



MINUTES
STATE BOARD OF EDUCATION
Conference Call Meeting
August 17, 2020
10:00 A.M. CDT

<https://www.youtube.com/watch?v=cLRaeLhXgw>

Note: These minutes correspond to the video recording. Each item has a minute counter assigned to the subject location in the audio file.

Member	PRESENT	ABSENT
Mr. Darrell Cobbins	x	
Mr. Nicholas Darnell	x	
Mr. Bob Eby - Vice Chairman	x	
Mr. Mike Edwards	x	
Mr. Gordon Ferguson	x	
Mr. Larry Jensen	x	
Ms. Elissa Kim	x	
Mr. Mike Krause	x	
Mr. Nate Morrow	x	
Ms. Lillian Hartgrove - Chairman	x	

Welcome & Introductions Chairman Lillian Hartgrove, Dr. Sara Morrison, Executive Director for the State Board of Education

I. Statement of Necessity Ms. Angie Sanders, General Counsel for the State Board of Education
(10:32-11:25)

II. Consent Items Chairman Lillian Hartgrove

A. Adoption of Agenda Chairman Lillian Hartgrove (11:25-13:01)

Item/Rule: Adoption of Agenda			
Motion: Mr. Eby			
Second: Mr. Morrow			
Member	YEA	NAY	ABSTAIN
Mr. Darrell Cobbins			
Mr. Nicholas Darnell	x		
Mr. Bob Eby - Vice Chairman	x		
Mr. Mike Edwards	x		

Mr. Gordon Ferguson	x		
Mr. Larry Jensen			
Ms. Elissa Kim	x		
Mr. Nate Morrow	x		
Ms. Lillian Hartgrove - Chairman	x		

III. Action Items (First Reading)

A. Textbook and Instructional Materials Waiver Permanent Rule 0520-01-18 (13:01-18:19)

This was the first reading of the new rule to establish a process for the State Board to review textbooks and instructional material waiver requests from LEAs pursuant to Public Chapter 770 of 2020. Ms. Amy Owen, Director of Policy and Research for the State Board of Education, presented the item.

Item/Rule: Textbook and Instructional Materials Waiver Permanent Rule 0520-01-18			
Motion: Mr. Edwards Second: Mr. Cobbins			
Member	YEA	NAY	ABSTAIN
Mr. Darrell Cobbins	x		
Mr. Nicholas Darnell	x		
Mr. Bob Eby - Vice Chairman	x		
Mr. Mike Edwards	x		
Mr. Gordon Ferguson	x		
Mr. Larry Jensen			
Ms. Elissa Kim	x		
Mr. Nate Morrow	x		
Ms. Lillian Hartgrove - Chairman	x		

B. Board Meetings Policy 1.400 (18:19-20:36)

This was the first reading of revisions to the policy to add textbook and instructional materials waiver requests to a list of items that may be approved on only one reading. Ms. Catherine Johnson, Coordinator of Policy and Research for the State Board of Education, presented the item.

Item/Rule: Board Meetings Policy 1.400			
Motion: Mr. Ferguson Second: Mr. Eby			
Member	YEA	NAY	ABSTAIN
Mr. Darrell Cobbins	x		
Mr. Nicholas Darnell	x		
Mr. Bob Eby - Vice Chairman	x		
Mr. Mike Edwards	x		
Mr. Gordon Ferguson	x		
Mr. Larry Jensen			

Ms. Elissa Kim	x		
Mr. Nate Morrow	x		
Ms. Lillian Hartgrove - Chairman	x		

C. Virtual Schools Rule 0520-01-03-. 05

(20:36-39:42)

This was the first reading of the item to amend several requirements with regard to public virtual schools to modernize practices and address the class size maximum for public virtual schools and virtual education programs. Mr. Robert Lundin, Assistant Commissioner of School Models and Programs and Ms. Christy Ballard, General Counsel for the Tennessee Department of Education, presented the item. Mr. Eby made a motion to amend this rule, specifically Item II.K. within the rule. Ms. Angie Sanders and Ms. Amy Owen read clarifications into the record.

