

**RULES  
OF  
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-01-02  
DISTRICT AND SCHOOL OPERATIONS**

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**0520-01-02-.01 APPROVAL OF LOCAL EDUCATION AGENCIES (LEAS).**

- (1) A public school is the basic administrative unit of a state, county, city, or special district school system, consisting of one or more grade groups, one or more teachers to give instruction, and one principal, which school shall be subject to the statutes of the State of Tennessee, and to the rules, regulations, and minimum standards of the State Board of Education (State Board).
- (2) The Department of Education (Department) shall make periodic inspections of the Local Education Agencies (LEAs) under its control. These inspections shall be made to determine the extent to which LEAs operate in compliance with State Board rules and regulations and to verify the information received on reports from local school officials. The Department shall develop and annually notify LEAs of the inspection criteria.
  - (a) Each LEA shall be classified as approved, conditionally approved, or non-approved based on the inspection of the Department. LEAs classified as conditionally 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 LEA. If such corrective action is not taken within the time specified, the LEA shall be classified as non-approved and the Commissioner shall impose sanctions on the LEA which may include withholding part or all of Basic Education Program (BEP) funding to the non-approved LEA.
  - (b) The Department shall make an annual report to the State Board regarding each LEA's compliance with State Board rules and regulations. The report shall include the approval status of each LEA, deficiencies identified by the Department in the approval process, an assessment of action needed to attain approval, LEA response, and sanctions imposed upon LEAs which do not comply.
- (3) The Department 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.

**Authority:** T.C.A. §§ 49-1-302, 49-3-353 **Administrative History:** Original rule certified June 10, 1974. Amendment filed August 20, 1984; effective November 13, 1984. Amendment filed September 26, 1985; effective December 14, 1985. Amendment filed September 20, 1987; effective December 22, 1987.

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

*Amendment filed October 18, 1988; effective January 29, 1989. New rule filed February 16, 1989; effective April 2, 1989. Amendment filed July 11, 1990; effective October 29, 1990. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Repeal and new rule filed December 5, 2011; effective May 30, 2012.*

#### **0520-01-02-.02 SALARY SCHEDULES.**

- (1) The State Board shall adopt an annual minimum salary schedule for all licensed personnel, which shall apply to every LEA. The state minimum salary schedule shall be based on a combination of experience and academic training. Local boards of education shall adopt a salary schedule that meets the requirements of the minimum salary schedule adopted by the State Board
- (2) Local boards of education shall adopt a salary schedule based on a combination of experience and academic training or may propose an alternative salary schedule for approval by the State Board and the Commissioner of Education. Alternative salary schedules proposed for approval must meet the criteria outlined in the State Board's Strategic Compensation Policy 5.600.
- (3) The state minimum salary schedule and local salary schedules shall not be applicable to substitute personnel. In the case where a licensed teacher is serving as a substitute for a regular teacher on leave whose accumulated leave has not been exhausted, the school system may compensate the licensed educator as a substitute.
- (4) If a local school board adopts a salary schedule based in part on experience, the types of verified experiences that may be recognized may include, but not be limited to:
  - (a) Local school boards, at their discretion, may recognize the following types of work-related experience including, but not limited to:
    1. Verified administrative, supervisory, and or teaching experience in a public schools or an approved non-public school, schools approved by recognized accrediting agencies, or approved by the Tennessee Department of Education, or any Pre-K program funded by the Tennessee Department of Education;
  - (b) Verified teaching experience in a pre-K-12 schools operated by the United States government either within or outside the United States;
  - (c) Verified teaching experience in a regionally accredited institution of higher education;
  - (d) Verified teaching experience as a part of a visiting teacher programs authorized by the United States government or a foreign ministry of education;
  - (e) Verified experience as a professional employee of the State Board of Education, the State Department of Education, and the Comptroller's Office of Educational Accountability (OREA);
  - (f) Verified active military service in the armed forces of the United States; or
  - (g) Verified professional work experience in the fields typically held by school service personnel (audiology, speech-language pathologist, psychology, social worker, counselor) in a setting other than a public or non-public school.
- (5) If a local school board adopts a salary schedule based in part on training, the following shall apply:

