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 File Date: \_\_\_\_\_

# Notice of Rulemaking Hearing

*Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.*

<b>Agency/Board/Commission:</b>	State Board of Education
<b>Division:</b>	N/A
<b>Contact Person:</b>	Angie Sanders
<b>Address:</b>	500 James Robertson Parkway, 5 <sup>th</sup> Floor, Nashville, TN 37243
<b>Phone:</b>	(615) 253-5707
<b>Email:</b>	Angela.C.Sanders@tn.gov

*Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:*

<b>ADA Contact:</b>	Angie Sanders
<b>Address:</b>	500 James Robertson Parkway, 5 <sup>th</sup> Floor, Nashville, TN 37243
<b>Phone:</b>	(615) 253-5707
<b>Email:</b>	Angela.C.Sanders@tn.gov

**Hearing Location(s)** (for additional locations, copy and paste table)

Address 1:	500 James Robertson Parkway		
Address 2:	Davy Crockett Building, Conference Room 1C, 1 <sup>st</sup> Floor		
City:	Nashville, TN		
Zip:	37243		
Hearing Date :	9/16/2021		
Hearing Time:	10:30 AM	<input checked="" type="checkbox"/> X	CST/CDT <input type="checkbox"/> EST/EDT

**Additional Hearing Information:**

**\*\*Anyone wishing to participate electronically may access the hearing using the following information:\*\***  
**URL:** <https://bit.ly/3y9nVSt>  
**Password:** SBerules  
**Phone:** 1-415-655-0001  
**Access Code:** 180 242 6407

Please check the State Board’s website at <https://www.tn.gov/sbe/meetings.html> for any additional information regarding this rulemaking hearing. **If prohibitions on in-person gatherings due to COVID-19 prevent this hearing from occurring in-person, such information will be posted on the State Board’s website and all attendees will utilize the above information to participate electronically.**

Oral comments are invited at the hearing.

In addition, written comments may be submitted via email at [angela.c.sanders@tn.gov](mailto:angela.c.sanders@tn.gov) or mailed to:  
Tennessee State Board of Education  
Attention: Angie Sanders  
Davy Crockett Tower, 5<sup>th</sup> Floor  
500 James Robertson Parkway  
Nashville, Tennessee 37243.

Written comments must be received by 4:30 PM CT on September 21, 2021 in order to ensure consideration. For further information, please contact Angie Sanders by e-mail at [angela.c.sanders@tn.gov](mailto:angela.c.sanders@tn.gov).

If attending the hearing in-person, please bring identification so that you may be checked into the building by security. Conference room 1C is located on the first floor.

**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Rule(s)** (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0520-01-11	Individualized Education Accounts
Rule Number	Rule Title
0520-01-11-.01	Purpose
0520-01-11-.02	Definitions
0520-01-11-.03	Application
0520-01-11-.04	Term of the IEA
0520-01-11-.05	Agreement and Funds Transfer
0520-01-11-.06	Account Holder Obligations
0520-01-11-.07	Monitoring and Compliance
0520-01-11-.08	Participating Schools
0520-01-11-.09	Return to Local Education Agency
0520-01-11-.10	Appeals
0520-01-11-.11	Conflict of Interest
0520-01-11-.12	Reserved
0520-01-11-.13	Reserved

Chapter Number	Chapter Title
0520-01-19	English as a Second Language Programs
Rule Number	Rule Title
0520-01-19-.03	Identification, Screening, and Service Delivery

Chapter Number	Chapter Title
0520-02-03	Educator Licensure
Rule Number	Rule Title
0520-02-03-.03	Requirements for Teacher Licenses
0520-02-03-.04	Requirements for Occupational Teacher Licenses
0520-02-03-.05	Requirements for School Services Personnel Licenses

0520-02-03-.10	Requirements for Instructional Leader Licenses
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## AMENDMENT

### RULES OF STATE BOARD OF EDUCATION

#### CHAPTER 0520-01-11 INDIVIDUALIZED EDUCATION ACCOUNTS

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##### **0520-01-11-.01 PURPOSE.**

The purpose of these rules is to effectuate the Individualized Education Act as required by T.C.A. §§ 49-10-1401, *et seq.*

**Authority:** T.C.A. §§ 49-1-302 and 49-10-1401, *et seq.* **Administrative History:** Emergency rules filed October 28, 2016; effective through April 26, 2017. Emergency rules superseded by new rules filed September 2, 2016; effective December 1, 2016. Emergency rules filed September 22, 2017; effective through March 21, 2018. Amendments filed December 21, 2017; effective March 21, 2018.

##### **0520-01-11-.02 DEFINITIONS.**

- (1) "Account Holder" means a parent as defined in subsection (18) of this section or a participating student who has attained the age of majority who signs the IEA contract, is the Account Holder for the IEA funds, and is responsible for complying with all of the requirements of the IEA Program.
- (2) "Act" means the Individualized Education Act.
- (3) "Active IEP" means a written statement for a child with a disability that is developed, reviewed, and revised in accordance with 34 CFR §§ 300.320 through 300.324 that is being implemented on the date the application window for the IEA program closes.
- (4) "Agreement" means a document signed by an applicant and a designee of the Department, which qualifies the parent or student who has attained the age of majority to participate in the Program.
- (5) "Applicant" means the parent or legal guardian of a student, or student who has attained the age of majority, who has completed the Standard Application Form.
- (6) "Computer hardware or other technological devices" means computer hardware or technological devices approved by the Department or a licensed treating physician that is used for the student's educational needs. Computer hardware and technological devices shall meet one (1) of the following criteria:

- (a) Is a required device for communication or for physical access to instruction due to the adverse impact of the disability for which the student qualifies to receive an IEA, or
  - (b) Allows a student to access instruction or instructional content.
- (7) “Criminal background check” at a minimum shall include, but not be limited to, a check of the following: Tennessee’s Sex Offender Registry and the Abuse Registry of the Tennessee Department of Health. All providers as defined in subsection (23) of this section and employers of providers shall maintain documentation that any persons providing services to participating students have undergone a fingerprint based criminal history records check conducted by the Tennessee Bureau of Investigation (TBI) and forwarded by the TBI to the Federal Bureau of Investigation (FBI) for processing pursuant to the National Child Protection Act. All participating schools shall maintain documentation that all persons working on school grounds when students are present and/or providing services to students have undergone a fingerprint based criminal history records check conducted by the Tennessee Bureau of Investigation (TBI) and forwarded by the TBI to the Federal Bureau of Investigation for processing pursuant to the National Child Protection Act. Individual contractors not employed by an organization shall fulfill the background check requirements by completing a fingerprint- based criminal history records check conducted by the FBI.
- (8) “Department” means the Tennessee Department of Education.
- (9) “Educational therapies” means:
- (a) Individualized services designed to develop or improve academic performance through instructional and therapeutic techniques, and provided by therapists who meet the requirements set by the Department and the State Board of Education;
  - (b) Tactile manipulatives recommended by the therapist for the participating student pursuant to guidelines set forth by the Department; or
  - (c) Copays or coinsurance for preapproved educational therapies pursuant to guidelines set forth by the Department.
- (10) “Eligible postsecondary institution” means a Tennessee public community college, college of applied technology, or university of the University of Tennessee system or a locally governed state university within the Tennessee Board of Regents systems, or an accredited private postsecondary institution accredited by one (1) of the following: any accreditation division of Cognia (the North Central Association Commission on Accreditation and School Improvement (NCA CASI), the Northwest Accreditation Commission (NWAC), and the Southern Association of Colleges and Schools Council on Accreditation and School Improvement (SACS CASI)), the Middle States Association of Colleges and Schools (MSA), the New England Association of Schools and Colleges (NEASC), the Western Association of Schools and Colleges (WASC), or the Council on Occupational Education (COE).
- (11) “Eligible student” means:
- (a) A resident of this state with an Active Individualized Education Program (IEP) in accordance with 34 C.F.R §§ 300 et seq., § 49-10-102, and regulations of the State Board of Education with one (1) of the following disabilities as defined by the rules of the State Board of Education 0520-01-09-.02 as the primary or secondary disability in effect at the time the Department receives the request for participation in the Program. For purposes of this Chapter, the Department receives the request for participation in the Program on the date the application window for the IEA program closes:
    - 1. Autism;

2. Deaf-blindness;
3. Developmental delay;
4. Hearing impairments;
5. Intellectual disability;
6. Multiple disabilities;
7. Orthopedic impairments;
8. Traumatic brain injury; or
9. Visual impairments; and

(b) Meets at least one (1) of the following requirements:

1. Was previously enrolled in and attended a Tennessee public school for the one (1) full school year immediately preceding the school year in which the student receives an Individualized Education Account (IEA). For the purposes of these rules, one (1) full school year means that the student was counted in the enrollment figures for the LEA(s) for the entire school year as reported in the state's student information system;
2. Has not previously attended a K-12 school in Tennessee, but is currently eligible to enroll in a kindergarten program in a public school in this state. Students meeting this eligibility requirement shall inform the LEA in which they reside of the student's intent to participate in the program prior to August 1 of the year in which they are enrolled in the IEA Program;
3. Has not previously attended a school in Tennessee during the one (1) full school year immediately preceding the school year in which the student receives an IEA, and moved to Tennessee less than one (1) year prior to the date of enrollment in the IEA Program; or
4. Received an IEA in the previous school year.

(12) "Fee-for-service transportation provider" means a commercial transportation provider including a taxi or bus service. It does not include private transportation by a parent or participating student in accordance with the conflict of interest provision in these rules.

(13) "Financial institution" or "private financial management firm" means an institution selected by the Department to administer the individualized education accounts.

(14) "IEA" means a Tennessee Individualized Education Account.