Item/Rule: Virtual Schools Rule 0520-01-03-. 05 Amendment Vote			
Motion: Mr. Eby Second: Mr. Edwards			
Member	YEA	NAY	ABSTAIN
Mr. Darrell Cobbins	x		
Mr. Nicholas Darnell	x		
Mr. Bob Eby-Vice Chairman	x		
Mr. Mike Edwards	x		
Mr. Gordon Ferguson	x		
Mr. Larry Jensen			
Ms. Elissa Kim	x		
Mr. Nate Morrow	x		
Ms. Lillian Hartgrove-Chairman	x		

Item/Rule: Virtual Schools Rule 0520-01-03-. 05 As Amended			
Motion: Mr. Eby Second: Mr. Edwards			
Member	YEA	NAY	ABSTAIN
Mr. Darrell Cobbins	x		
Mr. Nicholas Darnell	x		
Mr. Bob Eby - Vice Chairman	x		
Mr. Mike Edwards	x		
Mr. Gordon Ferguson	x		
Mr. Larry Jensen	x		
Ms. Elissa Kim	x		
Mr. Nate Morrow	x		
Ms. Lillian Hartgrove - Chairman	x		

D. Evaluation Rule 0520-02-01

(39:42-43:45)

This was the first reading of the item to incorporate components of the Teacher and Administrator Evaluation Policy 5.201 into rule pursuant to Public Chapter 929 of 2018. Ms. Martha Moore, Senior Director of Educator Effectiveness for the Tennessee Department of Education, presented the rule.

Item/Rule: Evaluation Rule 0520-02-01			
Motion: Mr. Darnell Second: Mr. Ferguson			
Member	YEA	NAY	ABSTAIN
Mr. Darrell Cobbins	x		
Mr. Nicholas Darnell	x		
Mr. Bob Eby - Vice Chairman	x		
Mr. Mike Edwards	x		
Mr. Gordon Ferguson	x		
Mr. Larry Jensen			
Ms. Elissa Kim	x		
Mr. Nate Morrow			
Ms. Lillian Hartgrove - Chairman	x		

IV. Action Items (Final Reading)

A. Textbook and Instructional Materials Waivers Emergency Rule 0520-01-18

(43:45-46:35)

This was the first and final reading of the new rule to promptly establish a process for the State Board to review textbooks and instructional material waivers requests from LEAs pursuant to Public Chapter 770 of 2020. Ms. Amy Owen presented the rule.

Item/Rule: Textbook and Instructional Materials Waivers Emergency Rule 0520-01-18			
Motion: Mr. Ferguson Second: Mr. Cobbins			
Member	YEA	NAY	ABSTAIN
Mr. Darrell Cobbins	x		
Mr. Nicholas Darnell	x		
Mr. Bob Eby - Vice Chairman	x		
Mr. Mike Edwards	x		
Mr. Gordon Ferguson	x		
Mr. Larry Jensen	x		
Ms. Elissa Kim	x		
Mr. Nate Morrow			
Ms. Lillian Hartgrove - Chairman	x		

B. Requirements for 2019-20 and 2020-21 School Year as a Result of the COVID-19 Health Emergency Rule 0520-01-03-. 11 (46:35-52:12)

This was the first and final reading of the rule to establish a waiver process for textbooks and instructional materials used during remote instruction in the 2020-21 school year pursuant to an approved continuous learning plan. Ms. Angie Sanders presented the item.

Item/Rule: Requirements for 2019-20 and 2020-21 School Year as a Result of the COVID-19 Health Emergency Rule 0520-01-03-. 11			
Motion: Mr. Eby Second: Mr. Edwards			
Member	YEA	NAY	ABSTAIN
Mr. Darrell Cobbins	x		
Mr. Nicholas Darnell	x		
Mr. Bob Eby - Vice Chairman	x		
Mr. Mike Edwards	x		
Mr. Gordon Ferguson	x		
Mr. Larry Jensen	x		
Ms. Elissa Kim	x		
Mr. Nate Morrow			
Ms. Lillian Hartgrove - Chairman	x		

C. Charter School Local Education Agency (LEA) Policies 6304 and 6304.1 (52:12-55:03)

This was the first and final reading of the updates to policies related to State Board authorized charter schools. Mr. Nate Parker, Policy and Federal Programs Coordinator for the State Board of Education, presented the item.

Item/Rule: Charter School Local Education Agency (LEA) Policies 6304 and 6304.1			
Motion: Mr. Ferguson Second: Mr. Darnell			
Member	YEA	NAY	ABSTAIN
Mr. Darrell Cobbins	x		
Mr. Nicholas Darnell	x		
Mr. Bob Eby - Vice Chairman	x		
Mr. Mike Edwards	x		
Mr. Gordon Ferguson	x		
Mr. Larry Jensen	x		
Ms. Elissa Kim	x		
Mr. Nate Morrow			
Ms. Lillian Hartgrove - Chairman	x		

D. Local Education Agency (LEA) COVID-19 Waivers

(55:03-57:51)

This was the first and final reading of the waivers of state laws and State Board rules and policies requested by LEAs due to the COVID-19 public health emergency. Ms. Christy Ballard presented the item.