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

- (a) For college or university course work completed after the start of the current school year but before September 1, the salary rating shall be adjusted as of September 1 of the current school year. The employee must notify the LEA of the employee's intent to complete course work prior to Aug. 31, and the LEA must file documentation of changes to the employee's salary rating with the Department on or before October 15 of the current school year.
  - (b) For college or university course work completed after August 31, but before January 1 of the current school year, the salary rating shall be adjusted as of January 1 of the current school year. The employee must notify the LEA of the employee's intent to complete course work prior to Jan. 1. The LEA must file documentation of changes to the employee's salary rating with the Department on, or before, February 15 of the current school year.
- (6) The individual educator shall provide evidence of experience and training to the LEA for verification and approval.
  - (7) Pursuant to T.C.A. § 49-3-306, each LEA shall develop, adopt, and implement a differentiated pay plan in compliance with the State Board's Strategic Compensation Policy 5.600. Each differentiated pay plan shall be designed to aid in staffing hard-to-staff subject areas and schools and in hiring and retaining highly qualified teachers.

**Authority:** T.C.A. §§ 49-1-302, 49-1-302(a)(5), 49-3-306, 49-5-402, and 49-6-101. **Administrative History:** Original rule certified June 10, 1974. Amendment filed June 10, 1974; effective July 10, 1974. Amendment filed June 30, 1975; effective July 30, 1975. Amendment filed July 15, 1976; effective August 15, 1976. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed January 9, 1979; effective February 23, 1979. Amendment filed and new rule filed October 15, 1979; effective January 8, 1980. Amendment filed April 14, 1980; effective May 28, 1980. Amendment filed November 13, 1981; effective March 16, 1982. Amendment filed June 4, 1982; effective September 30, 1982. Amendment filed August 17, 1983; effective November 14, 1983. Amendment filed August 20, 1984; effective November 13, 1984. Amendment filed September 26, 1985; effective December 14, 1985. Repeal and new rule filed May 8, 1986; effective June 27, 1986. Amendment filed September 20, 1987; effective December 22, 1987. Amendment filed October 18, 1988; effective January 1989. Amendment filed November 9, 1989; effective February 28, 1990. Amendment filed July 11, 1990; effective October 29, 1990. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed January 21, 1994; effective May 31, 1994. Amendment filed August 7, 1995; effective December 29, 1995. Amendment filed October 11, 1995; effective February 28, 1996. Amendment filed May 19, 2005; effective September 28, 2005. Amendment filed December 28, 2005; effective April 28, 2006. Amendment filed January 5, 2006; effective May 31, 2006. Amendment filed February 24, 2010; effective July 29, 2010. Amendments filed October 7, 2016; effective January 5, 2017. Amendments filed December 23, 2016; effective March 23, 2017.

#### **0520-01-02-.07 LIBRARY INFORMATION CENTERS.**

- (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.

(Rule 0520-01-02-.07, continued)

- (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 should provide parents and community members access to resources, however, schools shall weigh these considerations to ensure student safety and access to school buildings.
- (2) Library Information Specialists.
- (a) Elementary/Middle Schools. Schools including grades kindergarten (K) through eight (8) or any combination thereof shall provide library information specialists as follows:
    - 1. A school having a current student enrollment of 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 student enrollment of 400 to 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 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. Schools are encouraged to have the library open outside the regularly scheduled school day and if the 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 combination of grades nine through twelve (9-12) shall provide library information specialists as follows:
    - 1. A school with a current student enrollment of 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 student enrollment of more than 300 but less than 1,500 students shall have a full-time library information specialist with endorsement as a library information specialist.
    - 3. A school with a current student enrollment of fewer than 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. Schools are encouraged 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.

(Rule 0520-01-02-.07, continued)

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 between twelve (12) and fourteen (14) items per student enrolled in the school;

Standard collection – Contains between fifteen (15) and seventeen (17) items per student enrolled in the school; and

Exemplary collection - Contains eighteen (18) or more items per students enrolled in the school.

