND FREE APPROPRIATE PUBLIC EDUCATION.

- (1) Child Find.
- (a) Every LEA shall develop and implement child find activities to identify, locate, and evaluate all children with disabilities, or who are suspected of having a disability, within its jurisdictional boundaries, ages three (3) through twenty-one (21), both inclusive, who need special education and related services, even though they are advancing from grade to grade. This includes but is not limited to:
 - 1. Children who are enrolled by their parents in a non-public school located within the jurisdictional boundaries of the LEA;
 - 2. Children who are wards of the state; and
 - 3. Children who are highly mobile (migrant and homeless).
 - (b) Each LEA shall develop and implement procedures for creating public awareness of special education programs and services. A notice must be published or announced in newspapers, other media (including the LEA's website), or both, with circulation adequate to notify parents of the activities conducted by the LEA.
 - (c) Any child suspected of having a disability may be referred to the LEA. The LEA shall establish written procedures for accepting, processing and documenting receipt of each referral. The procedures shall be subject to review by the Department of Education.
 - (d) As a component of child find activities, general education programs within each LEA shall provide and document interventions implemented in the general education program.
 - (e) A Parent may request that the LEA conduct a full and individualized evaluation of the Parent's child to determine if the child has a disability and is eligible for special education and related services.
 - (f) Eligibility determinations shall be completed within sixty (60) calendar days of receipt of parental consent for an initial evaluation.
- (2) Free Appropriate Public Education (FAPE).
- (a) FAPE shall be made available to all children with disabilities, including those children who reach twenty-two (22) years of age during the school year and children who have been suspended or expelled from school for more than ten (10) school days in a school year.
 - (b) To meet the obligations of FAPE, each LEA or charter school shall provide services that address all of a child's identified special education and related service needs, based on

the child's unique needs and not on the child's disability.

- (c) Charter schools shall ensure students with disabilities receive education services required by their IEP. LEAs shall be responsible for ensuring that children with disabilities attending a charter school authorized by the LEA are provided FAPE.
- (d) The Tennessee academic standards adopted by the State Board of Education shall serve as the basis for developing special education programs. Each LEA and charter school shall provide a variety of services, interventions, and programs to meet the educational needs of all students, including the needs of children with disabilities.
- (e) LEAs and charter schools shall provide children with disabilities with special transportation as required by the student's IEP.
 - 1. Children with disabilities shall, whenever appropriate, be provided transportation along with children who do not have disabilities. Adaptations shall be made to meet the needs of children with disabilities rather than separate transportation whenever appropriate.
 - 2. Travel time for children with disabilities shall not exceed the travel time for other children, provided that exceptions may be made by the IEP team.
 - 3. Vehicles used to provide special transportation must meet the requirements established by the State Board's Pupil Transportation Rule 0520-01-05.
 - 4. Operators and attendants of vehicles providing special transportation requirements established by the state board of education shall be given special training regarding the needs and special requirements of children with disabilities, except when parents are transporting children with disabilities. Special attendants shall be provided when an IEP team determines that such services are necessary.
 - 5. LEAs may contract for special transportation provided that the operators, attendants, and vehicles used by a contractor meet the requirements established by the state board of education, except when parents are transporting children with disabilities.
- (f) Children with disabilities who are convicted as adults under state law and incarcerated in adult prisons shall be entitled to their rights under IDEA with the following exceptions:
 - 1. The following requirements do not apply:
 - (i) Participation of children with disabilities in general statewide assessments; and
 - (ii) Transition planning and transition services with respect to the students whose eligibility under IDEA Part B will end, because of their age, before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release.
 - 2. The IEP team may modify the child's IEP or placement if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated. The requirements of 34 C.F.R. § 300.320 relating to the definition of an IEP and the general requirements of 34 C.F.R. § 300.114 relating to least restrictive environment do not apply with respect to these modifications.

Authority: T.C.A. §§ 49-10-101 et seq., 49-13-111, 49-13-126, and 34 C.F.R. Part 300. **Administrative History:** Original rule filed June 19, 2001; effective September 2, 2001. Amendment filed August 30, 2004; effective December 29, 2004. Amendment filed March 1, 2005; effective July 29, 2005. Repeal and new rule filed November 30, 2007; effective February 13, 2008. Emergency rules filed June 29, 2017; effective through December 26, 2017. Amendments filed August 11, 2017; effective November 9, 2017. Amendments filed May 14, 2021; effective August 12, 2021.

