

**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-.11 REQUIREMENTS FOR 2019-20 AND 2020-21 SCHOOL YEAR AS A RESULT OF THE COVID-19 PUBLIC HEALTH EMERGENCY.

- (1) A Local Education Agency (“LEA”) may request that the Commissioner waive a State Board rule or state statute for one (1) or more of the LEA’s schools that inhibits or hinders the LEA’s ability to meet the LEA’s goals or comply with the LEA’s mission due solely to the outbreak of COVID-19 during the spring semester of the 2019-2020 school year. No waiver shall be effective until approved by the State Board. Waiver requests shall be submitted to the Commissioner by June 30, 2020.
- (a) The Commissioner may accept waiver requests submitted by an LEA after June 30, 2020 if the waiver request applies to the 2020-21 school year.
- (b) The State Board may grant a waiver, for the 2020-21 school year, to LEAs for the use of textbooks and/or instructional materials not on the current list approved by the state Textbook and Instructional Materials Quality Commission and the State Board for use during remote instruction only. The State Board may grant such waivers under the following conditions:
1. The LEA plans to use such textbooks and/or instructional materials during remote instruction during the 2020-21 school year only;
 2. The LEA has addressed in its approved Continuous Learning Plan (“CLP”) how the LEA plans to use the textbooks and/or instructional materials and how the LEA plans to address any areas of misalignment to ensure comprehensive coverage of the Tennessee academic standards; and
 3. The LEA is implementing the use of such textbooks and/or instructional materials pursuant to a CLP that has been approved by the Department.
- (c) Any waiver granted under paragraph (1)(b) shall only be valid for the 2020-21 school year. For purposes of receiving a waiver under paragraph (1)(b), the CLP submitted by the LEA to the Department shall serve as the LEA’s waiver request.

(Rule 0520-01-03.11, continued)

1. An LEA that proposes to use for in-person instruction any textbooks and/or instructional materials not on the current list approved by the state Textbook and Instructional Materials Quality Commission and the State Board must follow the waiver process set forth in State Board Rule 0520-01-18.
- (d) The Department shall submit a list to the State Board of all LEAs that qualify for a waiver pursuant to paragraph (1)(b). The waiver for all LEAs that qualify under paragraph (1)(b) shall become effective upon final approval of the LEA's CLP by the Department and shall be ratified by the State Board at its next regular or special called meeting following the Department's submission of the list of qualifying LEAs to the State Board.

Authority: T.C.A. §§ 49-1-103 and 49-1-302, Executive Order No. 14 of 2020 (and applicable, subsequent Executive Orders addressing COVID-19 relief), U.S. Department of Education 2020 Waiver of Tennessee Assessment Requirements, Public Chapter 652 of 2020, and Public Chapter 770 of 2020. **Administrative History:** (For history prior to June, 1992, see pages iii-ix). Repeal filed March 16, 1992; effective June 29, 1992. Emergency rules filed April 16, 2020; effective through October 13, 2020. Emergency rules filed July 2, 2020; effective through December 29, 2020.