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

CHAPTER 0520-01-02
ADMINISTRATIVE RULES AND REGULATIONS

TABLE OF CONTENTS

0520-01-02-.01	Definition of a Tennessee Public School
0520-01-02-.02	Salary Schedules
0520-01-02-.03	Employment Standards
0520-01-02-.04	Leave for Teachers
0520-01-02-.05	Adult High Schools
0520-01-02-.06	Adult Education
0520-01-02-.07	Joint Career and Technical Centers
0520-01-02-.08	Interscholastic Athletics
0520-01-02-.09	Alternative Schools
0520-01-02-.10	Homebound Instruction for Pregnant Students
0520-01-02-.11	School Board Training
0520-01-02-.12	Waivers
0520-01-02-.13	Fiscal Accountability Standards
0520-01-02-.14	Recruitment, Employment, and Retention of African- American Teachers
0520-01-02-.15	Approval of Textbooks
0520-01-02-.16	Reporting Attendance Relative to Disciplinary Actions
0520-01-02-.17	State Attendance Guidelines
0520-01-01-.18 Through 0520-01-02-.29	Repealed

0520-01-02-.01 DEFINITION OF A TENNESSEE PUBLIC SCHOOL.

A public school is the basic administrative unit of a state, county, city or special district school system, consisting of one or more grade groups, one or more teachers to give instruction, and one principal, which school shall be subject to the statutes of the State of Tennessee, and to rules, regulations, and minimum standards of the Tennessee State Board of Education.

Authority: *T.C.A. § 49-3-306.* ***Administrative History:*** *Original rule certified June 10, 1974. Amendment filed August 20, 1984; effective November 13, 1984. Amendment filed September 26, 1985; effective December 14, 1985. Amendment filed September 20, 1987; effective December 22, 1987. Amendment filed October 18, 1988; effective January 29, 1989. New rule filed February 16, 1989; effective April 2, 1989. Amendment filed July 11, 1990; effective October 29, 1990. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Repeal and new rule filed December 5, 2011; effective May 30, 2012.*

0520-01-02-.02 SALARY SCHEDULES.

(1) The State Board of Education shall adopt annual salary schedule(s) for all licensed personnel; such salary schedule(s) shall be effective for all school systems.

(2) The salary of a licensed educator (except a substitute teacher who is teaching for a regular teacher on leave whose accumulated leave has not been exhausted) is determined by a combination of experience and academic training.

(3) Experience.

(a) Kinds of Recognized Experience.

1. Verified administrative, supervisory and teaching experience in public schools or in private schools approved by recognized accrediting agencies or approved by the Tennessee Department of Education or any Pre-K program funded by the Tennessee Department of Education.

2. Experience as a professional employee of the Office of Education Accountability, the State Board of Education or the State Department of Education;

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

3. Higher education teaching experience in an institution approved by a regional accrediting association;
4. U.S. Government service teaching programs;

5. Teacher exchange programs;

6. Experience as president of the Tennessee Education Association; and

7. Active military service in the armed forces of the United States shall be recognized. Military service in the Reserve or in the National Guard, other than active duty, shall not be counted.

8. Verified experience as a licensed/certificated speech-language pathologist or audiologist in settings other than public or private schools may be counted for salary purposes on the system-wide salary schedule if approved by the local director of schools.

(b) The burden of proof of experience rests with the individual teacher.

(c) Amounts of Experience.

1. During any one fiscal year (July 1 through June 30) not more than ten months of experience may be counted. The number of years' teaching experience shall be determined by dividing the total number of months taught by ten. A fraction of five or more months shall be counted as a full year's teaching experience.

2. Not more than five years' experience in the armed forces of the United States shall be counted.

3. College or university teaching experience shall be based upon the teaching load carried by a full-time teacher as certified by the college official in charge of teachers' records.

(4) Training. Salary ratings shall be adjusted for college or university course work completed after the start of the current school year as follows:

(a) For college or university course work completed after the start of the current school year but before September 1, the salary rating shall be adjusted as of September 1 of the current school year. The employee must notify the local education agency of the employee's intent to complete course work prior to Aug. 31, and the local education agency must file documentation of changes to the employee's salary rating with the State Department of Education on or before October 15 of the current school year.

(b) For college or university course work completed after August 31 but before January 1 of the current school year, the salary rating shall be adjusted as of January 1 of the current school year. The employee must notify the local education agency of the employee's intent to complete course work prior to Jan. 1, and the local education agency must file documentation of changes to the employee's salary rating with the State Department of Education on or before February 15 of the current school year.

Authority: *T.C.A. §§ 49-1-302, 49-1-302(a)(5), 49-3-306, 49-5-402, and 49-6-101.* ***Administrative History:*** *Original rule certified June 10, 1974. Amendment filed June 10, 1974; effective July 10, 1974. Amendment filed June 30, 1975; effective July 30, 1975. Amendment filed July 15, 1976; effective August 15, 1976. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed January 9, 1979; effective February 23, 1979. Amendment filed and new rule filed October 15, 1979;*

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

effective January 8, 1980. Amendment filed April 14, 1980; effective May 28, 1980. Amendment filed November 13, 1981; effective March 16, 1982. Amendment filed June 4, 1982; effective September 30, 1982. Amendment filed August 17, 1983; effective November 14, 1983. Amendment filed August 20, 1984; effective November 13, 1984. Amendment filed September 26, 1985; effective December 14, 1985. Repeal and new rule filed May 8, 1986; effective June 27, 1986. Amendment filed September 20, 1987; effective December 22, 1987. Amendment filed October 18, 1988; effective January 1989. Amendment filed November 9, 1989; effective February 28, 1990. Amendment filed July 11, 1990; effective October 29, 1990. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed January 21, 1994; effective May 31, 1994. Amendment filed August 7, 1995; effective December 29, 1995. Amendment filed October 11, 1995; effective February 28, 1996. Amendment filed May 19, 2005; effective September 28, 2005. Amendment filed December 28, 2005; effective April 28, 2006. Amendment filed January 5, 2006; effective May 31, 2006. Amendment filed February 24, 2010; effective July 29, 2010.

