



**TN** Department of  
Education

Savannah Copithorne, Tennessee School for the Blind, Class of 2019

# Local Education Agency (LEA) Approval Manual

Tennessee Department of Education | October 2020



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## Background and Purpose

Pursuant to [T.C.A. § 49-1-201](#) and State Board of Education (SBE) Rule [0520-01-02-.01](#), the commissioner of education is charged with ensuring local education agencies (LEAs) are in compliance with school laws and SBE rules and regulations. The Tennessee Department of Education's verification of compliance is conducted via periodic inspections of LEAs, with inspections, or monitoring, culminating in the classification of LEAs as *approved*, *conditionally approved*, or *nonapproved*. The LEA approval process is the mechanism for centralizing monitoring results across program areas to inform the approval classifications.

LEA approval, formerly known as *school approval*, is not a new process. For many years, the department conducted monitoring and provided a corresponding approval status letter to each LEA annually. During a hiatus from executing that process fully, the department received audit findings that underscored the need for process refinement and reinstatement. Current refinements include centralized monitoring results, a three-year monitoring cycle for approval classification purposes, and an additional classification, *conditionally approved*.

In planning the school year 2020-21 reinstatement, the department had no way of anticipating COVID-19, a pandemic that has forced LEAs to navigate novel, complex challenges. In response, the LEA approval process includes special provisions for LEAs selected for school year 2020-21 monitoring (see *Special Provisions for School Year 2020-21*).

While the LEA approval process facilitates the satisfaction of statutory and SBE monitoring and classification requirements, its purpose is threefold, for it also evidences whether LEAs are providing the principal services and structures needed for student success and affords the department and LEAs an opportunity to engage impactfully on compliance constraints and resources.



## Special Provisions for School Year 2020-21

As stated in the *Background and Purpose*, the department acknowledges the challenges LEAs face in providing student services during the pandemic. That recognition, along with feedback received from directors of schools regarding the timing of the reinstatement of LEA approval and the revised SBE rule on LEA approval not becoming effective until November 18, has yielded special provisions for LEAs selected for 2020-21 LEA approval monitoring.

LEAs monitored this school year for LEA approval purposes will not receive an approval classification. Instead, the department will provide a compliance assessment letter to each of those LEAs in July 2021. The letter will indicate whether monitoring resulted in a corrective action plan for one or more LEA approval metrics and, if applicable, include resources for resolving noncompliance.

Beginning school year 2021-22, the department will return to full implementation of requirements reflected in the *Background and Purpose* section by reinstating LEA approval classifications and reporting every LEA's approval status to the SBE in fall 2022. For an LEA monitored in school year 2020-21, if a corrective action plan is open at the time of fall 2022 SBE reporting, the LEA will be assigned the *conditionally approved* classification. Otherwise, the LEA will be reflected as *approved*.

LEAs Selected for School Year 2020-21 LEA Approval Monitoring			
2020-21	2021-22	2022-23	2023-24
<ul style="list-style-type: none"> <li>▪ Official monitoring year</li> <li>▪ Monitoring results centralized across program areas</li> <li>▪ <b>Approval classification deferred until July 2022</b></li> </ul>	<p>Approval classification assigned (based on corrective action plan status)</p>	<p>Approval classification assigned (based on corrective action plan status)</p>	<ul style="list-style-type: none"> <li>▪ Official monitoring year</li> <li>▪ Monitoring results centralized across program areas</li> <li>▪ Approval classification assigned in July 2024</li> </ul>

## Overview

### Definition and Context

LEA approval is the process employed by the department to inspect/monitor LEAs and use monitoring results to classify LEAs as *approved*, *conditionally approved*, or *nonapproved*.

The process was termed *school approval* in previous years. Because approval classifications are at the LEA level, the SBE updated the corresponding rule in May 2020 (revisions effective November 18) to reflect the more precise terminology. Additionally, the SBE included a new classification, *conditionally approved*, in the update.

### Purpose

LEA approval is designed to assess LEA compliance with education laws and SBE rules and regulations.

