

**RULES
OF
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-01-14
COURSE ACCESS PROGRAM**

0520-01-14-.02 DEFINITIONS.

- (1) "Blended Learning" means the combination of virtual learning with the integration of in-person teaching practices. Blended learning occurs in a school building and can be teacher-led or involve the purchase or use of technology;
- (2) "Charter Management Organization" or "CMO" means a nonprofit entity that operates multiple Charter Schools, at least one (1) of which is in Tennessee;
- (3) "Charter School" means a Tennessee public charter school authorized to operate under T.C.A. Title 49, Chapter 13;
- (4) "Course Access Catalog" means a listing of providers that have been approved by the State Board and a listing of courses offered by approved Providers, which are available to Participating Students;
- (5) "Course Access Course" means a course that has been approved by the State Board and that has been included in the listing of courses in the Course Access Catalog and is offered by an approved course access Provider;
- (6) "Course Provider" or "Provider" means a business, industry, educator, nonprofit entity, for-profit entity, trade association, branch of the United States armed forces, local education agency (LEA), charter school, or charter management organization, institution of higher education, or state agency, that has been approved by the State Board to offer individual courses in person or online and that has been included in the listing of Providers in the Course Access Catalog;
- (7) "Department" means the Tennessee Department of Education;
- (8) "Eligible Student" means any student who is enrolled in a Tennessee public school, including a Charter School, in grades seven through twelve (7-12);
- (9) "Extended Learning" means an out-of-classroom learning experience that provides a student with:
 - (a) Enrichment opportunities outside of a classroom;
 - (b) Career readiness or employability skills, including internships and apprenticeships; or
 - (c) An out-of-classroom educational opportunity approved by the State Board or hHost LEA;
and
 - (8)(d) Extended Learning courses shall meet the requirements of a for-credit Work Based Learning course, as further defined in State Board High School Policy 2.103;
- (9)(10) "Governing Body of a Home LEA" means the local board of education, if the home LEA is an LEA, or the governing body of a Charter School, if the home LEA is a charter school;

(11) "Home LEA" means the LEA or the Charter School in which the student is enrolled full-time;

(12) "Host LEA" means an LEA or a Charter School offering course access program courses through an approved Course Provider to Eligible Students;

(13) "Participating Student" means any Eligible Student enrolled in a course access program course through a Host LEA;

(14) "State Board" means the Tennessee State Board of Education.

(15) "Virtual Learning Course" means a course in which a significant portion of instruction is delivered to students through the effective use of technology.

Authority: T.C.A. §§ 49-18-101 through 49-18-110. **Administrative History:** Original rules filed September 30, 2019; effective December 29, 2019.

0520-01-14-.03 STUDENT ELIGIBILITY AND PARTICIPATION.

(1) Students enrolled in a Tennessee public school, including a Charter School, in grades seven through twelve (7-12) are eligible to participate in the course access program, provided:

(a) The student meets all prerequisite requirements for the Course Access Course; and

(b) The student is unable to enroll in a comparable course at the student's school because either:

1. A comparable course is not offered; or

2. A legitimate situation exists that prevents the student from enrolling in a comparable course.

(2) Students with disabilities shall not be precluded from enrollment in a Course Access Course based on their disabilities. Prior to the enrollment of a student with a disability into a Course Access Course, the student's Individualized Education Program (IEP) team or Section 504 team shall meet to review the student's IEP or 504 plan to identify any additional services, accommodations, modifications, or assistive technology that may be needed to ensure equitable access in the Course Access Course in order to ensure the provision of a free appropriate public education (FAPE).

(3) The student's Home LEA shall pay the required tuition and fees to the Host LEA for the first two (2) Course Access Courses in which a Participating Student enrolls per school year.

(4) A student's Home LEA may approve a student to take more than two (2) Course Access Courses per school year. If the student's Home LEA approves a student to take more than two (2) Course Access Courses in a school year then:

(a) The student shall be responsible for paying ~~to the host LEA~~ any required tuition and fees for all additional courses beyond the first two (2) courses; and

(b) The Home LEA shall award credit to the student upon successful completion of the additional courses.