(15) "Inclusive educational setting" means that the Participating School provides a setting that meets the following two (2) criteria:

- (a) Students with disabilities are educated with students who do not have disabilities; and
- (b) No more than fifty percent (50%) of the students in an individual classroom or setting are students with disabilities.

(16) "Local Education Agency (LEA)," "school system," "public school system," "local school system," "school district," or "local school district" means any county school system, city school system,

special school district, unified school system, metropolitan school system or any other local public school system or school district created or authorized by the general assembly.

- (17) "Nonpublic online learning program or course" means online programs or courses that meet the requirements set by the Department.
- (18) "Parent" means the parent, legal guardian, person who has custody of the child, or person with caregiving authority for the child.
- (19) "Participating school" means a nonpublic school that meets the requirements established in T.C.A. §§ 49-10-1401, et seq. and seeks to enroll eligible students.
- (20) "Participating student" means an eligible student whose parent is participating in the IEA Program or an eligible student who has attained the age of majority and is participating in the IEA Program.
- (21) "Physician" means a person licensed under T.C.A. Title 63, Chapter 3, Chapter 4, Chapter 5, Chapter 6, Chapter 7, Chapter 8, Chapter 9, Chapter 10, Chapter 11, Chapter 14, Chapter 16, Chapter 17, Chapter 19, Chapter 22, Chapter 23, Chapter 24, or Chapter 25.
- (22) "Program" means the Individualized Education Account (IEA) Program created in T.C.A. §§ 49-10-1401, et seq.
- (23) "Provider" means an individual or business that meets the requirements set by the State Board of Education and the Tennessee Department of Education.
- (24) "Standard Application Form" means a document whereby an Applicant may seek to establish an Individualized Education Account (IEA).
- (25) "Tutoring services" means services provided by a tutor who meets the requirements set by the Department.

**Authority:** T.C.A. §§ 49-1-302 and 49-10-1401, et seq. **Administrative History:** Emergency rules filed October 28, 2016; effective through April 26, 2017. Emergency rules superseded by new rules filed September 2, 2016; effective December 1, 2016. Emergency rules filed September 22, 2017; effective through March 21, 2018. Amendments filed December 21, 2017; effective March 21, 2018. Amendments filed October 25, 2018; effective January 23, 2019. Amendments filed January 22, 2020; to have become effective April 21, 2020. However, the State Board of Education filed a 34-day stay of the effective date of the rules; new effective date May 25, 2020.

### **0520-01-11-.03 APPLICATION.**

- (1) To apply to participate in the Program, an Applicant shall fully complete the Standard Application Form available through the Department's website or through the Department's office by the deadline set by the Department.
  - (a) The Department may assist an Applicant in filing the Standard Application Form.
  - (b) If the student is over eighteen (18) years of age at the time of application, the student's parent or guardian may not apply to the Program on behalf of the student unless the student's parent or guardian attaches proof of a power of attorney, created in accordance with T.C.A. §§ 34-6-101 et seq., or a conservatorship, created in accordance §§ 34-3-101 et seq., demonstrating that the student's educational and financial decision-making rights have been transferred to his or her parent or guardian.

- (2) The Department shall make a determination of eligibility to participate in the Program and notify the Applicant.
- (3) Once a completed Standard Application Form has been approved by the Department, the Applicant shall complete the enrollment procedures set by the Department to become enrolled in the Program, including execution of an Agreement to participate in the Program.

**Authority:** T.C.A. §§ 49-1-302 and 49-10-1405; T.C.A. §§ 34-6-101 et seq. §§ 34-3-101 et seq.,  
**Administrative History:** Emergency rules filed October 28, 2016; effective through April 26, 2017. Emergency rules superseded by new rules filed September 2, 2016; effective December 1, 2016. Emergency rules filed September 22, 2017; effective through March 21, 2018. Amendments filed December 21, 2017; effective March 21, 2018. Amendments filed October 25, 2018; effective January 23, 2019. Amendments filed January 22, 2020; to have become effective April 21, 2020. However, the State Board of Education filed a 34-day stay of the effective date of the rules; new effective date May 25, 2020.

#### **0520-01-11-.04 TERM OF THE IEA.**

- (1) For purposes of continuity of educational attainment, a student who enrolls in the Program shall remain eligible until the Participating Student meets one (1) of the following, whichever occurs first:
  - (a) Enrolls full-time in a public school;
  - (b) Graduates from high school. The student may continue in the Program until such time as he or she receives a high school diploma, or receives a passing score on all subtests of the GED or HiSET. Certificates of attendance do not constitute graduation from high school for the purpose of this Program; or
  - (c) Reaches twenty-two (22) years of age. The student may complete the school year in which he or she reaches the age of twenty-two (22), provided a student shall not be enrolled in the Program past August 15 of the next school year after they have reached twenty-two (22) years of age.
- (2) The Account Holder may remove the Participating Student from the nonpublic school and place the student in a public school. The Account Holder shall complete the procedures for withdrawal from the IEA Program set by the Department.
- (3) The Account Holder may move the student from one (1) nonpublic school to another nonpublic school in accordance with procedures set by the Department.
- (4) In order for students to continue in the Program, the Account Holder shall annually renew the IEA by following the procedures posted on the Department's website.
- (5) After graduating from high school or reaching twenty-two (22) years of age, unused funds in an IEA from prior years can be used in subsequent years, up to four (4) consecutive years after a student has exited the Program, provided the student attends or takes courses from an Eligible Postsecondary Institution and the expenditures are determined to be qualifying expenses.
- (6) Account Holders are not required to spend the entire sum each year, however, a portion of the funds shall be used each year on approved expenses for the benefit of the student enrolled in the IEA Program and overall spending shall equal fifty (50) percent of the annual award by the deadline for submission of the last expense report of the contract year.
  - (a) If overall spending does not equal fifty (50) percent by the deadline for submission of the



last expense report and if the IEA is renewed for the following year, the Department shall subtract the difference from the payments in the next contract year. If a student withdraws from the IEA Program or if the IEA is not renewed, the IEA shall be closed and any remaining funds shall be returned to the state treasurer to be placed in the Basic Education Program (BEP) account of the education trust fund of 1992 under T.C.A. §§ 49-3-357 and 49-3-358.

- (7) All benefits and obligations established by participation in the Program, including the right to continue participation in the IEA Program, vest in the participating student when the student attains eighteen (18) years of age, unless the student's educational and financial decision-making rights have been transferred to his or her parent or guardian through a power of attorney, created in accordance with T.C.A. §§ 34-6-101 et seq., or a conservatorship, created in accordance §§ 34-3-101 et seq.

**Authority:** T.C.A. §§ 49-1-302 and 49-10-1401, et seq.; T.C.A. §§ 34-6-101 et seq. and §§ 34-3-101 et seq. **Administrative History:** Emergency rules filed October 28, 2016; effective through April 26, 2017. Emergency rules superseded by new rules filed September 2, 2016; effective December 1, 2016. Emergency rules filed September 22, 2017; effective through March 21, 2018. Amendments filed December 21, 2017; effective March 21, 2018. Amendments filed October 25, 2018; effective January 23, 2019. Amendments filed January 22, 2020; to have become effective April 21, 2020. However, the State Board of Education filed a 34-day stay of the effective date of the rules; new effective date May 25, 2020.

#### **0520-01-11-.05 AGREEMENT AND FUNDS TRANSFER.**

- (1) Upon notification by the Department that an IEA may be established, the applicant shall sign an Agreement outlining the Account Holder's contractual obligations upon enrolling in the Program, including the acceptable uses of IEA funds and expense reporting requirements. In the Agreement, the Account Holder shall:
- (a) Agree to provide an education for the participating student in at least the subjects of English language arts, mathematics, social studies, and science;
  - (b) Agree to not enroll the participating student in a public school during the time the student is enrolled in the IEA Program;
  - (c) Agree to release the LEA in which the student resides and the school for which the student is zoned to attend from all obligations to educate the student during the time the student is enrolled in the IEA Program;
  - (d) Acknowledge that upon enrolling in the Program, the Participating Student shall have no individual entitlement to a free appropriate public education from their LEA, including special education and related services, so long as the child remains in the Program.
- (2) The Agreement shall:
- (a) Be submitted to the Department, along with all required information, by the date set by the Department before the first IEA payment is disbursed; and
  - (b) Be signed by the Account Holder and a designee of the Department prior to becoming effective.
- (3) After the Agreement is fully executed by the Account Holder and the Department, the Department shall remit the first payment to the IEA. IEA funds shall be remitted to the IEA thereafter until termination of the Agreement.

- (4) The Department shall establish procedures to effectuate the funds transfer process and dates on which each IEA payment shall be disbursed.

**Authority:** T.C.A. §§ 49-1-302 and 49-10-1401, et seq. **Administrative History:** Emergency rules filed October 28, 2016; effective through April 26, 2017. Emergency rules superseded by new rules filed September 2, 2016; effective December 1, 2016. Emergency rules filed September 22, 2017; effective through March 21, 2018. Amendments filed December 21, 2017; effective March 21, 2018. Amendments filed October 25, 2018; effective January 23, 2019. Amendments filed January 22, 2020; to have become effective April 21, 2020. However, the State Board of Education filed a 34-day stay of the effective date of the rules; new effective date May 25, 2020.