0520-01-09-.15 PARENT PARTICIPATION IN IEP MEETINGS

- (1) An LEA must notify the parent of a child with a disability at least ten (10) calendar days before an IEP meeting to ensure that the parent has an opportunity to attend, unless the parent and LEA mutually agree to meet prior to ten (10) calendar days pursuant to Rule 0520-01-09-.12.
- (2) If an LEA creates a draft IEP prior to an IEP meeting, a copy of the draft IEP shall be provided to the Parent at least forty-eight (48) hours prior to the scheduled meeting time unless the parent provides written notice to the LEA more than forty-eight (48) hours prior to the scheduled meeting declining his or her right to receive a copy of the draft IEP. The parent meeting notification shall advise the parent that they may decline their right to receive a copy of the draft IEP.
 - (a) If a draft IEP is provided it shall become the property of the parent(s).
 - (b) An LEA shall not have the final IEP completed before an IEP meeting and the LEA shall make it clear to the parent at the outset of the meeting that the services proposed by the LEA are preliminary recommendations for review and discussion with the parent.
- (3) An LEA must notify a parent at least twenty-four (24) hours prior to a manifestation determination review conducted pursuant to 34 C.F.R. § 300.530(e).
- (4) Written notice must be given to the parents of a child suspected to have a disability or a child with a disability within at least ten (10) school days of the following:
 - (a) Proposal to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or
 - (b) Refusal to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.

Authority: T.C.A. §§ 49-10-101 et seq. and 34 C.F.R. Part 300. **Administrative History:** Original rule filed June 19, 2001; effective September 2, 2001. Amendments filed March 1, 2005; effective July 29, 2005. Repeal and new rule filed November 30, 2007; effective February 13, 2008. Emergency rules filed June 29, 2017; effective through December 26, 2017. Amendments filed August 11, 2017; effective November 9, 2017. Amendments filed December 12, 2018; effective March 12, 2019. Amendments filed May 14, 2021; effective August 12, 2021

**RULES
OF
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-02-03
EDUCATOR LICENSURE**

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- accredited institution of higher education 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 accredited institution of higher education;
 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 accredited institution of higher education.
 - (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 accredited institution of higher education 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 one (1) of the following sets of requirements:
 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 regionally-accredited institution of higher education 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. 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 one (1) of the following sets of requirements:
 - 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. 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-accredited college or university;
 - (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 accredited college or university;

- (ii) Is enrolled in a State Board-approved educator preparation program in school counseling with a job embedded clinical practice;
- (iii) Has completed all coursework required of the educator preparation program;
- (iv) Is recommended by the approved educator preparation provider; and
- (v) 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 candidate:

- (i) Holds an advanced degree in school social work or school psychology from a State Board-approved educator preparation program or from an educator preparation program approved by a state other than Tennessee;
- (ii) Is enrolled in a State Board-approved educator preparation program in school counseling;
- (iii) Is recommended by the approved school counseling educator preparation provider;
- (iv) Submits required supervision agreement between the LEA and approved educator preparation provider; and
- (v) 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-accredited college or university;
- (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.
- 6. Pathway 6. The out-of-state candidate:
 - (i) Holds an advanced degree in school counseling from a regionally-accredited college or university; 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.
- (c) 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.
- (d) 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 one (1) of the following sets of requirements:
 - 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 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. Holds a bachelor's degree or higher in social work from a regionally-accredited college or university and holds 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) 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 from a regionally accredited college or university; 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) 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 if advancement requirements are not met.
- (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. Three (3) years of qualifying experience as defined by the Department; and
 - 2. Earn thirty (30) qualifying professional development points as defined in Educator Licensure Policy 5.502.
 - (b) Option 2: Holds 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, the license shall become inactive.
- (12) In order to reactivate a school services personnel license and endorsements held, an educator must meet one (1) of the following sets of requirements:
 - (a) Option 1: 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;
 - (b) Option 2: 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
 - (c) Option 3: 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.

- (13) In order to renew the professional school services personnel license, educators must earn sixty (60) qualifying professional development points as defined in Educator Licensure Policy 5.502.

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.

0520-02-03-.11 ENDORSEMENTS.

- (1) All educators shall hold a full and valid Tennessee educator license with an endorsement covering the work assignment as provided in T.C.A. Title 49, Chapter 5.
- (2) Prospective educators seeking initial licensure shall meet requirements in at least one (1) area of endorsement.
- (3) In accordance with T.C.A. § 49-5-5619, beginning August 1, 2023, educators seeking to obtain or maintain endorsements identified in the Educator Licensure Policy 5.502 as requiring passage of a foundational skills literacy assessment or completion of an approved foundational literacy skills professional development course, must submit required documentation demonstrating completion of one (1) of these requirements as set forth below. If an educator chooses to complete the foundational literacy skills professional development course, evidence of completion of the course shall be submitted to the Department within the twelve (12) months preceding the applicable licensure transaction.
 - (a) Educators seeking licensure and endorsement in an applicable area as identified in Policy 5.502 must demonstrate meeting this requirement at the time of licensure issuance, with the exception of candidates enrolled in an educator preparation program with a job-embedded clinical practice.
 - (b) Educators who hold a license and endorsement(s) in an applicable area as identified in Policy 5.502 while enrolled in a program with a job-embedded clinical practice and all other educators seeking to renew or advance a teacher or instructional leader license with an endorsement in an applicable area as identified in Policy 5.502 must complete this requirement in order to renew or advance the license.

