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Sequence
Number: 10-32-23
Notice ID(s): 3744-3747
File Date: 10/30/2023

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, 8th 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, 8th 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 :	12/21/2023		
Hearing Time:	9:00 am	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

Additional Hearing Information:

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

URL: <https://tn.webex.com/tn/j.php?MTID=m036b55d52fb329717fbefe3b2a48f004>

Meeting number: 2306 868 8594

Password: SBERules

Phone: +1-615-747-4911

Access Code: 2306 868 8594

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

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, 8th Floor
 500 James Robertson Parkway
 Nashville, Tennessee 37243

Written comments must be received by **4:00 PM CT on January 2, 2024** in order to ensure consideration.

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

For further information, please contact 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
0520-07-02	Non-Public School Approval Process
Rule Number	Rule Title
0520-07-02-.01	Categories
0520-07-02-.02	Category I: Department of Education Approval
0520-07-02-.03	Category II: Agency Accreditation
0520-07-02-.04	Category III: Regional Accreditation
0520-07-02-.05	Category IV: Church-Related Schools
0520-07-02-.06	Category V: Registered for Operation

Chapter Number	Chapter Title
0520-02-03	Educator Licensure
Rule Number	Rule Title
0520-02-03-.03	Requirements for Teacher Licenses
0520-02-03-.04	Requirements for Occupational Teacher Licenses
0520-02-03-.05	Requirements for School Services Personnel Licenses
0520-02-03-.06	Requirements for JROTC License
0520-02-03-.07	Requirements for Licenses for Postsecondary Educators
0520-02-03-.10	Requirements for Instructional Leader Licenses
0520-02-03-.13	Requirements for the Limited License

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

Chapter Number	Chapter Title
0520-14-01	Charter Schools
Rule Number	Rule Title
0520-14-01-.01	Approval of a Charter School
0520-14-01-.03	Allocation of State and Local Funds
0520-14-01-.04	Enrollment

AMENDMENT
RULES
OF
THE STATE BOARD OF EDUCATION

CHAPTER 0520-07-02
NON-PUBLIC SCHOOL APPROVAL PROCESS

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0520-07-02-.03	Category II: Agency Accreditation	0520-07-02-.08	Repealed
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0520-07-02-.01 CATEGORIES.

- (1) There shall be six (6) types of non-public schools in Tennessee as set forth in this Chapter: Categories I, II, III, and V private schools, Category IV church-related schools, and independent home schools.
- (2) Pursuant to T.C.A. § 49-6-3001, Category I, II, III, and V private schools, Category IV church-related schools, and independent home schools as defined in T.C.A. § 49-6-3050 satisfy the compulsory school attendance requirements for students who are ages six (6) through seventeen (17), inclusive.

Authority: T.C.A. §§ 49-1-201, 49-1-302, 49-50-801, 49-6-3001, and 49-6-3050. **Administrative History:** (For history prior to June 1987, see pages ii-iii). New rule filed April 24, 1987; effective June 8, 1987. Repealed and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed December 19, 2002; to be effective April 30, 2003; however, on April 29, 2003, the State Board of Education stayed amendment to 0520-07-02-.01(1)(f) until June 28, 2003. Amendment to become effective June 28, 2003. Repeal and new rule filed December 28, 2005; effective April 28, 2006. Amendment filed February 20, 2008; effective June 27, 2008. Repeal and new rule filed July 29, 2011; effective December 29, 2011. Amendments filed August 11, 2017; effective November 9, 2017.

0520-07-02-.02 CATEGORY I: DEPARTMENT OF EDUCATION APPROVAL.

- (1) Category I schools are schools approved individually by the Department of Education (“Department”). Special purpose schools that address a student’s education while receiving short-term medical or transient care may also be approved as Category I special purpose schools.
- (2) A school seeking approval as a Category I school shall submit an application for approval to the Department on a form developed by the Department and meet any deadlines for application established by the Department.

(3) The criteria for approval as a Category I school shall include the following:

(a) Attendance.

1. Each school shall comply with the requirements of T.C.A. § 49-6-3007 regarding the reporting of the names, ages, and addresses of all pupils in attendance to the Director of Schools for the public school district in which the student resides.
2. Each school shall ensure students entering Kindergarten have reached five (5) years of age on or before August 15 pursuant to T.C.A. § 49-6-201(b)(3), unless the principal or head of school finds through evaluation and testing, at the request of the parent or legal guardian, that a child who is five (5) on or before September 30 is sufficiently mature emotionally and academically to enter Kindergarten and the school has a policy permitting testing by the principal or head of school to obtain early admission to Kindergarten.
3. Beginning in the 2026-2027 school year, each school shall have at least ten (10) full-time school-age students enrolled each school year.

(b) Facilities, Health, and Safety.

1. Each school shall comply with all laws, rules and regulations, and codes of the city, county, and state regarding planning of new buildings, alterations and health and safety.
2. Each school shall observe all fire safety regulations and procedures promulgated by the Tennessee Fire Marshal's Office.
3. Each school shall conduct at least one (1) fire safety inspection annually based on the fire safety inspection checklist developed by the Tennessee Fire Marshal's Office and maintain copies of the inspection reports, including findings of non-compliance and actions taken to comply for review by the Tennessee Fire Marshal's Office and the Department.
4. Each school shall construct, remodel, renovate, expand, or modify school buildings or other structures in accordance with any state and/or federal requirements applicable to the school regarding building accessibility, which may include, but is not limited to, the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.
5. Each principal or head of school shall comply with the requirements of Department of Health rules and, subject to any applicable exemptions set forth in state law or Department of Health rules.
6. Each school shall conduct criminal history records check prior to employment for any person applying for or holding a position as a teacher or any other position requiring proximity to school children. Criminal history records checks shall also be required for any person or employee of the person, corporation, or other entity who contracts with a school and who will have direct contact with school children or access to the grounds of the school when children are present. The criminal history records check

shall be fingerprint based or social security number based and shall also include a check of the Tennessee and National Sex Offender Registries and the Tennessee Department of Health Abuse Registry. Schools shall also search the Tennessee educator licensure database (TNCompass) to determine if an applicant for a teaching position or any other position requiring proximity to school children has ever had a Tennessee educator license suspended or revoked for misconduct.

7. Each school director shall comply with the reporting requirements set forth in T.C.A. § 49-5-417 and State Board Rule 0520-02-03-.09 with regard to any employee who possesses a Tennessee educator license.

(c) Curriculum and Graduation.

1. The instructional program shall include, but not be limited to, the areas of English language arts, mathematics, social studies, and science. Additionally, schools are encouraged to offer art, music, health and physical education, and world language.
2. Each school shall use textbooks and instructional materials that adequately cover all subjects in the school's instructional program.
3. Each high school shall adopt a graduation requirements policy requiring students to earn at least the minimum number of total credits required for graduation set by the State Board in Rule 0520-01-03-.06. The school's policy shall also require students to achieve the required minimum number of credits set by the State Board in Rule 0520-01-03-.06 in the subjects of English language arts, mathematics, science, and social studies. This provision shall not be construed as requiring the same courses in the subjects of English language arts, mathematics, science, and social studies that are required for public schools. The school shall determine the additional subject areas and credits necessary for graduation from high school as set forth in the school's graduation requirements policy to meet or exceed the minimum total number of credits set by the State Board in Rule 0520-01-03-.06. Notwithstanding the above, each high school that meets the requirements set forth in T.C.A. § 49-6-1202 shall teach American History and Government (U.S. History and Geography, and U.S. Government and Civics).
4. At least once every school year, each school shall give a nationally standardized achievement test covering the areas of English language arts and mathematics to each student in third (3rd) through eleventh (11th) grades; the results must be communicated to teachers and parents and kept as part of the student's permanent record. Examples of nationally standardized achievement tests include ACT/SAT and benchmark assessments. Schools may identify alternate assessments for students with the most significant cognitive disabilities.

(d) Teacher Licensure and Evaluation.

1. Each school shall ensure that all teachers possess an active Tennessee educator license as provided in State Board Rules Chapter 0520-02-03.
2. Each school shall develop procedures for the annual evaluation of all

teachers and principals.

3. Teaching experience shall count towards years of experience in the Department's Educator Data Management System.
4. Each school shall provide a sufficient number of appropriately qualified administrators, supervisors, and other personnel, which may include, but is not limited to, librarians and school counselors, for the student body served.

(e) Administrative Rules.

1. Each school shall maintain an operating schedule that includes the minimum number of instructional days (180) and minimum number of hours per day (6 ½) required of public schools. In accordance with T.C.A. § 49-6-3004, a school that exceeds the required six and one-half (6 ½) hours of instructional time per day for the full academic year shall be credited with the additional instructional time in amounts up to, but not exceeding, thirteen (13) instructional days each school year. Such excess instructional time shall be used in accordance with T.C.A. § 49-6-3004(e)(1). Schools that are unable to meet the required 180 instructional day requirement due to natural disaster or serious outbreak of illness affecting or endangering students or staff during the school year may request a waiver of the minimum instructional day requirement from the Commissioner.
2. Each school shall comply with all applicable state and federal laws prohibiting discrimination on the basis of disability, including but not limited to the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.
3. Each school shall develop and implement a written policy on promotion and retention. The written policy shall be communicated to students and parents via the school handbook.
4. Each school shall ensure that class sizes do not exceed the class size maximums for public schools set forth in state law.
5. Each school shall maintain complete and accurate permanent records of the following for all students; attendance, disciplinary matters, work completed while enrolled at the school, and promotion or retention determinations.
6. Each school shall provide periodic reports of student needs and academic progress to parents or legal guardians during each school year.
7. Any school seeking approval of a pre-K program shall satisfy the standards for School Administered Child Care Programs outlined in State Board Rules Chapter 0520-12-01.

- (4) The criteria for approval as a Category I Special Purpose school shall include the criteria listed in Paragraph (3) of this Rule in addition to the following:

(a) Compliance with the following laws and Rules, as applicable:

1. T.C.A. § 49-6-3023 and State Board of Education Rules Chapter 0520-01-12 regarding students incarcerated in juvenile detention centers;
 2. T.C.A. § 49-3-370 and State Board of Education Rules Chapter 0520-01-20 regarding students admitted to licensed residential mental health treatment facilities; and/or
 3. T.C.A. § 49-3-308 and State Board of Education Rules Chapter 0520-01-15 regarding students admitted to court-ordered day treatment facilities.
- (b) Category I Special Purpose schools shall be deemed appropriate placement sites for educator candidates seeking specialized clinical placements.
- (5) Monitoring and Revocation.
- (a) Category I and Category I Special Purpose schools shall report all required data annually to the Department as required by State Board Rule 0520-07-01-.04 and in any Department-provided procedures.
 - (b) The Department shall notify a school of non-compliance with this Rule, State Board Rules Chapter 0520-07-01, and any applicable state or federal laws and establish a deadline by which the school shall show evidence of compliance. If the school does not come into compliance by the specified deadline, the Department may revoke approval of the school after providing notice of revocation to the school. Revocation of approval shall take effect at the end of the school year in which the non-compliance was reported to the school, or on another date identified by the Department.
 1. A school may appeal the revocation decision. Appeals must be submitted to the Department within fourteen (14) calendar days of the Department electronically sending the notice of revocation that is being appealed. The day that the Department sends the notice of revocation shall not count as part of the fourteen (14) calendar days. The Commissioner or Commissioner's Designee shall make a determination and issue an electronic notification to the appealing party within forty-five (45) calendar days of receiving the appeal.

Authority: T.C.A. §§ 49-1-201, 49-1-302, 49-6-101, 49-6-3001, 49-6-3004, and 49-50-801. **Administrative History:** (For history prior to June 1987, see pages ii-iii). New rule filed April 24, 1987; effective June 8, 1987. Repealed and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed October 29, 2008; effective February 28, 2009. Repeal and new rule filed July 29, 2011; effective December 29, 2011. Amendment filed March 24, 2014; effective August 29, 2014. Amendments filed August 11, 2017; effective November 9, 2017.

0520-07-02-.03 CATEGORY II: AGENCY ACCREDITATION.

- (1) Category II schools are approved by an agency whose ability to accredit schools in Tennessee is approved by the State Board. The Department shall review and recommend to the State Board for approval a list of private school accrediting agencies. Agencies approved by the State Board to accredit Category II private schools shall be listed in State Board Policy 3.500. Agencies seeking approval by the State Board shall submit an application to the Department and meet all requirements set forth in this Rule to be recommended for approval.
- (2) Procedures for Application and Approval of a Category II Private School Accrediting Agency.
 - (a) An agency seeking approval as a Category II private school accrediting agency shall submit an application to the Department on a form developed by the Department and meet any deadlines for application established by the Department.
 - (b) The Department shall review the completed application of the agency with respect to the criteria for approval set forth in this Rule and recommend to the State Board that the application be approved or denied. The applicant agency may address the State Board at the time its application is being considered by the Board by providing notice to the Board of its request to speak in accordance with State Board Policy 1.400.
- (3) Probationary Approval and Revocation of Approval.
 - (a) A State Board approved Category II accrediting agency is approved for a period of five (5) years, unless the agency's approval is revoked as set forth in this Rule during the five (5) year approval period. At the expiration of the five (5) year approval period, approved agencies shall re-apply for approval if the agency seeks to continue as an approved Category II accrediting agency. Applications will not be considered mid-cycle.
 - (b) The Department shall notify an agency of non-compliance with this Rule or the non-compliance of any of its accredited schools located in Tennessee with this Rule, State Board Rules Chapter 0520-07-01, and any applicable state or federal laws and establish a deadline by which the agency shall show evidence of compliance. If the agency does not come into compliance by the specified deadline, the Department may provide notice to the agency of intent to recommend to the State Board that the agency be placed on probationary approval status.
 - (c) If the Department recommends to the State Board that the agency be placed on probationary approval, the Department shall provide to the State Board:
 1. Information regarding the non-compliance;
 2. Reasons supporting the recommendation to place the agency on probationary approval; and

3. All notices provided to the agency regarding non-compliance and responses of the agency.
- (d) Representatives of the agency may request to speak at the State Board meeting at which the recommendation for probationary approval is under consideration pursuant to State Board Policy 1.400.
 - (e) If the State Board votes to place the agency on probationary approval status, the agency shall submit a corrective action plan to the Department. If the agency successfully completes the terms of the corrective action plan, the Department shall bring a recommendation to the State Board that the agency be removed from probationary approval status and restored to full approval. Any agency that is restored to full approval after being placed on probationary approval status will still be required to re-apply for full approval at the expiration of its initial five (5) year approval period. If the agency does not successfully complete the terms of the corrective action plan, the Department shall bring a recommendation that the State Board revoke the agency's approval.
 - (f) If the Department recommends to the State Board that the agency's approval be revoked, the Department shall provide to the State Board:
 1. Information regarding the non-compliance;
 2. Reasons supporting the recommendation to revoke the agency's approval; and
 3. All notices provided to the agency regarding non-compliance and responses of the agency.
 - (g) The agency may address the State Board at the meeting where the revocation recommendation is being considered by the Board by providing notice to the Board of its request to speak in accordance with State Board Policy 1.400.
 - (h) If the State Board votes to revoke approval of the agency, the agency's approval shall expire at the end of the school year during which the vote takes place, or on another date specified by the State Board.
- (4) Criteria for Approval of a Category II Private School Accrediting Agency.
 - (a) Scope of Operation of Agency. The agency shall:
 1. Have a clearly written statement of objectives;
 2. Delineate the process by which it accredits schools; and

3. Have at least five (5) member schools, each with at least ten (10) full-time school-age students enrolled each school year. The ten (10) full-time school-age student requirement shall apply beginning in the 2026-2027 school year.

