

**RULES
OF
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-01-17
CONTINUOUS LEARNING PLANS**

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0520-01-17-.01 DEFINITIONS.

- (1) As used in this rule:
- (a) "Authorizer" has the same meaning given in T.C.A. § 49-13-104.
 - (b) "Charter Management Organization" or "CMO" means a non-profit entity that manages or operates two (2) or more public charter schools.
 - (c) "Instructional Time" means the amount of instruction provided through synchronous or asynchronous instruction, or a combination of the two (2), as defined in this rule. To the extent practicable, instruction delivered remotely must be as commensurate in quality, rigor, and effectiveness as in-person instructional time.
 - (d) "Remote Instruction" means instruction that takes place when teachers are not providing in-person instruction to students within the traditional school setting. Remote instruction provided pursuant to an approved CLP qualifies as a virtual education program pursuant to T.C.A. Title 49, Chapter 16 and State Board rules.
 - (e) "CLP" means continuous learning plan.
 - (f) "Synchronous Instruction" means instruction provided by a Tennessee educator to a student or students at the same time but not necessarily in the same place who engage in instruction while it occurs. This may include but is not limited to in-person instruction or telephonic, Internet-based, or other appropriate methods of communication as outlined in the approved CLP and may include full-class or small-group instruction or one-on-one instruction between student and teacher.
 - (g) "Asynchronous Instruction" means instruction provided by a Tennessee educator to students who participate in instruction at a separate time from when the teacher delivered the instruction. This may include but not be limited to methods such as printed work materials, teacher-assigned individual or group projects, audio- or video-recorded lessons, or online course modules, or other appropriate methods as outlined in the approved CLP.
 - (h) "Public Charter School" means a Tennessee public charter school authorized to operate under T.C.A. Title 49, Chapter 13.
 - (i) "Material Revisions" include, but are not limited to, changes to the instructional schedule that affect how students receive instruction daily to meet the required minimum hours of instruction; changes that result in the Local Education Agency (LEA) or Public Charter School using Textbooks or Instructional Materials that are not on the state-approved list,

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unless the LEA or public charter school has been granted a waiver pursuant to T.C.A. § 49-6-2206 or T.C.A. § 49-13-111; and changes to the attendance policy or procedure that affect how daily student attendance is determined.

(j) "Department" means the Tennessee Department of Education.

Authority: T.C.A. §§ 49-1-104(h), 49-1-302, 49-6-3002, 49-6-3004, 49-13-111. **Administrative History:** Emergency rules filed July 2, 2020; effective through December 29, 2020. Emergency rules expired effective December 30, 2020, and the rules reverted to their previous statuses. Emergency rules filed August 26, 2020; effective through February 22, 2021. Emergency rules filed November 19, 2020; effective through May 18, 2021.

0520-01-17-.02 PURPOSE OF THE CLP.

- (1) An LEA or Public Charter School that continues instruction during a disruption to school operations in compliance with the LEA's or Public Charter School's approved CLP shall be credited with an instructional day for all days in which the Public Charter School, LEA, or individual schools within the LEA, operated under the approved CLP.
- (2) An LEA or Public Charter School that continues instruction during a disruption to school operations in compliance with the LEA's or Public Charter School's approved CLP shall continue to receive Basic Education Program (BEP) funding as outlined in T.C.A. §§ 49-3-301, *et. seq.* for any school days that the approved CLP was implemented.

Authority: T.C.A. §§ 49-1-104(h), 49-1-302, 49-6-3002, 49-6-3004, 49-13-111. **Administrative History:**

0520-01-17-.03 UTILIZATION OF THE CLP FOR THE 2021-22 SCHOOL YEAR.

- (1) For the 2021-22 school year, an LEA or Public Charter School may only begin the implementation of an approved CLP when the following conditions are met:
 - (a) The governor or the governor's designee has declared a state of emergency or a disaster declaration via an executive order or proclamation or by the activation of the Tennessee Emergency Management Plan pursuant to Tennessee Code Annotated Title 58; and
 - (b) The disaster or declared state of emergency disrupts the traditional operations of the public charter school or one (1) or more schools within the LEA; and
 - (c) The LEA or Public Charter School provides notice to the Department of intent to implement the approved CLP including justification for implementation; and
 - (d) The Department of Education grants permission for the LEA or Public Charter School to implement its approved CLP. The Department of Education may request additional information or revisions to the CLP from the Public Charter School or LEA prior to granting permission for the LEA or Public Charter School to implement its approved CLP.
- (2) If an LEA or Public Charter School's CLP received final approval from the Department of Education for implementation during the 2020-21 school year pursuant to State Board rules and State Board Continuous Learning Plan Policy 3.210, such approval shall be effective through the end of the 2021-22 school year.