#### **0520-01-11-.06 ACCOUNT HOLDER OBLIGATIONS.**

- (1) Account Holders shall agree to use the funds deposited in the IEA for any, or any combination of, the following expenses:
- (a) Tuition or fees at a participating school;
  - (b) Textbooks required by a participating school;
  - (c) Tutoring services provided by an individual tutor who meets the requirements set by the Department or a tutoring organization accredited by one (1) of the following: any accreditation division of Cognia (the North Central Association Commission on Accreditation and School Improvement (NCA CASI), the Northwest Accreditation Commission (NWAC), and the Southern Association of Colleges and Schools Council on Accreditation and School Improvement (SACS CASI)), the Middle States Association of Colleges and Schools (MSA), the New England Association of Schools and Colleges (NEASC), the Western Association of Schools and Colleges (WASC), or the Council on Occupational Education (COE);
  - (d) Payment for purchase of curriculum, defined as instructional educational materials for an academic course of study for a particular content area, including any supplemental materials required by the curriculum;
  - (e) Fees for transportation paid to a fee-for-service transportation provider. Transportation fees can only be used for transportation to schools and educational providers (including tutors and therapists);
  - (f) Tuition or fees for a nonpublic online learning program or course that meets the requirements set by the Department;
  - (g) Fees for nationally standardized norm-referenced achievement tests, Advanced Placement examinations, or any examinations related to college or university admission;
  - (h) Contributions to a Coverdell education savings account established under 26 U.S.C. § 530 for the benefit of the participating student;
  - (i) Educational therapies or services for participating students provided by a therapist who meets the qualifications set by the Department and the State Board of Education;
  - (j) Services provided under a contract with a public school, including individual classes and extracurricular programs;
  - (k) Tuition or fees at an Eligible Postsecondary Institution;
  - (l) Textbooks required for courses at an Eligible Postsecondary Institution;

- (m) Fees for the management of the IEA by private financial management firms;
  - (n) Computer hardware and technological devices approved by the Department or a licensed treating physician, if the computer hardware is used for the student's educational needs and is a required device for communication or physical access to instruction due to the adverse impact of the disability for which the student qualifies to receive an IEA or allows a student to access instruction or instructional content; or
  - (o) Contributions to an Achieving a Better Life Experience (ABLE) account in accordance with the ABLE Act, compiled in T.C.A. Title 71, Chapter 4, Part 8, for the benefit of a participating student; provided, that the funds are used only for the student's education expenses subject to the rules established by the ABLE Program and that the student meets the qualifications to participate in the ABLE Program pursuant to the ABLE Act, and § 529A of the Internal Revenue Code of 1986 (26 U.S.C. § 529A), as amended, and all rules, regulations, notices, and interpretations released by the United States Department of Treasury, including the Internal Revenue Service (IRS).
- (2) Account Holders shall obtain pre-approval for educational therapies, computer hardware and technological devices, tutoring services, and any other expenses identified by the Department. If pre-approval is not obtained, the expense shall be deemed an unapproved expenditure. An Account Holder may request pre-approval by completing and submitting the Department's pre-approval form. For computer hardware and technological devices, a licensed treating Physician may also submit the pre-approval form.
  - (3) After the initial payment to the IEA, the Account Holder shall submit expense reports and receipts for all IEA funds expended in accordance with the procedures set by the Department before the next IEA payment is disbursed.
  - (4) In accordance with the procedures of the Department, the Department may immediately and permanently remove any Participating Student from eligibility for an IEA if the Account Holder fails to comply with the terms of the IEA Agreement or applicable laws, rules or procedures, or misspends funds. The Account Holder may appeal the Department's decision pursuant to the appeal procedures outlined in this Chapter.
  - (5) If the Department determines that IEA funds have been misspent, the Department shall notify the Account Holder, and the Account Holder shall repay the misspent amount in the manner and within the timeframe set by the Department. The Department is authorized to freeze, suspend, and/or withdraw funding directly from the student's IEA for reasons including, but not limited to, fraud, misuse of funds, Account Holder failure to comply with the terms of the state laws, rules, procedures, or the Agreement, if the student returns to the LEA, or if funds were deposited into the account in error. The Account Holder may appeal the Department's decision pursuant to the appeal procedures outlined in this Chapter.

**Authority:** T.C.A. §§ 49-1-302 and 49-10-1401, et seq. **Administrative History:** Emergency rules filed October 28, 2016; effective through April 26, 2017. Emergency rules superseded by new rules filed September 2, 2016; effective December 1, 2016. Emergency rules filed September 22, 2017; effective through March 21, 2018. Amendments filed December 21, 2017; effective March 21, 2018. Amendments filed January 22, 2020; to have become effective April 21, 2020. However, the State Board of Education filed a 34-day stay of the effective date of the rules; new effective date May 25, 2020.

#### **0520-01-11-.07 MONITORING AND COMPLIANCE.**

- (1) The Department shall conduct fiscal and program compliance reviews of all IEAs pursuant to procedures developed by the Department for this purpose.
- (2) The Department shall conduct an annual review of all IEAs.

- (3) The Department shall establish or contract for the establishment of an online anonymous fraud reporting service and an anonymous telephone hotline for reporting fraud. Individuals may notify the Department of any alleged violation by an Account Holder or participating school(s) of state laws, rules, or procedures relating to the Program. The Department shall conduct an inquiry of any written report of fraud, or make a referral to the appropriate agency for an investigation.

**Authority:** T.C.A. §§ 49-1-302 and 49-10-1401, et seq. **Administrative History:** Emergency rules filed October 28, 2016; effective through April 26, 2017. Emergency rules superseded by new rules filed September 2, 2016; effective December 1, 2016. Emergency rules filed September 22, 2017; effective through March 21, 2018. Amendments filed December 21, 2017; effective March 21, 2018. Amendments filed October 25, 2018; effective January 23, 2019. Emergency rules filed April 16, 2020; effective through October 13, 2020. Amendments filed January 22, 2020; to have become effective April 21, 2020. However, the State Board of Education filed a 34-day stay of the effective date of the rules; new effective date May 25, 2020.

#### **0520-01-11-.08 PARTICIPATING SCHOOLS.**

- (1) Nonpublic schools interested in becoming a Participating School shall submit an application to the Department by the deadline set by the Department.
  - (a) The nonpublic school's application shall:
    1. State the maximum number of students receiving IEAs the school has the capacity to enroll;
    2. Demonstrate financial viability to repay any funds that may be owed to the state by providing the Department with financial information verifying the school has the ability to pay an amount of the IEA funds expected to be paid during the school year. The school may comply with this requirement by filing a surety bond payable to the state from a surety, and in an amount determined by the Department; and
    3. State whether the school provides an Inclusive Educational Setting; however, schools are not required to have an inclusive educational setting to participate in the IEA Program.
  - (b) The Department shall determine the application process for nonpublic schools to participate in the Program. The Department shall create a standard application which shall include, at a minimum, the eligibility requirements set forth in the Act and these rules, and may also include additional eligibility requirements set by the Department.
  - (c) The Department shall review the application and notify the school as to whether the school meets the requirements to enroll students receiving IEAs.
  - (d) If the Department determines that a school is eligible to enroll students receiving IEAs, the Department shall list the school on the Department's website.
- (2) Participating Schools shall:
  - (a) Be academically accountable to the Account Holder for meeting the educational needs of the student by:
    1. At a minimum, annually providing to the Account Holder a written explanation of

the student's progress; and

2. Cooperating with an Account Holder who chooses for the student to participate in the statewide assessments.
  - (b) Comply with all health and safety laws or codes that apply to nonpublic schools and the profession of the provider;
  - (c) Certify that they shall not discriminate against Participating Students or applicants on the basis of race, color, or national origin;
  - (d) Conduct criminal background checks on employees;
  - (e) Exclude from employment any person not permitted by state law to work or act as a provider in a nonpublic school;
  - (f) Exclude from employment any person who might reasonably pose a threat to the safety of students; and
  - (g) Provide Account Holders with a receipt for all qualifying expenses.
- (3) Participating Schools shall annually submit to the Department:
  - (a) All required documentation and requested information, including the school calendar, the nonpublic school's student fee schedules, and the maximum number of students receiving IEAs the school has the capacity to enroll;
  - (b) Graduation and completion information of participating students;
  - (c) Notice of whether they intend to continue participating in the Program; and
  - (d) Proof of financial viability to repay any funds that may be owed to the state by providing the Department with financial information verifying the school has the ability to pay an amount of the IEA funds expected to be paid during the school year. The school may comply with this requirement by filing a surety bond payable to the state from a surety, and in an amount determined by the Department.
- (4) The Department may require Participating Schools to submit to the Department a financial audit of the school conducted by a certified public accountant. Such audit shall include a statement that the report is free of material misstatements and fairly represents the participating school's maximum total tuition and fees. Any funds determined by the Department to be expended in a manner inconsistent with this part shall be returned to the state.
- (5) The Department may suspend or terminate a Participating School from participating in the Program if the Department determines the school has failed to comply with the requirements of the Act, these rules, and/or the procedures set by the Department.
  - (a) If the Department suspends or terminates a school's participation, the Department shall notify the Account Holder and Participating School of the decision. If a participating school is suspended or if a participating school withdraws from the Program, affected participating students remain eligible to participate in the Program.
- (6) A Participating School may appeal the Department's decision pursuant to the appeals procedures outlined in this Chapter. If a student withdraws from a participating school and transfers to another nonpublic school or returns to the LEA, the Participating School shall refund the tuition and fees on a prorated basis based on the number of days the student was enrolled in the school. If the student transfers to another nonpublic school, the funds shall be returned to the student's

IEA. If the student returns to the LEA, the funds from the IEA shall be returned to the state treasurer to be placed in the Basic Education Program (BEP) account of the education trust fund of 1992 under T.C.A. §§ 49-3-357 and 49-3-358.

- (7) Third parties are prohibited from sending IEAs to collections in order to settle unpaid debts. All contracts entered into are the responsibility of the private parties involved.