(b) Organization of Agency. The agency shall:

1. Specify qualifications for professional personnel for the agency; and
2. Employ at least one (1) full-time agency head or director.

(c) Agency Responsibilities. The agency shall:

1. Maintain written descriptions of the requirements for school accreditation and of the levels or types of membership granted;
2. Re-evaluate approved schools annually;
3. Give advance publication of proposed changes in accreditation standards to schools. These changes must be approved in advance by the Department;
4. Advise schools or directly provide them with technical assistance to address deficiencies in meeting the accreditation standards of the agency;
5. Notify the Department within ten (10) business days of adding or removing an accredited school from its list;
6. Require schools to report to the accrediting agency on deficiencies that could affect accredited status;
7. Have procedures for revocation of accreditation for any school that does not comply with the agency's standards for approved schools. Such procedures shall include how the agency monitors approved schools for compliance with agency standards, including working with schools to remedy areas of non-compliance that are identified by the Department; and
8. Publish and follow minimum standards for approved schools, including, at a minimum:

(i) Attendance.

- (I) Each school shall comply with the requirements of T.C.A. § 49-6-3007 regarding the reporting of the names, ages, and addresses of all pupils in attendance to the director of schools for the public school district in which the student resides.
- (II) Each school shall ensure students entering Kindergarten have reached five (5) years of age on or before August 15 pursuant to T.C.A. § 49-6-201(b)(3), unless the principal or head of school finds through evaluation and testing, at the request of the parent or legal guardian, that a child

who is five (5) on or before September 30 is sufficiently mature emotionally and academically to enter Kindergarten and the school has a policy permitting testing by the principal or head of school to obtain early admission to Kindergarten.

- (ii) Facilities, Health, and Safety.
 - (I) Each school shall comply with all laws, rules and regulations, and codes of the city, county, and state regarding planning of new buildings, alterations and health and safety.
 - (II) Each school shall observe all fire safety regulations and procedures promulgated by the Tennessee Fire Marshal's Office.
 - (III) Each school shall conduct at least one (1) fire safety inspection annually based on the fire safety inspection checklist developed by the Tennessee Fire Marshal's Office, and maintain copies of the inspection reports, including findings of non-compliance and actions taken to comply for review by the Tennessee Fire Marshal's Office.
 - (IV) Each school shall construct, remodel, renovate, expand, or modify school buildings or other structures in accordance with any state and/or federal requirements applicable to the school regarding building accessibility, which may include, but is not limited to, the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.
 - (V) Each principal or head of school shall comply with the requirement of Department of Health Rules and T.C.A. § 49-6-5001 that each child enrolled in school be vaccinated against disease, subject to any applicable exemptions set forth in State law or Department of Health Rules.
 - (VI) Each school shall conduct a criminal history records check prior to employment for any person applying for or holding a position as a teacher or any other position requiring proximity to school children. Criminal history records checks shall also be required for any person or employee of the person, corporation, or other entity who contracts with a school and who will have direct contact with school children or access to the grounds of the school when children are present. The criminal history records check shall be fingerprint based or social security number based and shall also include a check of the Tennessee and National Sex Offender Registries and the Tennessee Department of Health Abuse Registry. Schools shall also search the Tennessee educator licensure database (TNCompass) to determine if an applicant for a teaching position or any other position

requiring proximity to school children has ever had a Tennessee educator license suspended or revoked for misconduct.

- (VII) Each school director shall comply with the reporting requirements set forth in T.C.A. § 49-5-417 and State Board Rule 0520-02-03-.09 with regard to any employee who possesses a Tennessee educator license.

(iii) Curriculum and Graduation.

- (I) The instructional program shall include, but not be limited to, the areas of English language arts, mathematics, social studies, and science. Additionally, schools are encouraged to offer art, music, health and physical education, and world language.
- (II) Each school shall use textbooks and instructional materials that adequately cover all subjects in the school's instructional program.
- (III) Each high school shall adopt a graduation requirements policy requiring students to earn at least the minimum number of total credits required for graduation set by the State Board in Rule 0520-01-03-.06. The school's policy shall also require students to achieve the required minimum number of credits set by the State Board in Rule 0520-01-03-.06 in the subjects of English language arts, mathematics, science, and social studies. This provision shall not be construed as requiring the same courses in the subjects of English language arts, mathematics, science, and social studies that are required for public schools. The school shall determine the additional subject areas and credits necessary for graduation from high school as set forth in the school's graduation requirements policy to meet or exceed the minimum total number of credits set by the State Board in Rule 0520-01-03-.06. Notwithstanding the above, each high school that meets the requirements set forth in T.C.A. § 49-6-1202 shall teach American History and Government (U.S. History and Geography, and U.S. Government and Civics).
- (IV) At least once every school year, each school shall give a nationally standardized achievement test covering the areas of English language arts and math to each pupil in third (3rd) through eleventh (11th) grades; the results must be communicated to teachers and parents and kept on file at the school for one (1) calendar year. Examples of nationally standardized achievement tests include ACT/SAT and benchmark assessments. Schools may identify alternate assessments for students with the most

significant cognitive disabilities.

(iv) Teacher Licensure and Evaluation.

- (I) Each school shall ensure that all teachers and principals are appropriately licensed or credentialed, as defined by the accrediting agency.
- (II) Each school shall develop procedures for evaluation of all teachers and principals.
- (III) Each school shall provide a sufficient number of appropriately qualified administrators, supervisors, and other personnel, which may include, but is not limited to, librarians, and school counselors, for the student body served.

(v) Administrative Rules.

- (I) Each school shall maintain an operating schedule that includes the minimum number of instructional days (180) and minimum number of hours per day (6 ½) required of public schools, In accordance with T.C.A. § 49-6-3004, a school that exceeds the required six and one-half (6 ½) hours of instructional time per day for the full academic year shall be credited with the additional instructional time in amounts up to, but not exceeding, thirteen (13) instructional days each school year. Such excess instructional time shall be used in accordance with T.C.A. § 49-6-3004(e)(1). Schools that are unable to meet the required 180 instructional day requirement due to natural disaster or serious outbreak of illness affecting or endangering students or staff during the school year may request a waiver of the minimum instructional day requirement from the school's accrediting agency.
- (II) Each school shall comply with applicable state and federal laws prohibiting discrimination on the basis of disability, including but not limited to the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.
- (III) Each school shall develop and implement a written policy on promotion and retention. The written policy shall be communicated to students and parents via the school handbook.
- (IV) Each school shall ensure that class sizes do not exceed the class size maximums set forth in state law.
- (V) Each school shall maintain complete and accurate permanent records of the following for all students, attendance, disciplinary matters, work completed while enrolled at the school, and promotion or retention

determinations.

- (VI) Each school shall provide periodic reports of student needs and academic progress to parents or legal guardians during each school year.

Authority: T.C.A. §§ 49-1-201, 49-1-302, 49-6-3001 and 49-50-801. **Administrative History:** (For history prior to June 1987, see pages ii-iii). New rule filed April 24, 1987; effective June 8, 1987. Repealed and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed August 31, 2001; effective December 28, 2001. Amendment filed October 29, 2008; effective February 28, 2009. Amendment filed March 24, 2014; effective August 29, 2014. Amendments filed August 11, 2017; effective November 9, 2017.

0520-07-02-.04 CATEGORY III: REGIONAL ACCREDITATION.

- (1) Schools in this category are regionally accredited by one (1) of the Category III regional accrediting agencies identified in State Board Policy 3.500.
- (2) To maintain approval as a Category III accrediting agency, each Category III accrediting agency shall publish and follow minimum standards for approved schools, including, at a minimum:
 - (a) Agency Responsibilities. The agency shall:
 - 1. Maintain written descriptions of the requirements for school accreditation and of the levels or types of membership granted;
 - 2. Re-evaluate approved schools on a regular basis established by the agency;
 - 3. Give advance publication of proposed changes in accreditation standards to schools;
 - 4. Advise schools or directly provide them with technical assistance to address deficiencies in meeting the accreditation standards of the agency;
 - (I) Notify the Department within ten (10) business days of adding or removing an Each school shall comply with the requirements of T.C.A. § 49-6-3007 regarding the reporting of the names, ages, and addresses of all pupils in attendance to the director of schools for the public school district in which the student resides.
 - (II) Each school shall ensure students entering Kindergarten have reached five (5) years of age on or before August 15 pursuant to T.C.A. § 49-6-201(b)(3), unless the principal or head of school finds through evaluation and testing, at the request of the parent or legal guardian, that a child who is five (5) on or before September 30 is sufficiently mature emotionally and academically to enter Kindergarten and the school has a policy permitting testing by the principal or head of school to obtain early admission

to Kindergarten.

(III) Beginning in the 2026-2027 school year, each school shall have at least ten (10) full-time school-age students enrolled each school year.

5. accredited school from its list;
6. Require schools to report to the accrediting agency on deficiencies that could affect accredited status;
7. Have procedures for revocation of accreditation for any school that does not comply with the agency's standards for approved schools. Such procedures shall include how the agency monitors approved schools for compliance with agency standards, including working with schools to remedy areas of non-compliance that are identified by the Department; and
8. Publish and follow minimum standards for approved schools in Tennessee, including, at a minimum:
 - (i) Attendance.
 - (ii) Facilities, Health, and Safety.
 - (I) Each school shall comply with all laws, rules and regulations, and codes of the city, county, and state regarding planning of new buildings, alterations and health and safety.
 - (II) Each school shall observe all fire safety regulations and procedures promulgated by the Tennessee Fire Marshal's Office.
 - (III) Each school shall conduct at least one (1) fire safety inspection annually based on the fire safety inspection checklist developed by the Tennessee Fire Marshal's Office, and maintain copies of the inspection reports, including findings of non-compliance and actions taken to comply for review by the Tennessee Fire Marshal's Office.
 - (IV) Each school shall construct, remodel, renovate, expand, or modify school buildings or other structures in accordance with any state and/or federal requirements applicable to the school regarding building accessibility, which may include, but is not limited to, the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.
 - (V) Each principal or head of school shall comply with the requirement of Department of Health Rules and T.C.A. § 49-6-5001 that each child enrolled in school be vaccinated against disease, subject to any applicable exemptions set forth in State law or Department of Health

Rules.

- (VI) Each school shall conduct a criminal history records check prior to employment for any person applying for or holding a position as a teacher or any other position requiring proximity to school children. Criminal history records checks shall also be required for any person or employee of the person, corporation, or other entity who contracts with a school and who will have direct contact with school children or access to the grounds of the school when children are present. The criminal history records check shall be fingerprint based or social security number based and shall also include a check of the Tennessee and National Sex Offender Registries and the Tennessee Department of Health Abuse Registry. Schools shall also search the Tennessee educator licensure database (TNCompass) to determine if an applicant for a teaching position or any other position requiring proximity to school children has ever had a Tennessee educator license suspended or revoked for misconduct.

 - (VII) Each school director shall comply with the reporting requirements set forth in T.C.A. § 49-5-417 and State Board Rule 0520-02-03-.09 with regard to any employee who possesses a Tennessee educator license.
- (iii) Curriculum and Graduation.
- (I) The instructional program shall include, but not be limited to, the areas of English language arts, mathematics, social studies, and science. Additionally, schools are encouraged to offer art, music, health and physical education, and world language.
 - (II) Each school shall use textbooks and instructional materials that adequately cover all subjects in the school's instructional program.
 - (III) Each high school shall adopt a graduation requirements policy requiring students to earn at least the minimum number of total credits required for graduation set by the State Board in Rule 0520-01-03-.06. The school's policy shall also require students to achieve the required minimum number of credits set by the State Board in Rule 0520-01-03-.06 in the subjects of English language arts, mathematics, science, and social studies. This provision shall not be construed as requiring the same courses in the subjects of English language arts, mathematics, science, and social studies that are required for public schools. The school shall determine the additional subject areas and credits necessary for graduation from high

school as set forth in the school's graduation requirements policy to meet or exceed the minimum total number of credits set by the State Board in Rule 0520-01-03-.06. Notwithstanding the above, each high school that meets the requirements set forth in T.C.A. § 49-6-1202 shall teach American History and Government (U.S. History and Geography, and U.S. Government and Civics).

- (IV) At least once every school year, each school shall give a nationally standardized achievement test covering the areas of English language arts and math to each pupil in third (3rd) through eleventh (11th) grades; the results must be communicated to teachers and parents and kept on file at the school for one (1) calendar year. Examples of nationally standardized achievement tests include ACT/SAT and benchmark assessments. Schools may identify alternate assessments for students with the most significant cognitive disabilities.

(iv) Teacher Licensure and Evaluation.

