RULES
OF
THE STATE BOARD OF EDUCATION

CHAPTER 0520-01-03
MINIMUM REQUIREMENTS FOR THE APPROVAL
OF PUBLIC SCHOOLS

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0520-01-03-.01 APPROVAL OF SCHOOLS.

(1) Inspections of Schools.

The Department of Education shall make periodic inspections of the schools under its control. These inspections shall be made to determine the extent to which local school systems operate in compliance with State Board of Education rules and regulations and to verify the information received on reports from local school officials.

(2) Approval Classifications for School Systems.

Each school system shall be classified as approved or non-approved. School systems classified as non-approved by the Commissioner of Education shall receive a written explanation of the reasons for such classification and shall be afforded the opportunity to respond. The Commissioner's notification shall include a time by which corrective action shall be completed by the school system. If such corrective action is not taken within the time specified, the Commissioner shall impose sanctions on the school system which may include withholding part or all of state school funding to the non-approved system.

(3) Reports on School System Compliance with the Rules and Regulations.

The Department of Education shall make an annual report to the State Board of Education regarding each school system's compliance with the rules and regulations. The report shall include the approval status of each local school system, deficiencies identified by school in the approval process, an assessment of action needed to attain approval, local school system response, and sanctions imposed upon systems which do not comply.

(4) Reports on Waivers Granted by the Commissioner of Education.

The Department of Education shall make an annual report to the State Board of Education identifying waivers granted by the Commissioner of Education to local school systems. The report shall include, but shall not be limited to, the name of the system, the party requesting the waiver, the specific rule to which the waiver applies, the rationale for the waiver as presented in the waiver request, the date the waiver was approved, and the number of times the system has received a waiver for the same rule.

(5) Internal Audit.

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

The Department of Education shall maintain an internal audit function which shall assist the Department in the inspection of schools. Internal audit reports shall be presented to the Commissioner of Education and the State Board of Education.

Authority: *T.C.A. § 49-1-302.* ***Administrative History:*** *Original rule certified June 10, 1974. Amendment filed July 15, 1976; effective August 16, 1976. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed October 1, 1985; effective October 31, 1985. Amendment filed May 28, 1986; effective June 27, 1986. Repeal and new rule filed March 16, 1992; effective June 29, 1992.*

0520-01-03-.02 ORGANIZATION OF SCHOOLS, REQUIREMENT A.

(1) Length of School Day for Students.

(a) The minimum length of the school day for students shall be 6 1/2 hours.

(b) School systems may provide for professional development during the school day under one of the following options:

1. School systems. School systems which elect to extend the school day to at least seven hours for the purpose of meeting instructional time requirements missed due to dangerous or extreme weather conditions, may allocate a portion of that extension for the purpose of faculty professional development, M-team meetings, S-team meetings, parent/teacher conferences, or other similar meetings, as permitted in TCA 49-6-3004(e)(1), under the following conditions:

(i) Prior to the beginning of the school year, the school system shall designate how many days shall be allocated for dangerous or extreme weather conditions and how many shall be allocated for student dismissals for faculty professional development, M-team meetings, S-team meetings, parent/teacher conferences, or other similar meetings. The total number of days shall not exceed 13.

(ii) Faculty professional development shall be consistent with standards and guidelines established by the State Board of Education.

(iii) School systems shall submit their plans for the allocation of excess time to the Commissioner of Education for approval.

2. Schools. School systems may adopt policies providing for individual schools to have school days of at least 7 hours in order to accumulate instructional time to be used for periodic early student dismissals for the purpose of faculty professional development. The following conditions shall apply to school systems exercising this option:

(i) Early dismissals shall not exceed the equivalent of 13 days and shall not exceed 3 ½ hours in any week.

(ii) Students shall attend school 180 days.

(iii) Faculty professional development shall be consistent with standards and guidelines established by the State Board of Education.

(c) Double sessions in any kindergarten program are permitted only if each session is at least four hours in length.

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

(d) If one individual teaches kindergarten more than one session per day, the total number of students taught by that teacher in one day shall not exceed the number otherwise permitted by T.C.A. Section 49-1-104 for one kindergarten class.

Authority: *T.C.A. §§ 49-1-302 and 49-6-3004.* ***Administrative History:*** *Original rule certified June 10, 1974. 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 March 16, 1982. Amendment filed April 13, 1982; effective May 28, 1982. Repeal and new rule filed April 18, 1983; effective May 18, 1983. Amendment filed January 6, 1984; effective April 15, 1984. Amendment filed August 20, 1984; effective November 13, 1984. Amendment filed October 3, 1985; effective January 14, 1986. Amendment filed March 25, 1986; effective June 14, 1986. Amendment filed May 28, 1986; effective June 27, 1986. Amendment filed July 10, 1986; effective October 29, 1986. Amendment filed October 29, 1986; effective December 13, 1986. Amendment filed July 22, 1987; effective October 28, 1987. Amendment filed November 18, 1987; effective February 28, 1988. Amendment filed July 21, 1988; effective October 29, 1988. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed November 3, 1993; effective March 30, 1994. Amendment filed March 14, 1995; effective July 28, 1995. Amendment filed April 29, 1996; effective August 28, 1996.*

0520-01-03-.03 ADMINISTRATION OF SCHOOLS, REQUIREMENT B.

(1) Teacher Assignment. Teachers shall be on duty at least seven hours per day and such additional time as the administrative organization requires.

(2) Salaries and Licensure for all Licensed Personnel.

(a) The employment standards and licensure requirements established by the State Board of Education shall be applicable to all licensed personnel employed by a local board of education without regard to the source of financial support.

(b) A salary schedule applicable to all licensed personnel shall be approved by the local board of education.

(3) Class Size for Grades K-12.

(a) Local boards of education shall have policies providing for class sizes in grades K-12 in accordance with the following:

Grade Level	Average Class Size	Maximum Class Size
K-3	20	25
4-6	25	30
7-12	30	35
Career and Technical Education	20	25

(b) The average class size for a grade level unit (such as the unit K-3) shall not exceed the stated average, although individual classes within that grade level unit may exceed the average.

(c) No class shall exceed the prescribed maximum size.

(d) The average class size and the maximum class size shall be based on regular classroom teaching positions, exclusive of principal, assistant principal, counselor, elementary art, elementary music, elementary physical education, librarian, special education, or other specialized positions.

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

(e) Class size limits may be exceeded in such areas as typewriting and instrumental and vocal music classes, provided that the effectiveness of the instructional program in these areas is not impaired.

(f) Local school systems shall not establish split-grade classes for the purpose of complying with the provisions of the class size averages and maximums. However, these provisions do not prevent school systems from using multi-aged classes.

(g) Local boards of education must approve the establishment of any split-grade classes for any purpose.

(h) The average class size specified for the grade levels involved in split-grade classes will be the maximum size allowed in such classes.

(4) Planning Time

(a) Local boards of education shall provide full-time classroom teachers in grades kindergarten through 12 with duty-free planning periods during the established instructional day.

(b) Planning time shall consist of 2½ hours each week during which teachers have no other assigned duties or responsibilities other than planning for instruction. The 2½ hours may be divided on a daily or other basis.

(c) Duty-free planning time shall not occur during any period that teachers are entitled to duty-free lunch.

(d) Any school system which is providing a duty-free planning period by extending the school day by 30 minutes as of the beginning of the 2000-01 school year may continue such practice and satisfy the planning time requirements.

(e) The director of schools shall report annually to the department of education regarding compliance with the duty-free planning time requirement.

(5) Duty Free Lunch Period. In schools providing a lunch period for students, all teachers shall be provided each day with a lunch period during which they shall not have assigned duties. The lunch period for each teacher shall be at least the same amount of time as that allowed for students.

(6) Pupil Course Work Load. All full time students in grades 9-12 shall be enrolled each semester in subjects that produce a minimum of five units of credit for graduation per year. Students with hardships and gifted students may appeal this requirement to the local school superintendent and then to the local board of education.

(7) Summer Schools.

(a) Summer schools shall be under the control and management of the local board of education having jurisdiction.

(b) The following shall be required for grades 9 through 12:

1. State curriculum frameworks shall be used for all courses.

2. Summer school teachers shall be licensed and hold endorsements in the subject areas in which they are teaching.

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

(8) Correspondence Work. Local boards of education may adopt policies permitting students to pursue correspondence courses for credit for graduation provided that a final examination covering all the terminal objectives of the particular state curriculum framework is given.

(9) Student Evaluation in Grades Kindergarten through grade 8.

(a) The student evaluation program for grades kindergarten through grade 8 shall consist of the following:

1. A criterion-referenced test will be administered in subjects and grade levels in accordance with policy of the State Board of Education.

2. Based on achievement data from the benchmark years 3, 5, and 8, there shall be a research-based intervention initiated by the local education agency for students scoring below proficient in reading, language, and mathematics on the criterion referenced portion of the state achievement test. The intervention shall occur during the year following the benchmark assessment data. The Department of Education shall assist systems in the identification of effective intervention programs. Evidence of compliance with this requirement shall become a component of the school improvement plan.

3. An assessment of writing in grades 5 and 8.

(b) Each student's test data and the student's answer documents, including the test booklets for students using the large-print or Braille editions, will be maintained for a period of one year following test administration. Following this one-year period, individual student test data will then be preserved on storage media.

(c) State mandated student testing programs shall be undertaken in accordance with procedures published by the Department of Education. Local school systems shall develop local policies regarding security of test administration, consistent with Department of Education guidelines.

(d) To assist the decision making process and to better inform policy, the State Department shall annually report to the Board of Education the number and percentage of students scoring Below Basic, but have been promoted to the next grade level by school system. This data shall be disaggregated by subgroups similar to those required for federal reporting.

(e) Local education agencies are encouraged to intervene with struggling students as needed. However, once BEP 2.0 is fully funded* or specific recurring funding is provided that at least doubles the at-risk funding component for grades K-8 for the average percentage of students scoring Below Basic on TCAP assessments, local education agencies shall provide interventions prior to 1st grade, prior to 5th grade and prior to 9th Grade for students who are not ready for advancement in the education process. For students with identified special needs, the IEP Team shall continue to determine the education program. Evidence of compliance with this requirement shall become a component of the school improvement plan.