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- (3) LEAs and Public Charter Schools shall conduct a review of their approved CLP prior to the beginning of the 2021-22 school year to determine if revisions are necessary. If an LEA or Public Charter School makes Material Revisions to their approved CLP, the LEA or Public Charter School shall submit the Material Revisions to the Department utilizing the Material Revision request form created by the Department. Material Revisions to the LEA or Public Charter School's approved CLP shall not become effective until approved by the Department. The Department may request additional information from the LEA or Public Charter School prior to approving or denying the CLP or any Material Revisions to the CLP.
- (4) The evaluation and approval process shall ensure CLPs adhere to the requirements of this rule, State Board Continuous Learning Plan Policy 3.210, and all applicable federal and state laws and rules, unless waived.

Authority: T.C.A. §§ 49-1-104(h), 49-1-302, 49-6-3002, 49-6-3004, 49-13-111. **Administrative**

0520-01-17-.04 COMPONENTS OF THE CLP.

- (1) The Department shall maintain a template for CLPs. The CLP template and any rubric utilized by the Department for evaluation of CLPs shall be posted on the Department's website.
- (2) The Department shall post information regarding the CLP evaluation and approval process on the Department's website.
- (3) Each LEA and Public Charter School shall post its approved CLP on its website and make a copy available to parents/legal guardians and students upon request. All approved CLPs shall also be posted on the Department's website.
- (4) The CLP shall address, at minimum, the following components:
 - (a) Attendance policy and procedures for students participating in remote instruction, if different from the LEA or Public Charter School's regular attendance policy and procedure. The LEA or Public Charter School's attendance policy and procedure must include, but is not limited to:
 1. Procedures for determining when a student is present which shall include plans for seeking and receiving daily visual, verbal, and/or written confirmation of student participation in Instructional Time
 2. Procedures for determining an excused versus unexcused absence, the internal attendance tracking system to be used, and how the LEA or Public Charter School will communicate attendance policies and/or procedures to parents and/or legal guardians.
 3. LEAs and Public Charter Schools shall address in their attendance policy and procedure potential interventions for addressing student absences during Remote Instruction, including how the LEA or Public Charter School will implement or revise its progressive truancy intervention plan required by T.C.A. § 49-6-3009.
 4. The reporting of attendance to the Department of Education must be via the LEA or Public Charter School's student information system utilizing the attendance code set by the Department of Education.

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- (b) How all students will be provided standards-based instruction by a licensed Tennessee educator, including, but not limited to, students with disabilities, English Learners, and at-risk students.
 - 1. How the LEA or Public Charter School will provide students with disabilities access to instruction in a manner consistent with each student's individualized education program (IEP) or 504 plan. Remote Instruction supports shall be considered and included, as appropriate for the student, when an IEP or 504 plan is initially developed or at any subsequent review or revision of an IEP or 504 plan;
 - 2. How the LEA or Public Charter School will provide students who are English Learners access to instruction in a manner consistent with each student's individualized learning plan and with State Board English as a Second Language Program Policy 3.207; and
 - 3. Address the needs of other at-risk student populations as defined in State Board High School Policy 2.103.
- (c) How the LEA or Public Charter School will meet the requirements of T.C.A. § 49-6-3004 and T.C.A. § 49-6-201(b)(2) during a disruption to school operations, including how the LEA or Public Charter School will provide students in Kindergarten access to at least four (4) hours of Instructional Time each school day, and how the LEA or Public Charter School will provide students in grades one (1) through twelve (12) access to at least six and one half (6 ½) hours of Instructional Time each school day.
 - 1. The Instructional Time requirements set forth in this chapter do not apply to students being served under a homebound program, incarcerated students, and students in a residential mental health facility or court-ordered day-treatment program. Instructional Time requirements for students being served under a homebound program, incarcerated students, and students in a residential mental health facility or court-ordered day-treatment program shall comply with state law and state board rules governing these students.
- (d) All CLPs shall align student grading expectations to the State Board's Uniform Grading Policy 3.301 for students in grades 9-12 and to the LEA's or Public Charter School's locally adopted grading policy for students in grades K-8, and, if applicable, for students in grades 9-12.
- (e) All LEAs and Public Charter Schools shall comply with all relevant state and federal laws, rules, and policies.
- (f) Remote Instruction classes shall comply with class size standards applicable to virtual education programs pursuant to T.C.A. § 49-1-104(h) and class size and case load requirements for special education as defined in State Board Policy 3.206.
- (g) If the LEA's CLP requires a waiver of any state statute or rule, the LEA shall submit a waiver request to the Commissioner pursuant to T.C.A. § 49-1-201. If a Public Charter School's CLP requires a waiver of any state statute or rule, the public charter school shall submit a waiver request to the Commissioner or its authorizer pursuant to T.C.A. § 49-13-111. Waivers approved for the 2020-21 school year do not automatically apply to any subsequent school year, unless specifically stated in the approval.

Authority: T.C.A. §§ 49-1-104(h), 49-1-302, 49-6-3002, 49-6-3004, 49-13-111. **Administrative History:**