(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.
2. 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.
3. 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.
4. 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.
5. The collection shall include access to a current, complete encyclopedia in any format. In high 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. These items may be in any format. For digital materials, only full text shall be counted in the total.
6. 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, be a motivational springboard for student research, and encourage 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

(Rule 0520-01-02-.07, continued)

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

**0520-01-02-.09 ALTERNATIVE EDUCATION.**

- (1) Alternative education is a non-traditional, short-term academic program or school designed to meet the student's educational, behavioral, and social needs. Alternative education includes alternative schools and alternative programs.
- (2) Alternative school means a short-term intervention program designed to provide educational services outside of the regular school program for students who have been suspended or expelled. Alternative schools are located in a separate facility from the regular school program.
- (3) Alternative program means a short-term intervention program designed to provide educational services outside the regular school program for students who have been suspended or expelled. Alternative programs may be located within the regular school or be a self-contained program within a school. Alternative programs include, but are not limited to, night schools or in-school suspension.
- (4) Pursuant to T.C.A. § 49-6-3402, local boards of education may establish alternative schools for students in grades one (1) through six (6) who have been suspended or expelled from the regular school program.
- (5) Attendance in an alternative school or alternative program shall be voluntary for students in grades one through six (1-6) who have been suspended or expelled from the regular school

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

- program, unless the local board of education adopts a policy mandating attendance in either instance.
- (6) A local board of education shall establish at least one (1) alternative school for students in grades seven (7) through twelve (12) who have been suspended or expelled. Attendance in an alternative school or program is mandatory for students in grades seven through twelve (7-12) who have been suspended for more than ten (10) days or expelled from the regular school program if space and staff are available. Space and staff availability shall be determined by the LEA at the time the disciplinary decision is rendered.
- (a) Attendance in an alternative school or alternative program is not mandatory for students in grades seven through twelve (7-12) who have been expelled from the regular school program for committing a zero-tolerance offense. However, this does not prohibit a director of schools, or a director's designee, from assigning a student who has been expelled from the regular school program for committing a zero-tolerance offense to an alternative school or alternative program.
- (7) Students in pre-Kindergarten or Kindergarten shall not be assigned to an alternative school or program.
- (8) Each local board of education shall adopt a policy regarding alternative education that is aligned to this rule and the State Board's Alternative Education Policy 2.302.
- (9) Requirements for alternative education:
- (a) The instruction shall proceed as nearly as practicable in accordance with the instructional program in the student's regular school. Instruction shall be based on the academic standards adopted by the State Board.
- (b) All course work and credits earned shall be transferred and recorded in the student's home school, which shall grant credit earned and progress thereon as if earned in the home school.
- (c) Students shall participate in all required state assessments at sites determined by school officials and in accordance with established guidelines regarding student grade levels and eligibility. State assessment results shall be reported in the LEA where the student was enrolled prior to his or her placement in the alternative school.
- (d) Each alternative school or program shall comply with class size requirements established in T.C.A. § 49-1-104 and instructional and planning time requirements established by the State Board. Nothing shall prohibit an LEA from establishing a lower class size ratio in an alternative school or program.
- (e) The minimum length of the school day for alternative schools and programs shall be six and one-half (6½) hours.
- (f) LEAs shall monitor and regularly evaluate the academic progress of each student enrolled in an alternative school.
- (g) Students are subject to all rules pertaining to the alternative school or alternative program.
1. The director of schools, or the director's designee, may remove a student from the alternative school or alternative program if the director, or the director's designee, determines that:

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

- (i) The student has violated the rules of the alternative school or alternative program; or
  - (ii) The student is not benefiting from the student's assignment to the alternative school or alternative program, and all interventions available to help the student to succeed in the alternative school or alternative program have been exhausted unsuccessfully.
- 2. A student's removal from the alternative school or alternative program shall not constitute grounds for extending the length of original suspension or expulsion.
- 3. The director of schools, or the director's designee, shall make the final decision on removal.
- (h) If a student has an active Individualized Education Program (IEP), a 504 plan, or is suspected of having a disability, all state and federal laws and rules relating to students with disabilities and special education shall be followed.
- (i) Prior to the assignment of a student to an alternative school or program, the LEA shall provide written notice, which includes the reason for the student's placement, to the student's parent or guardian. Reasons for placement in an alternative school must be documented. End of year reports must be made to the regular school for each student.
- (j) Each teacher providing instruction to students in an alternative education school or program shall be licensed to teach in Tennessee and shall meet the qualifications to teach in compliance with the rules and regulations of the State Board.
- (k) Alternative schools shall have an appropriately licensed administrator assigned to supervise the school.
- (l) Support services such as counseling and psychological services must be accessible.
- (m) Each LEA shall develop and implement formal transition plans for the integration of students from a traditional school to an alternative school or from an alternative school back to a traditional school. Transition plans shall be targeted to improve communication between a traditional school and an alternative school staff and should address any barriers that would prohibit students from successfully transitioning. Transition plans shall include aligning of curricula, in-take procedures for students returning to traditional school, professional development opportunities for traditional and alternative school staff, educational and behavioral supports, follow-up for students returning to traditional school, and the development of graduation and postsecondary goals.
- (n) All alternative school classrooms shall have working two-way communication systems that make it possible for teachers or other employees to notify a principal, supervisor, or other administrator that there is an emergency.
- (o) It is the responsibility of the superintendent to ensure that all alternative school teachers and other employees have been trained to use the two-way communication system and are notified of emergency procedures prior to the beginning of classes for any school year and when changes are made in the emergency procedures and/or personnel. Such emergency procedures shall be linked to the school and school system emergency preparedness plan.
- (p) LEAs shall submit an annual alternative education survey to the Department that provides the following information:

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

1. Alternative schools or programs currently in operation in the LEA;
2. Number and grade level of students served;
3. Primary reason for student assignment;
4. Number of faculty and staff; and
5. Information required by T.C.A. § 49-6-3405,.

(10) Funding.

- (a) Students attending an alternative school shall continue to earn Basic Education Program (BEP) funding for the LEA in which the student is enrolled.

(11) Facilities:

- (a) A local board of education may not contract or otherwise affiliate with an alternative school program which requires an order of a court as a precondition of placement in such alternative school.
- (b) A local board of education may contract with independent contractors to provide alternative school facilities and other appropriate services consistent with T.C.A. § 49-2-203
- (c) A local board of education may establish its own facility.
- (d) Two or more boards may join together and establish an alternative school attended by students from any such LEA.
- (e) Through a mutually accepted agreement with another local board of education, a board may send its suspended or expelled students to an alternative school already existing in another LEA.

**Authority:** T.C.A. §§ 49-6-3401 49-6-3402, and 49-6-3405. **Administrative History:** Original rule certified June 10, 1974. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed January 9, 1979; effective February 23, 1979. Amendment filed April 14, 1980; effective May 28, 1980. Amendment filed June 28, 1984; effective September 11, 1984. Amendment filed January 2, 1986; effective April 15, 1986. Amendment filed May 28, 1986; effective June 27, 1986. Amendment filed April 24, 1987; effective June 8, 1987. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed June 24, 1992; effective September 28, 1992. Amendment filed April 18, 1997; effective August 28, 1997. Amendment filed April 27, 1998; effective August 28, 1998

**0520-01-02-.12 WAIVERS.**

- (1) Pursuant to T.C.A. § 49-1-201(d), upon application by an LEA for one (1) or more of its schools, the Commissioner of Education may waive any State Board rule or statute that inhibits or hinders the LEA's ability to meet its goals or comply with its mission.

(Rule 0520-01-02-.12, continued)

- (2) Waivers shall not be granted by the Commissioner for requirements related to:
  - (a) Federal and state civil rights;
  - (b) Federal, state, and local health and safety;
  - (c) Federal and state public records;
  - (d) Immunizations;
  - (e) Possession of weapons on school grounds;
  - (f) Background checks and fingerprinting of personnel;
  - (g) Federal and state special education services;
  - (h) Student due process;
  - (i) Parental rights;
  - (j) Federal and state student assessment and accountability;
  - (k) Open meetings;
  - (l) Educators' due process rights;
  - (m) Reductions in teachers' salaries;
  - (n) Employee rights, salaries and benefits;
  - (o) Licensure of employees;
  - (p) Maximum class sizes established in T.C.A. § 49-1-104, unless in the case of a natural disaster that results in the enrollment of displaced students
- (3) All waiver requests shall be submitted in writing to the Commissioner by the director of schools on the forms provided by the Department.
- (4) All waiver requests shall include a listing of the specific State Board rule or statute requested to be waived.
- (5) The Commissioner may request additional information to supplement a completed request.
- (6) The Department shall post to its website any waiver of statutes, rules, regulations, or policies granted by the Commissioner within five (5) business days of the Commissioner's approval. The waivers shall include the name of the LEA requesting the waiver and an explanation of the waiver requested.