School systems are encouraged and empowered to transition from meeting the requirements of section (a)2 of this rule to meeting the requirements of section (e) of this rule before BEP 2.0 is fully funded or specific funding is provided or specific recurring funding is provided that at least doubles the at-risk funding component for grades K-8 for the average percentage of students scoring Below Basic on TCAP assessments.

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

1. Once BEP 2.0 is fully funded or specific recurring funding is provided that at least doubles the at-risk funding component for grades K-8 for the average percentage of students scoring Below Basic on TCAP assessments, schools shall determine the academic and developmental readiness of students for first grade. Students who are found to be either academically or developmentally not ready for first grade shall be provided effective interventions to achieve academic and developmental readiness for the first grade.

2. Once BEP 2.0 is fully funded or specific recurring funding is provided that at least doubles the at-risk funding component for grades K-8 for the average percentage of students scoring Below Basic on TCAP assessments, fourth grade students will be provided multiple opportunities to demonstrate academic readiness in numeracy and literacy for the fifth grade through a formative assessment process. Students who score Below Basic in the Math or Reading / Language sections of the 4th grade TCAP shall be provided effective interventions to insure those students are ready for success in the middle grades.

3. Once BEP 2.0 is fully funded or specific recurring funding is provided that at least doubles the at-risk funding component for grades K-8 for the average percentage of students scoring Below Basic on TCAP assessments, eighth grade students who do not demonstrate readiness for the ninth grade by scoring below the Explore Readiness Benchmark Scores in English, Mathematics, Reading, or Science on the Explore examination and who also score Below Basic in corresponding sections on the Math, Reading, Language, or Science sections of the 8th grade TCAP shall be provided effective interventions to insure those students are ready for success in high school.

4. The determination of student readiness as a result of the interventions prior to the first grade, fifth grade, and ninth grade shall be based upon a formative process which should include a variety of data. The analysis of the data shall be made by a team developed by the local education agency that may consist of teachers across various grade levels and content areas, subject areas specialist, principals, and appropriate others. This team must have representatives that recognize and understand alternative measurements and interpretation for English Language Learners (ELL), especially those students who have been in the United States for three years or less. Following data analysis, the team's recommendation shall be provided to the school principal. The department of education will provide local education agencies with rubrics and other materials that describe performance at the four (4) achievement levels.

6. Teaching strategies such as coaching, project learning, e-learning, and tutoring along with other best practices which emphasize real-world connections, teacher professional development, innovative scheduling, accelerated / individualized pacing, and technology are recommended to correct learning deficiencies. The State Department of Education shall assist systems in the identification of effective intervention programs and sharing of best practices. Students should be assessed frequently through a variety of measures to determine if the interventions are being successful or if different interventions are needed.

6. Existing data will be used diagnostically to analyze and determine individual student needs. Interventions shall be supportive and ensure students attain the knowledge and skills required to be successful. Interventions allow students to learn at different rates and continue to be successful in subsequent school years. Schools will monitor student progress regularly in years following the intervention to make sure students are advancing appropriately and will intervene with those students who are not.

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

The phrase "B.E.P. 2.0 is fully funded" means that changes in the components or factors of the Basic Education Program (BEP) implemented under Acts 2007, ch. 369 have been completely phased in.

(10) Admission and Enrollment of Students.

(a) During the 2013- 2014 school year, a child entering kindergarten shall be no less than five (5) years of age on or before August 31. For all years thereafter, a child entering kindergarten shall be no less than five (5) years of age on or before August 15. However, a child does not have to enroll in school at five (5) years of age, but enrollment must occur no later than the beginning of the academic year following the child's sixth birthday.

(b) Any transfer student applying for admission who was legally enrolled in an approved kindergarten in another state and who will be five years of age no later than December 31 of the current school year, shall be enrolled.

(c) A child must attend school until his/her 18th birthday unless:

1. He or she has received a diploma or other certificate of completion of high school;

2. He or she is enrolled in a course of instruction leading to a GED; or

3. He or she is enrolled in a home school and has reached their 17th birthday.

(11) Students Transferring From One School To Another.

(a) Students may transfer among public schools or among Category I, II, or III private schools (see Chapter 0520-07-02), without loss of credit for completed work. The school which the student leaves must supply a properly certified transcript showing the student's record of attendance, achievement, and the units of credit earned.

(b) Principals shall allow credit for work transferred from other schools only when substantiated by official transcripts. Students transferring from schools which are not approved by the Tennessee State Board of Education or by comparable agencies shall be allowed credit only when they have passed comprehensive written examinations approved, administered, and graded by the principal. Student scores from a recognized standardized test may substitute for the required comprehensive written examinations.

(c) The examination administered to students in grades 1-8 shall cover only the last grade completed.

(d) The examinations administered to students in grades 9-12 shall cover the individual subjects appearing on the official transcripts. The examination for subjects of more than one unit need cover only the last unit completed. A student transferring from one school to another may count for graduation one-half unit of credit in courses for which a minimum of one unit is required only if the course is not offered in the school to which he or she is transferring.

(e) The principal is authorized to transmit transcripts of a student to any school to which the student transfers or applies for admission when the records are requested by the receiving school or institution. The parent or guardian of the student will be notified that the transcript is being sent.

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

(f) A student may transfer to a school system other than the one in which they live up to two weeks before the beginning of the school year with only the approval of the receiving board of education. If a request to transfer is submitted less than two weeks before the beginning of the receiving district's school year, and the student is currently enrolled in another district during the prior semester, the approval of both the sending and receiving districts must be obtained.

(g) Local boards of education may arrange for the transfer of students residing within their systems to other school systems by establishing agreements with other local boards of education for the admission or transfer of students from one school system to another.

(h) The receiving board of education may set a time before or during the school year after which it will not accept transfer students. The receiving board of education may charge the non-resident student tuition to attend.

(i) If a local board of education otherwise permits non-resident students to transfer into its schools, it may not discriminate against any students solely on the grounds of their race, sex, national origin or disability, nor may it charge such students a tuition over and above the usual tuition for non-disabled persons.

(12) Public Virtual Schools.

(a) Public virtual schools must comply with all applicable Tennessee State Board of Education policies and rules and regulations.

(b) Public virtual schools shall:

1. be approved by the local board of education;

2. use technology to deliver a significant portion of instruction to its students via the Internet in a virtual or remote setting;

3. review and provide access to a sequential curriculum that meets or exceeds the curriculum standards adopted by the Tennessee State Board of Education;

4. meet the equivalent of the 180 days of instruction and 6.5 hours per day per academic year pursuant to T.C.A. § 49-6-3004;

5. monitor participation and progress to ensure students meet participation requirements and make progress toward successful completion of courses;

6. administer all state tests required of public school students to students enrolled in a virtual school in a proctored environment consistent with state test administration guidelines;

7. be evaluated annually and report the extent to which the school demonstrates increases in student achievement, along with academic, fiscal, and operational performance;

8. ensure that students with special needs, including students with disabilities and limited English proficiency are not excluded from enrolling and participating, further, the public virtual school is responsible for providing the services in the student's Individualized Education Program (IEP);

9. assign a highly qualified teacher to each student enrolled;

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

10. ensure that all teachers employed to provide services to the students are endorsed in their grade or course and qualified to teach in Tennessee;

11. ensure access to instructional materials, access to technology such as a computer and printer that may be necessary for participation in the program, and access to an Internet connection used for school work; and

12. meet class size standards established by T.C.A. § 49-1-104.

(c) Public virtual schools must comply with State Board Rule 0520-01-03-.03(11).

1. For a student who is currently enrolled or was enrolled the previous semester in a public school to transfer to a public virtual school after the open transfer time has lapsed:

a. the student must apply to and be approved for acceptance in the public virtual school; and

b. once acceptance has been determined, the public virtual school must obtain permission from the sending district before enrolling the student in the public virtual school A public virtual school shall not be eligible for state education funds for students who are improperly enrolled.

2. Students not registered in a public school the previous semester but who were enrolled instead in a private school or a home school do not require approval from a sending district.

(d) Public virtual schools must comply with all compulsory attendance requirements including monitoring and reporting as required in TCA § 49-6-3007.

1. The district establishing the public virtual school is required to report truancy to the juvenile court having jurisdiction over that student.

2. On or before August 1 of each year the public virtual school shall notify all LEAs of the enrollment of students residing within the LEA's jurisdiction. LEAs shall be notified within two weeks when changes occur relative to students residing within the LEA's jurisdiction.

3. Once a non-resident student has been accepted and enrolled in a public virtual school, it shall be the responsibility of the LEA that has established the public virtual school to maintain enrollment of that student until such a time as the student is withdrawn by the parent or guardian. If the student is withdrawn by the parent or guardian, the public virtual school shall send transcripts and other student records to the receiving school in a timely manner.

(13) Records and Reports.

(a) A cumulative record provided to teachers by local school systems shall be kept up to date for each student, kindergarten through grade 12, and shall remain as local school property.

(b) Each school shall provide for the storage and safekeeping of all records and reports.

(c) The maintenance, use, dissemination and confidentiality of information in school records and reports shall be governed by written policies of the local board of education.

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

(14) School Fees.

(a) No fees or tuitions shall be required of any student as a condition of attending public schools or using its equipment while receiving educational training. All school fees must be authorized by the local board of education. Local board policy will determine activities during the school day and supplies that are required for participation in courses offered for credit or grade for which the board authorizes the requesting of fees.

(b) The following school fees may be requested from but not required of any student, regardless of financial status (including eligibility for free or reduced price lunch):

1. Fees for activities that occur during regular school hours (the required one hundred eighty (180) instructional days), including field trips, any portion of which fall within the school day; or for activities outside regular school hours if required for credit or grade;

2. Fees for activities and supplies required to participate in all courses offered for credit or grade, including interscholastic athletics and marching band if taken for credit in accordance with local board policies; and

3. Refundable security deposits collected by a school for use of school property for courses offered for credit or grade, including interscholastic athletics and marching band if taken for credit in accordance with local board policies.