0520-01-02-.03 EMPLOYMENT STANDARDS.

(1) A teacher or principal shall hold a valid Tennessee teacher license with an endorsement covering the work assignment as provided in T.C.A. Title 49, Chapter 5.

(2) A teacher may teach up to two sections of one course outside the area of endorsement. For a teacher to teach more than one course or more than two sections of one course outside the area of endorsement, an employment standard waiver must be requested and approved. Teachers assigned two or more sections of a course outside the area of endorsement before June 30, 1976 may continue to teach those courses until a new assignment is made by the local school officials.

(3) A classroom teacher with an endorsement in elementary education or early childhood education is eligible to teach any subject, including art, music, and physical education in the grades covered by the endorsement as part of the teacher's regular classroom assignment. However, a teacher with a professional license pursuant to State Board Rule 0520-02-04-.01(2)(c), may teach Algebra I at any grade level if they have:

(a) An endorsement to teach through at least grade eight (8), and

(b) A passing score on the middle school math PRAXIS, and

(1) Successful completion of a state-approved training, or

(2) A passing score on a supplemental test in the content area approved for this purpose by the State Department of Education, or

(3) A one (1) year, two (2) year, or three (3) year Tennessee Value-Added Assessment System (TVAAS) score of Level five (5) in Algebra I in the 2011-12, 2012-13, or 2013-14 school years.

(4) A teacher in grades K through 8 who teaches art, music, or physical education the major portion of the day shall be endorsed in art, music, or physical education respectively. However, a teacher endorsed in elementary education who was assigned to teach music, art, or physical education the major portion of the day during the 1990-91 school year may continue to teach the specific course until such time as a new assignment is made by the local school officials.

(5) A teacher with a license endorsed in a subject 7-12 may teach any subject in grade six covered by the endorsement.

(6) Principals.

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

(a) Effective September 15, 2009, assistant principals, teaching principals, or dual assignment personnel with more than fifty percent (50%) of their responsibilities involved in instructional leadership must be properly licensed or be enrolled in a State Board approved instructional leadership preparation program.

(b) A principal shall hold one of the following endorsements: beginning administrator, professional administrator, administration/supervision, or principal.

(c) Individuals employed for the first time as a principal beginning July 1, 1994, shall hold an appropriate endorsement and shall meet the requirements for test/assessment specified by the State Board of Education.

(d) Individuals employed for the first time as a principal beginning July 1, 1994, shall be employed with the beginning administrator, administration/supervision or principal endorsements for a maximum of three years; after three years, the principal must be recommended for and attain the professional administrator endorsement for continued employment as a principal. In the event that a candidate changes employment prior to obtaining the professional administrator endorsement, the candidate may be employed again as a beginning principal prior to obtaining the professional administrator endorsement.

(e) A principal, with the approval of the superintendent, shall establish and implement an annual plan for personal professional development in accordance with guidelines established by the State Board of Education.

(f) A principal of a school with less than 225 students shall not be required to meet the requirements of (a), (b), or (c).

(g) A principal holding an endorsement in administration/supervision, supervisor of instruction, or principal on August 31, 1994, shall not be required to meet the requirements of (b) or (c).

(7) Teaching Personnel in Gifted Education

(a) A classroom teacher in special or general education providing direct instruction to students identified by state criteria as intellectually gifted students shall meet the following employment standards:

1. The teacher shall be endorsed in the appropriate general education area or must hold the appropriate special education endorsement and

2. The teacher shall meet one of the following standards:

(i) The teacher shall work in consultation with a teacher who meets the standards for consulting teachers listed in (b) or

(ii) The teacher shall have completed six semester hours of college or university course work or the equivalent contact hours in teaching gifted students approved by the Department of Education or

(iii) The teacher shall hold an endorsement in gifted education.

(b) A consulting teacher in special or general education who works with other teachers or who teaches classes especially designed for gifted students in grades prekindergarten through twelve shall meet the following employment standards:

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

1. The consulting teacher shall be endorsed in the appropriate general education area or must hold the appropriate special education endorsement and

2. The consulting teacher shall meet one of the following standards:

(i) The consulting teacher shall have completed six semester hours of college or university coursework or the equivalent contact hours in teaching gifted students approved by the Department of Education or

(ii) The consulting teacher shall hold an endorsement in gifted education.

(c) An individual who serves as a gifted education coordinator in special or general education shall meet one of the following employment standards:

1. The individual shall hold an educator license with an endorsement in gifted education or

2. The individual shall hold an educator license and shall have completed six semester hours of college or university coursework or the equivalent contact hours in teaching gifted students approved by the Department of Education or

3. The individual shall hold a license endorsed in one of the following, beginning administrator, professional administrator, administration/supervision or supervisor of instruction.

A classroom teacher who was endorsed in special education prior to September 1, 1989 and who served gifted students prior to July 1, 1988, may continue to teach eligible intellectually gifted students, provided that they have completed an in-service training program approved by the Department of Education.

(8) Teachers of Computer Technology, Grades 9-12.

(a) A teacher of personal computing, computer productivity applications, and interactive multimedia design shall have a valid Tennessee teacher license with an endorsement in grades 7-12 and shall have completed the equivalent of six semester hours of computer course work or have the appropriate endorsement.

(b) A teacher of BASIC and adventures in computing shall have a valid Tennessee teacher license with an endorsement grades 7-12 and shall have completed the equivalent of six semester hours of computer course work including at least one programming language.

(c) A teacher of programming languages and advanced placement computer science shall have a valid Tennessee teacher license with an endorsement grades 7-12 and shall have completed the equivalent of 12 semester hours of computer course work including six semester hours of programming.

(9) Career and Technical Education

(a) A teacher of agricultural education shall hold a valid Tennessee teacher license with appropriate endorsement and shall have appropriate work experience.

(b) A teacher of marketing education shall hold a valid Tennessee teacher license with appropriate endorsement and shall have two (2) years of appropriate experience in marketing education.