- (I) Each school shall ensure that all teachers and principals are appropriately licensed or credentialed, as defined by the accrediting agency.
- (II) Each school shall develop procedures for evaluation of all teachers and principals.
- (III) Each school shall provide a sufficient number of appropriately qualified administrators, supervisors, and other personnel, which may include, but is not limited to, librarians, and school counselors, for the student body served.

(v) Administrative Rules.

- (I) Each school shall maintain an operating schedule that includes the minimum number of instructional days (180) and minimum number of hours per day (6 ½) required of public schools, In accordance with T.C.A. § 49-6-3004, a school that exceeds the required six and one-half (6 ½) hours of instructional time per day for the full academic year shall be credited with the additional instructional time in amounts up to, but not exceeding, thirteen (13) instructional days each school year. Such excess instructional time shall be used in accordance with T.C.A. § 49-6-3004(e)(1). Schools that are unable to meet the required 180 instructional day requirement due to natural disaster or serious outbreak of illness affecting or endangering students or staff during the school year may request a waiver of the minimum instructional day requirement from the school's accrediting agency.

- (II) Each school shall comply with applicable state and federal laws prohibiting discrimination on the basis of disability, including but not limited to the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.
- (III) Each school shall develop and implement a written policy on promotion and retention. The written policy shall be communicated to students and parents via the school handbook.
- (IV) Each school shall ensure that class sizes do not exceed the class size maximums set forth in state law.
- (V) Each school shall maintain complete and accurate permanent records of the following for all students: attendance, disciplinary matters, work completed while enrolled at the school, and promotion or retention determinations.
- (VI) Each school shall provide periodic reports of student needs and academic progress to parents or legal guardians during each school year.

(3) Probationary Approval and Denial of Approval.

- (a) The Department shall notify an agency of non-compliance with this Rule or the non-compliance of any of its accredited schools located in Tennessee with this Rule, State Board Rules Chapter 0520-07-01, and any applicable state or federal laws and establish a deadline by which the agency shall show evidence of compliance. If the agency does not come into compliance by the specified deadline, the Department may provide notice to the agency of intent to recommend to the State Board that the agency be placed on probationary approval status.
- (b) If the Department recommends to the State Board that the agency be placed on probationary approval, the Department shall provide to the State Board:
 - 1. Information regarding the non-compliance;
 - 2. Reasons supporting the recommendation to place the agency on probationary approval; and
 - 3. All notices provided to the agency regarding non-compliance and responses of the agency.
- (c) Representatives of the agency may request to speak at the State Board meeting at which the recommendation for probationary approval is under consideration pursuant to State Board Policy 1.400.

- (d) If the State Board votes to place the agency on probationary approval status, the agency shall submit a corrective action plan to the Department. If the agency successfully completes the terms of the corrective action plan, the Department shall bring a recommendation to the State Board that the agency be removed from probationary approval status and granted full approval. If the agency does not successfully complete the terms of the corrective action plan, the Department shall bring a recommendation that the State Board revoke the agency's approval.
- (e) If the Department recommends to the State Board that the agency's approval be revoked, the Department shall provide to the State Board:
 1. Information regarding the non-compliance;
 2. Reasons supporting the recommendation to revoke the agency's approval; and
 3. All notices provided to the agency regarding non-compliance and responses of the agency.
- (f) The agency may address the State Board at the meeting where the revocation recommendation is being considered by the Board by providing notice to the Board of its request to speak in accordance with State Board Policy 1.400.
- (g) If the State Board votes to revoke approval of the agency, the agency's approval shall expire at the end of the school year during which the vote takes place, or other date specified by the State Board.

Authority: T.C.A. §§ 49-1-201, 49-1-302, 49-6-3001, and 49-50-801. **Administrative History:** (For history prior to June 1987, see pages ii-iii). New rule filed April 24, 1987; effective June 8, 1987. Repealed and new rule filed March 16, 1992; effective June 29, 1992. Repeal and new rule filed February 20, 2008; effective June 27, 2008. Amendment filed March 25, 2010; effective August 29, 2010. Amendment filed October 23, 2013; effective March 31, 2014. Amendments filed August 11, 2017; effective November 9, 2017.

0520-07-02-.05 CATEGORY IV: CHURCH-RELATED SCHOOLS.

- (1) Category IV schools are schools that are "church-related" and exempt from certain regulations regarding faculty, textbooks, and curriculum. T.C.A. § 49-50-801 defines a church-related school as a school operated by denominational, parochial or other bona fide church organizations, which are required to meet the standards of accreditation or membership of the Tennessee Association of Christian Schools, the Association of Christian Schools International, the Tennessee Association of Independent Schools, the Southern Association of Colleges and Schools, the Tennessee Association of Non-Public Academic Schools, the Tennessee Association of Church Related Schools, the Association of Classical and Christian Schools, the Tennessee Alliance of Church Related Schools, or a school affiliated with Accelerated Christian Education, Inc.

- (2) In accordance with T.C.A. § 49-6-3050, a parent may enroll their child in a Category IV school and participate as a parent-teacher in the Category IV school for the purposes of home schooling their children. Such parent-teachers shall meet the requirements established in T.C.A. § 49-6-3050 and shall be subject to the requirements established by the Category IV school for home school parent-teachers. Students who are enrolled in a Category IV school with a parent-teacher as provided in this paragraph and T.C.A. § 49-6-3050 shall be reported as enrolled students as required by paragraph (3)(f) below, in the same manner as all other enrolled students. A Category IV school is not required to conduct a criminal history records check as set forth in paragraph (3)(i) below for a parent-teacher who is instructing their own children.
- (3) Each agency shall ensure all of its accredited or member schools:
- (a) Comply with all laws, rules and regulations, and codes of the city, county, and state regarding planning of new buildings, alterations, and health and safety.
 - (b) Comply with all fire safety regulations and procedures promulgated by the Tennessee Fire Marshal's Office.
 - (c) Conduct at least one (1) fire safety inspection annually based on the fire safety inspection checklist developed by the Tennessee Fire Marshal's Office, and maintain copies of the inspection reports, including findings of non-compliance and actions taken to comply for review by the Tennessee Fire Marshal's Office.
 - (d) Construct, remodel, renovate, expand, or modify school buildings or other structures in accordance with any state and/or federal requirements applicable to the school regarding building accessibility, which may include, but is not limited to, the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.
 - (e) Comply with the requirement of Department of Health Rules and T.C.A. § 49-6-5001 that each child enrolled in school be vaccinated against disease, subject to any applicable exemptions set forth in State law or Department of Health Rules. For purposes of Chapter 296 of the Public Acts of 2023, this requirement does not apply to a student who is enrolled in a Category IV school and is taught at home by a parent-teacher in accordance with T.C.A. § 49-6-3050(a)(2) or (a)(3),
 - (f) Comply with the requirement of T.C.A. § 49-6-3007 that the names, ages, and addresses of all pupils in attendance be reported to the director of schools of the public school district in which the student resides.
 - (g) Ensures students entering Kindergarten have reached five (5) years of age on or before August 15 pursuant to T.C.A. § 49-6-201(b)(3), unless the principal or head of school finds through evaluation and testing, at the request of the parent or legal guardian, that a child who is five (5) on or before September 30 is sufficiently mature emotionally and academically to enter Kindergarten and the school has a policy permitting testing by the principal or head of school to obtain early admission to Kindergarten.
 - (h) Each school shall maintain an operating schedule that includes the minimum number of instructional days (180) and minimum number of hours per day (6 ½)

required of public schools, In accordance with T.C.A. § 49-6-3004, a school that exceeds the required six and one-half (6 ½) hours of instructional time per day for the full academic year shall be credited with the additional instructional time in amounts up to, but not exceeding, thirteen (13) instructional days each school year. Such excess instructional time shall be used in accordance with T.C.A. § 49-6-3004(e)(1). Schools that are unable to meet the required 180 instructional day requirement due to natural disaster or serious outbreak of illness affecting or endangering students or staff during the school year may request a waiver of the minimum instructional day requirement from the school's accrediting or membership agency.

- (i) Each school shall conduct a criminal history records check prior to employment for any person applying for or holding a position as a teacher or any other position requiring proximity to school children. Criminal history records checks shall also be required for any person or employee of the person, corporation, or other entity who contracts with a school and who will have direct contact with school children or access to the grounds of the school when children are present. The criminal history records check shall be fingerprint based or social security number based and shall also include a check of the Tennessee and National Sex Offender Registries and the Tennessee Department of Health Abuse Registry. Schools shall also search the Tennessee educator licensure database (TNCompass) to determine if an applicant for a teaching position or any other position requiring proximity to school children has ever had a Tennessee educator license suspended or revoked for misconduct.
 - (j) Each school director shall comply with the reporting requirements set forth in T.C.A. § 49-5-417 and State Board Rule 0520-02-03-.09 with regard to any employee who possesses a Tennessee educator license.
- (4) Church-related schools not accredited by or members of one (1) of the agencies set forth in paragraph (1) of this Rule may seek approval from the State Board as provided for in T.C.A. § 49-50-801©(1) by submitting the application on a form developed by the State Board staff and meeting any deadlines for application established by the State Board staff. Church-related schools seeking approval from the State Board shall demonstrate they are operated by a denominational, parochial or other bona fide church organization by providing proof with the application that the organization operating the school is recognized as a 501(c)(3) religious organization by the United States Internal Revenue Service. State Board staff shall review any complete and timely submitted application utilizing a rubric developed by State Board staff that is aligned to the application. Only applications which fully meet the standard of the rubric may be recommended by the Executive Director to the State Board for approval.
 - (5) Schools approved as Category IV schools by the State Board shall be monitored by the Department for continued compliance with the requirements set forth in paragraph (3) of this Rule, State Board Rule Chapter 0520-07-01, and all applicable state and federal laws.
 - (6) Reporting of Non-Compliance and Revocation of Approval.
 - (a) For accrediting agencies listed in T.C.A. § 49-50-801, the Department shall notify an agency of non-compliance of any of its accredited or member schools with this

Rule, State Board Rules Chapter 0520-07-01, and any applicable state or federal laws and establish a deadline by which the agency shall show evidence of its accredited or member schools' compliance. If the agency does not produce evidence of compliance by the specified deadline, the Department may provide notice of the continued non-compliance to the chairs of the Education Committees of the Tennessee House and Senate.

- (b) For schools approved by the State Board as provided in paragraph (4) of this Rule, approval may be revoked by the State Board for non-compliance. The Department shall notify the school of non-compliance with this Rule, State Board Rules Chapter 0520-07-01, and any applicable state or federal laws and establish a deadline by which the school shall show evidence of compliance. If the school does not establish compliance by the specified deadline, the Department may provide notice to the school of intent to recommend to the State Board that the school's approval be revoked.
1. If the Department recommends revocation of approval of a school to the State Board, the Department shall provide to the State Board:
 - (i) Information regarding the non-compliance;
 - (ii) Reasons supporting the recommendation to revoke school approval; and
 - (iii) All notices provided to the school regarding non-compliance and responses from the school.
 2. Representatives of the school may request to speak at the State Board meeting at which revocation is under consideration pursuant to State Board Policy 1.400.
 3. If the State Board votes to revoke approval of a school, the revocation shall take effect at the end of the school year in which the vote takes place, or on another date identified by the State Board.

Authority: T.C.A. §§ 49-1-201, 49-1-302, 49-6-3001, 49-6-3050, and 49-50-801. **Administrative History:** (For history prior to June 1987, see pages ii-iii). New rule filed April 24, 1987; effective June 8, 1987. Repealed and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed February 20, 2008; effective June 27, 2008. Amendment filed October 29, 2008; effective February 28, 2009. Amendment filed March 25, 2010; effective August 29, 2010. Amendment filed March 24, 2014; effective August 29, 2014. Amendments filed August 11, 2017; effective November 9, 2017.

0520-07-02-.06 CATEGORY V: REGISTERED FOR OPERATION.

- (1) Schools in this category are registered for operation with the Department..

- (2) Each school seeking registration for operation shall furnish to the Department the following information by October 15th of each year:
- (a) Name, mailing address, and telephone number of the school;
 - (b) Name and academic credentials of the principal or head of school;
 - (c) Number of students in each grade level as of October 1 of current school year;
 - (d) Name and academic credentials of each teacher and the subjects taught by that teacher; and
 - (e) Certification that the school meets all requirements set forth in paragraph (3).
- (3) Each school shall ensure compliance with the following:
- (a) Keep on file the curriculum offered and make copies available for inspection by the Department and the public upon request.
 - (b) Each school shall comply with all of the laws, rules and regulations, and codes of the city, county, and state regarding planning of new buildings, alterations, and health and safety.
 - (c) Each school shall observe all fire safety regulations and procedures promulgated by the Tennessee Fire Marshal's Office.
 - (d) Each school shall conduct at least one (1) fire safety inspection annually based on the fire safety inspection checklist developed by the Tennessee Fire Marshal's Office, and maintain copies of the inspection reports, including findings of non-compliance and actions taken to comply for review by the Tennessee Fire Marshal's Office.
 - (e) Each school shall construct, remodel, renovate, expand, or modify school buildings or other structures in accordance with any state and/or federal requirements applicable to the school regarding building accessibility, which may include, but is not limited to, the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.
 - (f) Each school shall comply with the requirement of Department of Health Rules and T.C.A. § 49-6-5001 that each child in school be vaccinated against disease, subject to any applicable exemptions set forth in State law or Department of Health Rules.
 - (g) Each school shall comply with the requirement of T.C.A. § 49-6-3007 that the names, ages, and addresses of all pupils in attendance be reported to the director of schools for the public school district in which the student resides.