**Authority:** T.C.A. §§ 49-1-302 and 49-10-1405. **Administrative History:** Emergency rules filed October 28, 2016; effective through April 26, 2017. Emergency rules superseded by new rules filed September 2, 2016; effective December 1, 2016. Emergency rules filed September 22, 2017; effective through March 21, 2018. Amendments filed December 21, 2017; effective March 21, 2018. Amendments filed October 25, 2018; effective January 23, 2019. Amendments filed January 22, 2020; to have become effective April 21, 2020. However, the State Board of Education filed a 34-day stay of the effective date of the rules; new effective date May 25, 2020.

#### **0520-01-11-.09 RETURN TO LOCAL EDUCATION AGENCY.**

- (1) A Participating Student may return to the LEA upon termination of the student's participation in the Program.
- (2) If the Participating Student transfers from a nonpublic school and enrolls in the LEA, the Account Holder shall notify the Department and the LEA in which the student resides, by following the procedures and timeline set by the Department.
- (3) Upon termination of a student's participation in the Program, the Department shall close the Participating Student's IEA.
- (4) Upon a student's withdrawal from the nonpublic school, Participating Schools shall send all educational records of the Participating Student to the LEA or other nonpublic school identified by the parent.
- (5) The LEA shall enroll the student and provide instruction in the general education curriculum.
- (6) If the parent or student who has attained the age of majority requests, in writing, an evaluation for eligibility pursuant to the Individuals with Disabilities Education Act, the LEA shall treat the request as a request for an initial evaluation under 34 C.F.R. § 300.301.

**Authority:** T.C.A. §§ 49-1-302 and 49-10-1403. **Administrative History:** Emergency rules filed October 28, 2016; effective through April 26, 2017. Emergency rules superseded by new rules filed September 2, 2016; effective December 1, 2016. Emergency rules filed September 22, 2017; effective through March 21, 2018. Amendments filed December 21, 2017; effective March 21, 2018. Amendments filed October 25, 2018; effective January 23, 2019. Amendments filed January 22, 2020; to have become effective April 21, 2020. However, the State Board of Education filed a 34-day stay of the effective date of the rules; new effective date May 25, 2020.

#### **0520-01-11-.10 APPEALS.**

- (1) The following determinations are appealable:
  - (a) An Applicant may appeal the Department's determination that the student is not eligible for the IEA Program.
  - (b) An Account Holder may appeal the Department's determination that the Account Holder has misspent IEA funds or the removal of the Participating Student from the IEA Program.
  - (c) An applicant school may appeal the Department's determination that the school is not qualified to be a Participating School.
  - (d) A Participating School may appeal its suspension or termination from the IEA Program.
- (2) All appeals shall be submitted on the appeal forms provided on the Department's website. If an appeal is not submitted on the appropriate appeal form, the appeal shall be denied.
- (3) Appeals shall follow the following two-step process:
  - (a) Step one appeals shall be reviewed by the Department. Step One appeals must be submitted to the Department within fourteen (14) calendar days of the Department electronically sending the determination that is being appealed. The day that the Department sends the determination shall not count as part of the fourteen (14) calendar days. The Commissioner or Commissioner's Designee shall make a determination and issue an electronic notification to the appealing party within forty-five (45) calendar days of receiving the Step One appeal.
  - (b) If the Department denies the Step One appeal, the appealing party may file a Step Two appeal. Step Two appeals shall be reviewed by an administrative law judge in accordance with the procedures set forth in the Uniform Administrative Procedures Act, T.C.A. §§ 4-5-301 et seq. Step Two appeals must be submitted to the Department within thirty (30) calendar days of the Department electronically sending the Step One determination. The day that the Department sends the Step One determination shall not count as part of the thirty (30) calendar days.
- (4) If the deadline to submit an appeal falls on a weekend or state holiday, the appeal shall be considered timely submitted if it is received by the next business day after the weekend or state holiday.
- (5) If an appeal is not timely submitted, the appeal shall be deemed denied.

**Authority:** T.C.A. §§ 49-1-302 and 49-10-1401, et seq. **Administrative History:** Emergency rules filed October 28, 2016; effective through April 26, 2017. Emergency rules superseded by new rules filed September 2, 2016; effective December 1, 2016. Emergency rules filed September 22, 2017; effective through March 21, 2018. Amendments filed December 21, 2017; effective March 21, 2018. Amendments filed January 22, 2020; to have become effective April 21, 2020. However, the State Board of Education filed a 34-day stay of the effective date of the rules; new effective date May 25, 2020.

#### **0520-01-11-.11 CONFLICT OF INTEREST.**

- (1) Use of IEA funds shall be for the sole benefit of the Participating Student for which the IEA is established. Any services, resources, and/or equipment purchased using IEA funds shall only be used by the Participating Student whose IEA paid for said services, resources, and/or equipment.
  - (a) It is a conflict of interest and is considered a misuse of IEA funds against IEA Program rules and procedures for a family member of a Participating Student, including step parent, or member of an eligible student's household to derive any financial benefit from the IEA Program.

- (b) It is also a conflict of interest and against IEA Program rules and procedures for a family member of a Participating Student, including a step parent, or a member of a participating student's household to provide a professional recommendation or approval for a service or the use of computer hardware or other technological device for the Participating Student.

**Authority:** T.C.A. §§ 49-1-302 and 49-10-1401, et seq. **Administrative History:** Emergency rules filed October 28, 2016; effective through April 26, 2017. Emergency rules superseded by new rules filed September 2, 2016; effective December 1, 2016. Emergency rules filed September 22, 2017; effective through March 21, 2018. Amendments filed December 21, 2017; effective March 21, 2018. Amendments filed January 22, 2020; to have become effective April 21, 2020. However, the State Board of Education filed a 34-day stay of the effective date of the rules; new effective date May 25, 2020.

**0520-01-11-.12 RESERVED.**

**0520-01-11-.13 RESERVED.**

**Authority:** T.C.A. §§ 49-1-302 and 49-10-1401, et seq.; Executive Order No. 14 of 2020 (and applicable, subsequent Executive Orders addressing COVID-19 relief); and Chapter 652 of the Public Acts of 2020. **Administrative History:** Emergency rule filed June 10, 2020; effective through December 7, 2020. Emergency rule expired effective December 8, 2020, and the rule reverted to its previous status.



**AMENDMENT**  
**RULES**  
**OF**  
**THE STATE BOARD OF EDUCATION**  
**CHAPTER 0520-01-19**  
**ENGLISH AS A SECOND LANGUAGE PROGRAMS**

**0520-01-19-.03 IDENTIFICATION, SCREENING, AND SERVICE DELIVERY**

- (1) EL student identification is a two (2)-step process that must be completed within thirty (30) days of initial enrollment. In the first step, each LEA shall administer a Home Language Survey (HLS) within thirty (30) days of initial enrollment to identify NELB Students. An HLS should be completed only once in a student's educational career. If the student has previously attended another LEA, the receiving school or LEA shall attempt to obtain the original HLS from the sending LEA. If the receiving LEA cannot obtain the original HLS after reasonable attempts to do so, it may re-administer the HLS, but shall mark it as a secondary HLS. If the original is found, it shall replace the secondary HLS in the student's file.
- (a) The HLS shall not require parents or guardians to answer questions about student immunization or student or familial immigration status.
- (b) The HLS shall include, but not be limited to, questions that require the parent(s) or guardian(s) to address the following three (3) topics:
1. The first language the student learned to speak;
  2. The language the student speaks most often at home; and
  3. The language that is most often spoken to the student at home.
- (c) If the parent(s) or guardian(s) list a language other than English for any question above, the student shall be classified as an NELB Student. Parents or guardians shall be interviewed to clarify any discrepancies in the HLS.
- (2) In the second step of the identification process, LEAs shall screen all NELB Students with a Department of Education approved-English language proficiency screener described in this rule within thirty (30) days of initial enrollment to determine whether the student qualifies for ESL Services, unless an NELB Student has documentation from a previous state or LEA that he or she met the definition of fluent English proficient (FEP). The English language proficiency screener shall be administered in addition to the HLS within the thirty (30) day time period.
- (a) NELB Students who are screened in their first (1<sup>st</sup>) semester of Kindergarten shall be screened with the WIDA Screener for Kindergarten (WSK). NELB students screened in their first (1<sup>st</sup>) semester of Kindergarten shall only be assessed using the speaking and listening domains. If a student receives an oral composite score below 4.5 or a score below 4 in either domain, the student shall be identified as an EL student and receive Direct ESL Services pursuant to paragraph (6) and (8) of this rule, unless a parent and/or guardian chooses to waive Direct ESL Services.