### Authority

The department's authority to inspect schools and assign LEA approval classifications is rooted in [T.C.A. § 49-1-201](#) and SBE rule [0520-01-02-.01](#).

### Approval Classifications

LEA approval classifications are defined as follows:

**Approved:** The LEA does not have any unresolved areas of noncompliance cited during a department monitoring or is not scheduled for monitoring until a subsequent school year.

**Conditionally Approved:** The LEA is authorized to operate but is required to complete a corrective action plan for one or more areas of noncompliance within the time specified by the department.

**Nonapproved:** The LEA has not taken corrective action in one or more areas of noncompliance within the time specified by the department.

*As detailed in the [Special Provisions for School Year 2020-21](#) section, the department will not assign approval classifications in school year 2020-21. The resumption of approval classifications is scheduled for school year 2021-22.*

### Nonapproved Classification Implications

Per SBE rule [0520-01-02-.01](#), the commissioner shall levy sanctions on an LEA assigned the *nonapproved* classification as a result of an unmet corrective action plan.

### Classification Durations

Beginning school year 2021-22, the department will disseminate approval classifications to LEAs in July.

Upon receipt of the *approved* classification after department monitoring, an LEA will retain that status until its next scheduled monitoring unless an area of noncompliance comes to the department's attention in the interim and results in a corrective action plan. Each LEA will be monitored on a three (3)-year cycle for approval classification purposes.

An LEA that receives the *approved* classification by virtue of awaiting monitoring scheduled for a subsequent school year will hold that status until monitoring completion unless it comes to the director of LEA approval's attention that the LEA has an open corrective action plan. Upon monitoring completion, the department will affirm or update the *approved* classification accordingly.

An LEA that is *conditionally approved* or *nonapproved* will retain that classification until the department determines the corresponding corrective action plan has been completed. The department will formally update the classification in the following July dissemination of LEA approval classification letters. Deferred approval resulting from the completion of a corrective action plan will not impact an LEA's monitoring cycle — each LEA will be monitored on a three (3)-year cycle.

Again, the department will not assign approval classifications in school year 2020-21.

### **Approval Classification Reporting**

The department is required to report LEA approval statuses to the SBE annually. SBE reporting is scheduled to occur each fall. The department will implement classification reporting to the SBE in school year 2021-22.

### **Monitoring Cycle and Program Input**

For LEA approval purposes, each LEA will be monitored every three years. Although approval classifications are informed by compliance input submitted from program areas, this does not mean those program areas will monitor LEAs on a three-year basis.

Each program area has unique requirements and monitoring schedules. At the end of each school year, the director of LEA approval will solicit compliance input from program areas that oversee LEA approval metrics. Those program representatives will identify LEAs with corrective action plans.

Beginning school year 2021-22, if an LEA has a corrective action plan in an area included in the LEA approval metrics, that compliance status will inform the LEA's approval classification for that year.

### **Approval Metrics**

While LEAs are required to adhere to all education laws and SBE rules and regulations, for school year 2020-21, the department will base LEA approval assessments on the metrics reflected in the *Approval Metrics* section of this manual.

### **Methodology**

For the 2020-21 monitoring year, LEA approval assessments will be informed by results compiled from desktop monitoring conducted by the director of LEA approval as well as LEA compliance input from program areas (e.g., school safety, federal programs and oversight).

Some approval metrics will warrant a representative sample of school- and district-level data (e.g., class size, employment standards).

### **Selection Process**

The department selected LEAs for 2020-21 monitoring randomly. Upon selection, an LEA will be on a three (3)-year monitoring cycle for approval purposes.

### **LEA Monitoring Expectations**

During the monitoring process, LEAs are expected to engage with the director of LEA approval or program area representatives in meeting requests for compliance evidence, addressing compliance findings, and/or providing clarifying information in a timely manner.

### **Communications**

Each year the department will disseminate the LEA approval manual via the Commissioner's Update for Directors. For LEAs scheduled for monitoring, the director of LEA approval will issue LEA-specific correspondence (e.g., notification of LEA approval monitoring).