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

(c) A teacher of health science education shall have completed one (1) year of successful employment experience, obtained through full-time or part-time status, within the past five (5) years in a related health occupation prior to teaching.

(d) Other occupational educators shall be a high school graduate or higher. The teacher shall have a minimum of five (5) years of appropriate and current work experience in the field for which application is made. A combination of career and technical education at the postsecondary level from a state approved institution, or other accredited public or private institution, may also be evaluated. The amount of credit awarded for work experience through postsecondary education shall depend on the endorsement and related industry.

(10) Other Instructional and Related Personnel.

(a) A school counselor shall hold the appropriate license and endorsement for the grade levels assigned.

(b) A school psychologist shall hold a valid license with the school psychologist endorsement.

(c) A school social worker shall hold a license with the school social work endorsement.

(d) A supervisor of instruction shall hold a valid Tennessee license with one of the following endorsements: beginning administrator, professional administrator, administrator/ supervisor, or supervisor of instruction.

1. Beginning July 1, 1994, individuals employed for the first time as a supervisor of instruction shall hold an appropriate endorsement and shall meet the requirements for test/assessment specified by the State Board of Education.

2. Beginning July 1, 1994, individuals employed for the first time as a supervisor of instruction shall be employed with the beginning administrator, administrator/supervisor, or supervisor of instruction endorsements for a maximum of three years. After three years, for continued employment as a supervisor of instruction, the supervisor of instruction must be recommended for and attain the professional administrator endorsement. In the event that the candidate changes employment prior to obtaining the professional administrator endorsement, the candidate may be employed again as a beginning supervisor of instruction prior to obtaining the professional administrator endorsement.

3. Any person who performs the duties of a supervisor of instruction, regardless of the title of such person's position, must have the endorsement or license required of a supervisor of instruction.

4. Persons having an endorsement as a supervisor of instruction as of August 31, 1994, shall be issued a professional administrator license and shall not be required to meet the requirements of 1 or 2.

(e) A supervisor of special education shall:

1. Hold a valid Tennessee license with one of the following endorsements: beginning administrator, administrator/supervisor, or supervisor of instruction and shall have three years of experience with programs for children with disabilities; or

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

2. Hold a master's degree and a valid Tennessee teacher license with endorsement in at least one area of special education and shall have three years of experience with programs for children with disabilities.

(f) Any person who performs the duties of a supervisor of instruction, regardless of the title of such person's position, must have the endorsement or license required of a supervisor of instruction.

(g) Persons having an endorsement as supervisor of instruction as of August 31, 1994, shall be issued a professional administrator license.

(h) Compensatory Education Personnel (Chapter 1).

1. A project director or supervisor of the subject areas and/or program areas shall hold endorsement as supervisor of instruction, administration/supervision or superintendent.

2. A Chapter I evaluator shall hold a valid Tennessee teacher license or shall meet employment standards as a school psychologist or school counselor.

3. Other professional personnel employed in Chapter I programs not otherwise covered by licensure or employment standards shall possess a valid Tennessee teacher license.

(i) Persons holding career and technical education supervisory positions, including local directors, supervisors, coordinator specialists, assistant principals for career and technical education, and center administrators, shall have one of the following sets of qualifications:

1. A bachelor's degree in career and technical education from an accredited four-year college or university, three (3) years of teaching experience in an approved career and technical education program and two (2) years of appropriate employment experience in a recognized occupation, or

2. A bachelor's degree with a career and technical education endorsement, three (3) years teaching experience, two (2) years of appropriate work experience, and completion of (by July 1, 2008 or within a three-year period from the date of employment) the required matrix of career and technical core competencies for professional development, or

3. An endorsement as a PreK-12 administrator or secondary supervisor or principal and completion of (by July 1, 2008 or within a three-year period from the date of employment) the required matrix of career and technical core competencies for professional development.

(j) Educational assistants shall have not less than a high school education or an equivalency high school diploma; those who have completed one or more years of college shall be given preference in employment.

(k) A superintendent appointed by the local board of education elected by the general public shall only be required to have a baccalaureate degree. Any elected superintendent shall meet all qualifications set forth in these rules and regulations, which include at least a master's degree with emphasis in administration supervision and related courses.

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

(l) Individuals employed by local school systems to provide educational interpreting for students who are deaf shall satisfy the requirements defined below beginning September 1, 1997.

1. An Interpreter/Educational Assistant shall be a high school graduate or equivalent as determined by performance on the General Education Development (GED) Test: and successfully complete training or screening developed by the State Department of Education and approved by the State Board of Education.

2. An Interpreter/Educational Tutor shall have completed a minimum of 48 semester hours of coursework at a postsecondary level: and successfully complete training or screening developed by the State Department of Education and approved by the State Board of Education.

3. An Educational Interpreter/Instructor shall have completed a bachelors degree and a program in educational interpreting or hold a valid teacher license; and successfully complete training or screening developed by the State Department of Education and approved by the State Board of Education.

4. Compensation of an individual providing educational interpreting shall be determined by the local school system and shall take into consideration the level of preparation, training, and work requirements.

(m) An audiologist shall hold a license with audiologist endorsement.

(n) A school speech-language pathologist shall hold a school service personnel license with the school speech language pathologist endorsement pursuant to 0520-02-04-.12 (2).

(o) A school speech-language teacher hired by a local school system to work under the direction of a school speech-language pathologist shall hold a school speech-language teacher license (A or B), a teacher license with a school speech-language teacher endorsement or a teacher license with an endorsement 068 or 464 pursuant to 0520-02-03- .01(20).

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

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

filed July 31, 2000; effective November 28, 2000. Amendment filed March 1, 2005; effective July 29, 2005. Amendments filed May 19, 2005; effective September 28, 2005. Amendment filed June 15, 2005; effective October 28, 2005. Amendment filed March 23, 2007; effective July 27, 2007. Amendments filed September 6, 2007; effective January 28, 2008. Amendment filed May 30, 2008; effective September 26, 2008. Amendment filed July 17, 2009; effective December 29, 2009. Amendments filed February 6, 2013; effective July 29, 2013. Amendments filed September 6, 2013; effective February 28, 2014. Amendment filed May 8, 2014; effective October 29, 2014. Amendment filed May 26, 2015; effective August 24, 2015.