- (h) Each teacher shall possess at least a baccalaureate degree.
- (i) At least once every school year, each school shall administer a nationally standardized achievement test covering, at a minimum, English language arts and math to each student in third (3rd) through eleventh (11th) grades. Results of the test shall be communicated to teachers and parents and kept on file at the school for at least one (1) calendar year. Examples of nationally standardized achievement tests include ACT/SAT and benchmark assessments. Schools may identify alternate assessments for students with the most significant cognitive disabilities.
- (j) Each school shall ensure students entering Kindergarten have reached five (5) years of age on or before August 15 pursuant to T.C.A. § 49-6-201(b)(3) unless the principal or head of school finds through evaluation and testing, at the request of the parent or legal guardian, that a child who is five (5) on or before September 30 is sufficiently mature emotionally and academically to enter Kindergarten and the school has a policy permitting testing by the principal or head of school to obtain early admission to Kindergarten.
- (k) Beginning in the 2026-2027 school year, each school shall have at least ten (10) full-time school-age students enrolled each school year.
- (l) Each school shall conduct a criminal history records check prior to employment for any person applying for or holding a position as a teacher or any other position requiring proximity to school children. Criminal history records checks shall also be required for any person or employee of the person, corporation, or other entity who contracts with a school and who will have direct contact with school children or access to the grounds of the school when children are present. The criminal history records check shall be fingerprint based or social security number based and shall also include a check of the Tennessee and National Sex Offender Registries and the Tennessee Department of Health Abuse Registry. Schools shall also search the Tennessee educator licensure database (TNCompass) to determine if an applicant for a teaching position or any other position requiring proximity to school children has ever had a Tennessee educator license suspended or revoked for misconduct.
- (m) Each school director shall comply with the reporting requirements set forth in T.C.A. § 49-5-417 and State Board Rule 0520-02-03-.09 with regard to any employee who possesses a Tennessee educator license.
- (n) Each school shall maintain an operating schedule that includes the minimum number of instructional days (180) and minimum number of hours per day (6 ½) required of public schools, In accordance with T.C.A. § 49-6-3004, a school that exceeds the required six and one-half (6 ½) hours of instructional time per day for the full academic year shall be credited with the additional instructional time in amounts up to, but not exceeding, thirteen (13) instructional days each school year. Such excess instructional time shall be used in accordance with T.C.A. § 49-6-3004(e)(1). Schools that are unable to meet the required 180 instructional day

requirement due to natural disaster or serious outbreak of illness affecting or endangering students or staff during the school year may request a waiver of the minimum instructional day requirement from the Commissioner.

- (o) Each high school shall teach American History and Government (U.S. History and Geography, and U.S. Government and Civics) if the high school meets the requirements set forth in T.C.A. § 49-6-1202.

(4) Monitoring and Revocation.

- (a) Category V schools shall report all required data annually to the Department as required by State Board Rule 0520-07-01-.04 and in any Department-provided procedures.

- (b) The Department shall notify a school of non-compliance with this Rule, State Board Rules Chapter 0520-07-01, and any applicable state or federal laws and establish a deadline by which the school shall show evidence of compliance. If the school does not come into compliance by the specified deadline, the Department may revoke the registration of the school after providing notice of revocation to the school. Revocation of the registration of the school shall take effect at the end of the school year in which the non-compliance was reported to the school, or on another date identified by the Department.

1. A school may appeal the revocation decision. Appeals must be submitted to the Department within fourteen (14) calendar days of the Department electronically sending the notice of revocation that is being appealed. The day that the Department sends the notice of revocation shall not count as part of the fourteen (14) calendar days. The Commissioner or Commissioner's Designee shall make a determination and issue an electronic notification to the appealing party within forty-five (45) calendar days of receiving the appeal.

Authority: T.C.A. §§ 49-1-201, 49-1-302, 49-6-3001 and 49-50-801. **Administrative History:** (For history prior to June 1987, see pages ii-iii). New rule filed April 24, 1987; effective June 8, 1987. Repealed and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed October 29, 2008; effective February 28, 2009. Amendment filed March 24, 2014; effective August 29, 2014. Amendments filed August 11, 2017; effective November 9, 2017.

AMENDMENT
RULES
OF
THE STATE BOARD OF EDUCATION

CHAPTER 0520-02-03
EDUCATOR LICENSURE

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

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

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

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

- (b) Option 2: Holds a full and valid professional-level license from a state other than Tennessee that is a partner in the NASDTEC interstate agreement or holds a full and valid professional-level occupational teaching license in Tennessee.
 - (c) Option 3: Holds a valid certification from the National Board for Professional Teaching Standards.
- (7) If the requirements for licensure advancement are not met prior to the end of the validity period of the second (2nd) issuance of the practitioner teacher license, then the license may be renewed. To renew the practitioner teacher license, an educator shall earn thirty (30) qualifying professional development points as defined in Educator Licensure Policy 5.502.
- (8) Educators who obtained the practitioner teaching license through the out-of-state pathway 4 prior to enactment of Public Chapter 125 of 2021 shall not be required to submit qualifying scores on State Board-required assessments to advance if:
- (a) The educator has been employed in a Tennessee public school in the area of endorsement; and
 - (b) The educator earned a level of overall effectiveness (LOE) score of "above expectations" or "significantly above expectations" in each of the first two (2) years immediately following the issuance of the individual's initial practitioner license; or
 - (c) If the educator did not receive an overall performance effectiveness level during one (1) or both of the two (2) years immediately following issuance of the educator's practitioner license, then the educator may:
 1. Choose to use the educator's most recent overall performance effectiveness level that is available to demonstrate an overall performance effectiveness level of "above expectations" or "significantly above expectations"; or
 2. The educator may request that the Director of Schools or the Director of the public charter school submit a recommendation to the Department of Education on the educator's effectiveness.
- (9) To renew the professional teacher license, an educator shall earn sixty (60) qualifying professional development points within the validity period of the license and as defined in the Educator Licensure Policy 5.502 or demonstrate two (2) years of qualifying experience as an educator as defined by the Department within the validity period of the license.
- (10) If the educator has not met the requirements for renewal at the end of the validity period of the professional license, then the license shall expire. Educators who fail to apply for renewal prior to the expiration of the license shall have a grace period of until October 1 following the date of expiration to apply for renewal. Applications for renewal submitted during the grace period shall demonstrate that the educator completed all requirements for license renewal (with the exception of submitting the application) prior to the end of the validity period.
- (11) Educators may reactivate an expired license and endorsements held by meeting one (1) of the following requirements:
- (a) Option A (Professional License only): Earn sixty (60) qualifying professional development points as defined in the Educator Licensure Policy 5.502.

- (b) Option B (Professional License only): Demonstrate two (2) years of qualifying experience as an educator as defined by the Department.
- (c) Option C: Submit to the Department evidence of completion of an approved educator preparation program (if not already provided) and submit qualifying scores on all State Board-required assessments as defined in the Professional Assessments for Tennessee Educators Policy.
- (d) Option D: Present a full and valid professional-level teaching license from a state other than Tennessee that is a partner in the NASDTEC interstate agreement.
- (e) Option E: Submit to the Department evidence of current National Board Certification issued by the National Board for Professional Teaching Standards.

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

0520-02-03-.04 REQUIREMENTS FOR OCCUPATIONAL TEACHER LICENSES.

- (1) Prospective educators seeking a practitioner occupational teaching license shall meet the requirements of one (1) of the following pathways:
 - (a) Pathway 1. The prospective educator:
 1. Holds a high school diploma or higher as defined by the Department based on the area in which the educator is seeking licensure and endorsement;
 2. Is enrolled in a State Board-approved educator preparation program with a job-embedded clinical practice;
 3. Is recommended by the approved educator preparation provider;
 4. Has a minimum of five (5) years of relevant work experience, completed within the last ten (10) years, or three (3) years of relevant work experience, completed within the last five (5) years, in the area of endorsement or equivalent education attainment as defined by the Department; and
 5. Holds an active industry certification for the area of endorsement as defined by the Department, if applicable.
 - (b) Pathway 2. The prospective educator:
 1. Holds an active Tennessee practitioner teacher license or professional teacher license with an endorsement covering any of the grades six (6) through twelve (12);

2. Has completed a State Board-approved academic educator preparation program or an educator preparation program approved by a state other than Tennessee; and
 3. Meets one (1) of the following criteria:
 - (i) Holds an active industry certification for the area of endorsement as defined by the Department, if applicable; or
 - (ii) If the endorsement area does not require an industry certification, has a minimum of five (5) years of relevant work experience, completed within the last ten (10) years, or three (3) years of relevant work experience, completed within the last five (5) years, in the area of endorsement or equivalent education attainment as defined by the Department.
- (c) Pathway 3. The prospective educator:
1. Has a minimum of five (5) years of relevant work experience, completed within the last ten (10) years, or three (3) years of relevant work experience, completed within the last five (5) years, in the area of endorsement or equivalent education attainment as defined by the Department;
 2. Holds an active industry certification for the area of endorsement as defined by the Department, if applicable;
 3. Provides proof of pairing with a highly effective mentor teacher; and
 4. Has completed coursework in classroom management, pedagogy, serving students with disabilities and English learners, and the teacher code of ethics as set forth in T.C.A. § 49-5-5615, from a State Board-approved educator preparation provider.
- (2) Prospective educators from a state other than Tennessee that is a partner in the NASDTEC interstate agreement and who are seeking a practitioner occupational teacher license shall meet requirements of one (1) of the following pathways:
- (a) Out-of-State Pathway 1. The out-of-state prospective educator:
1. Holds a high school diploma or higher as defined by the Department based on the area in which the educator is seeking licensure and endorsement;
 2. Has completed an educator preparation program approved by a state other than Tennessee;
 3. Is recommended by the approved educator preparation provider;
 4. Holds an active industry certification for the area of endorsement as defined by the Department, if applicable; and
 5. Submits qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy.

- (b) Out-of-State Pathway 2. The out-of-state prospective educator:
 - 1. Holds a high school diploma or higher;
 - 2. Has completed an educator preparation program approved by a state other than Tennessee;
 - 3. Holds a full and valid initial level occupational license from a state other than Tennessee that is a partner in the NASDTEC interstate agreement;
 - 4. Is recommended by the approved educator preparation provider; and
 - 5. Holds an active industry certification for the area of endorsement as defined by the Department, if applicable.
- (3) Prospective educators from a state other than Tennessee seeking a professional occupational teacher license shall meet the following requirements:
 - (a) Out-of-State Pathway 3. The out-of-state prospective educator:
 - 1. Holds a high school diploma or higher;
 - 2. Holds a full and valid professional-level occupational license from a state other than Tennessee that is a partner in the NASDTEC interstate agreement; and
 - 3. Holds an active industry certification for the area of endorsement as defined by the Department, if applicable.
 - (4) A practitioner occupational teacher license may be renewed once upon completion of an approved educator preparation program and submission of qualifying scores on all State Board-required assessments as defined in the Professional Assessments for Tennessee Educators Policy prior to the end of the validity period of the first (1st) issuance of the practitioner license. An educator issued a practitioner occupational teacher license under Pathway 3 is not required to complete an approved educator preparation program to renew the license.
 - (5) In order to advance from a practitioner occupational teacher license to a professional occupational teacher license, an educator shall meet one of the following sets of requirements:
 - (a) Option 1:
 - 1. Complete three (3) years of qualifying experience as an educator as defined by the Department;
 - 2. Complete a State Board-approved educator preparation program
 - 3. Earn thirty (30) professional development points, a minimum of twenty (20) which shall come from new teacher training provided by the Department as indicated by SBE Educator Licensure Policy 5.502;
 - 4. Hold an active industry certification for the area of endorsement as defined by the Department, if applicable; and

- (b) Option 2:
 - 1. Holds a full and valid professional-level occupational license from a state other than Tennessee that is a partner in the NASDTEC interstate agreement or holds a full and valid professional-level academic teaching license in Tennessee; and
 - 2. Holds an active industry certification for the area of endorsement as defined by the Department, if applicable.
- (6) 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 occupational teacher license then the license may continue to be renewed. To renew the practitioner occupational second (2nd) issuance license, an educator shall earn thirty (30) qualifying professional development points as defined in the Educator Licensure Policy 5.502 and hold an active industry certification for the area of endorsement as defined by the Department, if applicable.
- (7) In order to renew the professional occupational teacher license educators must meet the following requirements:
 - (a) Earn sixty (60) professional development points within the validity period of the license and as defined in the Educator Licensure Policy 5.502 or demonstrate two (2) years of qualifying experience as an educator as defined by the Department within the validity period of the license; and
 - (b) Provide verification of an active industry certification for the area of endorsement as defined by the Department, if applicable.
- (8) If the educator has not met the requirements for renewal at the end of the validity period of the professional license, then the license shall expire. Educators who fail to apply for renewal prior to the expiration of the license shall have a grace period of until October 1 following the date of expiration to apply for renewal. Applications for renewal submitted during the grace period shall demonstrate that the educator completed all requirements for license renewal (with the exception of submitting the application) prior to the end of the validity period.
- (9) Teachers who hold an active practitioner or professional occupational teacher license and have completed an educator preparation program may add additional occupational endorsements through one (1) of the following pathways:
 - (a) Hold an active industry certification, as determined by the Department, for the area of endorsement, if applicable; or
 - (b) If the endorsement area does not require a certification, then have a minimum of five (5) years of relevant work experience, completed within the last ten (10) years, or three (3) years of relevant work experience, completed within the last five (5) years, in the area of endorsement or equivalent education attainment as defined by the Department.
- (10) An occupational teacher license may be reactivated by meeting the following requirements:
 - (a) Hold an active industry certification, as determined by the Department, for the area of endorsement, if applicable; or

- (b) If the endorsement area does not require a certification, then have a minimum of five (5) years of relevant work experience, completed within the last ten (10) years, or three (3) years of relevant work experience, completed within the last five (5) years, in the area of endorsement or equivalent education attainment as defined by the Department; and
- (c) Meeting one (1) of the following requirements:
 - 1. Option A (Professional License only): Earning sixty (60) qualifying professional development points as defined in the Educator Licensure Policy 5.502.
 - 2. Option B (Professional License only): Demonstrating two (2) years of qualifying experience as an educator as defined by the Department.
 - 3. Option C: Submit to the Department evidence of completion of an approved educator preparation program (if not already provided) and submit qualifying scores on all State Board-required assessments as defined in the Professional Assessments for Tennessee Educators Policy 5.105. An educator issued a practitioner occupational teacher license under Pathway 3 is not required to submit evidence of completion of an approved educator preparation program to reactivate the license.
 - 4. Option D: Present a full and valid professional-level occupational license from a state other than Tennessee that is a partner in the NASDTEC interstate agreement.
 - 5. Option E: Submit to the Department evidence of current National Board Certification issued by the National Board for Professional Teaching Standards.