**Authority:** T.C.A. §§ 49-1-201(d), 49-1-203, 49-1-104. **Administrative History:** Original rule certified June 10, 1974. Amendment filed June 30, 1975; effective July 30, 1975. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed January 9, 1979; effective February 23, 1979. Amendment filed April 14, 1980; effective May 28, 1980. Amendment filed April 12, 1983; effective May 12, 1983. Amendment filed June 27, 1984; effective July 27, 1984. Amendment filed June 28, 1984; effective September 11, 1984. Amendment filed May 28, 1986; effective June 27, 1986. Amendment filed

(Rule 0520-01-02-.12, continued)

*October 15, 1986; effective January 27, 1987. Amendment filed July 21, 1988; effective October 29, 1988. Repeal and new rule filed March 16, 1992; effective June 29, 1992.*

#### **0520-01-02-.14 REPEALED.**

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

#### **0520-01-02-.15 REPEALED.**

**Authority:** T.C.A. §§ 49-1-302(a) and 49-6-2202(c). **Administrative History:** Original rule filed January 31, 1995; effective May 31, 1995. Amendment filed August 7, 1995; effective December 29, 1995. Repeal filed August 11, 2017; effective November 9, 2017.

#### **0520-01-02-.16 SCHOOL FEES AND DEBTS.**

(1) School Fees.

- (a) No fees or tuition shall be required of any student as a condition of attending a public school or using its equipment while receiving educational training.
- (b) Local boards of education may adopt a policy requesting, but not requiring certain school fees of any student, regardless of financial status (including eligibility for free or reduced price lunch). All school fees must be authorized by the local board of education. The school fees that may be requested, but not required include:
  - 1. Fees for activities that occur during regular school hours (the required 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;
  - 3. Fees or tuition applicable to courses taken during the summer by a student, except that nonresident students regularly enrolled in another school system may be required to pay fees or tuition for such summer courses;
  - 4. Fees required for graduation ceremonies; and
  - 5. Refundable security deposits requested 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 or grade in accordance with local board policies.
- (c) Local Education Agencies (LEAs) shall establish a process by which to waive any requested, but not required, school fees.
  - 1. 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, but not required, and notice of the fee waiver process.

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

2. The parent or legal guardian of a student shall be given the opportunity to pay all or any portion of the requested school fee if they desire.
  3. If a waiver is not approved by the LEA, the LEA cannot require payment of the requested fee. If the parent chooses not to pay a requested fee, the child shall not be prevented from participating in the activity or course for which the fee is being requested.
- (2) School Debts and Other Permissible Charges.
- (a) LEAs are authorized to require payment of the following 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 paragraph (2)(b);
  3. Refundable security deposits collected by a school for use of school property for participation in extracurricular, non-credit-bearing 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.
- (b) Withholding of Student Grades for Debts Owed to the School.
1. LEAs are authorized to withhold all grade cards, diplomas, certificates of progress, or transcripts of a student who has taken property that belongs to a LEA, or has incurred a debt to a school, until such student makes restitution in full. Unpaid school fees, as defined above, shall not be considered debts owed to the school.
  2. No student shall be sanctioned under the provisions of this rule when the student is deemed by the LEA to be without fault for the debt owed to the LEA or the school.
  3. Nothing in this Rule authorizes any LEA to limit the rights of parents or legal guardians to have access to their children's educational records pursuant to the Family Educational Rights and Privacy Act.
  4. LEAs shall afford the student and/or the student's parent or legal guardian the opportunity to appear and be heard if such student and/or the parent or legal guardian disputes the debt, the amount of the debt, or the application of sanctions.

**Authority:** T.C.A §§ 49-1-302, 49-2-110, and 49-2-114. **Administrative History:** Original rule filed April 28, 2000; effective August 28, 2000.

(Rule 0520-01-02, continued)