0520-01-02-.04 LEAVE FOR TEACHERS.

(1) The term "teacher" shall mean any person employed by a local board of education in a position which requires a license issued by the State Department of Education. The term "teacher" shall not apply to a substitute teacher.

(2) Sick Leave. "Sick leave" shall mean leave of absence because of illness of a teacher from natural causes or accident, quarantine, or illness or death of a member of the immediate family of a teacher, including the teacher's wife or husband, parents, grandparents, children, grandchildren, brothers, sisters, mother-in-law, father-in-law, daughter-in-law, son-in-law, brother-in-law, and sister-in-law. Upon written request of the teacher accompanied by a statement from her physician verifying pregnancy, any teacher who goes on maternity leave shall be allowed to use all or a portion of her accumulated sick leave for maternity leave purposes during the period of her physical disability only, as determined by a physician.

(3) Personal and Professional Leave. A teacher may take two days of personal and professional leave per school year in accordance with policies of the local board of education.

(4) Career Ladder Evaluator Professional Leave.

(a) Leave may be granted by a local school system to certificated employees to conduct evaluations in the Career Ladder certification process, pursuant to law.

(b) Such leave shall not be construed to forfeit any rights, benefits or credits earned under the local board of education.

(c) Career Ladder evaluators shall be under the supervision of the Career Ladder Division, State Department of Education. Nothing in this rule shall be construed to require the State Department of Education to compensate local boards of education for teachers employed as substitutes for teachers on such Career Ladder evaluator professional leave.

(5) Personal Injury Leave.

(a) When a school system determines that a teacher's absence from assigned duties was required as a result of personal physical injuries caused by a physical assault or other violent criminal act committed against the teacher while on duty, the school system shall grant personal injury leave for those days of absence.

(b) Each local school system shall develop policies and procedures for determining eligibility for and implementing personal injury leave consistent with these rules. The policies and procedures may include provisions such as timely notification of the incident and injuries sustained, a requirement that medical attention be sought immediately, submission of a doctor's statement verifying the nature, extent and duration of the disability, option by the school system of a third party opinion, and guidelines for a process to make periodic redeterminations of eligibility if the absence exceeds a given time frame.

(Rule 0520-01-02-.04, continued)

(c) Nothing in Rule 0520-01-02-.04(5) shall preclude a teacher at his or her option from directing that an absence which would otherwise qualify for personal injury leave under paragraph five (5) be charged to accumulated sick leave or personal leave instead of personal injury leave.

(6) Substitute teachers are those persons employed to replace teachers on sick, professional, or personal leave or to fill temporary vacancies (this exists until a licensed teacher is available and employed). Substitutes are employed and paid in the following manner:

(a) A person without a teacher's license or permit may serve as a substitute for the first 20 consecutive days of absence of a regular teacher on approved leave.

(b) After 20 consecutive days of approved leave, a person serving as the substitute must be licensed and hold the appropriate endorsement for the assignment or must be a retired teacher and have held the appropriate endorsement.

(c) After the regular teacher's accumulated leave is exhausted, the replacement teacher must be licensed and hold the appropriate endorsement for the assignment or be a retired teacher and have held the appropriate endorsement and must be paid based on the replacement teacher's training and experience record in accordance with the state and local salary schedules.

(7) The total accumulated sick leave shall mean the total number of sick leave days which have been earned but not yet used. A teacher in need of sick leave shall be allowed to use unearned sick leave up to the amount of days which such teacher may accumulate during the remainder of the current school year.

(8) Each local board of education shall participate in the state leave program. Local boards of education shall provide the required local contribution from public school funds for payment of substitute teachers. Teachers shall not pay any part of the state required local contribution.

Authority: *T.C.A. §§ 49-1-302; 49-3-312 and 49-5-701 et seq; Section 27 of Chapter 535 of the Public Acts of 1992.* ***Administrative History:*** *Original rule certified June 10, 1974. Amendment filed June 10, 1974; effective July 10, 1974. Amendment filed June 30, 1975; effective July 30, 1975. Amendment filed July 15, 1976; effective August 16, 1976. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed January 9, 1979; effective February 23, 1979. Amendment and new rule filed October 15, 1979; effective January 8, 1980. Amendment filed November 13, 1981; effective March 16, 1982. Amendment filed June 4, 1982; effective September 30, 1982. Amendment filed August 17, 1983; effective November 14, 1983. Amendment filed August 20, 1984; effective November 13, 1984. Amendment filed September 26, 1985; effective December 14, 1985. Amendment filed May 8, 1986; effective June 27, 1986. Amendment filed September 20, 1987; effective December 22, 1987. Amendment filed October 18, 1988; effective January 29, 1989. Amendment filed November 9, 1989; effective February 28, 1990. Amendment filed July 11, 1990; effective October 29, 1990. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed September 1, 1992; effective December 29, 1992. Amendment filed October 17, 1997; effective February 27, 1998. Amendment filed October 13, 2014; effective January 11. 2015.*

0520-01-02-.05 ADULT HIGH SCHOOLS.

(1) Adult high schools may be established and maintained by local boards of education.

(2) Before the Full-Time Enrollment Average Daily Membership (FTEADM) of any adult high school shall be counted in distribution of state funds, such schools shall meet the standards of an approved school and shall provide without fee all services, such as free textbooks, to which any student of grades 9 through 12 is entitled under rules and regulations of the State

(Rule 0520-01-02-.05, continued)

Board of Education, state and federal statutes, and policies of local boards of education, with the exceptions listed below:

(a) The computation of the FTEADM of adult high schools shall be on the basis of a four (4) hour day and twenty (20) day school month. The FTEADM for any month shall be determined by dividing the total hours for which persons were enrolled during the month by eighty (80).