- (5) A ~~H~~home LEA may disapprove an ~~E~~ligible ~~S~~tudent's enrollment in a ~~C~~ourse ~~A~~ccess ~~C~~ourse if:
- (a) The student does not meet the prerequisite requirements for the course;
 - (b) A comparable course is offered and available to the student in the ~~H~~home LEA; or
 - ~~(c) The eligible student's enrollment in the course access course would exceed the requirements for a normal full course load in the home LEA; or~~
 - ~~(d)~~(c) Participation in the ~~C~~ourse ~~A~~ccess ~~C~~ourse is not logistically possible.
- (6) The ~~G~~overning ~~B~~body of a ~~H~~home LEA shall develop a policy for hearing appeals from denials of ~~C~~ourse ~~A~~ccess ~~C~~ourse enrollments.
- (7) Home LEAs shall inform students and their parents or legal guardians of their right to appeal, in writing, to the ~~G~~overning ~~B~~body of the ~~H~~home LEA any denial of ~~C~~ourse ~~A~~ccess ~~C~~ourse enrollment.
- (8) No student shall be required to enroll in a ~~C~~ourse ~~A~~ccess ~~C~~ourse.
- (9) A student may withdraw from a ~~C~~ourse ~~A~~ccess ~~C~~ourse within the withdrawal period in accordance with the ~~H~~ost LEA's withdrawal procedures. Students who withdraw from a ~~C~~ourse ~~A~~ccess ~~C~~ourse shall enroll in a course in their ~~H~~ome LEA to satisfy course load requirements.

Authority: T.C.A. §§ 49-18-101 through 49-18-110. **Administrative History:** Original rules filed September 30, 2019; effective December 29, 2019.

0520-01-14-.04 PROVIDER ELIGIBILITY AND APPROVAL

- (1) A business, industry, educator, nonprofit entity, for-profit entity, trade association, branch of the United States armed forces, LEA, charter school, ~~or~~ charter management organization, institution of higher education, or state agency seeking approval as a ~~C~~ourse ~~access-P~~provider shall submit an application to the Department by the deadline set by the Department.
- (a) The Department shall create a standard provider application which shall require, at a minimum, the following:
 1. A data privacy policy that complies with all applicable state and federal student data privacy provisions, including, but not limited to, the Data Accessibility Transparency and Accountability Act; T.C.A. § 10-7-504; and the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. g 1232g);
 2. An assurance that all ~~online~~-information and resources for Extended Learning, in person, online, or Blended Learning courses are fully accessible for students of all abilities and:
 - (i) All courses submitted for approval are reviewed to ensure the courses meet legal accessibility standards;
 - (ii) The provider has an accessibility online learning policy;
 - (iii) The provider has an Americans with Disabilities Act (ADA) Section 504 coordinator, a grievance policy, and provides annual notifications to all enrolled students;

- (iv) The provider has policies and activities to ensure its organizational and course websites meet accessibility requirements; and

- (v) The provider has no examination or test where a specific score is required to participate in Course Access Courses beyond completion of prerequisite coursework or demonstrated mastery of prerequisite material;
3. Evidence of financial viability in compliance with guidelines determined by the Department.
- (2) The Department shall review all provider applications submitted in accordance with the application process and shall submit to the State Board recommendations for approval or denial. No provider applicant shall act as a Course Provider until approved by the State Board.
 - (3) All decisions of the State Board concerning approval of provider applicants shall be final and not subject to appeal. However, a provider applicant that has been denied approval may submit a new application to the Department, in accordance with the approval process guidelines set forth in this Rule and further defined by the Department for the school year following the school year for which the application was denied.
 - (4) All approved Providers shall be included in the listing of Providers in the Course Access Catalog. In order to offer Course Access Courses to students, an approved Provider shall establish a partnership with a Host LEA. No LEA shall be required to be a Host LEA.
 - (5) All approved Providers shall be subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, sex, creed, color, national origin, religion, ancestry, or need for special education services anti-discrimination laws;
 - (6) Each approved Provider shall:
 - (a) Electronically provide, in compliance with guidelines set by the Department, a detailed student record of enrollment, performance, course completion, and course grading information to the participating student's home LEA and to the Department;
 - (b) Comply with applicable virtual learning requirements established in T.C.A Title 49, Chapter 16, and State Board Virtual Education Rule 0520-01-03-.05 regarding virtual education courses, if offering virtual learning courses;
 - (c) Comply with class size requirements established in T.C.A. § 49-1-104 and instructional and planning time requirements established by the State Board; and
 - (d) Ensure each teacher of a Course Access Course is licensed to teach in this state and meets the qualifications to teach, including the requirement for annual evaluations, in compliance with the rules of the State Board.
 - (7) A Course Provider may be excluded from the Course Access Catalog at any time if the State Board or Department finds that a Provider has failed to comply with state or federal law, the rules or policies of the State Board, or the procedures of the Department; if the Provider violates its provider agreement; or if the terms of the provider's application for approval are no longer accurate.