(c) LEAs shall establish a process by which to waive the following school fees for students eligible for free or reduced price school lunches:

1. Fees or tuition applicable to courses taken for credit or grade during the summer by a student; except that non-resident students regularly enrolled in another school system may be required to pay fees or tuition for such summer courses; and

2. Fees required for graduation ceremonies.

(d) Fee waiver process for students eligible for free or reduced price lunch. At the beginning of the school year, at the time of enrollment, and/or at the time of requesting school fees, all students and their parents or legal guardians shall be given clear and prominent written notice of authorized fees that may be requested, and notice of the fee waiver process.

1. The parent or legal guardian of a student shall be given the opportunity to pay all or any portion of the school fee if they desire. However, if the parent chooses not to pay a fee, the child may not be prevented from participating in the activity or course for which the fee is being requested.

2. Local education agencies shall provide written notice to parents or legal guardians of approval or denial of requests for fee waivers. Any denial shall contain the specific grounds for denial and shall afford the parent or legal guardian the opportunity for a personal meeting with the appropriate school personnel to discuss the validity of the denial.

3. Local education agencies shall keep copies of any forms, notices and/or instructions used by schools in the waiver of fees and shall keep records of any denials, appeals of denials, and resolution of such appeals.

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

(e) LEAs are authorized to require payment of the following fees by all affected students:

1. Fines imposed on all students for late-returned library books; parking or other traffic fines imposed for abuse of parking privileges on school property; or reasonable charges for lost or destroyed textbooks, library books, workbooks or any other property of the school;

2. Debts incurred pursuant to Rule 0520-01-03-.03(14), Withholding of Student Grades for Debts Owed to the School;

3. Refundable security deposits collected by a school for use of school property for participation in extracurricular activities;

4. Costs for extracurricular activities occurring outside the regular school day including sports, optional trips, clubs or social events; and

5. Non-resident tuition charged of all students attending a school system other than the one serving their place of residence.

(15) Withholding of Student Grades for Debts Owed to the School.

(a) Local education agencies are authorized to withhold all grade cards, diplomas, certificates of progress or transcripts of a student who has taken property which belongs to a local education agency, or has incurred a debt to a school, until such student makes restitution in full. Unpaid school fees, as defined above, may not be considered debts owed to the school.

(b) No student shall be sanctioned under the provisions of this rule when the student is deemed to be without fault for the debt owed to the local education agency or the school.

(c) Nothing in this subparagraph authorizes any local education agency to limit the rights of parents to have access to their children's educational records pursuant to the Family Educational Rights and Privacy Act.

(d) Local education agencies shall afford the student and/or the student's parent the opportunity to appear and be heard if such student and/or the parent disputes the debt, the amount of the debt, or the application of sanctions.

(16) Student Absence in Observance of Religious Holidays.

Any student who misses a class or day of school because of the observance of a day set aside as sacred by a recognized religious denomination of which the student is a member or adherent, where such religion calls for special observances of such day, shall have the absence from that school day or class excused and shall be entitled to make up any school work missed without the imposition of any penalty because of the absence.

(17) School Board and School Improvement Planning.

(a) Each local board of education shall develop, maintain, and implement a long-range strategic plan which addresses at least a five-year period of time. The plan shall be updated every two years and include a mission statement, goals, objectives and strategies, and address the State Board of Education master plan.

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

(b) Each local board of education shall have each school under its jurisdiction develop, maintain, and implement a school improvement plan. The plan shall be updated every two years and include areas such as curriculum, instruction, professional development, and community partnerships, and address the long-range strategic plan of the local board of education.

(18) Emergency Preparedness Plans.

(a) Each local school system shall have a disaster preparedness plan to include, but not be limited to, fire, tornado, earthquake, flood, bomb threat, and armed intrusion.

(b) Each school shall practice emergency safety procedures.

(c) Each local education agency having jurisdiction that lies entirely or partially within 100 miles of the New Madrid Fault Line shall implement earthquake preparedness drills in each of the schools administered by such local education agency. Section 4 - Earthquake Drills of the Guidebook for Developing A School Earthquake Safety Program published by the Federal Emergency Management Agency shall serve as the model plan for local education agencies to consider when adopting plans for earthquake preparedness drills. Affected local education agencies shall review and consider the entire guidebook to assure that their schools provide the optimal safety conditions for their students.

(d) Each school administered by a local education agency having jurisdiction that lies entirely or partially within 100 miles of the New Madrid Fault Line shall conduct at least two earthquake preparedness drills every school year. A record of the earthquake preparedness drills, including the time and date, shall be kept in the respective schools and shall be made available upon request by the Department of Education.

Authority: *T.C.A. §§ 49-1-302, 49-1-302(a)(2) and (13), 49-2-110, 49-2-114, 49-6-101, 49-6-201, 49-6-3001(c) and (c)(1), 49-6-3003, 49-6-3005(a) and (a)(4), 49-6-3104, 49-6-3105, 49-6-6201, and Sections 30, 78 through 80, and 88 of Chapter 535 of the Public Acts of 1992.* ***Administrative History:*** *Original rule certified June 10, 1974. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed April 14, 1980; effective May 28, 1980. Amendment filed July 19, 1982; effective October 13, 1982. Repeal and new rule filed April 18, 1983; effective May 18, 1983. Amendment filed June 10, 1983; effective September 14, 1983. Amendment filed June 27, 1984; effective July 27, 1984. Amendment filed June 28, 1984; effective July 28, 1984. Amendment filed May 28, 1986; effective June 27, 1986. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed July 21, 1992; effective October 28, 1992. Amendment filed September 1, 1992; effective December 29, 1992. Amendment filed October 11, 1995; effective February 28, 1996. Amendment filed April 29, 1996; effective August 28, 1996. Amendment filed May 31, 1996; effective September 27, 1996. Amendment filed May 28, 1999; effective September 28, 1999. Amendment filed August 31, 2001; effective December 28, 2001. Amendment filed March 28, 2002; effective July 29, 2002. Amendment filed June 30, 2003; effective October 28, 2003. Amendment filed March 1, 2005; effective July 29, 2005. Amendment filed September 6, 2007; effective January 28, 2008. Amendment filed April 30, 2009; effective August 28, 2009. Amendment filed October 20, 2009; effective March 31, 2010. Amendment filed March 25, 2010; effective August 29, 2010. Amendment filed December 19, 2012; effective May 30, 2012. Amendments filed March 21, 2012; effective August 29, 2012. Amendment filed February 6, 2013; effective July 29, 2013.*

0520-01-03-.04 EVALUATION OF LICENSED PERSONNEL, REQUIREMENT C.

(1) Local boards of education shall develop evaluation procedures for all professional school personnel.

(Rule 0520-01-03-.04, continued)

(2) Annual evaluation shall be made of non-career ladder educators who have not gained tenure. Non-career ladder educators with tenure shall be evaluated twice every five years on schedules determined locally.

(3) Nothing in this section shall be construed to prevent or limit the number or extent of evaluations of educators conducted locally for any local purpose.

(4) Standards and procedures for the evaluation of all licensed persons employed by local education agencies may be found in Chapter 0520-02-01.

(5) By a date to be determined each year by the State Certification Commission, each local school system shall submit to the Commissioner of Education a description of its evaluation plan and instruments as specified. After approval by the Commissioner, if the evaluation plan or instruments change, the local school system shall submit a statement regarding these changes by July 1 prior to the school year in which they are to be used.

Authority: *T.C.A. §§ 49-1-302, 49-5-5103, and 49-5-5202.* ***Administrative History:*** *Original rule certified June 10, 1974. Amendment filed June 30, 1975; effective July 30, 1975. Amendment filed July 15, 1976; effective August 16, 1976. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed January 9, 1979; effective February 23, 1979. Amendment filed October 15, 1979; effective January 9, 1980. Amendment filed April 14, 1980; effective May 28, 1980. Amendment filed November 13, 1981; effective December 28, 1981. Amendment filed June 24, 1984; effective July 27, 1984. Amendment filed June 28, 1984; effective July 28, 1984. Amendment filed June 28, 1984; effective September 11, 1984. Amendment filed August 20, 1984; effective November 13, 1984. Amendment filed January 31, 1985; effective April 16, 1985. Amendment filed June 24, 1985; effective September 13, 1985. Amendment filed September 30, 1985; effective December 14, 1985. Amendment filed December 31, 1985; effective March 17, 1986. Amendment filed May 28, 1986; effective June 27, 1986. Amendment filed July 10, 1986; effective October 29, 1986. Amendment filed October 29, 1986; effective December 13, 1986. Amendment filed October, 15, 1986; effective January 27, 1987. Amendment filed April 24, 1987; effective June 8, 1987. Amendment filed April 18, 1988; effective July 27, 1988. Amendment filed May 13, 1988; effective August 29, 1988. Amendment filed November 22, 1988; effective February 28, 1989. Amendment filed October 31, 1989; effective January 29, 1990. Amendment filed October 12, 1990; effective January 29, 1991. Repeal and new rule filed March 16, 1992; effective June 29, 1992.*

0520-01-03-.05 STATE CURRICULUM, REQUIREMENT D.

(1) Curriculum Standards.

(a) The State Board of Education shall adopt curriculum standards for each subject area, grades K-12. The standards shall specify learning expectations and include performance indicators. The approved standards shall be the basis for planning instructional programs in each local school system.

(b) Adopted textbooks shall be aligned with state curriculum standards.

(c) Instruction in grades K-12 in issues of current concern such as character education, environmental education, economic education, career education, family life education, substance use and abuse, AIDS education, sexual abuse prevention, cardiopulmonary resuscitation, and safety shall be incorporated in appropriate subject areas and grade levels.

(2) Experimental Projects and Special Courses.

(a) Local school systems may offer special courses not listed in 0520-01-03-.06 on an experimental basis. Each course must be approved in advance each year by the

(Rule 0520-01-03-.05, continued)

Commissioner of Education. After three years the course may become a permanent part of the local school program upon approval by the State Board of Education.