(b) While in attendance at an adult high school, students may earn all or a portion of the required credits necessary for graduation. Physical education, however, shall not be a requirement for graduation. Students are exempted from state-mandated tests.

(c) Adult high schools may operate twelve (12) months per year and provide flexible scheduling necessary for both day and night programs. All terms in a year round operation are considered regular terms.

(d) Adult high school students must be at least seventeen (17) years of age.

(e) Adult high school students may register for and earn as few as half (1/2) unit of credit per term.

Authority: *T.C.A. §§ 49-1-302; 49-2-203(b)(3) and 49-6-501.* ***Administrative History:*** *Original rule certified June 10, 1974. Amendment filed June 10, 1974; effective July 10, 1974. Amendment filed June 30, 1975; effective July 30, 1975. Amendment filed July 15, 1976; effective August 16, 1976. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed January 9, 1979; effective February 23, 1979. Amendment and new rule filed October 15, 1979; effective January 8, 1980. Amendment filed June 4, 1982; effective September 30, 1982. Amendment filed August 17, 1983; effective November 14, 1983. Amendment filed August 20, 1984; effective November 13, 1984. Amendment filed September 26, 1985; effective December 14, 1985. Amendment filed May 8, 1986; effective June 27, 1986. Amendment filed September 20, 1987; effective December 22, 1987. Amendment filed October 18, 1988; effective January 29, 1989. Amendment filed November 9, 1989; effective February 28, 1990. Amendment filed July 11, 1990; effective October 29, 1990. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Repeal and new rule filed December 19, 2011; effective May 30, 2012.*

0520-01-02-.06 ADULT EDUCATION.

Adult education programs, grades 1-12 or any combination, if offered, shall be organized and operated as a part of the public school program and shall be under the control and management of the board of education having jurisdiction and shall comply with rules and regulations prescribed by the State and local boards of education.

Authority: *T.C.A. § 49-1-302.* ***Administrative History:*** *Original rule certified June 10, 1974. Amendment filed June 10, 1974; effective July 10, 1974. Amendment filed June 30, 1975; effective July 30, 1975. Amendment filed July 15, 1976; effective August 16, 1976. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed January 9, 1979; effective February 23, 1979. Amendment and new rule filed October 15, 1979; effective January 8, 1980. Amendment filed November 13, 1982; effective March 16, 1982. Amendment filed June 4, 1982; effective September 30, 1982. Amendment filed August 17, 1983; effective November 14, 1983. Amendment filed June 28, 1984; effective September 11, 1984. Amendment filed August 20, 1984; effective November 13, 1984. Amendment filed September 26, 1986; effective December 14, 1985. Amendment filed May 8, 1986; effective June 27, 1986. Amendment filed September 20, 1987; effective December 22, 1987. Amendment filed October 18, 1988; effective January 29, 1989. Amendment filed November 9, 1989; effective February 28, 1990. Amendment filed July 11, 1990; effective October 29, 1990. Repeal and new rule filed March 16, 1992; effective June 29, 1992.*

0520-01-02-.07 JOINT CAREER AND TECHNICAL CENTERS.

Where two (2) or more local school system boards of education pool their resources in the establishment, operation, maintenance, and transportation of pupils of a joint career and technical center, such school shall meet the standards established by the State Board of Education for an approved school unless otherwise provided by law.

Authority: *T.C.A. §§ 49-1-302, 49-11-101 and 49-11-104.* ***Administrative History:*** *Original rule certified June 10, 1974. Amendment filed June 10, 1974; effective July 10, 1974. Amendment filed June 30, 1975; effective July 30, 1975. Amendment filed July 15, 1976; effective August 16, 1976. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed January 9, 1979; effective February 23, 1979. Amendment and new rule filed October 15, 1979; effective January 8, 1980. Amendment filed April 14, 1980; effective May 28, 1980. Amendment filed November 13, 1982; effective March 16, 1982. Amendment filed June 4, 1982; effective September 30, 1982. Amendment filed August 17, 1983; effective November 14, 1983. Repeal filed June 28, 1984; effective September 11, 1984. Amendment filed January 31, 1985; effective April 16, 1985. Repeal filed July 22, 1987; effective October 28, 1987. New rule filed February 16, 1989; effective April 2, 1989. Amendment filed November 9, 1989; effective February 28, 1990. Amendment filed July 11, 1990; effective October 29, 1990. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed September 6, 2007; effective January 28, 2008.*

0520-01-02-.08 INTERSCHOLASTIC ATHLETICS.

(1) The State Board of Education recognizes the value of participation in interscholastic athletics and the role of the Tennessee Secondary School Athletic Association in coordinating interscholastic athletic competition. The State Board of Education authorizes the public schools of the state to voluntarily maintain membership in the Tennessee Secondary School Athletic Association.

(2) The total basketball games allowed per team in a school which serves any combination of grades K through 8 shall not exceed 20 during a school year. Tournaments shall count as two games notwithstanding the number of games in which each team participates in a tournament. Practice can begin no earlier than four weeks prior to the first scheduled game and shall end after the last tournament or regular season game in which the team participates.

(3) All athletic practice within the regular hours of any school day must be approved on an annual basis by the local board of education; such action must be reflected in the minutes of the local board of education. All approved athletic practice during the regular hours of any school day shall conform to the same rules, regulations, and seasons as corresponding athletic practice outside the school day.

(4) A local board of education shall not authorize high school credits in physical education for participation in interscholastic athletic practice during regular school hours.

Authority: *T.C.A. § 49-1-302.* ***Administrative History:*** *Original rule certified June 10, 1974. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed January 9, 1979; effective February 23, 1979. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed October 31, 1995; effective February 28, 1996. Amendment filed April 27, 1998; effective August 28, 1998.*

0520-01-02-.09 ALTERNATIVE SCHOOLS.

(1) Definition: An alternative school is a short term intervention program designed to develop academic and behavioral skills for students who have been suspended or expelled from the regular school program.