- (b) NELB Students who are screened in their second (2<sup>nd</sup>) semester of Kindergarten shall be screened with the WIDA Screener for Kindergarten (WSK). NELB students screened in their second (2<sup>nd</sup>) semester of kindergarten shall be screened using the speaking, listening, reading, and writing domains. If a student receives an oral composite score below 5 or a score below 4 in any domain, the student shall be identified as an EL student and receive Direct ESL Services pursuant to paragraph (6) and (8) of this rule, unless a parent and/or guardian chooses to waive Direct ESL Services.
  - (c) NELB Students who are screened in their first (1<sup>st</sup>) semester of first grade shall be screened with the WIDA Screener for Kindergarten (WSK). NELB students screened in their first (1<sup>st</sup>) semester of first grade shall be screened using the speaking, listening, reading, and writing domains. If a student receives an oral composite score below 5 or a literacy composite score below 4.5, the student shall be identified as an EL student and receive Direct ESL Services pursuant to paragraph (6) and (8) of this rule, unless a parent and or guardian chooses to waive Direct ESL Services.
  - (d) NELB Students who are screened in their second (2<sup>nd</sup>) semester of first (1<sup>st</sup>) grade, or at any point in grades two (2) through twelve (12), shall be screened using the WIDA screener. Students who score below a 4.5 on the WIDA screener shall be identified as an EL student and receive Direct ESL Services pursuant to paragraphs (6) and (8) of this rule, unless a parent and/or guardian chooses to waive service.
- (3) All EL students shall have an ILP that contains, but is not limited to:
- (a) Assessment data from the English language proficiency assessment, achievement assessments, and any relevant benchmark data;
  - (b) Short-term goals that help the student proceed to the next proficiency level in the four (4) domains of language: reading, writing, speaking, and listening;
  - (c) Growth trajectories for English language proficiency based on individual student data; and
  - (d) Strategies, accommodations, and scaffolding used in the delivery of Indirect ESL Services.
- (4) Each LEA shall have an oversight plan for the development, implementation, and monitoring of ILPs for EL students.
- (5) Teachers shall monitor the academic and English language proficiency growth of EL students through benchmarking, formative assessments, and/or summative assessments at least every four and one-half (4.5) weeks. If an EL student is not meeting the growth expectations identified in his or her ILP, the student shall receive differentiated support so that he or she may advance more rapidly toward English language proficiency. Supports shall be implemented promptly after the ILP Team has determined the student is not on the expected growth trajectory.
- (6) EL students identified for ESL service via a Department of Education-approved English Language Proficiency screener described in this rule shall receive a minimum of one (1) hour of Direct ESL Service each school day from a teacher who holds an ESL endorsement, until the student achieves a sufficient score on a summative assessment pursuant to State Board rule 0520-01-19-.06 to be exited from Direct or Indirect ESL Service or achieves a sufficient score on a summative assessment to have Direct or Indirect ESL Services modified by the ILP Team pursuant to paragraph (8) of this rule.
- (a) Parents or guardians of EL students shall be informed of the right to refuse placement of their children in ESL programs, and each LEA shall provide the parent(s) or guardian(s) the option to

waive Direct ESL Services before services are provided, or at any time during the course of the school year.

- (b) If the parent(s) or guardian(s) waives Direct ESL Services for the student, the general education classroom teacher shall be responsible for providing Indirect ESL Services in the form of linguistically appropriate accommodations and scaffolding within the general education setting as described in the student's ILP.
- (7) LEAs shall ensure that all teachers who provide Direct or Indirect ESL Services are annually trained on delivering ESL instruction. At a minimum, this training shall include, but not be limited to:
- (a) The Tennessee English language development (ELD) standards;
  - (b) Appropriate ESL instructional methods to use with grade-level academic content standards in English language arts, mathematics, science and social studies;
  - (c) English language acquisition training for general education teachers to understand the process of acquiring a second or subsequent language; and
  - (d) Strategies for collaboration between teachers serving EL students so that ILPs are developed and implemented by all educators.
- (8) EL students shall be assessed annually using either the WIDA ACCESS for ELLs or Kindergarten ACCESS for ELLs to determine if the Direct or Indirect ESL Services provided may be modified by the ILP Team.
- (a) EL students in Kindergarten shall be assessed using the Kindergarten ACCESS for ELLs. For students who score a 3.5 or higher on any domain, LEAs may tailor the service provided to those students, including providing less than one (1) hour of Direct ESL Service per day based on their ILP.
  - (b) EL students in grades one (1) through twelve (12) shall be assessed using WIDA ACCESS for ELLs. LEAs may tailor the services provided to those students, including providing less than one (1) hour of Direct ESL Service per day based on their ILP for students who score:
    - 1. 3.5 or higher on reading; and
    - 2. 3.5 of higher on writing; and
    - 3. 3.5 or higher on either the speaking or listening domains.
- (9) An ESL Program may be provided through various service delivery models. These service delivery models may be used in ESL classrooms, general education classrooms, or in newcomer centers for recently arrived ELs (RAELs). Direct ESL Services shall be provided utilizing one (1) or more of the following approved service delivery models:
- (a) Sheltered English Instruction;
  - (b) Structured English Immersion;
  - (c) Specially Designed Academic Instruction in English (SDAIE);
  - (d) Content-Based Instruction (CBI);

- (e) Heritage Language;
  - (f) Virtual ESL classes;
  - (g) Pull-out instruction;
  - (h) Another model approved by the Department.
- (10) All service delivery models shall:
- (a) Be evidence-based and effective;
  - (b) Address how academic deficits that are the result of students' limited English proficiency will be remediated; and
  - (c) Be aligned to the Tennessee English language development standards.
- (11) LEAs shall ensure that all EL students who may have a disability are located, identified, and evaluated for special education and related services in a timely manner, in accordance with the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and T.C.A. § 49-10-101, et seq.
- (a) When conducting special education and/or Section 504 evaluations, LEAs shall consider the English language proficiency of EL students in determining the appropriate assessments and other evaluation materials to be used. EL students shall not be identified as students with disabilities solely because of their limited English language proficiency.
  - (b) LEAs shall provide EL students with disabilities with both the language assistance and disability-related services to which they are entitled under federal law.
  - (c) Neither Response to Instruction and Intervention (RTI<sup>2</sup>) nor special education services shall be used in place of Direct ESL Services.
- (12) Two (2) high school ESL courses shall be counted toward the four (4) English credits required for graduation. At least one (1) of the ESL courses counted toward graduation credit shall be counted toward credit in an English course with an end-of-course assessment. Additional high school ESL courses shall be counted as elective humanities credits.

**Authority:** T.C.A. § 49-1-302; 42 U.S.C. § 2000d; 20 U.S.C. § 1703. **Administrative History:**

**AMENDMENT**

**RULES  
OF  
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-02-03  
EDUCATOR LICENSURE**

**0520-02-03-.03 REQUIREMENTS FOR TEACHER LICENSES.**

- (1) Prospective educators seeking a practitioner teacher license shall meet the requirements of one (1) of the following pathways:
- (a) Pathway 1. The prospective educator:
    - 1. Holds a bachelor's degree from a regionally-accredited college or university;
    - 2. Has completed a State Board-approved educator preparation program;
    - 3. Is recommended by the approved educator preparation provider; and
    - 4. Submits qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy.
  - (b) Pathway 2. The prospective educator:
    - 1. Holds a bachelor's degree from a regionally-accredited college or university;
    - 2. Is enrolled in a State Board-approved educator preparation program with a job-embedded clinical practice;
    - 3. Is recommended by the approved educator preparation provider; and
    - 4. Submits qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy or holds a degree with a major in the specialty area.
- (2) Prospective educators from a state other than Tennessee that is a partner in the NASDTEC interstate agreement and seeking a practitioner teacher license shall meet the requirements of one (1) of the following pathways:
- (a) Out-of-State Pathway 1. The out-of-state prospective educator:
    - 1. Holds a bachelor's degree from a regionally-accredited college or university;
    - 2. Has completed an educator preparation program approved by a state other than Tennessee;
    - 3. Is recommended by the approved educator preparation provider; and
    - 4. Submits qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy.

- (b) Out-of-State Pathway 2. The out-of-state prospective educator:
    - 1. Holds a bachelor's degree from a regionally-accredited college or university;
    - 2. Holds a full and valid initial level teacher license from a state other than Tennessee that is a partner in the NASDTEC interstate agreement;
    - 3. Has completed an educator preparation program approved by a state other than Tennessee; and
    - 4. Is recommended by the approved educator preparation provider.
  - (c) Out-of-State Pathway 3. The out-of-state prospective educator:
    - 1. Holds a bachelor's degree from a regionally-accredited college or university
    - 2. Is enrolled in an educator preparation program with job-embedded clinical practice that is approved by a state other than Tennessee that has a state-recognized partnership with a Tennessee local education agency (LEA);
    - 3. Is recommended by the approved educator preparation provider; and
    - 4. Submits qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy.
- (3) Prospective educators from a state other than Tennessee that is a partner in the NASDTEC interstate agreement and seeking a professional academic teacher license shall meet requirements of one (1) of the following pathways:
- (a) Out-of-State Pathway 4. The out-of-state prospective educator:
    - 1. Holds a bachelor's degree from a regionally-accredited college or university; and
    - 2. Holds a full and valid professional level license from a state other than Tennessee that is a partner in the NASDTEC interstate agreement.
  - (b) Out-of-State Pathway 5. The out-of-state prospective educator:
    - 1. Holds a bachelor's degree from a regionally-accredited college or university; and
    - 2. Holds a valid certification from the National Board for Professional Teaching Standards.
- (4) A practitioner license may be renewed once upon completion of an approved educator preparation program and submission of qualifying scores on all State Board-required assessments as defined in the Professional Assessments for Tennessee Educators Policy prior to the end of the validity period of the first (1st) issuance of the practitioner license.
- (5) If the requirements for practitioner license renewal are not met prior to the end of the validity period of the first (1st) issuance of the practitioner license, the license shall become inactive.
- (6) An educator with a practitioner teacher license may seek to advance to a professional teacher license. In order to advance from a practitioner license to a professional license, an educator shall meet the following requirements:
- (a) Completed an approved educator preparation program and submitted qualifying scores on all State Board-required assessments as defined in the Professional Assessments for Tennessee

- Educators Policy prior to the end of the validity period of the first (1st) issuance of the practitioner license;
- (b) Obtained three (3) years of qualifying experience as an educator as defined by the Department; and
  - (c) Earned thirty (30) professional development points or obtained the recommendation from a Director of Schools or leader of a charter school or the school's charter management organization (CMO).
- (7) If the requirements for licensure advancement are not met prior to the end of the validity period of the second (2nd) issuance of the practitioner license, the license shall become inactive.
- (8) Educators who obtained the practitioner teaching license through the out-of-state pathway 4 prior to enactment of Public Chapter 125 of 2021 shall not be required to submit qualifying scores on State Board-required assessments to advance if:
- (a) The educator has been employed in a Tennessee public school in the candidate's area of endorsement; and
  - (b) The educator earned a level of overall effectiveness (LOE) score of "above expectations" or "significantly above expectations" in each of the first two (2) years immediately following the issuance of the individual's initial practitioner license; or
  - (c) If the educator did not receive an overall performance effectiveness level during one (1) or both of the two (2) years immediately following issuance of the educator's practitioner license, then the educator may:
    - (1) Choose to use the educator's most recent overall performance effectiveness level that is available to demonstrate an overall performance effectiveness level of "above expectations" or "significantly above expectations"; or
    - (2) The educator may request that the Director of Schools or the Director of the public charter school submit a recommendation to the Department of Education on the educator's effectiveness.
- (9) To renew the professional license, an educator shall earn sixty (60) qualifying professional development points as defined in Educator Licensure Policy 5.502.
- (10) If the educator has not met the requirements for renewal at the end of the validity period of the professional license, then the license shall become inactive.
- (11) In order to reactivate a license and endorsements held, an educator shall meet one (1) the following sets of requirements:
- (a) Option A: Submit to the Department evidence of completion of an approved educator preparation program (if not already provided) and submit qualifying scores on all State Board-required assessments as defined in the Professional Assessments for Tennessee Educators Policy;
  - (b) Option B: Present a full and valid professional-level teaching license from a state other than Tennessee that is a partner in the NASDTEC interstate agreement; or
  - (c) Option C: Submit to the Department evidence of current National Board Certification (NCBT) issued by the National Board for Professional Teaching Standards.