Monitoring results are centralized for LEA approval purposes, and there are program-specific requirements and monitoring timelines. Therefore, if an LEA is already scheduled for monitoring in a program area in the LEA approval monitoring year, the program area representative will conduct outreach to the LEA to provide monitoring guidance and resources.

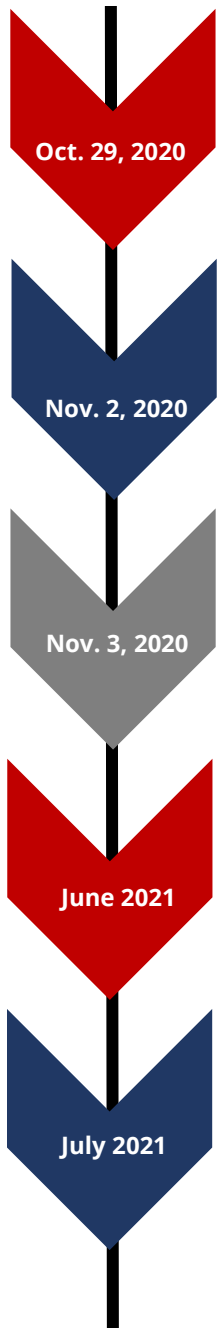
### **Waivers**

The commissioner is authorized to grant waivers to LEAs upon request.

The commissioner's waiver authority is reflected in SBE rule [0520-01-02-.01](#) and [T.C.A. § 49-1-201\(d\)](#).

Additionally, pursuant to Chapter 652 of the Public Acts of 2020, upon application by a LEA for one (1) or more of the LEA's schools, and upon the approval of the state board of education, the commissioner of education may waive an SBE rule or statute 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 2019-20 school year.

## 2020-21 LEA Approval Timeline



The department disseminates the *2020-21 LEA Approval Manual* via the Commissioner's Update.

The director of LEA approval notifies LEAs randomly selected for school year 2020-21 LEA approval monitoring.

The director of LEA approval commences monitoring (i.e., class size, employment standards, employee background checks) and continues through May 2021. Program areas (e.g., federal programs and oversight) that are scheduled to inform LEA approval classifications may have earlier monitoring notification and start dates.

The director of LEA approval compiles and synthesizes monitoring results, including program-area input, and prepares 2020-21 LEA compliance assessments for dissemination to LEAs selected for 2020-21 LEA approval monitoring.

The department disseminates 2020-21 compliance assessments to LEAs.