Authority: T.C.A. §§ 49-1-302, 49-5-108, and 49-5-5603. **Administrative History:** Repeal and new rules filed December 18, 2014; effective March 18, 2015. A stay of the rules was filed January 28, 2015; new effective date June 1, 2015. Emergency rules filed August 27, 2015; effective through February 23, 2016. Repeal and new rules filed October 27, 2015; effective January 25, 2016. Amendments filed October 7, 2016; effective January 5, 2017. Amendments filed August 16, 2019; effective November 14, 2019. Emergency rules filed July 9, 2021; effective through January 5, 2022. Emergency rules expired effective January 6, 2022, and the rules reverted to their previous statuses. Amendments filed December 2, 2021; effective March 2, 2022.

0520-02-03-.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 the requirements of one (1) of the following pathways
1. Pathway 1: Submit qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy and meet one (1) of the following:
 - (i) Hold an advanced degree in audiology from a state or 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. Pathway 2: Hold an advanced degree in audiology and hold a full and valid out-of-state initial level school audiologist license from a state that is a partner in the NASDTEC interstate agreement.
- (b) Out-of-state candidates seeking a professional school services personnel license as a school audiologist shall hold an advanced degree in audiology and hold a full and valid out-of-state professional level school audiologist license from a state that is a partner in the NASDTEC interstate agreement.

- (5) School psychologists shall hold a school services personnel license with the school psychologist endorsement.
- (a) Candidates seeking a practitioner school services personnel license as a school psychologist shall meet the requirements of one (1) of the following pathways:
1. Pathway 1: Submit qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy and meet one (1) of the following:
 - (i) Complete a State Board-approved graduate level educator preparation program in school psychology or a graduate level educator preparation program in school psychology approved for licensure by a state other than Tennessee; or
 - (ii) Hold a valid certificate as a Nationally Certified School Psychologist issued by the National School Psychology Certification System;
 2. Pathway 2: Hold an advanced degree in school psychology and hold a full and valid out-of-state initial level school psychologist license from a state that is a partner in the NASDTEC interstate agreement.
- (b) Out-of-state candidates seeking a professional school services personnel license as a school psychologist shall hold an advanced degree in school psychology and hold a full and valid out-of-state professional level school psychologist license from a state that is a partner in the NASDTEC interstate agreement.
- (6) School counselors shall hold a school services personnel license with the school counselor endorsement.
- (a) Candidates seeking a practitioner school services personnel licensure and endorsement as a school counselor shall meet the requirements of one (1) of the following pathways:
1. Pathway 1. The candidate:
 - (i) Holds an advanced degree in school counseling from a regionally-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) Is recommended by the approved educator preparation provider; and
 - (iv) Submits qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy.
3. Pathway 3. The candidate:
- (i) Holds an advanced degree in a counseling field;
 - (ii) Is enrolled in a State Board-approved educator preparation program in school counseling;
 - (iii) Has completed a minimum of twenty-four (24) hours of coursework in school counseling;
 - (iv) Is recommended by the approved educator preparation provider;
 - (v) Submits required supervision agreement between the LEA and approved educator preparation provider; and
 - (vi) Submits qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy.
4. Pathway 4. The out-of-state candidate:
- (i) Holds an advanced degree in school counseling from a regionally-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.
5. Pathway 5. 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.
- (b) Out-of-state candidates seeking a professional school services personnel licensure and endorsement as a school counselor shall hold an advanced degree in school counseling and hold a full and valid out-of-state professional level educator license from a state that is a partner in the NASDTEC interstate agreement.

- (c) School counselors who serve in a supervisory role shall have a professional school services personnel license with an endorsement in school counseling.
- (7) School social workers shall hold a school services personnel license with the school social worker endorsement.
- (a) Candidates seeking a practitioner school services personnel license as a school social worker shall meet the requirements of one (1) of the following pathways:
 1. Pathway 1: Meet one (1) of the following sets of requirements:
 - (i) Complete a State Board-approved educator preparation program in school social work, or an educator preparation program in school social work approved for licensure by a state other than Tennessee, and be recommended by the approved educator preparation provider; or
 - (ii) Hold a full and valid social worker license issued by the Tennessee Board of Social Workers or the licensing board of a state other than Tennessee;
 2. Pathway 2: Hold a bachelor's degree or higher in social work from a regionally-accredited college or university and hold a full and valid out-of-state initial level school social work license from a state that is a partner in the NASDTEC interstate agreement.
 - (b) Out-of-state candidates seeking a professional school services personnel licensure and endorsement as a school social worker shall hold a bachelor's degree or higher in social work and hold a full and valid out-of-state professional level license from a state that is a partner in the NASDTEC interstate agreement.
- (8) School educational interpreters shall hold a school services personnel license with the educational interpreter endorsement.
- (a) Candidates seeking a practitioner school services personnel license as an educational interpreter shall meet the following requirements:
 1. Hold a bachelor's degree 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) Out-of-state candidates seeking a professional school services personnel license and endorsement as an educational interpreter shall hold a bachelor's degree or higher in educational interpreting and hold a full and valid out-of-state professional level educational interpreter license from a state that is a partner in the NASDTEC interstate agreement.

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

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

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

0520-02-03-.06 REQUIREMENTS FOR THE JROTC LICENSE.

- (1) Individuals seeking a JROTC license shall submit the following information to the Department of Education:
 - (a) Certification of preparation by the branch of the military approving the teacher placement;
 - (b) A copy of a valid JROTC training certificate that includes an expiration date;
 - (c) Official transcripts of all credit and degrees earned in colleges or universities in the United States; and

- (d) Verification that the applicant will be employed in a JROTC program in a Tennessee LEA.
- (2) Individuals holding the JROTC license may only teach courses designated as part of the JROTC program and no additional endorsements may be added to the JROTC license.
- (3) In order to renew the JROTC license, educators shall:
 - (a) Hold a valid JROTC training certificate; and
 - (b) Submit a recommendation to the Department from the LEA where the educator is employed.
- (4) If the educator has not met the requirements for renewal at the end of the validity period of the JROTC license, then the license shall expire. Educators who fail to apply for renewal prior to the expiration of the license shall have a grace period of until October 1 following the date of expiration to apply for renewal. Applications for renewal submitted during the grace period shall demonstrate that the educator completed all requirements for license renewal (except for submitting the application) prior to the end of the validity period.
- (5) In order to reactivate the JROTC license, educators shall:
 - (a) Hold a valid JROTC training certificate; and
 - (b) Submit verification that the applicant will be employed in a JROTC program in a Tennessee LEA.

Authority: T.C.A. § 49-1-302 T.C.A. § 49-5-108. **Administrative History:** Repeal and new rules filed December 18, 2014; effective March 18, 2015. A stay of the rules was filed January 28, 2015; new effective date June 1, 2015. Emergency rules filed August 27, 2015; effective through February 23, 2016. Repeal and new rules filed October 27, 2015; effective January 25, 2016. Amendments filed October 16, 2017; effective January 14, 2018.

0520-02-03-.07 REQUIREMENTS FOR LICENSES FOR POSTSECONDARY EDUCATORS.

- (1) A practitioner license for postsecondary educators (PSE) may be issued to candidates that meet the following requirements:
 - (a) Meet one of the following experience requirements:
 - 1. Have been a full-time college professor or instructor for at least two (2) of the last five (5) years at an eligible postsecondary institution that is accredited by a regional accrediting association, as defined by T.C.A. § 49-4-902; or
 - 2. Have been a part-time college professor or instructor, teaching at least one (1) course per semester, for at least three (3) of the last five (5) years at an eligible postsecondary institution that is accredited by a regional accrediting association, as defined by T.C.A. § 49-4-902;
 - (b) Submit at least three (3) years of qualifying teaching evaluations that rate the applicant as proficient or better in the subject area in which the applicant is seeking licensure from the postsecondary institution at which the applicant taught, where evaluations are defined as an assessment of the educator’s performance in the subject area, which may include a formal rating system or, if the institution does not use a rating system, may be a letter from

the dean, department chair, or other direct supervisor regarding the educator's performance;

- (c) Submit qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy.
- (2) The PSE license shall only be issued for teaching assignments in grades nine through twelve (9-12).
- (3) The PSE license shall bear an endorsement to teach only in the subject area in which the person taught at the eligible postsecondary institution.
- (4) In order to advance from a PSE practitioner license to a PSE professional license, an educator shall meet the following requirements:
 - (a) Have three (3) years of qualifying experience as an educator as defined by the Department; and
 - (b) Earn thirty (30) professional development points as indicated by SBE Educator Licensure Policy 5.502.
- (5) If the requirements for advancement to the PSE professional license are not met prior to the end of the validity period of the PSE practitioner license, the PSE practitioner license may be renewed. To renew the practitioner license, an educator shall earn thirty (30) qualifying professional development points as defined in Educator Licensure Policy 5.502.
- (6) If the requirements for renewal are not met prior to the end of the validity period, then the license shall expire. Educators who fail to apply for renewal prior to the expiration of the license shall have a grace period of until October 1 following the date of expiration to apply for renewal. Applications for renewal submitted during the grace period shall demonstrate that the educator completed all requirements for license renewal (except for submission of the application) prior to the end of the validity period.
- (7) In order to reactivate the PSE professional license, an educator shall submit qualifying scores on all State Board-required assessments
- (8) In order to renew the PSE professional license educators must earn sixty (60) qualifying professional development points.

Authority: T.C.A. § 49-1-302, T.C.A. § 49-5-108, T.C.A. § 49-5-112. **Administrative History:** Repeal and new rules filed December 18, 2014; effective March 18, 2015. A stay of the rules was filed January 28, 2015; new effective date June 1, 2015. Emergency rules filed August 27, 2015; effective through February 23, 2016. Repeal and new rules filed October 27, 2015; effective January 25, 2016.

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

- (1) All principals, assistant principals, and supervisors serving as instructional leaders in Tennessee shall hold the appropriate instructional leader license.
- (2) Dual assignment personnel whose work assignment includes more than fifty percent (50%) instructional leadership responsibilities shall hold the appropriate instructional leader license.
- (3) Educators seeking the Instructional Leader License (ILL) shall meet the following requirements:

- (a) Hold an advanced degree from a regionally-accredited college or university;
 - (b) Have at least three (3) years of qualifying experience as an educator as defined by the Department;
 - (c) Have completed a State Board-approved instructional leader preparation program;
 - (d) Be recommended by the State Board-approved instructional leader preparation provider; and
 - (e) Submit qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy.
- (4) Educators from a state other than Tennessee who are seeking the ILL shall meet the following requirements:
- (a) Out-of-State Pathway 1: The out-of-state prospective instructional leader shall:
 - 1. Hold an advanced degree from a regionally-accredited college or university;
 - 2. Have at least three (3) years of qualifying experience as an educator as defined by the Department;
 - 3. Submit qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy; and
 - (i) Have completed an instructional leader preparation program approved by a state other than Tennessee as demonstrated by a provider recommendation from the out-of-state instructional leader preparation program where the educator completed preparation; or
 - (ii) Hold a full and valid license, comparable to the Tennessee ILL, from a state other than Tennessee that is a partner in the NASDTEC interstate agreement.
- (5) Educators from a state other than Tennessee who are seeking the Instructional Leader License - Professional (ILL-P) shall meet the following requirements:
- (a) Out-of-State Pathway 2. The out-of-state prospective instructional leader shall:
 - 1. Hold an advanced degree from a regionally-accredited college or university;
 - 2. Have at least three (3) years of qualifying out-of-state experience as an educator as defined by the Department, of which, one (1) year must be as a school principal, assistant principal, or instructional supervisor; and
 - 3. Hold a full and valid license comparable to the ILL-P from a state other than Tennessee that is a partner in the NASDTEC interstate agreement.
- (6) Educators holding the ILL may renew the license through one (1) of the following pathways:

- (a) Serve in a Tennessee Academy for School Leaders (TASL)-mandated position for at least two (2) years of the validity period of the license and be current in all TASL requirements; or
 - (b) Successfully complete a Department-approved instructional leadership training.
- (7) Educators enrolled in a State Board-approved instructional leader preparation program may apply for the Instructional Leader License–Aspiring (ILL-A). Educators holding the ILL-A may only serve as an assistant principal and may not serve as a principal or instructional supervisor. Educators seeking the ILL-A shall meet the following requirements:
- (a) Have at least three (3) years of qualifying experience as an educator as defined by the Department;
 - (b) Be enrolled in a State Board-approved instructional leader preparation program; and
 - (c) Be recommended by the State Board-approved instructional leader preparation provider.
- (8) Candidates from a state other than Tennessee who are seeking the ILL-A shall meet the following requirements:
- (a) Have at least three (3) years of qualifying experience as an educator as defined by the Department; and
 - (b) Have completed an instructional leader preparation program approved by a state other than Tennessee as demonstrated by:
 1. A full and valid license, comparable to the Tennessee ILL, from a state other than Tennessee that is a partner in the NASDTEC interstate agreement; or
 2. A provider recommendation from the out-of-state instructional leader preparation program where the educator completed preparation.
- (9) The ILL-A shall expire at the end of the validity period. The ILL-A is not renewable and cannot be reactivated.
- (10) Educators currently holding the ILL may seek advancement to the ILL-P through one (1) of the following advancement pathways:
- (a) Tennessee Academy for School Leaders (TASL) Pathway. Educators seeking advancement through the TASL pathway shall meet the following requirements:
 1. Be recommended by the TASL director and be current in all TASL requirements;
 2. Successfully complete the Beginning Principals' Academy or the Beginning Supervisors' Academy; and
 3. Be recommended by the educator's director of schools or director of the public charter school verifying the educator has a minimum of two (2) years of successful experience as a principal, assistant principal, or an instructional supervisor as demonstrated by an overall evaluation rating of at expectations or higher on a state-approved administrator evaluation model during the most recent validity period of the ILL.