Item/Rule: Local Education Agency (LEA) COVID-19 Waivers			
Motion: Mr. Darnell Second: Mr. Ferguson			
Member	YEA	NAY	ABSTAIN
Mr. Darrell Cobbins	X		
Mr. Nicholas Darnell	X		
Mr. Bob Eby - Vice Chairman	X		
Mr. Mike Edwards	X		
Mr. Gordon Ferguson	x		
Mr. Larry Jensen	x		
Ms. Elissa Kim	x		
Mr. Nate Morrow			
Ms. Lillian Hartgrove - Chairman	x		

E. Additional Local Education Agency (LEA) Requested COVID-19 Waivers (57:51-1:01:38)

This was the first and final reading of the waivers of state laws and State Board rules and policies requested by LEAs due to the COVID-19 Public Health Emergency. Ms. Christy Ballard presented the item.

Item/Rule: Additional Local Education Agency (LEA) Requested COVID-19 Waivers			
Motion: Mr. Eby Second: Mr. Cobbins			
Member	YEA	NAY	ABSTAIN
Mr. Darrell Cobbins	x		
Mr. Nicholas Darnell	x		
Mr. Bob Eby - Vice Chairman	x		
Mr. Mike Edwards	x		
Mr. Gordon Ferguson	x		
Mr. Larry Jensen	x		
Ms. Elissa Kim	x		
Mr. Nate Morrow			
Ms. Lillian Hartgrove - Chairman	x		

E. (2) Clarification of Waiver Policy Question Item IVE Union County not Athens City

(1:49:11-1:55:24)

Ms. Angie Sanders and Mr. Jack Powers, Director of Policy for the Tennessee Department of Education, provided clarification on this item.

Item/Rule: Clarification of waiver policy question Item IVE Union County not Athens City			
Motion: Mr. Eby Second: Mr. Jensen			
Member	YEA	NAY	ABSTAIN
Mr. Darrell Cobbins	x		
Mr. Nicholas Darnell	x		
Mr. Bob Eby - Vice Chairman	x		
Mr. Mike Edwards	x		
Mr. Gordon Ferguson	x		
Mr. Larry Jensen	x		
Ms. Elissa Kim	x		
Mr. Nate Morrow			
Ms. Lillian Hartgrove - Chairman	x		

F. Continuous Learning Plans for the 2020-21 School Year Emergency Rule 0520-0117-. 01

(1:01:38-1:04:42)

This was the first and final reading of the new section of the rule to clarify allowable flexibility for public virtual schools and virtual education programs regarding class size maximums. Ms. Christy Ballard presented the item.

Item/Rule: Continuous Learning Plans for the 2020-21 School Year Emergency Rule 0520-0117-. 01			
Motion: Mr. Cobbins Second: Mr. Edwards			
Member	YEA	NAY	ABSTAIN
Mr. Darrell Cobbins	x		
Mr. Nicholas Darnell	x		
Mr. Bob Eby - Vice Chairman	x		
Mr. Mike Edwards	x		
Mr. Gordon Ferguson	x		
Mr. Larry Jensen	x		
Ms. Elissa Kim	x		
Mr. Nate Morrow			
Ms. Lillian Hartgrove - Chairman	x		

V. Charter School Appeal Items (1:04:42-1:26:11)

A. Charter Appeal – Gaffney Athletic Preparatory Academy

This was first and final reading of the charter appeal by Gaffney Athletic Preparatory Academy. Ms. Ali Gaffey, Assistant Director of Charter Schools for The State Board of Education, and Dr. Sara Morrison presented the item. Ms. Angie Sanders read a statement from Gaffney Athletic Preparatory Academy into the record. The State Board voted to uphold the local board’s denial of the appeal requested by Gaffney Athletic Preparatory Academy.

Item/Rule: Gaffney Athletic Preparatory Academy			
Motion: Mr. Jensen Second: Mr. Edwards			
Member	YEA	NAY	ABSTAIN
Mr. Darrell Cobbins	x		
Mr. Nicholas Darnell	x		
Mr. Bob Eby-Vice Chairman	x		
Mr. Mike Edwards	x		
Mr. Gordon Ferguson	x		
Mr. Larry Jensen	x		
Ms. Elissa Kim	x		
Mr. Nate Morrow			
Ms. Lillian Hartgrove-Chairman	x		

Presentation (Continuous Learning Plan) (1:26:11-1:49:44)

Dr. Penny Schwinn, Commissioner of the Department of Education

VI. Adjournment (1:55:24)

**REMAINING MEETING DATES FOR 2020:
November 6, 2020**

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