(2) Requirements:

(a) The instruction shall be as nearly as practicable in accordance with the instructional program in the student's regular school.

(b) All course work and credits earned shall be transferred and recorded in the student's regular school.

(c) Students are subject to all rules of the school system providing the alternative school. Violation of rules may cause students to be removed from the program but shall not constitute grounds for extending the length of original suspension or expulsion.

(d) All laws, rules, and regulations shall be followed with children eligible for special education. If a change of placement is made, due process procedures are mandated.

(e) Reasons for placement in an alternative school must be documented. End of year reports must be made to the regular school for each student.

(f) Teachers must have a valid Tennessee teacher license.

(g) Support services such as counseling and psychological services must be accessible.

(h) All alternative school classrooms shall have working two-way communication systems that make it possible for teachers or other employees to notify a principal, supervisor, or other administrator that there is an emergency.

(i) It is the responsibility of the superintendent to insure that all alternative school teachers and other employees have been trained to use the two-way communication system and are notified of emergency procedures prior to the beginning of classes for any school year and when changes are made in the emergency procedures and/or personnel. Such emergency procedures shall be linked to the school and school system emergency preparedness plan.

(3) Funding.

(a) Students attending an alternative school shall continue to earn state education funds in the regular school system.

(b) Other state funding shall be made according to a formula developed annually by State Commissioner of Education.

(4) Facilities:

(a) A local board of education may not contract or otherwise affiliate with an alternative school program which requires an order of a court as a precondition of placement in such alternative school.

(Rule 0520-01-02-.09, continued)

(b) A local board of education may contract with independent contractors to provide alternative school facilities and other appropriate services consistent with T.C.A. §49-2-203(a)2).

(c) A local board of education may establish its own facility.

(d) Two or more boards may join together and establish an alternative school attended by students from any such system.

(e) Through a mutually accepted agreement with another local board of education, a board may send its suspended or expelled students to an alternative school already existing in another school system.

Authority: *T.C.A. § 49-6-3402; Public Chapter 535 of the Acts of the 97th General Assembly, Section 41.* ***Administrative History:*** *Original rule certified June 10, 1974. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed January 9, 1979; effective February 23, 1979. Amendment filed April 14, 1980; effective May 28, 1980. Amendment filed June 28, 1984; effective September 11, 1984. Amendment filed January 2, 1986; effective April 15, 1986. Amendment filed May 28, 1986; effective June 27, 1986. Amendment filed April 24, 1987; effective June 8, 1987. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed June 24, 1992; effective September 28, 1992. Amendment filed April 18, 1997; effective August 28, 1997. Amendment filed April 27, 1998; effective August 28, 1998.*

0520-01-02-.10 HOMEBOUND INSTRUCTION FOR PREGNANT STUDENTS.

(1) The homebound instruction program for pregnant students shall consist of three hours of instruction per week for a period of six weeks, plus extensions authorized herein, to be provided by the school system to the student in the home, in a hospital, or in other locations approved by the local school system.

(2) Personnel providing the homebound instruction to pregnant students shall hold a valid Tennessee teacher license.

(3) The student's physician shall recommend in writing the six-week period for which the student shall be eligible for homebound instruction.

(4) A homebound instruction program for longer than the six-week period shall only be provided to a student who is certified in writing by her physician as having health complications arising from a pregnancy that, in her physician's judgment, prevent her from returning to regular classes. Recertification must be obtained every two weeks for the program of homebound instruction to be continued beyond the six-week period.

(5) Students with health complications arising from pregnancy and for whom funds are generated under this program shall not be counted as health impaired for purposes of generating special education funds.

(6) Pregnant students receiving homebound instruction shall not be counted absent from school and shall be included in all computations for purposes of generating state school funds.

Authority: *T.C.A. §§ 49-10-1101; 49-10-1102 and 49-10-1103.* ***Administrative History:*** *Original rule certified June 10, 1974. Amendment filed June 10, 1974; effective July 10, 1974. Amendment filed June 30, 1975; effective July 30, 1975. Amendment filed July 15, 1976; effective August 16, 1976. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed January 9, 1979; effective February 23, 1979. Repeal and new rule filed March 16, 1992; effective June 29, 1992.*

0520-01-02-.11 SCHOOL BOARD TRAINING.

(1) Every member of a local board of education shall participate annually in seven hours of training provided by the School Board Academy.

(2) The School Board Academy shall be administered by the State Department of Education.

(3) The annual program of the School Board Academy will consist of modules approved by the State Board of Education. The Tennessee School Boards Association (TSBA) shall develop and conduct the majority of the approved modules.

(4) A School Board Academy Advisory Committee shall be established by the State Board of Education. The Advisory Committee will be responsible for evaluating academy programs. The Advisory Committee will also be responsible for recommending an annual program plan for the academy prior to the beginning of each school year for approval by the State Board of Education. The Advisory Committee will include the Executive Director and the President of the Tennessee School Boards Association, a member of the State Board of Education, the President of the Tennessee Organization of School Superintendents, and the Commissioner of Education or his designee. It will also include others appointed by the State Board of Education for terms designated by the State Board of Education.

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

0520-01-02-.12 WAIVERS.

(1) The Commissioner of Education is authorized to grant waivers to a school which does not comply with these rules and regulations only when requested by action of the local board of education.

(2) For limitation on the Commissioner's authority to waive rules and regulations, see T.C.A. §49-1-203.

Authority: *T.C.A. § 49-1-203.* ***Administrative History:*** *Original rule certified June 10, 1974. Amendment filed June 30, 1975; effective July 30, 1975. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed January 9, 1979; effective February 23, 1979. Amendment filed April 14, 1980; effective May 28, 1980. Amendment filed April 12, 1983; effective May 12, 1983. Amendment filed June 27, 1984; effective July 27, 1984. Amendment filed June 28, 1984; effective September 11, 1984. Amendment filed May 28, 1986; effective June 27, 1986. Amendment filed October 15, 1986; effective January 27, 1987. Amendment filed July 21, 1988; effective October 29, 1988. Repeal and new rule filed March 16, 1992; effective June 29, 1992.*

0520-01-02-.13 FISCAL ACCOUNTABILITY STANDARDS.