(b) The Commissioner of Education, in cooperation with the State Board of Education and local school system, shall have the authority to initiate experimental projects to determine the effectiveness of innovations in content or in the administration of instructional programs. The Commissioner of Education shall report the findings of these experimental projects to the State Board of Education on an annual basis.

(3) Grading and Promotion.

(a) Each school shall evaluate and report in writing to the parent(s) or legal guardian(s) each student's progress in each subject, at least every nine weeks, in accordance with the school system's evaluation plan. A parent or legal guardian will sign or otherwise acknowledge the report and return it to the teacher. Local school systems may choose not to require parental acknowledgement of the grade report for students in grades seven through twelve (7-12). If parental acknowledgement is not required, schools must publish annually the dates and method of reporting student progress and must provide ample opportunities for parents to notify the school of any concerns.

(b) Local school systems shall develop and implement grading, promotion, and retention policies for grades kindergarten through eight (K-8). The policies shall be communicated annually to students and parents.

(c) Local school systems shall use the following uniform grading system for students enrolled in grades nine through twelve (9-12). Students' grades shall be reported for the purposes of application for postsecondary financial assistance administered by the Tennessee Student Assistance Corporation using the uniform grading system.

Uniform Grading System – Weighting for Advanced Coursework				
Grade	% Range	Honors Courses & National Industry Certification	Statewide Dual Credit Courses	Advanced Placement & International Baccalaureate
A	93 – 100	May include the addition of three (3) percentage points to the grades used to calculate the semester average.	May include the addition of four (4) percentage points to the grades used to calculate the semester average.	May include the addition of five (5) percentage points to the grades used to calculate the semester average.
B	85 – 92			
C	75 – 84			
D	70 – 74			
F	0 – 69			

Assigning additional quality points above 4.0 for honors courses, AP, IB, and National Industry Certification courses is not allowed for the purpose of determining eligibility for the lottery scholarships.

All course types, as defined below, shall be used for reporting student grades for the determination of eligibility for HOPE scholarships.

(Rule 0520-01-03-.05, continued)

(d) State approved courses shall meet all appropriate content standards, learning expectations, and performance indicators as approved by the State Board of Education and are eligible for the points listed above.

(e) Local education agencies may elect to offer honors courses and National Industry Certification (NIC) courses. Local educational agencies electing to offer honors courses will ensure that the approved honors courses substantially exceed the content standards, learning expectations, and performance indicators as approved by the State Board of Education. Further, each local education agency offering honors courses will ensure that additional rigor is being provided by implementing the framework of standards for honors courses listed below:

1. Honors courses will substantially exceed the content standards, learning expectations, and performance indicators approved by the State Board of Education. Teachers of honors courses will model instructional approaches that facilitate maximum interchange of ideas among students: independent study, self-directed research and learning, and appropriate use of technology. All honors courses must include multiple assessments exemplifying coursework (such as short answer, constructed-response prompts, performance-based tasks, open-ended questions, essays, original or creative interpretations, authentic products, portfolios, and analytical writing). Additionally, an honors course shall include a minimum of five (5) of the following components:

(i) Extended reading assignments that connect with the specified curriculum.

(ii) Research-based writing assignments that address and extend the course curriculum.

(iii) Projects that apply course curriculum to relevant or real-world situations.

These may include oral presentations, power point, or other modes of sharing findings. Connection of the project to the community is encouraged.

(iv) Open-ended investigations in which the student selects the questions and designs the research.

(v) Writing assignments that demonstrate a variety of modes, purposes, and styles.

(I) Examples of mode include narrative, descriptive, persuasive, expository, and expressive.

(II) Examples of purpose include to inform, entertain, and persuade.

(III) Examples of style include formal, informal, literary, analytical, and technical.

(vi) Integration of appropriate technology into the course of study.

(vii) Deeper exploration of the culture, values, and history of the discipline.

(viii) Extensive opportunities for problem solving experiences through imagination, critical analysis, and application.

(Rule 0520-01-03-.05, continued)

(ix) Job shadowing experiences with presentations which connect class study to the world of work.

All course types which meet the above framework will be classified as honors, eligible for additional percentage point weighting.

Career and technical courses that offer a National Industry Certification through a nationally recognized examination may be weighted by adding three (3) points to all grades used to calculate the semester average.

If honors courses and courses that offer National Industry Certification are offered, the local education agency shall annually approve the list of such courses. This list of National Industry Certification courses and of approved honors courses with a complete syllabus for each course shall be approved by the local education agency and made readily available to the public.

Each local education agency shall adopt policies for honors courses and career and technical courses that offer national industry certification that may allow for the addition of three (3) points to all grades used to calculate the semester average.

2. A statewide dual credit course is an existing high school course that incorporates postsecondary learning objectives and is aligned with an approved dual credit challenge exam. Students who pass these challenge exams will earn college credit accepted by all Tennessee public postsecondary institutions. Local education agencies must ensure all statewide dual credit courses incorporate the postsecondary learning objectives and that all students sit for the challenge exam. The courses must provide advanced learning opportunities for students. Local education agencies will also ensure that statewide dual credit teachers receive professional development and support to provide the rigorous level of instruction necessary for the courses.

3. Local education agencies may elect to offer Advanced Placement and International Baccalaureate courses. If Advanced Placement and International Baccalaureate courses are offered, the local education agency shall annually approve a list of such courses. This list of approved courses shall be made readily available to the public. Local education agencies will ensure that approved courses substantially incorporate the learning objectives and course descriptions as defined by the College Board or International Baccalaureate Agency.

   Each local education agency shall adopt policies for the approved Advanced Placement courses and International Baccalaureate courses that have end-of-course national examinations that may allow for the addition of five (5) points to all grades used to calculate semester averages. Only Advanced Placement and International Baccalaureate courses that have end-of-course national examinations qualify for the addition of five (5) points.

(f) In order to ensure fidelity to the Uniform Grading System in the calculation of the Grade Point Average (GPA) to be used in the determination of eligibility for the HOPE Scholarship, the following guidance is given for implementation by each Local Education Agency (LEA):

(Rule 0520-01-03-.05, continued)

1. When determining the grade to be awarded, numerical averages with a decimal point of .5 or higher shall be rounded up to a whole number and a decimal point of .49 or lower shall not be rounded up. For example, a numerical average in a course of 92.50 shall be rounded up to a 93 and awarded an A for the GPA calculation. Further, a numerical average of 92.49 shall not be rounded up and awarded a 92 or B for the GPA calculation. This methodology shall apply to reporting period grades as well as semester and/or final average grades.

2. The addition of percentage points to weight honors courses, National Industry Certification, statewide dual credit courses, Advanced Placement courses, Cambridge and International Baccalaureate courses should be made at each reporting period as well as to any semester exam or other grade used to determine the semester average. Do not add to the semester or final average since the points are already in the grade.

   Example: An AP class where the semester average is calculated by adding each six weeks grade twice and adding the semester exam grade once and dividing by 7:

1st Six Weeks	2nd Six Weeks	3rd Six Weeks	Sem. Exam	Sem. Avg.
88 + 5 = 93	90 + 5 = 95	85 + 5 = 90	89 + 5 = 94	93

$$93 + 93 \quad + \quad 95 + 95 \quad + \quad 90 + 90 \quad + \quad 94 \quad = \quad 650$$

$$\text{Sem. Avg.} \quad = \quad \frac{650}{7} \quad = \quad 92.8 \quad = \quad 93 \quad = \quad A$$

3. Calculation of the uniform grading system GPA shall be on a 4.0 scale by assigning the following grade points: A = 4, B = 3, C = 2, D = 1 and F = 0. The GPA is the official method for calculating HOPE Scholarship eligibility, and shall be calculated by multiplying the quality points assigned to each course for the semester, trimester, or final course average (for the block schedule) by the credit available for each course and dividing by the total number of credits available. This calculation shall be based on grades at the end of any semester or trimester, not on a grade that spans the entire school year.

   This example represents a student's final average GPA based upon a six-period day with five year-long courses and two semester-long courses

$$\text{GPA} = \frac{\text{Sum of Grade Points for Each Course}}{\text{Sum of Credits Available}} \text{ (per credit)}$$

$$\text{GPA} = \frac{B+A+A+B+B+B+C}{1+1+1+1+1+.5+.5} = \frac{3(1)+4(1)+4(1)+3(1)+3(1)+3(.5)+2(.5)}{6}$$

$$\text{GPA} = \frac{19.5}{6} = 3.25 \text{ GPA}$$

4. For purposes of the HOPE Scholarship Eligibility Grade Point Average, a student may repeat any failed course and the failing grade for the first attempt will not be considered in the HOPE Scholarship Eligibility Grade Point Average calculation. The grade of all repeats of the course shall be counted as part of the HOPE Scholarship Eligibility Grade Point Average. LEAs may allow students to replace

(Rule 0520-01-03-.05, continued)

failed course grades through credit recovery or similar programs without HOPE Scholarship Eligibility Grade Point Average penalty and is not to be considered a repeat.

5. The GPA shall be reported to the nearest 100th. The thousandth digit must be a 5 or higher to round up to the next hundredth. For example, a GPA of 3.296 would round up to 3.30. A GPA of 3.2949 would round down to 3.29.

6. The GPA used to determine eligibility for the HOPE Scholarship shall be reported on the student's transcript as "Hope Scholarship GPA."

7. The Department of Education will provide guidance for LEAs to insure this rule is implemented uniformly across Tennessee.

8. The Department of Education will monitor the calculation of the HOPE Scholarship GPA as part of the routine LEA audits.

(4) Reserved.

(5) Pre-kindergarten, Kindergarten, and Grades 1-3.

(a) All approved pre-kindergarten and kindergarten programs shall be child-centered, family focused, and developmentally appropriate. Pre-kindergarten programs shall be based on the early childhood education and parent involvement policy of the State Board of Education. Kindergarten programs shall be based on the state curriculum framework.

1. The programs shall provide daily active learning experiences through exploration and play. Hands-on manipulation of real objects shall be emphasized in the learning experiences in preference to worksheet items.