**0520-01-02-.17 STATE ENROLLMENT AND ATTENDANCE GUIDELINES.**

- (1) Children entering kindergarten shall be 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 (6<sup>th</sup>) birthday.
- (2) Any transfer student applying for admission who was legally enrolled in an approved kindergarten in another state and who will be five (5) years of age no later than December 31 of the current school year shall be enrolled.
- (3) Pursuant to the Tennessee compulsory attendance law, all children must attend school between the ages of six (6) and seventeen (17), both inclusive. T.C.A. §§ 49-6-3001 and 49-6-3005 provide that the following children may be exempt from the compulsory attendance law:
  - (a) Children mentally or physically incapacitated to perform school duties, with the disability attested to by a duly licensed physician in all cases;
  - (b) Children who have completed high school and hold a high school diploma or other certificate of graduation;
  - (c) Children enrolled and making satisfactory progress in a course of instruction leading to a high school equivalency diploma;
  - (d) Children participating in a program of hospital or homebound instruction administered or approved by the LEA;
  - (e) Children six (6) years of age or under whose parent or guardian have filed a notice of intent to conduct a home school as provided by T.C.A. § 49-6-3001 or who are conducting a home school as provided by T.C.A. § 49-6-3050;
  - (f) Children enrolled in a home school who have reached seventeen (17) years of age; and
  - (g) Children who have attained their seventeenth (17<sup>th</sup>) birthday and whose continued compulsory attendance, in the opinion of the local board of education in charge of the school to which the children belong and are enrolled, results in detriment to good order and discipline and to the instruction of other students and is not of substantial benefit to the children.
- (4) Local boards of education may admit students from outside their respective local school district at any time.
  - (a) Local boards of education may arrange for the transfer of students residing within their district to other school districts by establishing agreements with other local boards of education for the admission or transfer of students from one school district to another.
  - (b) 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.
  - (c) 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 students without disabilities.

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

- (5) Each local board of education shall adopt an attendance policy in accordance with the State Board's School Attendance Policy 4.100 that is firm, but fair; includes effective accounting and reporting procedures; accounts for extenuating circumstances; includes appeal procedures; and establishes and maintains alternative programs for students who fail to meet minimum attendance requirements.
  - (a) The policy shall address the excusing of absences in accordance with the State Board's School Attendance Policy 4.100.
  - (b) The policy shall address unexcused absences in accordance with the State Board's School Attendance Policy 4.100
  - (c) The policy shall align with the McKinney-Vento Homeless Assistance Act [found at 42 U.S.C. §§ 11431, et seq.].
  - (d) Local attendance policies shall not be used to penalize students academically.
  - (e) The attendance policy adopted by the local board of education shall be posted at each school, and school counselors shall be supplied copies for discussion with students. The policy shall be referenced in all school handbooks. All teachers, administrative staff, and parents/guardians shall be provided copies of the policy.
- (6) Pursuant to T.C.A. § 49-6-3009, each local board of education shall adopt a progressive truancy intervention plan for students who violate compulsory attendance requirements prior to the filing of a truancy petition or a criminal prosecution for educational neglect. These interventions must be designed to address student conduct related to truancy in the school setting and minimize the need for referrals to juvenile court.
- (7) Whenever possible, attendance issues should be resolved at the school level. To ensure due process, Local boards of education must adopt a policy that affords students with excessive (more than 5) unexcused absences the opportunity to appeal. Such policy must, at minimum, include written or actual notice to the student or their parent/guardian and the opportunity to be heard. The burden of proof rests on the student or their parent/guardian. The appeal process for determining unexcused absences is ancillary to a truancy decision rendered by a juvenile court judge as described in T.C.A. § 49-6-3010.
- (8) LEAs are encouraged to develop truancy boards, youth courts, or other alternative programs to serve as an intervention for students with excessive absences. These may be in addition to, or a part of, the progressive truancy intervention plan required by T.C.A. § 49-6-3009.

**Authority:** T.C.A. §§ 49-6-3002, 49-6-3005, 49-6-3009, . **Administrative History:** (For history prior to June 1992, see pages iii through ix). Repeal filed March 16, 1992; effective June 29, 1992. New rule filed December 23, 2014; effective March 23, 2015.

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

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

(Rule 0520-01-02, continued)

**0520-01-02-.30 SCHOOL SAFETY.**

- (1) All public schools shall have an automated external defibrillator (AED) device placed within the school. Each school shall comply with the training, notification, and maintenance requirements relative to AEDs in accordance with all provisions of T.C.A. title 68, chapter 140, part 4.
- (2) Each LEA shall have a multi-hazard emergency operations plan to include, but not be limited to, fire, tornado, earthquake, flood, bomb threat, and armed intrusion.
  - (a) Each school shall practice emergency safety procedures.
  - (b) Each LEA having jurisdiction that lies entirely or partially within one hundred (100) miles of the New Madrid Fault Line shall implement earthquake preparedness drills in each of the schools administered by such LEA. 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 ensure that their schools provide the optimal safety conditions for their students.
  - (c) Each school administered by an LEA having jurisdiction that lies entirely or partially within one hundred (100) miles of the New Madrid Fault Line shall conduct at least two (2) 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.
  - (d) Each school that utilizes a two (2)-way communication system shall ensure teachers and other personnel are properly and adequately trained on the use of the system.