- (b) Individual Professional Learning Plan (IPLP) Pathway. Educators seeking advancement through the IPLP pathway shall meet the following requirements:
 - 1. Be recommended by the TASL director;
 - 2. Successfully complete an Individual Professional Learning Plan in coordination with an approved instructional leader preparation program; and
 - 3. Be recommended by the educator's director of schools or director of the public charter school verifying the educator has a minimum of two (2) years of successful experience as a principal, assistant principal, or an instructional supervisor as demonstrated by an overall evaluation rating of at expectations or higher on a state-approved administrator evaluation model during the most recent validity period of the ILL.

- (11) Educators may renew the ILL-P through one (1) of the following pathways:
 - (a) TASL Pathway. Educators who currently serve in a TASL-mandated position shall meet all TASL requirements.
 - (b) Instructional Leadership Training Pathway. Educators who do not currently serve in a TASL-mandated position seeking renewal shall successfully complete a Department-approved instructional leadership training.

- (12) If the educator has not met the requirements for renewal or advancement at the end of the validity period of the instructional leader license, then the license shall become inactive. . Educators who fail to apply for renewal prior to the expiration of the license shall have a grace period of until October 1 following the date of expiration to apply for renewal. Applications for renewal submitted during the grace period shall demonstrate that the educator completed all requirements for license renewal (except for submission of the application) prior to the end of the validity period.

- (13) In order to reactivate an instructional leader license and endorsements held (with the exception of the ILL-A which is not eligible for reactivation), an educator shall submit to the Department evidence of completion of an approved leader preparation program (if not already provided) and shall either:
 - (a) Submit qualifying scores on all State Board-required assessments as defined in the Professional Assessments for Tennessee Educators Policy; or
 - (b) Present a full and valid professional-level instructional leader license from a state other than Tennessee that is a partner in the NASDTEC interstate agreement.

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

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

January 6, 2022, and the rules reverted to their previous statuses. Amendments filed December 2, 2021; effective March 2, 2022.

0520-02-03-.13 REQUIREMENTS FOR THE LIMITED LICENSE.

- (1) An individual may apply to the Department for a Limited License to continue teaching the course or subject area taught pursuant to the teacher's most recently issued permit, if the teacher meets the following requirements for issuance of a Limited License by the Department:
 - (a) Was issued a valid second or third temporary teaching permit pursuant to T.C.A. § 49-5-106 and State Board Permits Rule 0520-02-03-.12 in the 2021-2022 school year or thereafter;
 - (b) Earned a level of overall effectiveness score of "above expectations" or "significantly above expectations" on the teacher's most recent evaluation pursuant to T.C.A. § 49-1-302;
 - (c) Provides a recommendation from the director of schools or from the director of the public charter school, at which the teacher taught on a permit, recommending that the teacher receive a Limited License with the endorsement(s) issued pursuant to the most recently issued permit; and
 - (d) Agrees, in writing, to begin a pathway approved by the State Board for transitioning from a Limited License to a Practitioner license.
- (2) The Limited License is valid for two (2) school years and is not renewable.
- (3) A Limited License shall not be issued to an individual to teach an elementary physical education class required under T.C.A. § 49-6-1021, a course for which an end-of-course examination is required, or a special education course.
- (4) Educators seeking to advance from the limited license to the practitioner teacher license shall meet the following requirements:
 - (a) Submits a recommendation from a State Board approved educator preparation program or a provider approved by the State Board and the Department in accordance with LEA Teacher Training Programs Rule Chapter 0520-02-07, certifying that the educator has completed coursework focused on foundational pedagogical skills and foundational literacy skills in accordance with the Tennessee Literacy Success Act. A State Board approved educator preparation provider or a provider approved by the State Board and the Department shall not require an educator to complete more than six (6) credit hours to meet this requirement.
 - (b) Receives support from a highly effective clinical mentor in accordance with the requirements for clinical mentors set forth in State Board Clinical Experiences Rule 0520-02-04-.10; and
 - (c) Submits qualifying scores on all required content assessments as defined in the State Board Professional Assessments for Tennessee Educators Policy 5.105.
- (5) Once an educator is issued a practitioner teacher license, the educator shall meet requirements for renewal and/or advancement of the license as set forth in Rule 0520-02-03-.03 of this Chapter.

Authority: T.C.A. §§ 49-1-302, 49-5-106, and 49-5-108. **Administrative History:** Repeal and new rules filed December 18, 2014; effective March 18, 2015. A stay of the rules was filed January 28, 2015; new effective date June 1, 2015. Emergency rules filed August 27, 2015; effective through February 23, 2016. Repeal filed October 27, 2015; effective January 25, 2016. New rules filed August 16, 2019; effective November 14, 2019.

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

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

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

- (6) Schools shall develop and implement an individualized promotion plan for any student identified as

at risk for retention to help the student avoid retention.

- (a) The individualized promotion plan shall be developed in coordination with the student's teachers, IEP or 504 team, if applicable, and may also include input from the student's parents, school counselor, or other appropriate school personnel. All promotion plans shall include evidence-based promotion strategies and shall be tailored to the student's learning needs. Each promotion plan shall also include expectations and measurements that can be used to verify that a student has made sufficient progress to be promoted to the next grade level. Promotion plans for students in grades three (3) and four (4) shall include the additional requirements for promotion set forth in paragraph (7) of this Rule.
- (b) A copy of a student's promotion plan shall be provided to his or her parent or legal guardian, and the school shall offer to parents or legal guardians the opportunity for a parent-teacher conference to discuss the promotion plan.
- (c) If a student is not making progress on his or her promotion plan, then the promotion strategies shall be modified to support the student in the goal of promotion to the next grade level. A student who demonstrates sufficient academic progress with the strategies included in his or her promotion plan during the school year shall be promoted to the next grade level unless retention is required as set forth in paragraph (7) of this Rule.
- (d) If a student has not demonstrated sufficient academic progress as defined in his or her promotion plan by the end of the school year, the student shall be eligible to enroll in a summer reading or learning program if such program is available. For a student in grade three (3) who is identified for retention in accordance with paragraph (7) of this Rule and attends a summer reading or learning program, the program must be conducted in accordance with T.C.A. § 49-6-3115 and T.C.A. §§ 49-6-1501-1511.
- (e) If the student was enrolled in a summer reading or learning program then a decision for retention shall be made and communicated to the parent or legal guardian in writing at least ten (10) calendar days prior to the start of the next school year, or, if the student was not enrolled in a summer reading or learning program, a decision for retention shall be made and communicated to the parent or legal guardian in writing at least thirty (30) calendar days prior to the start of the next school year. The notification to the student's parent or legal guardian of the retention decision shall be in writing and sent electronically and shall include information regarding the parent or legal guardian's right to appeal the retention decision in alignment with the LEA or public charter school's promotion and retention policy.
- (f) Retention shall be considered only when it is in the best interests of the student, or if retention is required by paragraph (7) for students in grades three (3) and four (4). Retention decisions affecting a student receiving special education services shall be made in consultation with the student's Individualized Education Program (IEP) or 504 team and in accordance with the provisions of the IEP or 504 plan.
- (g) If a retention decision has been made, then the school shall develop an individualized academic remediation plan for the retained student within thirty (30) calendar days after the beginning of the next school year. A copy of the academic remediation plan shall be provided to the student's parent or legal guardian within ten (10) calendar days of development of such plan.
 - 1. The academic remediation plan shall be developed in coordination with the student's teachers, IEP or 504 team, if applicable, and may also include input from the student's parents, school counselor, or other appropriate school personnel.

2. The academic remediation plan shall be implemented to help the retained student attain and demonstrate learning proficiency and shall include at least one (1) of the following strategies:
 - (i) Adjustment to the current instructional strategies or high quality instructional materials;
 - (ii) Additional instructional time;
 - (iii) Individual tutoring;
 - (iv) Modification to the student's classroom assignment to ensure the student receives instruction from a teacher with a level of overall effectiveness of above expectations (level 4) or significantly above expectations (level 5); or
 - (v) Attendance or truancy interventions.

- (h) A student shall not be retained more than one (1) time in any given grade level.
- (i) Retention shall not:
 1. Be used without an academic remediation plan;
 2. Be used as a punitive or disciplinary measure;
 3. Be based solely on English language proficiency, for students who are identified as English learners;
 4. Be based on the student's disability or suspected disability; or
 5. Be based solely on a student's maturity.
- (j) This Rule does not supersede an LEA's or public charter school's obligation to comply with the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.), or Section 504 of the Rehabilitation Act (29 U.S.C. § 794).
- (k) The progress of a retained student shall be closely monitored and reported to the student's parent or legal guardian a minimum of three (3) times during the school year in which the student is retained.
- (l) Beginning with the 2023-2024 school year, a student who is retained in any of the grades kindergarten through three (K-3) shall be assigned a tutor to provide the student with tutoring services for the entirety of the upcoming school year based on tutoring requirements established by the Department.
- (7) Each LEA and public charter school shall comply with the following additional requirements for promotion and retention of students in grade three (3) and four (4), in accordance with T.C.A. § 49-6-3115:
 - (a) A student in grade three (3) shall not be promoted to the next grade level unless the student

is determined to be proficient in English language arts (ELA) based on the student's achieving a performance level rating of "on track" or "mastered" (otherwise known as "met expectations" or "exceeded expectations") on the ELA portion of the student's most recent Tennessee comprehensive assessment program (TCAP) test.

(b) Notwithstanding paragraph (7)(a):

1. A student in grade three (3) who is not proficient in ELA, as determined by the student's achieving a performance level rating of "approaching" on the ELA portion of the student's most recent TCAP test, may be promoted to the fourth (4th) grade if:
 - (i) Pathway 1: The student is an English language learner and has received less than two (2) full school years of ELA instruction;
 - (ii) Pathway 2: The student was previously retained in any of the grades kindergarten through three (K-3);
 - (iii) Pathway 3: The student is retested in accordance with Department guidelines before the beginning of the next school year and scores proficient in ELA;
 - (iv) Pathway 4: The student attends a learning loss bridge camp before the beginning of the upcoming school year, maintains a ninety percent (90%) attendance rate at the camp, and the student's performance on the post-test administered to the student at the end of the learning loss bridge camp, as required under T.C.A. § 49-6-1502(4)(F), demonstrates adequate growth, as defined in the State Board's Promotion and Retention Policy 3.300; or
 - (v) Pathway 5: The student receives high-dosage, low-ratio tutoring for the entirety of the upcoming school year from a Tennessee accelerating literacy and learning corps (TN ALL Corps) tutor. For the purposes of this Rule, "high-dosage, low-ratio tutoring" means a minimum of two (2) thirty (30) minute sessions per week with a one to three (1:3) teacher to student ratio. TN ALL Corps high dosage, low ratio tutoring may be provided through the following options, in accordance with T.C.A. § 49-6-1507:
 - (I) A tutor recruited and trained through the Department's TN ALL Corps grant program.
 - (II) A district recruited tutor who has completed the department's TN ALL Corps training.
 - (vi) Pathway 6: Beginning with third (3rd) grade students in the 2023-24 school year, the student demonstrates proficiency in ELA standards based on the student scoring within the fiftieth (50th) percentile on the most recently administered state-provided benchmark assessment, if the benchmark assessment is administered to the student in a test environment, in accordance with Department guidance, and the student's LEA or public charter school agrees to provide tutoring services to the student for the entirety of the student's fourth (4th) grade year.

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

ALL Corps training.

- (c) A student who is promoted to the fourth (4th) grade pursuant to paragraph (7)(b)(1)(v) or (7)(b)(2)(iv) of this Rule must show adequate growth on the fourth (4th) grade ELA portion of the TCAP test as further defined in State Board Promotion and Retention Policy 3.300, before the student may be promoted to the fifth (5th) grade.
- (d) Notwithstanding paragraph (c), a student shall not be retained in fourth (4th) grade more than once.
- (e) The requirements set forth in paragraphs (7)(a)-(d) do not supersede an LEA's or public charter school's obligation to comply with the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.) or Section 504 of the Rehabilitation Act (29 U.S.C. § 794).
 - 1. In accordance with T.C.A. § 49-6-3115, an LEA or public charter school shall not retain a student with a disability or a suspected disability that impacts their ability to read.
 - 2. Retention and promotion decisions shall be made on a case-by-case basis and in consultation with the student's IEP and/or 504 team to determine whether the student's performance on the ELA TCAP was due to the student's disability. Such consultation includes, but is not limited to, a review of evaluation and eligibility data, input from the student's teachers and parents, benchmark assessments, and classroom performance.
- (f) Appeals to the Department.
 - 1. The parent or legal guardian of a student who is identified for retention in third (3rd) grade pursuant to paragraph (7)(a) based on the student's achieving a performance level rating of "approaching" on the ELA portion of the student's most recent TCAP test, may appeal directly to the Department. A parent or legal guardian may consent, in writing on a form provided by the Department to LEAs and public charter schools for a school principal, guidance counselor, teacher, or other administrator of the student's school to file an appeal for the student on behalf of the parent or legal guardian. The LEA or public charter school shall fully inform the parent or legal guardian of the student's pathways to 4th grade promotion prior to the parent or legal guardian signing the consent form. Signed consent forms shall be collected by the LEA or public charter school either electronically or on paper and shall be maintained for monitoring purposes by the LEA or public charter school.
 - (i) A decision to retain a student for any other reason, as set forth in paragraphs (1)-(6) of this rule may be appealed at the local level only, pursuant to the LEA or public charter school's promotion and retention policy.
 - 2. The appeal process for a student who is identified for retention in third (3rd) grade pursuant to paragraph (7)(a) based on the student's achieving a performance level rating of "approaching" on the ELA portion of the student's most recent TCAP test shall be administered by the Department. Information regarding the appeals process and timelines shall be posted on the Department's website. All appeals shall be submitted on the appeal forms provided by the Department and posted on its website. If an appeal is not submitted on the appropriate appeal form, the appeal

shall be denied.