## Approval Metrics

Compliance Area	Compliance Metric	Resource and Contact
<b>Length of School Day and Year</b>	Does the LEA have a calendar approved by the department that reflects the required minimum length of the school day and school year?	SBE Rule 0520-01-03-.02 Organization of Schools  <a href="#">Student Membership and Attendance Procedures Manual</a>  <a href="mailto:Paul.Rainwater@tn.gov">Paul.Rainwater@tn.gov</a>
<b>Employee Background Checks</b>	Is the LEA in 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?	SBE Rule 0520-01-02-.31 Organization and Administration of Schools (effective November 18, 2020)  <a href="mailto:LaQuisha.Oliver@tn.gov">LaQuisha.Oliver@tn.gov</a>
<b>Employment Standards</b>	Are school and central office personnel appropriately licensed and endorsed?	SBE Rule 0520-01-02-.03 Employment Standards and 0520-01-03-.03 Administration of Schools  <a href="#">Educator Licensure &amp; Preparation Operating Procedures</a>  <a href="mailto:Eric.Olmstead@tn.gov">Eric.Olmstead@tn.gov</a> and <a href="mailto:LaQuisha.Oliver@tn.gov">LaQuisha.Oliver@tn.gov</a>
<b>Class Size</b>	Are K-12 class sizes within prescribed limits?	SBE Rule 0520-01-03-.03 Administration of Schools  <a href="mailto:LaQuisha.Oliver@tn.gov">LaQuisha.Oliver@tn.gov</a>
<b>Safety</b>	Does the LEA have an open corrective action plan pertinent to noncompliance with school safety requirements?	SBE Rule 0520-01-03-.03 Administration of Schools  Tenn. Code Ann. § 49-6-(801-814) or the SAVE Act (Schools Against Violence in Education)  <a href="https://www.tn.gov/content/dam/tn/education/safety/save-act/save-act-schedule-of-eop-due-dates.pdf">https://www.tn.gov/content/dam/tn/education/safety/save-act/save-act-schedule-of-eop-due-dates.pdf</a>  <a href="https://www.tn.gov/education/health-and-safety/school-safety/save-act.html">https://www.tn.gov/education/health-and-safety/school-safety/save-act.html</a>  <a href="mailto:Brenna.Morse@tn.gov">Brenna.Morse@tn.gov</a>
<b>Nutrition</b>	Does the LEA have an open corrective action plan pertinent to noncompliance with child nutrition requirements?	SBE Rule 0520-01-06 Child Nutrition Programs  <a href="https://www.tn.gov/education/snp-resources/snp-administrative-review.html">https://www.tn.gov/education/snp-resources/snp-administrative-review.html</a>  <a href="mailto:School.Nutrition@tn.gov">School.Nutrition@tn.gov</a>
<b>Transportation</b>	Does the LEA have an open corrective action plan pertinent to noncompliance with pupil transportation requirements?	SBE Rule 0520-01-05 Pupil Transportation  <a href="https://www.tn.gov/education/health-and-safety/school-safety/transportation.html">https://www.tn.gov/education/health-and-safety/school-safety/transportation.html</a>  <a href="mailto:Student.Transportation@tn.gov">Student.Transportation@tn.gov</a>



<b>School-administered Childcare Programs</b>	Does the LEA have an open corrective action plan pertinent to noncompliance with school-administered childcare requirements?	SBE Rule 0520-12-01 Standards for School-administered Childcare  <a href="mailto:Misty.Moody@tn.gov">Misty.Moody@tn.gov</a>
<b>Federal Programs and Oversight</b>	Does the LEA have an open corrective action plan pertinent to Federal Programs and Oversight monitoring (i.e., focus, onsite, desktop, or self-assessment)?  (Monitoring scope includes but is not limited to special education and CTE compliance.)	All corresponding rules, regulations, and laws reflected in monitoring guidance, (available to LEAs in ePlan under TDOE Resources)  <a href="mailto:Geneva.Taylor@tn.gov">Geneva.Taylor@tn.gov</a> and <a href="mailto:Dakota.F.Weatherford@tn.gov">Dakota.F.Weatherford@tn.gov</a>
<b>Office of General Counsel</b>	Does the LEA have an open corrective action plan pertinent to compliance monitored by the Office of General Counsel (e.g., special education administrative complaints, civil rights noncompliance [i.e., Title VI, Title IX])?	All education laws and State Board of Education rules  <a href="#">Civil Rights Legal Services Resources</a> <a href="#">Special Education Legal Services Resources</a>  General Legal Inquiries: <a href="mailto:Lee.Danley@tn.gov">Lee.Danley@tn.gov</a> Title IX and Title VI Noncompliance: <a href="mailto:Shaundraya.Hersey@tn.gov">Shaundraya.Hersey@tn.gov</a> Special Education Administrative Complaints: <a href="mailto:Heather.Anderson@tn.gov">Heather.Anderson@tn.gov</a>

## Frequently Asked Questions

### **1. Why is the department reinstating LEA approval at this juncture?**

Refining and reinstating a process for monitoring LEAs for compliance with education laws and SBE rules and using those monitoring results to inform LEA approval classifications (beginning school year 2021-22) returns the department to full compliance with corresponding requirements reflected in state statute and SBE rule.

### **2. Will the LEA approval process result in additional compliance and monitoring requirements for LEAs?**

No. LEA compliance with education laws and SBE rules is a longstanding requirement. Additionally, the department's charge to periodically monitor LEAs for compliance and assign approval classifications accordingly has been reflected in SBE rule for many years. The department is simply establishing a three-year monitoring cycle for LEA approval purposes, reinstating the assignment of approval classifications (beginning school year 2021-22), and ensuring monitoring results across key program areas within the department inform the classifications.