**Authority:** T.C.A. §§ 49-1-302, 49-5-108, and 49-5-5603. **Administrative History:** Repeal and new rules filed December 18, 2014; effective March 18, 2015. A stay of the rules was filed January 28, 2015; new effective date June 1, 2015. Emergency rules filed August 27, 2015; effective through February 23, 2016. Repeal and new rules

*filed October 27, 2015; effective January 25, 2016. Amendments filed October 16, 2017; effective January 14, 2018. Amendments filed August 16, 2019; effective November 14, 2019. Emergency rules filed April 16, 2020; effective through October 13, 2020. Amendments filed April 16, 2020; effective July 15, 2020.*

**0520-02-03-.04 REQUIREMENTS FOR OCCUPATIONAL TEACHER LICENSES.**

- (1) Prospective educators seeking a practitioner occupational teacher license shall meet the following requirements:
  - (a) Hold a high school diploma or higher;
  - (b) Be enrolled in a State Board-approved educator preparation program with a job-embedded clinical practice;
  - (c) Be recommended by the approved educator preparation provider;
  - (d) Have a minimum of five (5) years of relevant work experience, completed within the last ten (10) years, in the area of endorsement or equivalent education attainment as defined by the Department; and
  - (e) Hold an active industry certification for the area of endorsement as defined by the Department, if applicable.
  
- (2) Prospective educators from a state other than Tennessee that is a partner in the NASDTEC interstate agreement and seeking a practitioner occupational teacher license shall meet requirements of one (1) of the following pathways:
  - (a) Out-of-State Pathway 1. The out-of-state prospective educator:
    1. Holds a high school diploma or higher;
    2. Has completed an educator preparation program approved by a state other than Tennessee;
    3. Is recommended by the approved educator preparation provider;
    4. Holds an active industry certification for the area of endorsement as defined by the Department, if applicable; and
    5. Submits qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy.
  
  - (b) Out-of-State Pathway 2. The out-of-state prospective educator:
    1. Holds a high school diploma or higher;
    2. Has completed an educator preparation program approved by a state other than Tennessee;
    3. Holds a full and valid initial-level license from a state other than Tennessee that is a partner in the NASDTEC interstate agreement;
    4. Is recommended by the approved educator preparation provider; and
    5. Holds an active industry certification for the area of endorsement as defined by the Department, if applicable.



- (3) Prospective educators from a state other than Tennessee seeking a professional occupational teacher license shall meet the following requirements:
  - (a) Out-of-State Pathway 3. The out-of-state prospective educator:
    1. Hold a high school diploma or higher;
    2. Holds a full and valid professional-level occupational license from a state other than Tennessee that is a partner in the NASDTEC interstate agreement; and
    3. Holds an active industry certification for the area of endorsement as defined by the Department, if applicable.
- (4) A practitioner occupational teacher license may be renewed once upon completion of an approved educator preparation program and submission of qualifying scores on all State Board-required assessments as defined in the Professional Assessments for Tennessee Educators Policy prior to the end of the validity period of the first (1st) issuance of the practitioner license.
- (5) If the requirements for practitioner license renewal are not met prior to the end of the validity period of the first (1st) issuance of the practitioner license, the license shall become inactive.
- (6) In order to advance from a practitioner occupational teacher license to a professional occupational teacher license, an educator shall meet the following requirements:
  - (a) Complete three (3) years of qualifying experience as an educator as defined by the Department;
  - (b) Complete a State Board-approved educator preparation program;
  - (c) Earn thirty (30) professional development points, a minimum of twenty (20) which shall come from new teacher training provided by the Department as indicated by SBE Educator Licensure Policy 5.502;
  - (d) Hold an active industry certification for the area of endorsement as defined by the Department, if applicable; and
  - (e) For educators that received the practitioner occupational teacher license on or after July 1, 2018, submit qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy.
- (7) If the requirements for licensure advancement are not met prior to the end of the validity period of the second (2nd) issuance of the practitioner occupational teacher license, the license shall become inactive.
- (8) In order to renew the professional occupational teacher license educators must meet the following requirements:
  - (a) Earn sixty (60) professional development points as indicted by SBE Educator Licensure Policy 5.502; and
  - (b) Provide verification of an active industry certification for the area of endorsement as defined by the Department, if applicable.
- (9) If the educator has not met the requirements for renewal at the end of the validity period of the professional license, then the license shall become inactive.
- (10) Teachers who hold an active professional occupational teacher license may add additional occupational endorsements through one (1) of the following pathways:

- (a) Hold an active industry certification, as determined by the Department, for the area of endorsement, if applicable; or
  - (b) If the endorsement area does not require a certification, then have a minimum of five (5) years of relevant work experience, completed within the last ten (10) years, in the area of endorsement or equivalent education attainment as defined by the Department.
- (11) A practitioner or professional occupational teacher license may be reactivated by completion of both of the following:
- (a) Meeting one (1) of the following requirements:
    - 1. Hold an active industry certification, as determined by the Department, for the area of endorsement, if applicable; or
    - 2. If the endorsement area does not require a certification, then have a minimum of five (5) years of relevant work experience, completed within the last ten (10) years, in the area of endorsement or equivalent education attainment as defined by the Department; and
  - (b) Meeting one (1) of the following requirements:
    - 1. Submit qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy;
    - 2. Present a full and valid professional-level occupational license from a state other than Tennessee that is a partner in the NASDTEC interstate agreement; or
    - 3. Submit to the Department evidence of current National Board Certification (NCBT) issued by the National Board for Professional Teaching Standards.

**Authority:** T.C.A. §§ 49-1-302, 49-5-108, and 49-5-5603. **Administrative History:** Repeal and new rules filed December 18, 2014; effective March 18, 2015. A stay of the rules was filed January 28, 2015; new effective date June 1, 2015. Emergency rules filed August 27, 2015; effective through February 23, 2016. Repeal and new rules filed October 27, 2015; effective January 25, 2016. Amendments filed October 7, 2016; effective January 5, 2017. Amendments filed August 16, 2019; effective November 14, 2019.

#### **0520-02-03-.05 REQUIREMENTS FOR SCHOOL SERVICES PERSONNEL LICENSES.**

- (1) School services personnel licenses are available in the following areas:
- (a) School speech-language pathologist;
  - (b) School speech-language pathology assistant
  - (b) School audiologist;
  - (c) School psychologist;
  - (d) School counselor;
  - (e) School social worker; and
  - (f) School educational interpreter.

- (2) School speech-language pathologists shall hold a school services personnel license with the school speech-language pathologist endorsement.
- (a) Candidates seeking a practitioner school services personnel license as a school speech-language pathologist shall meet one of the following requirements:
1. Submit qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy and meet one (1) of the following:
    - (i) Hold an advanced degree in speech-language pathology from a regionally-accredited institution of higher education with a speech-language program approved by the Council on Academic Accreditation in Audiology and Speech-Language Pathology; or
    - (ii) Hold a full and valid speech-language pathologist license issued by the Tennessee Board of Communication Disorders and Sciences or the licensing board of a state other than Tennessee; or
  2. Hold an advanced degree in speech-language pathology and hold a full and valid out-of-state initial level speech-language pathology license from a state that is a partner in the NASDTEC interstate agreement.
- (b) Out-of-state candidates seeking a professional school services personnel license as a school speech-language pathologist shall hold an advanced degree in speech-language pathology and hold a full and valid out-of-state professional level speech-language pathology license from a state that is a partner in the NASDTEC interstate agreement.
- (3) School speech-language pathology assistants shall hold a school services personnel license with the school speech-language pathology assistant endorsement.
- (a) Candidates seeking a practitioner school services personnel license as a school speech-language pathology assistant shall meet one (1) of the following requirements:
1. Hold a current Speech-Language Pathology Assistant Certification (SLPA-C) from the American Speech-Language & Hearing Association (ASHA);
  2. Hold a bachelor's degree in speech-language pathology, communication disorders, or speech and hearing sciences from a regionally accredited institution of higher education;
  3. Hold a valid registration with the Tennessee Board of Communication Disorders and Sciences as a speech-language pathology assistant;
  4. Hold a degree from a Speech-Language Pathology Assistant Program; or
  5. Hold a full and valid out-of-state initial level speech-language pathology assistant license from a state that is a partner in the NASDTEC interstate agreement and hold a bachelor's degree in speech-language pathology, communication disorders, or speech and hearing sciences from a regionally accredited institution of higher education.
- (b) Out-of-state candidates seeking a professional school services personnel license as a school speech-language pathology assistant shall hold a bachelor's degree in speech-language pathology and hold a full and valid out-of-state professional level speech-language pathology assistant license from a state that is a partner in the NASDTEC interstate agreement.
- (4) School audiologists shall hold a school services personnel license with the audiologist endorsement.:
- (a) Candidates seeking a practitioner school services personnel license as a school audiologist shall meet the following requirements:

1. Submit qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy and meet one (1) of the following:
    - (i) Hold an advanced degree in audiology from a state or regionally-accredited institution of higher education with a graduate level program approved by the Council on Academic Accreditation in Audiology and Speech-Language Pathology; or
    - (ii) Hold a valid audiology license issued by the Tennessee Board of Communication Disorders and Sciences or the licensing board of a state other than Tennessee ; or
  2. Hold an advanced degree in audiology and hold a full and valid out-of-state initial level school audiologist license from a state that is a partner in the NASDTEC interstate agreement.
- (b) Out-of-state candidates seeking a professional school services personnel license as a school audiologist shall hold an advanced degree in audiology and hold a full and valid out-of-state professional level school audiologist license from a state that is a partner in the NASDTEC interstate agreement.
- (5) School psychologists shall hold a school services personnel license with the school psychologist endorsement.
- (a) Candidates seeking a practitioner school services personnel license as a school psychologist shall meet the following requirements:
1. Submit qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy and meet one (1) of the following:
    - (i) Complete a State Board-approved graduate level educator preparation program in school psychology or a graduate level educator preparation program in school psychology approved for licensure by a state other than Tennessee; or
    - (ii) Hold a valid certificate as a Nationally Certified School Psychologist issued by the National School Psychology Certification System; or
  2. Hold an advanced degree in school psychology and hold a full and valid out-of-state initial level school psychologist license from a state that is a partner in the NASDTEC interstate agreement.
- (b) Out-of-state candidates seeking a professional school services personnel license as a school psychologist shall hold an advanced degree in school psychology and hold a full and valid out-of-state professional level school psychologist license from a state that is a partner in the NASDTEC interstate agreement.
- (6) School counselors shall hold a school services personnel license with the school counselor endorsement.
- (a) Candidates seeking a practitioner school services personnel licensure and endorsement as a school counselor shall meet the requirements of one (1) of the following pathways:
1. Pathway 1. The candidate:
    - (i) Holds an advanced degree in school counseling from a regionally- accredited college or university;
    - (ii) Has completed a State Board-approved educator preparation program in school counseling;

- (iii) Is recommended by the approved educator preparation provider; and
  - (iv) Submits qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy.
2. Pathway 2. The candidate:
- (i) Holds a bachelor's degree or higher from a regionally accredited college or university;
  - (ii) Is enrolled in a State Board-approved educator preparation program in school counseling with a job embedded clinical practice;
  - (iii) Has completed all coursework required of the educator preparation program;
  - (iv) Is recommended by the approved educator preparation provider; and
  - (v) Submits qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy.
3. Pathway 3. The candidate:
- (i) Holds an advanced degree in a counseling field;
  - (ii) Is enrolled in a State Board-approved educator preparation program in school counseling;
  - (iii) Has completed a minimum of twenty-four (24) hours of coursework in school counseling;
  - (iv) Is recommended by the approved educator preparation provider;
  - (v) Submits required supervision agreement between the LEA and approved educator preparation provider; and
  - (vi) Submits qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy.
4. Pathway 4. The candidate:
- (i) Holds an advanced degree in school social work or school psychology from a State Board-approved educator preparation program or from an educator preparation program approved by a state other than Tennessee;
  - (ii) Is enrolled in a State Board-approved educator preparation program in school counseling;
  - (iii) Is recommended by the approved school counseling educator preparation provider;
  - (iv) Submits required supervision agreement between the LEA and approved educator preparation provider; and
  - (v) Submits qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy.

5. Pathway 5. The out-of-state candidate:
  - (i) Holds an advanced degree in school counseling from a regionally- accredited college or university;
  - (ii) Has completed an educator preparation program in school counseling approved by a state other than Tennessee as evidenced by a recommendation from the out-of-state educator preparation provider where the educator completed preparation; and
  - (iii) Submits qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy.
  
6. Pathway 6. The out-of-state candidate:
  - (ii) Holds an advanced degree in school counseling from a regionally-accredited college or university; and
  - (iii) Holds a full and valid out-of-state initial level school counselor license from a state that is a partner in the NASDTEC interstate agreement.
  
- (c) Candidates seeking a professional school services personnel licensure and endorsement as a school counselor shall hold an advanced degree in school counseling and hold a full and valid out-of-state professional level educator license from a state that is a partner in the NASDTEC interstate agreement.
- (d) School counselors who serve in a supervisory role shall have a professional school services personnel license with an endorsement in school counseling.
  
- (7) School social workers shall hold a school services personnel license with the school social worker endorsement.
  - (a) Candidates seeking a practitioner school services personnel license as a school social worker shall meet one (1) of the following requirements:
    1. Submit qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy and meet one (1) of the following:
      - (i) Complete a State Board-approved educator preparation program in school social work, or an educator preparation program in school social work approved for licensure by a state other than Tennessee, and be recommended by the approved educator preparation provider; or
      - (ii) Hold a full and valid social worker license issued by the Tennessee Board of Social Workers or the licensing board of a state other than Tennessee; or
    2. Holds a bachelor's degree or higher in social work from a regionally-accredited college or university and holds a full and valid out-of-state initial level school social work license from a state that is a partner in the NASDTEC interstate agreement.
  - (b) Candidates seeking a professional school services personnel licensure and endorsement as a school social worker shall hold a bachelor's degree or higher in social work and hold a full and valid out-of-state professional level license from a state that is a partner in the NASDTEC interstate agreement.

- (8) School educational interpreters shall hold a school services personnel license with the educational interpreter endorsement.
- (a) Candidates seeking a practitioner school services personnel license as an educational interpreter shall meet the following requirements:
1. Hold a bachelor's degree from a regionally accredited college or university; and
  2. Meet one of the following:
    - (i) Hold a current, nationally recognized certification in interpreting which includes a written examination related to ethics and practice;
    - (ii) Submit qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy; or
    - (iii) Holds a full and valid out-of-state initial level educational interpreter license from a state that is a partner in the NASDTEC interstate agreement.
- (b) Candidates seeking a professional school services personnel license and endorsement as an educational interpreter shall hold a bachelor's degree or higher in educational interpreting and hold a full and valid out-of-state professional level educational interpreter license from a state that is a partner in the NASDTEC interstate agreement.
- (9) A practitioner school services personnel license may be renewed once if advancement requirements are not met.
- (10) In order to advance from a practitioner school services personnel license to a professional school services personnel license, an educator shall meet the following requirements:
- (a) Three (3) years qualifying experience as defined by the Department; and
  - (b) Earn thirty (30) qualifying professional development points as defined in Educator Licensure Policy 5.502.
- (11) If the requirements for licensure advancement are not met prior to the end of the validity period of the second (2<sup>nd</sup>) issuance of the practitioner license, the license shall become inactive.
- (12) In order to reactivate a school services personnel license and endorsements held, an educator must meet one (1) of the following sets of requirements:
- (a) Option A: Submit to the Department evidence of completion of an approved educator preparation program (if not already provided) and submit qualifying scores on all State Board-required assessments as defined in the Professional Assessments for Tennessee Educators Policy;
  - (b) Option B: Present a full and valid professional-level school services personnel license from a state other than Tennessee that is a partner in the NASDTEC interstate agreement; or
  - (c) Option C: Submit evidence of an active national credential in the area of endorsement as outlined below:
    1. Speech-language Pathologists – Certificate of Clinical Competence in Speech-language Pathology (CCC-SLP) issued by the American Speech-language Hearing Association
    2. Audiologist – Certificate of Clinical Competence in Audiology (CCC-A) issued by the American Speech-language Hearing Association

3. School Psychologist – National Certification in School Psychology issued by the National School Psychology Certification Board
4. School Counselor – National Counselor Certification (NCC, CCMHC, MAS, or NCSC) issued by the National Board for Certified Counselors
5. School Social Worker – Certified School Social Work Specialist (C-SSWS) issued by the National Association of Social Workers or Certification by the Academy of Certified Social Workers (NASW)
6. Educational Interpreter – Professional Deaf Interpreter Credential issued by the National Association for the Deaf or Registry of Interpreters for the Deaf Certification.

(13) In order to renew the professional school services personnel license, educators must earn sixty (60) qualifying professional development points as defined in Educator Licensure Policy 5.502.

**Authority:** T.C.A. §§ 49-1-302 49-5-108, and 49-5-5603. **Administrative History:** Repeal and new rules filed December 18, 2014; effective March 18, 2015. A stay of the rules was filed January 28, 2015; new effective date June 1, 2015. Emergency rules filed August 27, 2015; effective through February 23, 2016. Repeal and new rules filed October 27, 2015; effective January 25, 2016. Amendments filed August 16, 2019; effective November 14, 2019.