3. The Department shall open the appeals window no later than five (5) business days after the Department releases individual student results to LEAs and public charter schools for the ELA portion of the 3rd grade TCAP. All appeals shall be submitted within the appeals window determined by the Department. The Commissioner's designee(s) shall review all properly submitted appeals, make a determination, and issue an electronic notification of the decision to the parent or legal guardian within fourteen (14) calendar days of receiving the appeal. An extension of the fourteen (14) calendar day timeline is permitted if the Commissioner determines exceptional circumstances exist with respect to a particular appeal requiring the Department to request additional information necessary to make a determination.
4. The Commissioner's designee(s) may overturn the identification of a student as at risk for retention in third (3rd) grade pursuant to paragraph (7)(a) and allow the student to be promoted to the fourth (4th) grade if one (1) or more of the following grounds is met:
5. Ground 1:
 - (i) The student demonstrated growth above the national norm as demonstrated in the student's composite score from a State Board-approved universal reading screener or the Tennessee universal reading screener administered by the LEA or public charter school;
6. Ground 2:
 - (i) The parent or legal guardian of the student identified as at risk for retention in third (3rd) grade pursuant to paragraph (7)(a), or the school personnel authorized to file an appeal on behalf of the parent or legal guardian, documents that a catastrophic situation occurred on the test date or within sixty (60) calendar days leading up to the third (3rd) grade ELA TCAP test administration (and any makeup opportunities) that impacted the student and impeded the student's ability to demonstrate the student's current level of knowledge on the test. Examples of a catastrophic situation include, but are not limited to, a death in the immediate family, loss of a family home, or significant medical diagnosis.

Authority: T.C.A. §§ 49-1-302, 49-6-1501 et seq., 49-6-3115, 49-6-3001. **Administrative History:** New rule filed September 6, 2022; effective December 5, 2022.

AMENDMENT

RULES

OF

THE STATE BOARD OF EDUCATION

CHAPTER 0520-14-01

CHARTER SCHOOLS

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0520-14-01-.01 APPROVAL OF A CHARTER SCHOOL.

- (1) Charter school application requirements applicable to all authorizers as defined by T.C.A. § 49-13-104(3):
 - (a) The Commissioner of Education shall provide an application for charter school sponsors to use in applying for a public charter school and shall provide scoring criteria addressing the elements of the charter school application.
 - (b) All prospective charter school sponsors who intend to submit an initial charter application for consideration, including a charter school replication application, shall submit a letter of intent to both the Department of Education (Department) and to the appropriate authorizer at least sixty (60) calendar days prior to the date on which the initial charter application is due. The letter of intent shall be completed on the form provided by the Department, and the sponsor shall indicate on the letter of intent the application category selected by the sponsor. The authorizer shall check for completion and determine whether the sponsor has selected the correct application category within ten (10) business days of receiving the letter of intent and notify the sponsor and the department within five (5) business days of a determination that the incorrect application category has been selected. The sponsor shall correct and resubmit the letter of intent to the authorizer within five (5) business days of receipt of a notice from the authorizer that the wrong application category was selected.
 - (c) The Department shall aid a sponsor who has been notified that the incorrect application category has been selected to ensure the letter of intent is completed correctly, including ensuring the correct application category is selected.
 - (d) Failure to submit a letter of intent to both the Department and to the appropriate authorizer shall exclude a charter school sponsor from submitting an application for that application cycle.
 - (e) On or before 11:59 p.m. Central Time on February 1 of the year preceding the year in which the proposed public charter school plans to begin operation, the charter school sponsor seeking to establish a public charter school shall prepare and file an electronic copy of the initial state charter school application with the authorizer and the Department. If the February 1 due date for initial charter applications falls on a Saturday,

Sunday, or state observed holiday, the application materials shall be due on the next business day.

- (f) Authorizers may charge an application fee of up to \$2,500 for each initial application the charter school sponsor files.
- (g) An initial application shall be considered complete if:
 - 1. The application is submitted on the Department's state charter application form for that application cycle;
 - 2. The sponsor has completed all required sections of the application aligned to the category indicated by the sponsor in its letter of intent and the application contains all required attachments and signatures;
 - 3. The application is submitted to the authorizer by the deadline specified in paragraph (e); and
 - 4. The application fee, if required by the authorizer, is submitted with the application.
- (h) Authorizers shall not be required to review and formally act upon an initial application if the charter school sponsor did not submit the letter of intent by the required due date as required by paragraph (1)(b) and/or (1)(d).
- (i) The authorizer shall determine whether the initial application is complete within ten (10) business days of receiving the application, and shall notify the sponsor within five (5) business days of the determination if the application is determined to be incomplete.
 - 1. If the initial charter application is determined to be incomplete due to the sponsor not meeting the requirements of subparagraphs (g)1. or (g)3. of this Rule, the application is not required to be reviewed and any required application fee shall be refunded to the charter school sponsor by the authorizer.
 - 2. If the initial charter application is determined to be incomplete due to the sponsor not meeting the requirements of subparagraphs (g)2. or (g)4. of this Rule, the sponsor shall be provided the opportunity to address any deficiencies and re-submit the application within five (5) business days after the notification from the authorizer that the application is incomplete. If the sponsor does not correct the deficiencies to meet the requirements of subparagraphs (g)2. or (g)4. of this Rule by the deadline, the authorizer is not required to review the application and any required application fee shall be refunded to the charter school sponsor by the authorizer.
- (j) Authorizers shall review all complete and timely applications in accordance with T.C.A. § 49-13-108 and quality charter authorizing standards approved by the State Board.
- (k) No later than ten (10) calendar days after approval or denial of the initial charter application or amended charter application, the authorizer shall report to the Department whether the authorizer has approved or denied the application and the reasons for denial, if applicable.

(2) Charter school application requirements only applicable to local boards of education.

- (a) In addition to the state charter school application, each local board of education may ask charter school sponsors to address additional priorities. Charter school sponsors may choose not to address any of those priorities. Local boards of education cannot deny or refuse to review an application for failing to address additional priorities. Local boards of education shall submit to the Department by November 1 of each year all local application priorities.
- (b) All local policies regarding the submission of charter school applications shall be consistent with state law, policies, rules, and regulations.
- (c) The local board of education shall rule by resolution, at a regular or specially called meeting, on the approval or denial of a complete and timely initial charter application, no later than ninety (90) calendar days after the local board of education's receipt of the completed initial application. If denied, the local board of education shall specify objective reasons for denial.
- (d) Should the local board of education fail to either approve or deny a complete and timely initial charter application within the ninety (90) calendar daytime limit, the application shall be deemed approved.
- (e) If the initial charter school application is denied, the grounds upon which the local board of education based the decision to deny the initial application shall be stated in writing and provided to the charter school sponsor within ten (10) calendar days of the date of the decision to deny, specifying objective reasons for the denial and the deadline by which the charter school sponsor may submit an amended application.
- (f) If the initial charter school application is denied, the charter school sponsor shall have thirty (30) calendar days from receipt of the grounds for denial to submit an amended application to correct the deficiencies identified by the local board of education.
 - 1. The amended application shall be submitted by the sponsor using the same application form as the initial application. The authorizer shall evaluate the amended application using the same scoring criteria as the initial application review.
- (g) The local board of education shall have sixty (60) calendar days from receipt of the amended application. to either deny or approve the amended application.
- (h) Should the local board of education fail to either approve or deny the amended application within sixty (60) calendar days, the amended application shall be deemed approved.
- (i) If the local board of education denies the amended application, it shall provide to the charter school sponsor the grounds upon which the local board of education based the decision to deny in writing within five (5) calendar days of the date of the decision to deny, specifying objective reasons for the denial and the sponsor's right to an appeal.
- (j) A denial by the local board of education of an amended application to establish a public charter school may be appealed by the charter school sponsor, no later than ten (10) calendar days after the date of the final decision to deny, to the Tennessee Public Charter School Commission.

Authority: T.C.A. §§ 49-1-302, 49-13-106, 49-13-107, 49-13-108, and 49-13-126. **Administrative History:** Original rules filed March 31, 2003; effective July 29, 2003. Amendments filed January 11, 2019;

effective April 11, 2019. Amendments filed September 29, 2020; effective December 28, 2020. Amendments filed November 30, 2020; effective February 28, 2021. Amendments filed August 19, 2022; effective November 17, 2022.

0520-14-01-.03 ALLOCATION OF STATE AND LOCAL FUNDS.

- (1) Until the 2023-24 school year, public charter school funding shall be governed by the following:
 - (a) A local board of education shall allocate to each public charter school an amount equal to the per student state and local funds received by the LEA and all appropriate allocations under federal laws or regulations.
 - (b) Student enrollments used in per pupil calculations shall be based on current year average daily membership (ADM) for the LEA in which the school resides (inclusive of all public charter school enrollment). The public charter school's allocation shall be calculated by multiplying the per pupil amount by the public charter school's current year ADM.
 - (c) Allocations to public charter schools shall be based on one hundred percent (100%) of state and local funds received by the authorizer, including any current year growth funds received by the authorizer and the required local match for the state funds generated under the Basic Education Program (BEP) for capital outlay (excluding the proceeds of debt obligations and associated debt service).
 - (d) The Department of Education shall calculate and report the amount of state funding required under the BEP for capital outlay that each public charter school should receive in a fiscal year. The LEA in which a public charter school resides shall include in the per pupil funding amount required under paragraph (1)(a) and state law, all state and local funds generated under the BEP for capital outlay that are due to public charter schools operating in the LEA.
 - (e) Allocations to a public charter school shall not be reduced by the authorizer for any category of cost(s) except for the annual authorizer fee. If the charter agreement includes a provision whereby the authorizer will provide for employee benefits or retirement, then the authorizer may withhold funds to cover the costs of those services. Any services the public charter school chooses to purchase from the authorizer may also exist in a separate services contract between the public charter school and the authorizer. However, approval of a separate services contract shall not be a condition of approval of the charter agreement. If a services contract is executed with the authorizer, then the authorizer may withhold funds to cover the costs of those services.
 - (f) Each authorizer shall include as part of its budget submitted pursuant to T.C.A. § 49-2-203, the per pupil amount of local money it will pass through to public charter schools during the upcoming school year. Allocations to the public charter schools during that year shall be based on that figure. The authorizer shall distribute the portion of local funds it expects to receive in no fewer than nine (9) equal installments to public charter schools in the same manner as state funds are distributed. The initial per pupil amount of funding shall be calculated using the number of BEP funded ADMs for the first payments. An authorizer shall adjust payments to its public charter schools, at a minimum, in October, February and June, based on changes in revenue, student enrollment, or student services. Beginning with the first such adjustment, and continuing for the remainder of the school year, the authorizer shall use current year

enrollment to calculate the adjusted per pupil amount.

- (g) New public charter schools or public charter schools adding a new grade shall be funded based on anticipated enrollment in the charter agreement. Those figures shall be subsequently adjusted to reflect the actual number of students enrolled.
- (h) Pursuant to T.C.A. § 49-13-124, the authorizer may endorse the submission of the qualified zone academy bond application to the local taxing authority. The authorizer may endorse such a bond application submitted by the public charter school governing body, or the authorizer may include the public charter school's project as part of the authorizer's bond application.
- (i) If public charter schools provide school nutrition programs, they may provide their own programs in compliance with United States Department of Agriculture regulations and State law or they may contract with the authorizer for the provision of school nutrition programs.

1. The Department of Education ("Department") shall be responsible for calculating required funding and reporting the calculations to both authorizers and public charter schools.
2. The local board of education shall be responsible for allocating the required funding to public charter schools in the local budget. Each authorizer shall include, as part of its budget submitted pursuant to T.C.A. § 49-2-203, the per student amount of local funds it will pass through to public charter schools during the upcoming school year. Allocations to the public charter schools during the budgeted school year shall be based on that figure until such time as updated interim and final allocations are run pursuant to paragraph (2)(e) below. The authorizer shall distribute funding in no fewer than nine (9) equal installments to public charter schools in the same manner as state funds are distributed.
3. The LEA's fiscal agent shall be responsible for disbursement of required funding to public charter schools.
4. The LEA shall be responsible for the timely and accurate submission of data and other reporting requirements to the Department.
5. The public charter school shall be responsible for the timely and accurate submission of data and other reporting requirements to the authorizer.
6. The authorizer and public charter school shall be responsible for collaborating to resolve any data or reporting discrepancies prior to Department reporting deadlines.

- (j) Public charter schools that provide transportation in accordance with the provisions of T.C.A. §§ 49-6-2101, et seq., other than through an agreement with the charter authorizer, shall receive the State and local funds generated through the BEP for such transportation.

- (2) Beginning in the 2023-24 school year and thereafter, public charter school funding shall be governed by the following:

- (a) For the purpose of implementing this rule in calculating, allocating, and disbursing public

charter school funding pursuant to T.C.A. § 49-13-112(a),

- (b) Allocations are based on one hundred percent (100%) of state and local funds received by the LEA, including current funds allocated for capital outlay purposes and funds generated under the fast-growth stipends detailed in T.C.A. § 49-3-107, excluding the proceeds of debt obligations and associated debt services.
- (c) A local board of education shall allocate to each public charter school an amount equal to the state and local funds as calculated in paragraphs (2)(d) and (2)(e) below for each student member enrolled in a public charter school and all appropriate allocations under federal laws or regulations, including, but not limited to, IDEA and ESEA funds.
 - 1. Pursuant to T.C.A. § 49-13-112(a), federal funds received by the LEA must be disbursed to public charter schools authorized by the LEA by either joint agreement on shared services by individual public charter schools or sub-grants to public charter schools for the charter's equitable share of the federal grant based on eligible students. The allocation must be made in accordance with the policies and procedures developed by the Department.
- (d) Initial Allocations.
 - 1. The initial allocation shall be set forth in the local board of education's budget submitted to the Department of Education pursuant to T.C.A. § 49-3-316 for the upcoming school year and represent the state and local funds to be allocated to each public charter school based on prior year ADM and student counts (as required by TISA) before such time as current year data and revenues are available. The Department shall pull this information from state approved LEA budgets as entered into the state's system of record and include these funds in initial funding estimates shared with authorizing LEAs and public charter schools. If the LEA does not have a fully approved budget in the state's system of record, the Department will use the LEA's budgeted prior year additional local revenues or the district's prior year expenditure report, whichever is more recent, to inform the initial allocations until an LEA budget is fully approved.
 - 2. Pursuant to T.C.A. § 49-13-112(a)(1)(A), the initial allocation from the local board of education to a public charter school shall be based on the total of the state and local student-generated funds for member students in a public charter school during the prior school year for the base funding amount, weighted allocation, and direct funding allocations in accordance with the Tennessee Investment in Student Achievement Act (TISA), and any rules promulgated by the Department pursuant to the TISA, including Chapter 0520-12-05.
 - 3. Pursuant to T.C.A. § 49-13-112(a)(1)(B), if the local funds received by the LEA are greater than the local contribution required by TISA as set forth in T.C.A. § 49-3-109, the local board of education shall also allocate the average per pupil local funds received by the LEA in the budgeted school year, in accordance with T.C.A. § 49-3-316 , above those required by the TISA for each member student in the public charter school in the prior year. The initial average per pupil local funding amount shall be determined by dividing the budgeted additional local funds by the LEA's prior year ADM (inclusive of all member students of public charter schools geographically located within the LEA). The Department shall pull this information from state approved LEA budgets as entered into the state's system of record and include these funds in initial funding estimates shared with authorizing LEAs and public charter schools. If

the LEA does not have a fully approved budget in the state's system of record, the Department will use the LEA's budgeted prior year additional local revenues or the district's prior year expenditure report, whichever is more recent, to inform the initial allocations until an LEA budget is fully approved.