Each year an LEA will engage as scheduled with a program area (e.g., Federal Programs and Oversight) if slated for program-specific monitoring. In other words, the LEA approval process has no impact on monitoring schedules established by program areas.

Program area-input on the LEA approval process is dependent on whether the program area has recently monitored the LEA and has corresponding compliance data. With monitoring activities across the department typically concluding at the end of each school year, program areas are positioned to provide input to the director of LEA approval on whether an LEA has an open corrective action plan based on monitoring conducted that year or in a previous year. That end-of-year input will inform LEA approval classifications or compliance assessments – see *Special Provisions for School Year 2020-21*).

An additional expectation will entail responding to outreach from the director of LEA approval regarding LEA approval monitoring and, if warranted, providing information on compliance in an area directly monitored by the director of LEA approval (e.g., employment standards).

### **3. Are LEAs still required to submit an annual compliance report?**

Yes. Each LEA is required to submit an LEA compliance report to the office of general counsel regardless of whether the LEA has been selected for approval monitoring. The report is an attestation of district compliance with education laws and SBE rules and is signed by the director of schools and the local board of education chairperson. Known areas of noncompliance must be indicated in the report. A corrective action plan stemming from areas reported via the report may result in a *conditionally approved*

classification since compliance with areas monitored by the office of general counsel is an LEA approval metric (see *Approval Metrics*).

**4. Can the department rescind an LEA's *approved* classification between monitoring years?**

Yes. If a compliance issue comes to the department's attention and results in a corresponding LEA corrective action plan, the department may update the approval classification accordingly. Again, the department will not implement approval classifications until school year 2021-22.

**5. May an LEA appeal its approval classification?**

Yes. Beginning school year 2021-22, each July the department will notify LEAs of the window and process for appealing an approval classification.

**6. What revisions have been made to the SBE school approval rule?**

SBE rule 0520-01-03-.01 – Approval of Schools is one of several subrules currently reflected in [Chapter 0520-01-03 – Minimum Requirements for the Approval of Public Schools](#). In May 2020, the SBE approved changes to the rule, including reorganizing it to reflect only academic and instructional requirements and renaming it [Chapter 0520-01-03 – Academic and Instructional Requirements](#) (only approved changes appear in this version).

Other revisions to the old school approval rule include changing *school approval* to *LEA approval*; adding a third classification, *conditionally approved*; and moving the rule to [CHAPTER 0520-01-02 – District and School Operations](#) (only approved changes appear in this version). Both reorganized rules will become effective on November 18, 2020.

**7. Will the department reinstate the preliminary report?**

The preliminary report was a platform the department employed until the 2014-15 school year to depict LEA compliance with licensure, endorsement, and class size requirements. The platform afforded LEAs visibility into deficiencies in those areas at the school level. The department is exploring the feasibility of establishing a successor platform.

## Resources

The following is a list of helpful links to various state education laws and SBE rules available online:

Public chapters regarding education passed during the 2020 legislative session:

[https://www.tn.gov/content/dam/tn/education/legal/2020\\_legislative\\_report\\_version1.pdf](https://www.tn.gov/content/dam/tn/education/legal/2020_legislative_report_version1.pdf)

Current and pending SBE rules:

<https://www.tn.gov/sbe/rules--policies-and-guidance.html>

SBE frequently asked questions:

<https://www.tn.gov/sbe/about-us/frequently-asked-questions.html>

Tennessee Code Annotated:

<http://www.lexisnexis.com/hottopics/tncode/>

If you have questions regarding applicable laws or SBE rules, please contact the department's deputy general counsel, Lee Danley, at (615) 253-1550 or [Lee.Danley@tn.gov](mailto:Lee.Danley@tn.gov).

For questions regarding LEA approval, please contact LaQuisha Oliver, director of LEA approval, at [LaQuisha.Oliver@tn.gov](mailto:LaQuisha.Oliver@tn.gov) or (615) 360-4360.