Authority: T.C.A. §§ 49-18-101 through 49-18-110. **Administrative History:** Original rules filed September 30, 2019; effective December 29, 2019.

0520-01-14-.05 COURSE APPROVAL

- (1) Host LEAs shall partner with approved Providers to offer Course Access Courses approved by the State Board for inclusion in the course access catalog.

(2) No LEA or charter school shall be required to be a host LEA.

- (3) Host LEAs seeking to offer a Course Access Course shall establish a local course review and approval process.
- (4) Each local course review and approval process shall ensure courses recommended to the Department for inclusion in the Course Access Catalog:
 - (a) Align to the applicable state academic standards set by the State Board;
 - (b) Meet the instructional and academic rigor of a course that is provided in a traditional classroom setting;
 - (c) Are designed and implemented consistently with guidelines and procedures established by the Department;
 - (d) Are taught by a teacher who is properly licensed and endorsed in accordance with the rules of the State Board; and
 - (e) Are offered by an approved Course Provider included in the listing of providers in the course access catalog.
- (5) Course Access Courses shall not include courses with a state-required assessment.
- (6) The length of each Course Access Course shall contribute to instructional time requirements such that each student enrolled in a course access course still meets the required 6.5 hours a day of instruction.
- (7) Courses that meet all requirements under T.C.A. § 49-18-106 and the local course review and approval process may be submitted to the Department for recommendation to the State Board for its approval and inclusion in the Course Access Catalog. Host LEAs shall submit locally approved courses to the Department with an assurance that the course has been reviewed in compliance with this rule and T.C.A. § 49-18-106.
- (8) Courses approved locally shall be submitted in the school year prior to implementation by the deadline set by the Department.
- (9) The Department shall review all locally approved courses submitted in accordance with the local course review and approval process and shall submit to the State Board recommendations for approval or denial. A course shall not be included in the Course Access Catalog until approved by the State Board.
- (10) A course included in the Course Access Catalog shall be available to Eligible Students in any Home LEA.
- (11) A Home LEA shall award credit to a student upon successful completion of an approved Course Access Course.
- (12) The Department shall publish a link to the Course Access Catalog in a prominent location on the Department's website. The Course Access Catalog shall include:
 - (a) A list of approved Course Providers;
 - (b) A list of courses offered by approved Providers available through the course access program;

- (c) A detailed description of the courses; and
- (d) All available student course completion and outcome data in a manner that protects student privacy in compliance with T.C.A. Title 49, Chapter 1, Part 7, the Data Accessibility Transparency and Accountability Act (T.C.A. § 10-7-504), and the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g).

(13) The State Board may exclude a course from the Course Access Catalog at any time if the course provider is excluded from the course access catalog, or if a home LEA, the host LEA, or the Department:

(a) Submits evidence to the State Board that:

1. The course is no longer adequately aligned with the approved state academic standards;
2. The course fails to meet the minimum requirements of the State Board; or
3. The course no longer complies with the course approval requirements set forth in paragraph (4)(a)-(e) above; and

(b) _____ Requests, in writing, that the State Board exclude the course.

~~(b)(14)~~ The State Board may also exclude a course from the Course Access Catalog if the course is offered by a host school that was issued a “D” or “F” letter grade by the Department on the most recent state report card issued pursuant to T.C.A. § 49-1-228.

Authority: T.C.A. §§ 49-18-101 through 49-18-110. **Administrative History:** Original rules filed September 30, 2019; effective December 29, 2019.

0520-01-14-.06 ALLOCATION AND USE OF FUNDS

- (1) The student's Home LEA shall pay the required tuition and fees to the Host LEA for the first two (2) Course Access Courses in which a Participating Student enrolls per school year.
- (2) Payment of tuition and fees for enrollment of an eligible student in a course access course shall be a proportionate share of the state and local ~~Basic Education Program (BEP) funds allocated to the~~ Home LEA of the student pursuant to the applicable state funding formula ~~per pupil funding amount of the home LEA.~~
- (3) At the time of enrollment, the Home LEA shall provide fifty percent (50%) of the course fee to the Host LEA offering the course access course. The remaining amount shall be paid to the Host LEA by the Home LEA upon the student's completion of the course.
- (4) If a student withdraws from the Course Access Course during the withdrawal period the Host LEA shall refund the Home LEA the full amount paid by the Home LEA.
- (5) The Home LEA shall not be responsible for other costs associated with the Course Access Course enrollment.

Authority: T.C.A. §§ 49-18-101 through 49-18-110. **Administrative History:** Original rules filed September 30, 2019; effective December 29, 2019.