**0520-02-03-.10 REQUIREMENTS FOR INSTRUCTIONAL LEADER LICENSES.**

- (1) All principals, assistant principals, and supervisors serving as instructional leaders in Tennessee shall hold the appropriate instructional leader license.
- (2) Dual assignment personnel whose work assignment includes more than fifty percent (50%) instructional leadership responsibilities shall hold the appropriate instructional leader license.
- (3) Educators seeking the Instructional Leader License (ILL) shall meet the following requirements:
  - (a) Hold an advanced degree from a regionally-accredited college or university;
  - (b) Have at least three (3) years of qualifying experience as an educator as defined by the Department;
  - (c) Have completed a State Board-approved instructional leader preparation program;
  - (d) Be recommended by the State Board-approved instructional leader preparation provider; and
  - (e) Submit qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy.
- (4) Educators from a state other than Tennessee who are seeking the ILL shall meet the following requirements:
  - (a) Out-of-State Pathway 1: The out-of-state prospective instructional leader shall:
    1. Hold an advanced degree from a regionally-accredited college or university;
    2. Have at least three (3) years of qualifying experience as an educator as defined by the Department;



3. Submit qualifying scores on all required assessments as defined in the Professional Assessments for Tennessee Educators Policy; and
  - (i) Have completed an instructional leader preparation program approved by a state other than Tennessee as demonstrated by a provider recommendation from the out-of-state instructional leader preparation program where the educator completed preparation; or
  - (ii) Hold a full and valid license, comparable to the Tennessee ILL, from a state other than Tennessee that is a partner in the NASDTEC interstate agreement.
  
- (5) Educators from a state other than Tennessee who are seeking the Instructional Leader License - Professional (ILL-P) shall meet the following requirements:
  - (a) Out-of-State Pathway 2. The out-of-state prospective instructional leader shall:
    1. Hold an advanced degree from a regionally-accredited college or university;
    2. Have at least three (3) years of qualifying experience as an educator as defined by the Department, of which, one (1) year must be as a school principal; and
    3. Hold a full and valid license comparable to the ILL-P from a state other than Tennessee that is a partner in the NASDTEC interstate agreement.
  
- (6) Educators holding the ILL may renew the license through one (1) of the following pathways:
  - (a) Serve in a Tennessee Academy for School Leaders (TASL)-mandated position for at least two (2) years of the validity period of the license and be current in all TASL requirements; or
  - (b) Successfully complete a Department-approved instructional leadership training.
  
- (7) Educators enrolled in a State Board-approved instructional leader preparation program may apply for the Instructional Leader License–Aspiring (ILL-A). Educators holding the ILL-A may only serve as an assistant principal and may not serve as a principal or instructional supervisor. Educators seeking the ILL-A shall meet the following requirements:
  - (a) Have at least three (3) years of qualifying experience as an educator as defined by the Department;
  - (b) Be enrolled in a State Board-approved instructional leader preparation program; and
  - (c) Be recommended by the State Board-approved instructional leader preparation provider.
  
- (8) Candidates from a state other than Tennessee who are seeking the ILL-A shall meet the following requirements:
  - (a) Have at least three (3) years of qualifying experience as an educator as defined by the Department; and
  - (b) Have completed an instructional leader preparation program approved by a state other than Tennessee as demonstrated by:

1. A full and valid license, comparable to the Tennessee ILL, from a state other than Tennessee that is a partner in the NASDTEC interstate agreement; or
  2. A provider recommendation from the out-of-state instructional leader preparation program where the educator completed preparation.
- (9) The ILL-A shall become inactive at the end of the validity period. The ILL-A is not renewable and cannot be reactivated.
- (10) Educators currently holding the ILL may seek advancement to the ILL-P through one (1) of the following advancement pathways:
- (a) Tennessee Academy for School Leaders (TASL) Pathway. Educators seeking advancement through the TASL pathway shall meet the following requirements:
    1. Be recommended by the TASL director;
    2. Successfully complete the Beginning Principals' Academy or the Beginning Supervisors' Academy; and
    3. Be recommended by the educator's director of schools verifying the educator has a minimum of two (2) years of successful experience as a principal, assistant principal, or an instructional supervisor as demonstrated by an overall evaluation rating of at expectations or higher on a state-approved administrator evaluation model during the most recent validity period of the ILL.
  - (b) Individual Professional Learning Plan (IPLP) Pathway. Educators seeking advancement through the IPLP pathway shall meet the following requirements:
    1. Be recommended by the TASL director;
    2. Successfully complete an Individual Professional Learning Plan in coordination with an approved instructional leader preparation program; and
    3. Be recommended by the educator's director of schools verifying the educator has a minimum of two (2) years of successful experience as a principal, assistant principal, or an instructional supervisor as demonstrated by an overall evaluation rating of at expectations or higher on a state-approved administrator evaluation model during the most recent validity period of the ILL.
- (11) Educators may renew the ILL-P through one (1) of the following pathways:
- (a) TASL Pathway. Educators who currently serve in a TASL-mandated position shall meet the following renewal requirements:
    1. Have served as an instructional leader in a TASL-mandated position for at least four (4) years of the validity period of the ILL-P; and
    2. Meet all TASL requirements.
  - (b) Instructional Leadership Training Pathway. Educators who do not currently serve in a TASL-mandated position seeking renewal shall successfully complete a Department approved instructional leadership training.

- (12) If the educator has not met the requirements for renewal or advancement at the end of the validity period of the instructional leader license, then the license shall become inactive.
- (13) In order to reactivate an instructional leader license and endorsements held (with the exception of the ILL-A which is not eligible for reactivation), an educator shall submit to the Department evidence of completion of an approved leader preparation program (if not already provided) and shall either:
  - (a) Submit qualifying scores on all State Board-required assessments as defined in the Professional Assessments for Tennessee Educators Policy; or
  - (b) Present a full and valid professional-level instructional leader license from a state other than Tennessee that is a partner in the NASDTEC interstate agreement.
- (14) Out-of-state prospective educators who are military spouses and who hold an active instructional leader license (initial or professional) from a state other than Tennessee that is a partner in the NASDTEC interstate agreement shall be issued the ILL-P upon providing documentation of active military dependent status and a recommendation from an approved educator preparation provider verifying completion of an approved instructional leader preparation program in a state other than Tennessee.

**Authority:** T.C.A. §§ 49-1-302 and 49-5-108 and 49-5-5603. **Administrative History:** Repeal and new rules filed December 18, 2014; effective March 18, 2015. A stay of the rules was filed January 28, 2015; new effective date June 1, 2015. Emergency rules filed August 27, 2015; effective through February 23, 2016. Repeal filed October 27, 2015; effective January 25, 2016. New rules filed August 16, 2019; effective November 14, 2019. Emergency rules filed April 16, 2020; effective through October 13, 2020. Amendments filed April 16, 2020; effective July 15, 2020.

#### **0520-02-03-.11 ENDORSEMENTS.**

- (1) All educators shall hold a full and valid Tennessee educator license with an endorsement covering the work assignment as provided in T.C.A. Title 49, Chapter 5.
- (2) Prospective educators seeking initial licensure shall meet requirements in at least one (1) area of endorsement.
- (3) Educators may add additional endorsements to a license in accordance with policies established by the State Board and State Board Educator Licensure Policy 5.502 and guidelines established by the Department.
- (4) When an endorsement held by an out-of-state applicant does not match the content area or grade span of an available Tennessee endorsement, the Department shall identify the most appropriate match, if possible. In some cases, if there is not an equivalent endorsement and the grade span and/or content area do not have an appropriate match, the Department may request additional evidence to demonstrate knowledge and/or experience in the content area and/or grade span covered by the available Tennessee endorsement prior to issuing or reactivating a license in Tennessee.
- (5) All educators who teach a course in which a state-level end of course examination is required shall hold the subject-specific endorsement for the course or meet the appropriate employment standard set forth in Employment Standards Rule Chapter 0520-02-06.
- (6) An educator may teach up to two (2) sections of one (1) course outside the educator's area of endorsement each school year, with the exception of courses in which a state-level end of course examination is required, elementary physical education courses, or special education courses.

(7) An educator who holds a full and valid and active license may teach more than one (1) course or more than two (2) sections of one (1) course outside of the educator's area of endorsement if an endorsement exemption is requested by the director of schools and approved by the commissioner.

(a) In reviewing an initial endorsement exemption for approval, the commissioner shall consider:

1. The educator's previous teaching experience;
2. The educator's postsecondary coursework and degrees held; and
3. The content and grade span of endorsements held on the educator's current license.

(b) Endorsement exemptions shall be valid for one (1) school year. A director of schools may request renewal of an endorsement exemption for an educator who demonstrates progress toward earning the relevant endorsement. An endorsement exemption may be renewed no more than two (2) times.

(c) Educators may teach on an approved endorsement exemption for no more than a total of (3) school years.

(8) Licensed educators enrolled in an additional endorsement program in special education offered by a State Board-approved educator preparation provider may add a provisional special education endorsement by:

(a) Submitting a recommendation from the educator preparation provider verifying:

1. Enrollment in a program of study for additional endorsement in the special education endorsement area; and
2. An assurance that the educator will be assigned a mentor who is endorsed in the special education endorsement area.

(b) In order to transition from a provisional endorsement to a full endorsement, educators shall submit qualifying scores on all State Board-required assessments and successfully complete the program of study within three (3) years of receiving a provisional endorsement. The provisional endorsement shall be valid for three (3) years and shall not be renewed.

**Authority:** T.C.A. §§ 49-1-302, 49-5-108, 49-5-403, 49-6-303, and 49-6-6006. **Administrative History:** Original rule filed November 16, 1989; effective February 29, 1990. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed May 28, 1999; effective September 28, 1999. Repeal and new rules filed December 18, 2014; effective March 18, 2015. A stay of the rules was filed January 28, 2015; new effective date June 1, 2015. Emergency rules filed August 27, 2015; effective through February 23, 2016. Repeal filed October 27, 2015; effective January 25, 2016. New rules filed August 16, 2019; effective November 14, 2019.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: 7/26/2021

Signature: \_\_\_\_\_

*Angela C. Sanders*

Name of Officer: Angela C. Sanders

Title of Officer: General Counsel

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Secretary of State