

FAQs on School Closure: COVID-19 Guidance

1. Who makes the decision to close public schools after a natural disaster or during a serious outbreak of illness affecting or endangering students or staff?

LEAs, not the Tennessee Department of Education (TDOE), have the authority and duty to make decisions on when to close schools due to a natural disaster or a serious outbreak of illness affecting or endangering students or staff. The director of schools should review any relevant local board policy, guidance issued by federal, state, and local education and health officials and consult the local board attorney when making decisions on when to close schools.

COVID-Specific Response: The TDOE will support local school district decisions related to continuing or closing schools.

2. When do schools have to make up days missed due to a natural disaster or serious outbreak of illness?

Pursuant to T.C.A. § 49-6-3004(a)(1), each public school district is required to maintain a school calendar that includes one hundred eighty (180) days for classroom instruction. School districts also must maintain a school day of at least six and one half (6½) hours of instructional time. To assist school districts in meeting these requirements, the law provides that a public school district or private or church-related school that exceeds the full six and one half (6½) hours of instructional time required by law by one half (½) hour daily for the full academic year shall be credited with the additional instructional time. The excess instructional time may be accumulated in amounts up to, but not exceeding, thirteen (13) instructional days each year, and applied toward meeting instructional time requirements missed due to dangerous or extreme weather conditions, natural disaster, serious outbreaks of illness affecting or endangering students or staff or dangerous structural or environmental conditions rendering a school unsafe for use.

When stockpile days are used, school districts do not have to make up school days missed to be in compliance with the law requiring public schools to maintain a calendar of one hundred eighty (180) instructional days with at least (6½) hours each day of instructional time. The only exception to this is in T.C.A. § 49-6-3004(a)(6). This provision provides that in the event of a natural disaster or serious outbreaks of illness affecting or endangering students or staff during a school year, the commissioner of education may waive, for that school year, the requirement of one hundred eighty (180) days of classroom instruction, if a request is submitted to the commissioner by the director of schools. This waiver authority is limited, and the commissioner may only grant waivers as a last resort in extreme circumstances while encouraging districts to minimize the impact to student instruction.

COVID-Specific Response: The intent of the TDOE is to prioritize the safety and well-being of all students, school employees, and their communities. Please see the specific guidance in question #3 regarding documenting the use of stockpile days for COVID-19 and requesting waivers for days missed due to COVID-19.

3. How do school districts utilize stockpile days or receive a waiver of the instructional day requirements in the law from the commissioner when schools must close due to inclement weather, natural disaster, or serious outbreaks of illness?

It is important to note that school districts do not need prior approval from the TDOE to close schools.

Utilizing Stockpile Days to Meet Instructional Requirements in the Law (serious outbreak):

The law does require the approval of the commissioner, prior to a school district using a stockpile day in the case of natural disaster or serious outbreaks of illness affecting or endangering students or staff or dangerous structural or environmental conditions rendering a school unsafe for use. School districts may request approval to use a stockpile day to make up for days missed due to natural disaster, serious outbreaks of illness affecting or endangering students or staff or dangerous structural or environmental conditions rendering a school unsafe for use by submitting [this form](#) to Paul.Rainwater@tn.gov.

COVID-Specific Response: For COVID-19 closures, the commissioner will be approving all school district requests to use stockpile days. Therefore, the only action required to use stockpile days for closures due to COVID-19 is for districts to update the district calendar in EIS in the same way districts document the use of a stockpile day for inclement weather.

Receiving a Waiver of the Instructional Time Requirement in Law:

This waiver authority is limited to cases of natural disaster and serious outbreaks of illness affecting or endangering students or staff. School districts are encouraged to propose a plan that minimizes lost instructional time to students as much as possible prior to or when submitting a waiver request. Examples may include providing students with work to complete independently at home or exploring the use of online instruction if equipment and Wi-Fi services are available to all students. Additionally, the commissioner may not grant waivers to the instructional time requirement in the law until a school district has utilized all available stockpile days. **If a school district is out of stockpile days and has missed days due to a serious outbreak of illness, the [waiver request form](#) may be submitted to the commissioner. The department stands ready to support districts in finding solutions aligned to whichever path they choose for their unique district needs.**

COVID-Specific Response: For COVID-19 closures beyond stockpiled days, continue to code each missed day in EIS as a “missed instructional day” until district schools re-open. Once schools re-open, submit one waiver request that includes all days missed due to COVID-19. Once the waiver is approved, the days coded “missed instructional day” in EIS should be changed to “waiver.”

For further information related to meeting the instructional time requirements in the law, please email the COVID response email address K12.health@tn.gov.