2. The programs shall provide an arrangement of the room, equipment, and materials in learning centers which facilitate both small group and individual child use. Such equipment and materials shall be appropriate in size and complexity to the age of the children.

3. Assessment of pre-kindergarten and kindergarten children shall emphasize the use of observational data and other assessments that support the delivery of an individualized, developmentally appropriate program.

(i) Standardized or formalized testing may be administered to pre-kindergarten and kindergarten children only for the purposes of diagnosing special educational needs, developing services to support mainstreaming of children with disabilities, and/or for meeting any required federal program eligibility standards.

(ii) Each local school system shall adopt and implement a comprehensive developmental assessment program for kindergarten children, to be used in developing instructional programs for kindergarten children.

4. Pre-kindergarten programs shall be staffed by at least one teacher for each 20 children and additional educational assistants or other personnel as are required to meet the adult/child ratio standards specified by the State Department of Human Services and administered by the State Department of Education for child care programs in schools.

(Rule 0520-01-03-.05, continued)

5. Pre-kindergarten programs shall use and maintain transportation services (if provided) and facilities which meet the fire, safety, and health standards specified by the State Department of Human Services and Head Start, and administered by the State Department of Education for child care programs in schools.

(b) The curriculum and program structure for children in pre-kindergarten, kindergarten, and grades 1-3 shall be organized to support developmentally appropriate practice and may serve children in ungraded (non-graded or multi-age) groups or classes. Ungraded programs may also be developed in other grades.

(c) A Montessori kindergarten program may be approved if it meets all state requirements for approval as a public school except that compliance of its teachers with the standards and requirements of the Montessori Accreditation Council for Teacher Education (MACTE) and completion of a baccalaureate degree shall satisfy teacher employment standards for teaching in Montessori kindergartens: however, compliance with MACTE standards shall not satisfy employment standards for teaching in public schools.

(6) Areas of Instruction.

(a) Language Arts.

1. Grades K-8.

(i) The language arts program, provided annually, shall be based on state curriculum standards and shall be developmentally appropriate with instruction focusing on receptive and expressive language skills.

(ii) Students whose first language is not English and who are identified as limited English proficient shall be provided with English instruction especially designed for speakers of other languages.

2. Grades 9-12.

(i) Four units of credit in English language arts shall be required for graduation. Literature shall be drawn from diverse cultures.

(ii) Courses in speech, journalism, competency English, and creative writing may be taken for elective credit but will not satisfy the four units of English language arts required for graduation.

(iii) Students whose first language is not English and who are identified as limited English proficient shall be provided with English instruction especially designed for speakers of other languages. These courses may be used to satisfy the English language requirement for graduation, not to exceed two units.

3. Foreign Languages.

(i) Grades K-8. Foreign language instruction may be incorporated into the curriculum.

(ii) Grades 9-12. Students who elect the university preparation curriculum shall complete two units in any one foreign language.

(Rule 0520-01-03-.05, continued)

(iii) School systems may allow students who are native speakers of languages other than English to complete the graduation requirements for the university preparation curriculum without taking foreign language courses provided oral and written proficiency in the native language can be documented. Such documented native language proficiency will be noted on the Tennessee high school transcript.

(b) Mathematics.

1. Grades K-8. The mathematics program, provided annually, shall be based on state curriculum standards and shall be developmentally appropriate, with instruction focusing on the use of manipulatives to teach mathematical language skills and concepts.

2. Grades 9-12. Three units of credit in mathematics shall be required for graduation. Students shall be required to achieve, by the time they graduate, at least one of the following: Algebra I, Technical Algebra (formerly Math for Technology II), or Integrated Mathematics I. Students who enter high school beginning in 2005-06 will also be required to complete one of the following: Geometry, Technical Geometry, Algebra II, or Integrated Mathematics II as part of the three required units. Calculators shall be provided for use in all mathematics courses.

(c) Science.

1. Grades K-8. The science program, provided annually, shall be based on state curriculum standards and shall be developmentally appropriate, with instruction focusing on laboratory experiences.

2. Grades 9-12. Three units of science shall be required for graduation. One unit shall be drawn from the physical sciences and one unit shall be drawn from the life sciences. All science courses shall include laboratory experiences.

(d) Social Studies.

1. Grades K-8. The social studies program, provided annually, shall be based on state curriculum standards and shall be developmentally appropriate, with instruction focusing on experiences to enable students to learn about themselves and others in the community, state, nation and world.

2. Grades 9-12. The social studies curriculum shall consist of three units and shall include United States history, world history/world geography, economics, and government. The requirement may be met either by combining these subjects or by separate courses.

3. The curriculum shall include African American history and culture.

4. All social studies programs shall include a multi-cultural perspective.

(e) Health, Physical Education, and Wellness.

1. Health and Physical Education, Grades K-8. The health education and physical education programs, provided annually, shall be based on state curriculum standards and shall be developmentally appropriate with instruction focusing on activities which will promote good health habits and enhance physical fitness.

(Rule 0520-01-03-.05, continued)

2. Wellness, Grades 9-12.

(i) Students shall complete 1 unit of wellness. The program shall be based on the state curriculum standards and shall integrate concepts from the areas of health and physical fitness.

(ii) Participation in marching band and interscholastic athletics shall not be substituted for this requirement. Credit earned in two years of JROTC may be substituted for the wellness requirement provided the local board of education has complied with the requirements of the State Board of Education.

(iii) Participation in marching band and interscholastic athletics shall not be substituted for the wellness requirement. Credit earned in two years of JROTC may be substituted for the wellness requirement provided the local board of education has complied with requirements of the State Board of Education.

3. For pupils who have physical disabilities, the physical education program shall be modified based on the annual written recommendation of a physician. The statement of the physician shall indicate the type of disability and include a recommended activity program.

(f) Automobile Driver Education, Grades 9-12.

1. Driver education, when offered, must follow the guidelines of the state curriculum standards. The course shall be a one-half unit elective and shall include not fewer than 30 class hours of instruction and six hours of experience behind the wheel. Students shall be permitted to enroll in the program when they have reached the age of 15 years.

(g) Fine Arts. Students who elect the university preparation curriculum shall complete 1 unit of fine arts.

1. Visual Arts. Grades K-12. The visual art program shall be based on the state curriculum standards and shall be developmentally appropriate with instruction focusing on activities relating to appreciation and production.

2. Music. Grades K-12. The music program shall be based on the state curriculum standards and shall be developmentally appropriate with instruction focusing on activities relating to appreciation and production.

3. Theatre Arts. Grades K-12. The theatre arts program shall be based on the state curriculum standards and shall be developmentally appropriate with instruction focusing on activities relating to appreciation and production.

4. Dance. Grades K-12. The dance program shall be based on the state curriculum standards and shall be developmentally appropriate with instruction focusing on activities relating to appreciation and production.

5. Fine Arts. Grades K-8. The visual arts and music programs, provided annually, shall be based on state curriculum standards and shall be developmentally appropriate. Instruction in theater arts and dance may be incorporated into the curriculum consistent with state curriculum standards

(h) General Education Exploratory Courses. Grades 6-12.

(Rule 0520-01-03-.05, continued)

Classes in career and technical education may be offered and shall be based on the state curriculum standards.

(i) Computer Technology.

1. Grades K-8. The computer technology program shall be based on the state curriculum standards and shall be developmentally appropriate, with instruction focusing on computer literacy and the use of the computer as a productivity tool.

2. Grades 9-12. Classes in computer technology and computer language may be offered.

3. School systems shall verify, beginning September 1, 1994, that all graduating seniors have had the equivalent of at least one year (180 hours) of computer education during their K-12 tenure. Students who transfer from another state during their senior year are exempt from this requirement.

(j) Career and Technical Education.

1. Grades K-8. Classes in career and technical education may be offered and shall be based on the state curriculum standards.

2. Grades 9-12. Classes in career and technical education may be offered and shall be based on the state curriculum standards.

(7) Curriculum for Children with Disabilities.

(a) The curriculum for children with disabilities shall be an integral part of the general curriculum of the school. Provision shall be made for instruction in all instructional areas with changes and adaptations, within and/or outside of the regular instructional program, to meet the abilities and needs of the individual child.

(b) An Individualized Educational Program (IEP) shall be designed for every eligible child. An IEP is a written plan for each eligible child, developed in a multidisciplinary team meeting in accordance with the requirements in 0520-01-03-.09.

Authority: *T.C.A. §§ 37-1-603, 49-1-204, 49-1-302, 49-1-304, 49-1-404, 49-6-101, 49-6-209(d), 49-6-407, 49-6-1003, 49-6-1005, 49-6-1006, 49-6-1007, 49-6-1008, 49-6-1202, 49-6-1203, 49-6-1204, 49-6-1205, 49-6-1302, 49-6-2202, 49-6-2203, and 49-6-3001(c)(3)(A).* ***Administrative History:*** *Original rule certified June 10, 1974. Amendment filed June 30, 1975; effective July 30, 1975. Amendment filed July 15, 1976; effective August 16, 1976. Amendment filed October 3, 1985; effective January 14, 1986. Amendment filed January 17, 1986; effective April 15, 1986. Amendment filed May 28, 1986; effective June 27, 1986. Amendment filed August 26, 1986; effective November 29, 1986. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed April 28, 1992; effective July 29, 1992. Amendment filed September 1, 1992; effective December 29, 1992. Amendment filed January 21, 1994; effective May 31, 1994. Amendment filed April 29, 1996; effective August 28, 1996. Amendment filed January 14, 1997; effective May 30, 1997. Amendment filed April 27, 1998; effective August 28, 1998. Amendment filed July 13, 1998; effective November 27, 1998. Amendment filed November 18, 1999; effective March 30, 1999. Amendment filed April 28, 2000; effective August 28, 2000. Amendment filed October 31, 2002; effective February 28, 2003. Amendment filed March 31, 2003; effective July 29, 2003. Amendment filed June 30, 2003; effective October 28, 2003. Amendment filed June 30, 2005; effective October 28, 2005. Amendments filed December 28, 2005; effective April 28, 2006. Amendments filed September 6, 2013; effective February 28, 2014. Amendment filed April 6, 2015; effective July 5, 2015.*

0520-01-03-.06 GRADUATION, REQUIREMENT E.