**Authority:** T.C.A. §§ 49-1-302 and 49-1-302(a)(2) and (13), 49-2-122. **Administrative History:**

**0520-01-02-.31 ORGANIZATION AND ADMINISTRATION OF SCHOOLS.**

- (1) The minimum length of the school day for students shall be six and one-half (6½) hours.
  - (a) LEAs may provide for professional development during the school day under one (1) of the following options:
    1. LEAs which elect to extend the school day to at least seven (7) 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, IEP team meetings, school-wide or system-wide instructional planning meetings, parent/teacher conferences, or other similar meetings, as permitted in T.C.A. § 49-6-3004(e)(1), under the following conditions:
      - (i) Prior to the beginning of the school year, the LEA 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, IEP team meetings, school-wide or system-wide instructional planning meetings, parent/teacher conferences, or other similar meetings. The total number of days shall not exceed thirteen (13).

(Rule 0520-01-02-.31, continued)

- (ii) Faculty professional development shall be consistent with the policies, standards, and guidelines established by the State Board of Education.
  - (iii) LEAs shall submit their plans for the allocation of excess time to the Commissioner for approval.
2. LEAs may adopt policies providing for individual schools to have school days of at least seven (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 LEAs exercising this option:
- (i) Early dismissals shall not exceed the equivalent of thirteen (13) days and shall not exceed three and one-half (3½) hours in any week.
  - (ii) Students shall attend school one-hundred eighty (180) days.
  - (iii) Faculty professional development shall be consistent with standards and guidelines established by the State Board of Education in the Professional Development Policy 5.200.
- (2) The length of the kindergarten day shall not be less than four (4) hours. Double sessions in any kindergarten program may be permitted so long as both sessions meet all legal requirements for kindergarten programs.
- (3) A cumulative record provided to teachers by the LEA shall be kept up to date for each student, kindergarten (K) through grade twelve (12), and shall remain as local school property.
- (a) Each school shall provide for the storage and safekeeping of all records and reports.
  - (b) 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.
- (4) Local boards of education shall have policies providing for class sizes in grades kindergarten (K) through twelve (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

- (a) 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.
- (b) No class shall exceed the prescribed maximum size.
- (c) The average class size and the maximum class size shall be based on regular classroom teaching positions pursuant to T.C.A. § 49-1-104(c).
- (d) Class size limits may be exceeded in such areas as keyboarding and instrumental and vocal music classes, provided that the effectiveness of the instructional program in these areas is not impaired.

(Rule 0520-01-02-.31, continued)

- (e) LEAs may seek a waiver from the Commissioner to extend the Career and Technical Education (CTE) class size average in grades nine through twelve (9-12), provided that individual class sizes do not exceed the maximum class size set for CTE classes.
  - (f) LEAs 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 LEAs from using multi-aged classes.
  - (g) Local boards of education must approve the establishment of any split-grade classes for any purpose, provided that split-grade classes shall not be established for the purpose of compliance with the provisions herein.
  - (h) The average class size specified for the grade levels involved in split-grade classes will be the maximum size allowed in such classes.
- (5) Teachers shall be on duty at least seven (7) hours per day and such additional time as the LEA requires.
- (6) Local boards of education shall provide full-time classroom teachers in grades kindergarten (K) through twelve (12) with individual duty-free planning periods during the established instructional day.
- (a) Individual planning time shall consist of two and one-half (2½) hours each week during which teachers have no other assigned duties or responsibilities other than planning for instruction. The two and one-half (2½) hours may be divided on a daily or other basis.
  - (b) 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. Individual duty-free planning time shall not occur during any period that teachers are entitled to duty-free lunch.
  - (c) Any LEA which is providing an individual duty-free planning period by extending the school day by thirty (30) minutes as of the beginning of the 2000-01 school year may continue such practice and satisfy the planning time requirements.
- (7) Local boards of education shall ensure compliance with the background check requirements of T.C.A. §§ 49-5-406 and 49-5-413, for all teachers or for any other positions requiring close proximity to children.

**Authority:** T.C.A. §§ 49-1-104, 49-1-302 and 49-6-3004. **Administrative History:**