(1) Data Collection

(a) The Commissioner of Education shall prescribe a system of school fiscal accounting for all school systems which ensures that the expenditure of funds is properly accounted for and safeguarded in accordance with current law and State Board of

(Rule 0520-01-02-.13, continued)

Education rules, regulations, and minimum standards. The Commissioner shall require such reports from school systems as are required by federal or state law, State Board of Education rules, or as are otherwise necessary for ensuring fiscal accountability standards.

(b) To ensure proper financial reporting of revenue and expenditures for all public school purposes, the system of school fiscal accounting shall include a standard chart of accounts and audit procedures. The standard chart of accounts shall be the basis for the Annual Public School Budget Document, which shall contain the account codes necessary to ensure the capability for meaningful comparisons of school systems. At a minimum, the Budget Document shall include separate account codes for all classroom and non-classroom components of the Basic Education Program (BEP), or for accounts which may be compiled into BEP components, and sufficient revenue account codes to differentiate between federal, state and local revenue.

(c) The report of actual expenditures shall be the Annual Public School Financial Report and shall include sufficient information to allow a system by system comparison of budgeted and actual expenditures for BEP funding within the classroom and non-classroom areas. The Financial Report shall, at a minimum, contain account codes identifiable as BEP program components, or accounts which may be compiled into BEP components, and shall differentiate between federal, state and local revenue when reporting actual revenue for the prior year and estimated revenue for budget purposes.

(d) When implemented, the student management information system application of the Tennessee Education Network (TEN) shall provide consistent and accurate student information required for the distribution of funds and for evaluating the effectiveness of the BEP and other program objectives. Among other items, the TEN student management system shall provide net enrollment, membership, and attendance by grade and program. The TEN shall also report the grade and program of each student in state custody and the duration of such custody.

(e) The financial management application of the TEN shall provide consistent and accurate financial information maintained in accordance with the chart of accounts developed by the Department of Education. The TEN shall also provide the financial information required for the State Board of Education to set policies for the fair and equitable distribution and use of public funds and to monitor the distribution and expenditure of those funds.

(f) The TEN shall provide sufficient financial data to ascertain that all expenditures of education funds are properly accounted for in accordance with current law and State Board of Education rules, regulations, and minimum standards, and to make comparisons on a school and system basis.

(g) The Department of Education shall establish procedures for collecting and verifying average daily memberships for use in determining BEP entitlements. These procedures will provide for collecting and verifying the first three months' average daily memberships for purposes of development of the State Board of Education Annual Funding Needs Report and budget information for the Department of Finance and Administration, the General Assembly, and school systems.

(2) Reports & Documents

(a) Within thirty (30) days of the beginning of each school year, each school system shall submit to the Commissioner of Education, on a form provided by the Department of

(Rule 0520-01-02-.13, continued)

Education, a complete and certified copy of its entire school budget for the current year.

(b) On or before August 1 of each year, each school system shall submit to the Commissioner a correct and accurate financial report of public school revenues and expenditures for the school year ending on June 30. The Commissioner of Education shall require such reports and maintain such documents as will allow a comparison of BEP allocations with actual expenditures for each school system.

(c) The Commissioner shall provide to the State Board of Education on or before October 1 of each year a report of ADM for each school system for the previous school year.

(d) The Department of Education shall prepare and the State Board of Education shall approve estimated BEP allocations for each school system no less than 90 days prior to the beginning of the fiscal year.

(e) Modifications, revisions, or corrections to estimated BEP payments to LEAs will be made by the Department of Education and approved by the State Board of Education.

(3) Review and Verification

(a) The budget submitted by each school system will be reviewed by the Department of Education to ensure that state funds are not being used to supplant local funds and that each school system has appropriated funds sufficient to fund its local share of the BEP.

(b) Revenue derived from local sources must equal or exceed prior year actual revenues - excluding capital outlay and debt service, and adjusted for decline in average daily membership (ADM).

(c) The Department of Education shall verify that BEP funds are being budgeted for eligible expenses and that BEP funds earned in the classroom components, as defined by the State Board of Education, are budgeted for use in the classroom. The Commissioner shall advise the State Board of Education of all systems which fail to meet these minimum standards.

(d) Each school system shall provide to the Commissioner of Education or a designated representative copies of all school system related audit reports, including those made by governmental or independent public accountants.

(e) The Department of Education shall conduct review and follow-up procedures to ensure that audit exceptions are evaluated and appropriate actions are taken. The Commissioner shall notify the State Board of Education of any material and significant findings which reflect on the ability of the LEA to provide a quality education or which indicate that progress toward satisfactory resolution is not being made.

(4) Audit

(a) An Internal Audit Section will be maintained in the Department of Education for the purpose of testing and evaluating school system administrative and accounting controls, compliance, and financial and program accountability for state and federally funded programs, and for compliance with State Board of Education rules, regulations, and minimum standards. The Internal Audit Section shall make such full and limited scope audits as it deems necessary under the circumstances, and special audits as requested by responsible government officials. The audits will be performed in

(Rule 0520-01-02-.13, continued)

accordance with standards for the professional practice of internal auditing and with generally accepted governmental auditing standards.

(b) To provide reasonable assurance that attendance and financial reports are reliable and accurate, the Internal Audit Section shall conduct audit procedures for the review and testing of the attendance accounting system. The Internal Audit Section shall review such programs as necessary to provide reasonable assurance that funds are properly accounted for and safeguarded in accordance with current law, applicable federal standards, and State Board of Education rules, regulations, and minimum standards. Audits shall include evaluating program objectives, grant performance and accountability to determine that each LEA has a system in place to ensure compliance with program regulations and guidelines.

(c) The Commissioner of Education shall be advised of all audits, including a summary of the scope of the audit, the findings, recommendations, management comments, and conclusions including a determination as to the adequacy of corrective action planned or implemented. The State Board of Education, Superintendent, and representatives of the Comptroller's Office shall be provided copies of all audits conducted.