(1) Graduation Requirements - Effective with the ninth (9th) grade class of 2009-2010 and thereafter.

(a) High School Diploma and Special Education Diploma.

1. The high school diploma will be awarded to students who (1) earn the specified twenty-two (22) units of credit, and (2) have satisfactory records of attendance and conduct.

2. A special education diploma may be awarded at the end of their fourth year of high school to students with disabilities who have (1) not met the requirements for a high school diploma, (2) have satisfactorily completed an individualized education program, and (3) have satisfactory records of attendance and conduct. Students who obtain the special education diploma may continue to work towards the high school diploma through the end of the school year in which they turn twenty-two (22) years old.

3. An occupational diploma may be awarded at the end of their fourth year of high school to students with disabilities who:

(i) Have not met the requirements for a high school diploma;

(ii) Have satisfactorily completed an individualized education program;

(iii) Have satisfactory records of attendance and conduct; and

(iv) Have completed the occupational diploma Skills, Knowledge, and Experience Mastery Assessment (SKEMA) created by the Department of Education and have completed two (2) years of paid or non-paid work experience.

The determination that an occupational diploma is the goal for a student with a disability will be made at the conclusion of the student's tenth (10th) grade year or two (2) academic years prior to the expected graduation date. Students who obtain the occupational diploma may continue to work towards the high school diploma through the end of the school year in which they turn twenty-two (22) years old.

(b) High School Diploma.

1. The following twenty-two (22) units shall be required for graduation for students who enter the ninth (9th) grade in 2009-10 and thereafter.

Ready Core Curriculum	Units
English Language Arts	4
Mathematics*	4
Science**	3
Social Studies***	3
Wellness	1
Physical Education	.0.5
Personal Finance	0.5
Foreign Language****	2
Fine Arts****	1

(Rule 0520-01-03-.06, continued)

Electives Focus 3

Total 22

* Students who enter ninth (9th) grade in 2009-10 and thereafter shall be required to achieve, by the time they graduate, at least the following: Algebra I, Geometry, and Algebra II (or the equivalents) plus one (1) additional mathematics course beyond Algebra I. All students will be enrolled in a math class each year. Students with qualifying disabilities in math as documented in the individualized education program shall be required to achieve at least Algebra I and Geometry (or the equivalent). The required number of credits in math will be achieved through strategies such as, but not limited to, increased time, appropriate methodologies, and accommodations as determined by the IEP team.

** Students who enter ninth (9th) grade in 2009-10 and thereafter shall be required to achieve, by the time they graduate, at least Biology I and either Chemistry or Physics plus another laboratory science. Students with qualifying disabilities in reading and/or math as documented in the individualized education program shall be required to achieve at least Biology I and two (2) other lab science credits. The required number of credits in science will be achieved through strategies such as, but not limited to, increased time, appropriate methodologies, and accommodations as determined by the IEP team.

*** The social studies curriculum shall include United States History, World History/World Geography, Economics, and Government.

**** In exceptional circumstances, schools may waive the foreign language and fine art requirement for students who are not planning to attend the university to expand and enhance their elective focus.

2. Students who have taken the equivalent of high school level courses may meet course requirements in accordance with local board of education policies permitting credit by examination.

3. Local boards of education are encouraged to consider requirements for students to complete a capstone experience such as, but not limited to:
   (i) senior project
   (ii) Virtual Enterpsrise
   (iii) internship
   (iv) externship
   (v) work-based learning
   (vi) service learning (minimum of forty (40) hours)
   (vii) community service (minimum of forty (40) hours)

(c) Graduation with Honors, State Honors, and State Distinction

1. School systems may design student recognition programs that allow students to graduate with honors if they have met the graduation requirements and have obtained an overall grade point average of at least a 3.0 or higher on a 4.0 scale. School systems may set a higher GPA at their discretion. School systems may specify additional requirements, such as requiring students to demonstrate performance of distinction in one (1) or more areas.

(Rule 0520-01-03-.06, continued)

Students who score at or above all the subject area readiness benchmarks on the ACT or equivalent score on the SAT will graduate with state honors.

2. Each local school board shall develop a policy prescribing how students graduating with “state honors” will be noted and recognized.

3. Students will be recognized as graduating with “state distinction” by attaining a B or better average and completing one of the following:

   (i) earn a nationally recognized industry certification
   (ii) participate in at least one (1) of the Governor’s Schools
   (iii) participate in one (1) of the state’s ALL State musical organizations
   (iv) be selected as a National Merit Finalist or Semi-Finalist
   (v) attain a score of thirty one (31) or higher composite score on the ACT
   (vi) attain a score of three (3) or higher on at least two advanced placement exams
   (vii) successfully complete the International Baccalaureate Diploma Programme
   (viii) earn twelve (12) or more semester hours of transcripted postsecondary credit

   Each local school board shall develop a policy prescribing how students graduating with “state distinction” will be noted and recognized.

(d) Examinations.

1. End-of-course examinations will be given in English I, English II, English III, Algebra I, Geometry, Algebra II, U.S. History, Biology I, Chemistry and Physics. Further, the results of these examinations will be factored into the student’s grade at a percentage determined by the State Board of Education in accordance with T.C.A. §49-1-302.

2. Students would not be required to pass any one (1) examination, but instead would need to achieve a passing score for the course average in accordance with the State Board of Education’s uniform grading policy. The weight of the end-of-course examination on the student’s second semester average is as follows for entering ninth (9th) graders:

   (i) Fall of 2009 and 2010 – twenty percent (20%);

   (ii) Fall of 2011 and 2012 – twenty-five percent (25%); and

   (iii) Fall of 2013 and thereafter - twenty-five percent (25%).

3. Students with disabilities will be included in regular classes to the degree possible and with appropriate support and accommodations. To earn a regular high school diploma, students with disabilities must earn the prescribed twenty-two (22) credit minimum. Students failing to earn a yearly grade of seventy (70) in a course that has an end-of-course test and whose disability adversely effects performance in that test will be allowed, through an approved process, to add to their end-of-course assessment scores by demonstrating the state identified core knowledge and skills contained within that course through an alternative performance-based assessment. The necessity for an alternative performance-based assessment must be determined through the student’s IEP. The alternative performance-based assessment will be evaluated using a state approved rubric.

4. When the mean of the teacher-assigned grades and the mean of the end-of-course assessment results are significantly different as determined by State Board of Education policy, the school must develop and implement strategies in the School Improvement Plan to ameliorate such differences. Until such time that the State Department of Education recommends, based upon an appropriate statistical analysis, and the State Board of Education approves an acceptable measure of disparity, schools and school systems should consider differences between ten (10) and fifteen (15) or more points to be too large and develop and implement strategies through the School Improvement Plan to ameliorate such differences.

(e) Academic Program. All courses listed in State Board of Education Policy 3.205 may be offered for credit in grades nine (9) through twelve (12).

(f) Every local board of education shall develop a policy regarding the minimum and maximum units in any course or subject area for which a student may earn credit toward graduation.

(2) Testing for Credit.

(a) Local boards of education may adopt policies permitting students who are enrolled in grades nine (9) through twelve (12) and who have taken the equivalent of high school level courses to earn unit(s) of high school credit for these courses. Students may earn credit toward graduation upon passing a comprehensive written examination in accordance with standards determined by the local board of education.

(b) High school credit may not be given by examination in American History.

(3) Out-of-School and Work-Based Learning Experiences.

(a) Local boards of education are authorized to adopt policies permitting students to earn a maximum of two (2) high school credits for out-of-school experiences which are not work-based learning. Such policies shall conform to the Guide for Out-of-School Experiences when developed by the Department of Education and approved by the State Board of Education.

(b) Local boards of education are authorized to implement internship, clinical, cooperative education, youth apprenticeship, and registered apprenticeship programs to provide work-based learning experiences where students learn at the work site. These work-based learning experiences must be integrated with classroom instruction or the student's program of study; follow a training plan developed by employers, teachers and students; and teach all aspects of a particular industry or career.

(c) Local boards of education are authorized to implement programs for school-based enterprises, studios, laboratories, and service learning to provide work-based learning experiences in which students learn through work completed at the school site or in the community. These work-based learning experiences must be integrated with classroom instruction; follow a training plan developed by teachers, students, and employers when available; and teach multiple aspects of the enterprise.

(d) In order to assure that work-based learning experiences are of high quality, the Department of Education shall develop a Work-Based Learning Guide to be distributed to local boards of education. Prior to distribution, the Work-Based Learning Guide shall be submitted to the State Board of Education for approval; all subsequent revisions shall be approved by the State Board of Education. The Work-Based Learning Guide

(Rule 0520-01-03-.06, continued)

shall include as a minimum program components and standards; templates for a training plan and program evaluation; a legal issues guide; and requirements for safety training for students and teachers. The Work-Based Learning Guide shall also include the implementation guidelines for each work-based learning program covering the following areas:

1. Program coordination

2. Student selection process (if any)

3. Related classroom instruction

4. On-the-job supervision

5. Training plan and other required documentation

6. Program evaluation

(4) Enrollment in College Level Courses.

(a) Option #1.

1. Early admission into college may be considered for a twelfth (12th) grade student who has at least a 3.5 grade point average and a minimum ACT composite score of twenty-five (25) (or equivalent SAT score). A student must have written endorsement from the principal, counseling staff and the participating institution of higher learning. Written agreements completed by the student and the parents must be placed on file in the office of the principal.

2. The freshman course work taken at the participating institution will substitute for the courses which the student needed for graduation from high school. The high school principal will determine appropriateness of the content of these courses prior to the student's enrollment in college.

3. A student will be awarded credit for the senior year after having successfully completed the freshman year in college.

(b) Option #2.