(e) Interim Funding Adjustments and Final Allocations.

1. After the initial allocation is made as set forth in paragraph (2)(d), an authorizer shall adjust payments to its public charter schools on an interim basis during the school year, at a minimum, in October, February and June, with final allocations occurring with the completion of the authorizer's final expenditure reports as submitted and approved by the Department of Education. Pursuant to T.C.A. § 49-13-112(a)(1) and § 49-13-112(a)(3), these adjustments shall update allocations to reflect current year data, including changes in revenue, student enrollment, or student services.
2. To calculate interim and final allocations, the Department shall calculate current year ADM on the timeline in paragraph (2)(e)(1) above for all LEAs with public charter schools geographically located within the LEA's boundaries. The Department shall publish or otherwise make available to each authorizer and each public charter school the outputs and, if requested, the underlying data from each instance in which the Department runs the ADM calculations for purposes of calculating initial, interim, and final allocations. Authorizers may opt to run the adjustments more frequently in alignment with respective charter agreements.
3. Interim and final allocations to each public charter school shall include:
 - (i) Pursuant to T.C.A. § 49-13-112(a)(1)(A), the interim and final allocations from the local board of education to a public charter school shall be based on the total of the state and local student-generated funds for member students in a public charter school during the prior school year for the base funding amount, weighted allocation, and direct funding allocations in accordance with the TISA, and any rules promulgated by the Department pursuant to the TISA, including Chapter 0520-12-05.
 - (ii) Pursuant to T.C.A. § 49-13-112(a)(1)(B), if the local funds received by the LEA are greater than the local contribution required by TISA as set forth in T.C.A. § 49-3-109, the local board of education shall also allocate the average per pupil local funds received by the LEA in the budgeted school year above those required by the TISA for each member student in the public charter school in the prior year. The interim and final average per pupil local funding amount shall be determined by dividing the additional local funds by the LEA's current year ADM (inclusive of all member students of public charter schools geographically located within the LEA). The final average per pupil local funding amount is to be determined using the LEA's final expenditure report as submitted to and approved by the Department.
 - (iii) Pursuant to T.C.A. § 49-13-112(a)(1)(C) and § 49-13-112(a)(3), a local board of education shall allocate to the public charter school an amount equal to the per student state and local funds received by the LEA for member students in the public charter school in the current school year

beyond the prior year's membership. For each required interim and final allocation adjustment, the Department shall calculate the ADMs for each public charter school and the difference from the prior year ADM as used in the base funding calculation in the TISA formula. For any difference in overall ADM counts, the local board of education shall adjust the public charter school's allocation by an amount equal to multiplying the average per student state and local funds received by the LEA in the current year by the difference in ADM for each public charter school, which may result in an increase or decrease to the overall allocation. The final average per pupil state and local funds shall be determined using the LEA's final expenditure report as submitted to and approved by the Department. In calculating the average per student state and local funds, the total funding will exclude grants awarded on behalf of specific schools and the charter direct funding component of the TISA.

- (iv) In determining final amounts to be paid to pursuant to paragraph (e)(3)(ii) and (e)(3)(iii) above, the Department shall report to each authorizer and public charter school the results of LEAs state-approved final expenditure reports within five (5) business days of state approval. LEAs and each public charter school shall process final payments within thirty (30) calendar days of the Department's report on final amounts.

(f) Special Considerations.

1. New and Expanding Public Charter Schools: Notwithstanding paragraph (2)(d)(2), for the purpose of initial allocations, new public charter schools or public charter schools adding a new grade(s) shall be funded based on the anticipated enrollment in the charter agreement unless the authorizer and public charter school mutually agree on a projection of enrollment not to exceed any enrollment maximums or caps set forth in the charter agreement. The initial funding allocation for the new grade(s) shall be based on a per-student average of all state and local funds received by the LEA. Allocations shall be subsequently adjusted in accordance with paragraph (2)(e).
2. Public Charter School Direct Funding: In accordance with T.C.A. § 49-3-105, the charter school direct funding amount each year is subject to an annual appropriation by the Tennessee General Assembly and is calculated by dividing the amount of the appropriation by the statewide public charter school ADM of the prior year. Pursuant to T.C.A. § 49-13-112(a)(1)(A), the authorizer shall distribute the charter school direct funding to each public charter school as generated by prior year ADM with their other TISA payments. This direct funding amount shall be fully state funded and not require additional local contribution funds. The public charter school direct funding amount is calculated the same as all other direct funding components of TISA as set forth in T.C.A. § 49-3-105.
3. Fast-Growth Stipends: Subject to annual appropriations by the Tennessee General Assembly and in accordance with T.C.A § 49-3-107, if an LEA receives a fast-growth stipend or infrastructure stipend, then the LEA shall disburse to charter schools geographically located within that LEA a proportional share of funds received. The proportional share shall be equal to the percentage calculated by dividing a public charter school's TISA funding for base funding,

weighted allocations, and direct allocations by the TISA funding for these same components of the LEA as a whole.

4. Educator Salary Increases: Pursuant to T.C.A. § 49-3-105(e), if the Tennessee General Assembly restricts an amount of an annual increase to the TISA base funding amount for the purpose of providing salary increases to existing educators, then the Department shall determine the proportional share of funds received by each public charter school driven by the restricted funds and report that amount to each authorizer and to each public charter school. Public charter schools shall use these funds to provide salary increases to existing educators pursuant to T.C.A. § 49-3-105(e).
 5. Cost Differential Factor Grants: Subject to annual appropriations by the Tennessee General Assembly and in accordance with T.C.A. § 49-3-108(d), if an LEA receives a Cost Differential Factor (CDF) grant, then the LEA shall disburse to public charter schools geographically located within that LEA a proportional share of the CDF grant. The proportional share shall be equal to the percentage calculated by dividing a public charter school's TISA funding for base funding, weighted allocations, and direct allocations by the TISA funding for these same components of the LEA as a whole.
 6. Outcomes Funding: If a public charter school generates outcome bonus funding as a result of students enrolled in the public charter school in the prior year, then the public charter school shall receive the earned amount of outcome bonus funds from the authorizer when such funds are awarded by the Department. The Department shall report the amount of outcome bonus funds due to each public charter school to the authorizer and to each public charter school.
- (g) Achievement School District (ASD) and Tennessee Public Charter School Commission (TPCSC): Pursuant to T.C.A. § 49-1-614 and T.C.A. § 49-13-112, the ASD and TPCSC shall receive funding in alignment with this rule for each public charter school within their respective LEAs from the LEAs in which each public charter school is geographically located.
- (h) Allocations to a public charter school shall not be reduced by the authorizer except for the annual authorizer fee. If the charter agreement includes a provision whereby the authorizer will provide for employee benefits or retirement, then the authorizer may withhold funds to cover the costs of those services. Any services the public charter school chooses to purchase from the authorizer may also exist in a separate services contract between the public charter school and the authorizer. However, approval of a separate services contract shall not be a condition of approval of the charter agreement. If a services contract is executed with the authorizer, then the authorizer may withhold funds to cover the costs of those services.
- (i) Pursuant to T.C.A. § 49-13-124, the authorizer may endorse the submission of the qualified zone academy bond application to the local taxing authority. The authorizer may endorse such a bond application submitted by the public charter school governing body, or the authorizer may include the public charter school's project as part of the authorizer's bond application.
- (j) If public charter schools provide school nutrition programs, they may provide their own programs in compliance with United States Department of Agriculture regulations and State law or they may contract with the authorizer for the provision of school nutrition

programs.

Authority: T.C.A. §§ 49-1-302, 49-2-203, 49-6-2101, et seq., 49-13-112, 49-13-114, 49-13-124, and 49-13-126 and Public Chapter 966 of 2022. **Administrative History:** Original rule filed March 25, 2010; effective August 29, 2010. Repeal and new rule filed March 21, 2012; effective August 29, 2012. Amendments filed September 22, 2017; effective December 21, 2017. Amendments filed September 29, 2020; effective December 28, 2020. Amendments filed November 30, 2020; effective February 28, 2021. Amendments filed March 8, 2023; effective June 6, 2023.

0520-14-01-.04 ENROLLMENT.


- (1) Charter schools shall conduct an initial student application period of at least thirty (30) days. During this period, all eligible students may apply.
- (2) A charter school shall not exclude students from enrollment based on race, color, ethnicity, national origin, religion, income level, disability, proficiency in the English language, or academic ability.
- (3) A charter school may submit a charter school application that seeks to limit enrollment to a single sex, as long as such enrollment proposal is in compliance with federal law.
- (4) A charter school shall enroll an eligible student who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or building.
- (5) Students that attended the charter school during the previous school year shall be given first enrollment preference and excluded from entering into a lottery. Students that attended the charter school during the previous school year shall not be required to re-apply. Students enrolling in a charter school from another charter school, even if both schools share a governing body, shall be subject to the preferences outlined in paragraph (9).
- (6) A charter school may give an enrollment preference to children of an employee of the charter school or member of the governing body of the charter school, not to exceed ten percent (10%) of total enrollment or twenty-five (25) students, whichever is less, in which case such students shall also be given first enrollment preference and excluded from entering into a lottery.
- (7) A charter school may give an enrollment preference to students who are economically disadvantaged pursuant to T.C.A. § 49-13-113. A charter school may request, but shall not require, information on an initial student application to verify that a student is legally qualified as economically disadvantaged, as defined in § 49-3-104. This information shall be utilized for the purposes of an enrollment lottery, and shall not exclude students from enrollment as outlined in paragraph (2). Legally qualifying students shall be given the enrollment preference outlined in paragraph (10)(b) if the enrollment preference is used by the charter school.
- (8) If, at the end of the initial student application period, the number of eligible students seeking to be enrolled does not exceed the school's capacity or the capacity of a program, class, grade level or building, then the enrollment of eligible students may proceed on a first come, first served basis.
- (9) If, at the end of the initial student application period, the number of eligible students seeking to be enrolled exceeds the school's capacity or the capacity of a program, class, grade level or building, then the enrollment of eligible students shall be determined on the basis of a lottery.
 - (a) Any such lottery shall be conducted within thirty (30) calendar days of the close of the initial student application period.

- (b) A charter school shall provide to the Department of Education certification by an independent accounting firm or by a law firm that each lottery conducted for enrollment purposes complied with the requirements of T.C.A. § 49-13-113. Charter schools that choose to participate in the enrollment process of their authorizer may use certification from the authorizer to satisfy this requirement.
 - (c) In lieu of an independent accounting firm or law firm, charter schools may request that the Department of Education review and approve the lottery process prior to the lottery.
- (10) A charter school shall give enrollment preferences in the following order:
- (a) Students enrolled in a pre-K program operated by the charter school sponsor;
 - (b) Students who are economically disadvantaged as defined in T.C.A. § 49-3-104, if the enrollment preference is used by the charter school;
 - (c) Students enrolled in a charter school that has an articulation agreement with the enrolling charter school; provided, that the articulation agreement has been approved by the authorizer;
 - (d) Siblings of students already enrolled in the charter school;
 - (e) Students residing within the geographic boundaries of the LEA in which the charter school is located who were enrolled in another public school during the previous school year; and
 - (f) Students residing outside the geographic boundaries of the LEA in which the charter school is located; if permitted through the authorizer's out-of-district enrollment policy.
- (11) If enrollment within a group of preference set out in paragraph (9) exceeds the planned capacity of the school, enrollment within that group shall be determined on the basis of a lottery.
- (12) A non-charter public school converting partially or entirely to a charter school under T.C.A. § 49-13-106 shall give enrollment preference to students who reside within the former school zone of the converted public school. Parents whose children are enrolled in the existing public school to be converted shall have the option to enroll their children in another public school operated by the LEA without penalty. The enrollment preference for students who reside within the former school zone of the converted public school excludes those students from entering into a lottery.
- (13) Students living in other school zones may enroll in a conversion charter school after those living in the school zone have the opportunity to enroll, but only if there is program, class, grade level, and building capacity to serve the out-of-zone students. If applications by out-of-zone students exceed the charter school's capacity, then enrollment of out-of-zone students shall be determined on the basis of a lottery. Out-of-zone students who attended the school the previous school year and such students' siblings may be given preference in enrollment.
- (14) A charter school may refuse to admit any student who is expelled from another public school or district or who is in the process of being expelled from another public school or district.

Authority: T.C.A. §§ 49-13-113 and 49-13-126. **Administrative History:** Original rule filed March 25, 2010; effective August 29, 2010. Repeal and new rule filed March 21, 2012; effective August 29, 2012. Amendments filed January 10, 2018; effective April 10, 2018. Amendments filed August 29, 2018; effective November 27, 2018. Amendments filed September 29, 2020; effective December 28, 2020. Amendments filed November 30, 2020; effective February 28, 2021.

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: 10/30/2023

Signature: 

Name of Officer: Angela C. Sanders

Title of Officer: General Counsel

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