(Rule 0520-02-03-.11, continued)

- (c) Educators seeking to add an endorsement in an applicable area as identified in Policy 5.502 to a teaching license must demonstrate completion of this requirement prior to the endorsement being added to the license.
 - (d) Educators who hold multiple endorsements on a license, at least one (1) of which is not impacted by T.C.A. § 49-5-5619, may maintain licensure and any endorsements not identified in Policy 5.502, without demonstrating completion of this requirement; however, any applicable endorsement(s) identified in Policy 5.502 will become inactive at the time of renewal or advancement of the license unless the educator demonstrates completion of this requirement.
 - (e) Educators who only hold a license with applicable endorsement(s) as identified in Policy 5.502 and who do not complete this requirement will not be able to renew or advance the license and it will become inactive.
 - (f) Educators whose license becomes inactive as provided for in subparagraph (e) may reactivate a license and/or applicable endorsement(s) identified in Policy 5.502 held on a license by demonstrating completion of the required foundational skills literacy assessment or approved professional development course required by T.C.A. § 49-5-5619.
 - (g) Once an educator has demonstrated completion of the requirement to pass the foundational skills literacy assessment or complete an approved professional development course as provided in subparagraphs (a) through (f), the educator will not have to re-take the course or the assessment to maintain licensure.
- (4) Educators may add additional endorsements to a license in accordance with rules and policies established by the State Board, State Board Educator Licensure Policy 5.502, and guidelines established by the Department.
 - (5) When an endorsement held by an out-of-state applicant does not match the content area or grade span of an available Tennessee endorsement, the Department shall identify the most appropriate match, if possible. In some cases, if there is not an equivalent endorsement and the grade span and/or content area do not have an appropriate match, the Department may request additional evidence to demonstrate knowledge and/or experience in the content area and/or grade span covered by the available Tennessee endorsement prior to issuing or reactivating a license in Tennessee.
 - (6) All educators who teach a course in which a state-level end of course examination is required shall hold the subject-specific endorsement for the course or meet the appropriate employment standard set forth in Employment Standards Rule Chapter 0520-02-06.
 - (7) An educator may teach up to two (2) sections of one (1) course outside the educator's area of endorsement each school year, with the exception of courses in which a state-level end of course examination is required, elementary physical education courses, or special education courses.
 - (8) An educator who holds a full and valid and active license may teach more than one (1) course or more than two (2) sections of one (1) course outside of the educator's area of endorsement if an

endorsement exemption is requested by the director of schools or director of public charter school and approved by the commissioner.

- (a) In reviewing an initial endorsement exemption for approval, the commissioner shall consider:
 - 1. The educator's previous teaching experience;
 - 2. The educator's postsecondary coursework and degrees held; and
 - 3. The content and grade span of endorsements held on the educator's current license.
 - (b) Endorsement exemptions shall be valid for one (1) school year. A director of schools or director of public charter school may request renewal of an endorsement exemption for an educator who demonstrates progress toward earning the relevant endorsement. An endorsement exemption may be renewed no more than two (2) times.
 - (c) Educators may teach on an approved endorsement exemption for no more than a total of three (3) school years.
- (9) Licensed educators enrolled in an additional endorsement program in special education offered by a State Board-approved educator preparation provider may add a provisional special education endorsement by:
- (a) Submitting a recommendation from the educator preparation provider verifying:
 - 1. Enrollment in a program of study for additional endorsement in the special education endorsement area; and
 - 2. An assurance that the educator will be assigned a mentor who is endorsed in the special education endorsement area.
 - (b) In order to transition from a provisional endorsement to a full endorsement, educators shall submit qualifying scores on all State Board-required assessments and successfully complete the program of study within three (3) years of receiving a provisional endorsement. The provisional endorsement shall be valid for three (3) years and shall not be renewed.

Authority: T.C.A. §§ 49-1-302, 49-5-108, 49-5-403, 49-6-303, and 49-6-6006. **Administrative History:** Original rule filed November 16, 1989; effective February 29, 1990. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed May 28, 1999; effective September 28, 1999. 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.

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: 02/4/22

Signature: _____

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