A qualified student enrolled in high school may enroll in college level courses which are conducted at an institution of higher education or courses provided online by the post-secondary institution. The student may receive high school credit for participating in such courses in accordance with the policy of the local board of education. State funds to the local school system shall not be diminished because of the student's participation.

(c) Option #3.

1. Local boards of education may adopt policies providing for college level courses to be conducted during the school day on the high school campus. Such courses must be taught by licensed teachers or bona fide college instructors approved by the local school system and the postsecondary institution. These courses are to be considered a part of the school program, with content and instruction subject to the supervision of the principal of the school and the local board of education. Dual credit (high school and college) may be offered under this option.

(Rule 0520-01-03-.06, continued)

(5) The General Educational Development (GED) Testing Program and the Issuance of Equivalency Diplomas.

(a) The testing program is operated in accordance with the GED manual of the national GED office and rules established by the Department of Education.

(b) The chief examiners shall ensure that all examinees meet the state requirements for age, residency, proper identification and any other qualifications prior to admission to a testing session.

(c) A candidate must be eighteen (18) years of age before being eligible to take the GED test. A (17) year old may be allowed to take the examination upon the recommendation of the local school superintendent. The superintendent may require written documentation from the applicant to support this recommendation. This rule shall not be used to circumvent participation in the regular high school program.

(d) In order to pass, the average standard score on the GED test shall not be less than forty-five (45) and no score on any one (1) component of the test battery shall be less than thirty-five (35).

(6) The General Educational Development (GED) Testing Program and the Issuance of Equivalency Diplomas.

(a) The testing program is operated in accordance with the GED manual of the national GED office and rules established by the Department of Labor and Workforce Development.

(b) The chief examiners shall ensure that all examinees meet the state requirements for age, residency, proper identification and any other qualifications prior to admission to a testing session.

(c) A candidate must be eighteen (18) years of age before being eligible to take the GED test. A (17) year old may be allowed to take the examination upon the recommendation of the local school superintendent. The superintendent may require written documentation from the applicant to support this recommendation. This rule shall not be used to circumvent participation in the regular high school program.

(d) In order to pass, the average standard score on the GED test shall not be less than four hundred-fifty (450) and no score on any one (1) component of the test battery shall be less than four hundred-ten (410).

(7) The High School Equivalency Testing (HiSET) Program and the Issuance of Equivalency Diplomas.

(a) The testing program is operated in accordance with the HiSET manual of the Education Testing Service and the rules established by the Department of Labor and Workforce Development.

(b) The chief examiners shall ensure that all examinees meet the state requirements for age, residency, proper identification, and any other qualifications prior to admission to the testing session.

(c) A candidate must be eighteen (18) years of age before being eligible to take the HiSET test. A seventeen (17) year old may be allowed to take the examination upon recommendation of the local school superintendent. The superintendent may require

(Rule 0520-01-03-.06, continued)

written documentation from the applicant to support this recommendation. This rule shall not be used to circumvent participation in the regular high school program.

(d) The HiSET test consists of five (5) core areas that count twenty (20) points each. In order to pass, the total composite score on the HiSET test shall not be less than forty-five (45) and no score on any one (1) core area of the test battery shall be less than eight (8).

Authority: *T.C.A. §§ 49-1-302, 49-1-302(a)(2) and (13), 49-6-101, 49-6-201, 49-6-3001(c) and (c)(1), 49-6-3003, 49-6-3005(a) and (a)(4), 49-6-3104, 49-6-3105, 49-6-6001(g), 49-6-6201, and Sections 30, 78 through 80, 88 of Chapter 535 of the Public Acts of 1992, and Public Chapter 448 (2013).* ***Administrative History:*** *Original rule certified June 10, 1974. Amendment filed July 18, 1974; effective August 17, 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 filed October 15, 1979; effective January 8, 1980. Amendment filed April 14, 1980; effective May 28, 1980. Amendment filed April 13, 1982; effective May 28, 1982. Amendment filed September 28, 1982; effective December 15, 1982. Amendment filed January 19, 1983; effective April 18, 1983. Amendment filed September 28, 1983; effective December 14, 1983. Amendment filed January 6, 1984; effective April 15, 1984. Amendment filed June 28, 1984; effective July 28, 1984. Amendment filed June 28, 1984; effective September 11, 1984. Amendment filed May 12, 1985; effective August 13, 1985. Amendment filed October 3, 1985; effective January 14, 1986. Amendment filed March 25, 1986; effective June 14, 1986. Amendment filed May 28, 1986; effective June 27, 1986. Amendment filed July 10, 1987; effective October 28, 1987. Amendment filed July 22, 1987; effective October 28, 1987. Amendment filed September 20, 1987; effective December 29, 1987. Amendment filed November 18, 1987; effective February 28, 1988. Amendment filed April 18, 1988; effective July 27, 1988. Amendment filed May 13, 1988; effective August 29, 1988. Amendment filed October 18, 1988; effective January 29, 1989. Amendment filed November 22, 1988; effective February 28, 1989. Amendment filed November 16, 1989; effective February 28, 1990. Amendment filed June 5, 1990; effective September 26, 1990. Amendment filed October 12, 1990; effective January 29, 1991. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed June 24, 1992; effective September 28, 1992. Amendment filed July 21, 1992; effective October 28, 1992. Amendment filed September 1, 1992; effective December 29, 1992. Amendment filed April 14, 1993; effective July 28, 1993. Amendment filed August 10, 1993; effective December 29, 1993. Amendment filed October 28, 1993; effective March 1, 1994. Amendment filed January 21, 1994; effective May 31, 1994. Amendment filed January 31, 1995; effective May 31, 1995. Amendment filed March 27, 1995; effective July 28, 1995. Amendment filed May 31, 1996; effective September 27, 1996. Amendment filed April 27, 1998; effective August 28, 1998. Amendment filed July 13, 1998; effective November 27, 1998. Amendment filed November 18, 1999; effective March 30, 1999. Amendment filed May 28, 1999; effective September 28, 1999. Amendment filed November 30, 1999; effective March 29, 2000. Amendment filed April 28, 2000; effective August 28, 2000. Amendment filed July 31, 2000; effective November 28, 2000. Amendment filed October 31, 2000; effective February 28, 2001. Amendment filed August 31, 2001; effective December 28, 2001. Amendment filed December 31, 2001; effective April 30, 2002. Amendment filed March 28, 2002; effective July 29, 2002. Amendment filed October 31, 2002; effective February 28, 2003. Amendment filed March 31, 2003; effective July 29, 2003. Amendment filed June 30, 2003; effective October 28, 2003. Amendment filed August 30, 2004; effective December 29, 2004. Amendments filed May 19, 2005; effective September 28, 2005. Amendments filed June 30, 2005; effective October 28, 2005. Amendment filed June 19, 2007; effective October 26, 2007. Amendments filed September 6, 2007; effective January 28, 2008. Repeal and new rule filed June 11, 2008; effective October 28, 2008. Amendment filed July 17, 2009; effective December 29, 2009. Amendment filed February 24, 2010; effective July 29, 2010. Amendment filed February 6, 2013; effective July 29, 2013. Amendment filed June 18, 2013; effective November 28, 2013. Amendments filed September 6, 2013; effective February 28, 2014. Amendments filed October 7, 2013; to be effective March 31, 2014. However, the State Board of Education filed a withdrawal of the rule. Amendments filed November 27,.2013; effective April 30, 2014. Amendment filed May 8, 2014; effective October 29, 2014. Amendment filed October 13, 2015; effective January 11, 2015.*

0520-01-03-.07 LIBRARY INFORMATION CENTER, REQUIREMENT F.

(1) School Library Information Center

(a) All school libraries shall serve as resources for students, teachers, and community members to strengthen student learning. School library information specialists shall work collaboratively with classroom teachers and school administrators to integrate both curricular concepts and information skills that assist research and other learning activities. The collection and the services of the library shall adequately support the curricular priorities within the school.

(b) School libraries shall provide an environment that allows efficient access to resources, including both print and electronic. Schools must be organized to allow the library program to operate a flexible schedule that allows students and teachers to access resources at the point of need.

(c) School libraries shall provide parents and community members access to resources, so that the school library information center serves as a community resource.

(2) Library Information Center Personnel

(a) Elementary/Middle Schools: Schools including grades K-8 or any combination thereof shall provide library information personnel as follows:

1. A school having a current average daily membership of five hundred fifty (550) or more students shall have a full-time library information specialist with endorsement as a library information specialist.

2. A school with a current average daily membership of four hundred (400) to five hundred forty-nine (549) students shall have a half-time library information specialist with endorsement as a library information specialist. During the time that the library is open during regular school hours and the library information specialist is not present, staff member(s) shall be designated to provide supervision to students in the library.

3. In a school with fewer than four hundred (400) students, a faculty member shall serve as a library information coordinator. If the library information coordinator is not present during the time that the library is open during regular school hours, staff member(s) shall be designated to provide supervision to students in the library.

4. It is optimal to have the library open outside the regularly scheduled school day and if library personnel specialist or coordinator is not present, appropriate supervision shall be provided to the students in the library.

(b) High Schools: Schools including any high school grade shall provide library information personnel as follows:

1. A school with a current average daily membership of one thousand five hundred (1,500) or more students shall have two (2) full-time library information specialists, each with endorsement as a library information specialist.

2. A school with a current average daily membership of more than three hundred (300) but less than one thousand five hundred (1,500) students shall have a full-

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time library information specialist with endorsement as a library information specialist.

3. A school with a current average daily membership of fewer than three hundred (300) students shall have a half-time library information specialist. During the time that the library is open during regular school hours and the library information specialist is not present, staff member(s) shall be designated to provide supervision to students in the library.

4. It is optimal to have the library open outside the regularly scheduled school day and if the library information specialist is not present, appropriate supervision shall be provided to the students in the library.

(3) Library Information Center Collection

The three (3) levels of collection standards for Tennessee school libraries are: Basic, Standard, and Exemplary. The criteria by which school library collections are evaluated are listed below:

(a) Item Count

Basic collection - Contains a minimum of twelve (12) items per student in Average Daily Membership (ADM);

Standard collection - Contains fifteen (15) items per student in ADM; and

Exemplary collection - Contains eighteen (18) items per students in ADM.