Authority: *T.C.A. §§ 49-1-20; 49-1-210 and 49-1-302.* ***Administrative History:*** *Original rule filed November 3, 1993; effective March 30, 1994. Amendment filed June 30, 1995; effective October 27, 1995.*

0520-01-02-.14 RECRUITMENT, EMPLOYMENT, AND RETENTION OF AFRICAN-AMERICAN TEACHERS.

(1) Each local board of education is encouraged to establish reasonable, incremental goals for the recruitment, employment, and retention of African-American teachers which at least reflect the percentage of African-Americans within the community served by the local school system.

(2) Each local board of education is urged to develop and implement a plan of action for attaining such goals and is urged to file a copy of the plan with the Commissioner of Education for evaluation and approval.

(3) Each local board of education is urged to file periodic progress reports with the Commissioner of Education to indicate the level of success in attaining such goals.

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

0520-01-02-.15 APPROVAL OF TEXTBOOKS.

After January 1, 1996, no newly adopted bound print textbook shall be approved by the State Board of Education unless the publisher has committed in writing to furnish to the State Department of Education, the American Printing House for the Blind, or a national repository, within 60 days of receipt of a request, electronic computer text files from which applicable Braille versions of the textbook may be produced.

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

0520-01-02-.16 REPORTING ATTENDANCE RELATIVE TO DISCIPLINARY ACTIONS.

(1) For the purposes of recording and coding student absences from school because of disciplinary actions, the following definitions shall apply:

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

(a) "Suspension" shall be defined as dismissal from attendance at school for any reason not more than ten (10) consecutive days. The student on suspension shall be included in ADM and will continue to be counted for funding purposes. Multiple suspensions shall not run consecutively nor shall multiple suspensions be applied to avoid expulsion from school.

(b) "Remand" shall be defined as assignment to an alternative school. The student so assigned shall be included in ADA/ADM and will continue to be counted as present for funding purposes. The State Department of Education shall establish a set of codes to be used for reporting reasons for students on remand to an alternative school.

(c) "Expulsion" shall be defined as removal from attendance for more than ten (10) consecutive days or more than fifteen (15) days in a month of school attendance. Multiple suspensions that occur consecutively shall constitute expulsion. The school district shall not be eligible to receive funding for an expelled student.

(2) Students who qualify for services under the Individuals with Disabilities Education Act, 20 U.S.C 1400, et seq., and 34 C.F.R. 300 et seq., may be suspended, remanded, or expelled only within the provisions of said acts. Removals from school for students receiving services under the act shall not be applied in such a manner so as to constitute a pattern of exclusion of the student nor shall any change of placement occur absent the application of procedural safeguards as defined in the act.

(3) The parents or legal guardians of students who are suspended or expelled in accordance with the provisions of T.C.A. 49-6-3401 shall receive notices provided for therein.

Authority: *T.C.A § 49-1-302 and T.C.A § 49-6-3401.* ***Administrative History:*** *Original rule filed April 28, 2000; effective August 28, 2000.*

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

Each Local Education Agency (LEA) shall adopt an attendance policy that is firm, but fair; includes effective accounting and reporting procedures; accounts for extenuating circumstances; includes appeal procedures; and establishes and maintains alternative programs for students who fail to meet minimum attendance requirements.

Attendance policies should include remedies to address excessive absences that account for a student's social and emotional development and family support. Early intervention is a key aspect of a policy that effectively improves attendance. Efforts to improve attendance should include supports and interventions in elementary, middle, and high school levels to address and prevent chronic absenteeism.

(1) The number of unexcused absences shall comply with T.C.A. § 49-6-3007. When appropriate, responses to and consequences for unexcused absences shall be handled within the school setting using relevant supports and interventions that address the underlying cause(s) for the unexcused absences. Nontraditional learning environments that improve student engagement such as online or distance learning, credit recovery, evening programs and flexible scheduling should be considered.

(a) Upon or before five (5) days of unexcused absences, the principal or designee shall notify the director of schools or designee and initiate meaningful communications with the student and their parent/guardian. The school shall attempt to determine the underlying cause(s) of the unexcused absences. When appropriate, a plan to improve school attendance should be initiated for the student.

(Rule 0520-01-02-.17, continued)

(b) Upon or before ten (10) days of unexcused absences, the principal or designee shall attempt to meet in person with the student and/or their parent/guardian, develop or refine the attendance plan, and provide necessary supports and services to improve school attendance. The principal or designee shall maintain documented attempts to meet with the student and their parent/guardian and the resulting attendance plan.

(c) The policy shall address the excusing of absences for reasons including but not limited to the following: injury, illness, pregnancy, hospitalization, homebound, summons, subpoena, court order, military, college visits, school-sponsored activities, school-endorsed activities, death of a family member, and extenuating circumstances determined on a case-by-case basis.

(d) To the extent possible, local district attendance policies should not be used to penalize students academically.

(e) The policy shall align with the McKinney-Vento Homeless Assistance Act [found at 42 U.S.C. § 11431, et seq.].

(2) Whenever possible, attendance issues should be resolved at the school level. To ensure due process, LEAs must adopt a policy that affords students with excessive (more than 5) unexcused absences the opportunity to appeal. Such policy must, at minimum, include written or actual notice to the student or their parent/guardian and the opportunity to be heard. The burden of proof rests on the student or their parent/guardian. The appeal process for determining unexcused absences is ancillary to a truancy decision rendered by a juvenile court judge as described in T.C.A. § 49-6-3010.

(3) When an attendance policy has been adopted by the governing body of an LEA, a copy of the policy shall be posted at each school, and school counselors shall be supplied copies for discussion with students. The policy shall be referenced in all school handbooks. All teachers, administrative staff, and parents/guardians shall be provided copies of the policy.

(4) LEAs are encouraged to develop truancy boards, youth courts, or other alternative programs to serve as an intervention for students with excessive absences.

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

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

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