(b) Collection Compilation

1. Pamphlets, textbooks, class sets, periodicals, out-of-date items, and items in poor physical condition shall neither be counted nor reported in the total collection. No more than five (5) copies of the same print title may be counted to meet standards for a minimum number of items per student.

2. Digital resources should be accessible through a school library webpage or Online Public Access Catalog (OPAC) and may comprise fifty percent (50%) of the collection.

3. The library shall provide access to the virtual library administered by the Tennessee State Library and Archives and the library personnel should receive training. These resources may count for up to twenty percent (20%) of the overall collection or, in schools in which the librarian has received official training within the last five (5) years, they may count for up to thirty percent (30%) of the overall collection.

4. The collection shall include access to a current, complete encyclopedia in any format. In secondary schools, the collection shall also include an unabridged dictionary, one (1) foreign language dictionary in the native language of ESL students in attendance at the school, a local newspaper, and one (1) daily newspaper presenting news on both state and national levels. For digital materials, only full text should be counted in the total.

5. The collection should include a balance of fiction and nonfiction with an appropriate level of text complexity. The resources in the collection should be chosen to: complement and augment the most recently adopted curriculum standards, be a motivational springboard for student research, and encourage

(Rule 0520-01-03-.07, continued)

self-expression and curiosity by offering a variety of recreational reading material.

(c) Age

Collections meeting the compilation standards are evaluated based on age of the collection as measured in years from the current year:

Basic collection – sixteen (16) years and older;

Standard collection – fifteen (15) years; and

Exemplary collection – fourteen (14) years or less.

(d) Technology - Access to Digital Materials

1. Workstations with Internet access in the library information center are sufficient to provide access for students. The number of workstations should be no less than the maximum average class size allowable by the state. A workstation may be a desktop, laptop, tablet or similar device, but devices available for checkout should not be counted in the total.

2. School libraries should be equipped with instructional technology, including, but not limited to, LCD projector, screen and/or interactive smart board, document camera, computer, etc., and provide user training for such devices.

3. Separate computers must be maintained for both the library management system/circulation and for the library personnel.

Authority: *T.C.A. §§ 49-1-302 and 49-3-305.* ***Administrative History:*** *Original rule certified June 10, 1974. Amendment filed June 30, 1985; 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 filed October 15, 1979; effective January 8, 1980. Amendment filed June 27, 1984; effective July 27, 1984. Amendment filed October 1, 1985; effective January 14, 1986. Amendment filed May 28, 1986; effective June 27, 1986. Amendment filed July 22, 1987; effective October 28, 1987. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed March 28, 2002; effective July 29, 2002. Repeal and new rule filed May 16, 2014; effective October 29, 2014.*

0520-01-03-.08 PUPIL PERSONNEL SERVICES, REQUIREMENT G.

(1) Each local board of education shall develop standards and policies for:

(a) Attendance Services

(b) Guidance Services

(c) School Psychological Services

(d) School Social Work Services

(e) School Health Services

(2) The school health services program shall include but not be limited to the following:

(Rule 0520-01-03-.08, continued)

(a) Each local school system shall have a written policy providing for a physical examination of every child entering school for the first time. A doctor of medicine, osteopathic physician, physician assistant, certified nurse practitioner, or a properly trained public health nurse shall perform this examination. No child shall be admitted to school without proof of immunization except those who are exempt by statute as provided in T.C.A. 49-6-5001.

(b) Each local school system shall have a written policy providing for a physical examination of every student participating in interscholastic athletics. A doctor of medicine, osteopathic physician, physician assistant, or certified nurse practitioner shall perform this examination.

(c) Each local school system shall have a written policy for excluding pupils with communicable diseases and for readmitting them following recovery. In the case of diseases (listed in Regulations Governing Communicable Diseases in Tennessee: Tennessee Department of Health) the policy shall be in accordance with the recommendations of the State Department of Health as approved by the State Commissioner of Education.

(d) Each local school system shall have a written policy for handling drug/alcohol problems that may arise in the schools.

(e) Each local school system shall develop procedures for reporting suspected cases of child abuse and neglect as provided in T.C.A. §37-1-403.

(f) After an offer of employment has been made to an applicant and prior to the commencement of the employment duties, each employee shall present a physician's certificate showing a satisfactory health record. Employees shall present a certificate thereafter at intervals determined by the State Department of Health and approved by the State Commissioner of Education. The provisions of this subsection shall be administered in a manner consistent with the Americans with Disabilities Act (42 U.S.C.A. § 12101 et seq) and the associated regulations (29 C.F.R. Part 1630 et seq).

(g) HIV, HIV-Related Illness and AIDS.

1. All children with HIV, HIV-related illness and AIDS infection who enroll in the public school systems of Tennessee shall attend and participate in educational programs appropriate to meet medical and educational needs.

2. Each local school system shall:

(i) Develop a comprehensive local AIDS plan which addresses appropriate education programs, confidentiality, liability, personnel, safety, curriculum, education, communications and public relations. The plan will be developed in conjunction with public health officials based upon guidelines approved by the State Board of Education.

(ii) Include in the AIDS plan education/training programs for all school personnel, parents, and board members; and cooperate with other community organizations and state agencies in AIDS education for all citizens.

(iii) Include in the AIDS plan a policy for personnel with HIV, HIV-related illness and AIDS infection. Employment conditions will be determined on a case-by-case basis. The review of individual cases will involve at a minimum

(Rule 0520-01-03-.08, continued)

the superintendent or designee, the employee's physician, and a public health official.

3. Information including names, records, reports, and/or correspondence and any other identifying information on HIV, HIV-related illness and AIDS infection status for any individual child or adult shall be maintained in confidence.

4. Local school systems and school personnel shall implement for all children and adults the universal precautions as defined by the State Department of Health for handling blood and other body fluids. Information about universal precautions and related safety procedures shall be distributed by the State Department of Education to all school systems and school personnel in Tennessee.

* HIV, HIV-related illness and AIDS infection are the three terms used to denote the three medically diagnosed stages of the infection caused by Human Immunodeficiency Virus. (AIDS - Acquired Immune Deficiency Syndrome; ARC - Aids Related Complex; and HIV Infection - Human Immunodeficiency Virus antibodies detected in blood.)

Authority: *T.C.A. §§ 49-1-302, 49-1-302(a)(2) and (13).* ***Administrative History:*** *Original rule certified June 10, 1974. Amendment filed October 3, 1974; effective November 2, 1974. Amendment filed June 30, 1975; effective July 30, 1975. Amendment filed January 15, 1976; effective April 15, 1976. 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 filed April 14, 1980; effective May 28, 1980. Amendment filed October 1, 1985; effective January 14, 1986. Amendment filed May 28, 1986; effective June 27, 1986. Amendment filed July 10, 1986; effective October 29, 1986. Amendment filed July 22, 1987; effective October 28, 1987. Amendment filed October 18, 1988; effective January 29, 1989. Amendment filed November 16, 1989; effective February 28, 1990. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed October 11, 1995; effective February 28, 1996. Amendment filed April 29, 1996; effective August 28, 1996. Amendment filed November 30, 1999; effective March 29, 2000. Amendment filed April 30, 2001; effective August 28, 2001. Amendment filed April 17, 2006; effective August 28, 2006. Amendment to rule 0520-01-03-.08 filed June 11, 2008; to become effective October 28, 2008; was withdrawn August 4, 2008.*

0520-01-03-.09 SPECIAL EDUCATION PROGRAMS AND SERVICES, REQUIREMENT H.

For Requirement H, see Chapter 0520-01-09.

Authority: *T.C.A. § 49-10-101 et seq.* ***Administrative History:*** *Original rule filed June 10, 1974. Amendment filed October 3, 1974; effective November 2, 1974. Amendment filed June 30, 1975; effective July 30, 1975. Amendment filed January 15, 1976; effective April 15, 1976. 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 filed April 14, 1980; effective May 28, 1980. Amendment filed June 27, 1984; effective July 27, 1984. Amendment filed May 12, 1985; effective August 13, 1985. Amendment filed October 1, 1985; effective January 14, 1986. Amendment filed May 28, 1986; effective June 27, 1986. Amendment filed July 10, 1986; effective October 29, 1986. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Repealed and new rule filed August 18 1993; effective December 29, 1993. Amendment filed June 21, 1995; effective October 27, 1995. Amendment filed August 7, 1995; effective December 29, 1995. (For Requirement H, see Chapter 0520-01-09, per Tennessee State Board of Education letter dated April 29, 1999.)*

0520-01-03-.10 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.

(Rule 0520-01-03-.10, continued)

(2) For limitation on the Commissioner's authority to waive rules and regulations, see T.C.A. 49-1-104 and 49-1-203.

Authority: *T.C.A. §§ 49-1-203 and 49-1-302.* ***Administrative History:*** *Original rule certified June 10, 1974. Amendment filed January 9, 1979; effective February 23, 1979. Amendment filed October 15, 1979; effective January 8, 1980. Amendment filed November 13, 1981; effective March 16, 1982. Amendment filed April 13, 1982; effective May 28, 1982. Amendment filed April 12, 1983; effective May 12, 1983. Amendment filed May 7, 1985; effective June 6, 1985. Amendment filed May 28, 1986; effective June 27, 1986. Amendment filed August 26, 1986; effective November 29, 1986. Amendment filed December 30, 1986; effective March 31, 1987. Amendment filed May 21, 1987; effective August 29, 1989. Amendment filed April 18, 1988; effective July 27, 1988. Amendment filed January 23, 1989; effective March 9, 1989. Amendment filed November 16, 1989; effective February 28, 1990. Repeal and new rule filed March 16, 1992; effective June 29, 1992.*

0520-01-03-.11 THROUGH 0520-01-03-.13 REPEALED.

Authority: *T.C.A. §§ 49-1-103 and 49-1-302.* ***Administrative History:*** *(For history prior to June, 1992, see pages iii-ix). Repeal filed March 16, 1992; effective June 29, 1992.*