

RESOLUTION

**A RESOLUTION OF THE BOARD
OF EDUCATION FOR KNOX COUNTY,
TENNESSEE; EMERGENCY TEMPORARY SUSPENSION
OF CERTAIN KCBOE POLICIES FOR
SCHOOL YEAR 2019-20;**

**PREPARED BY: KNOX COUNTY LAW
DIRECTOR**

**APPROVED AS TO FORM
AND ACCURACY WITH
INFORMATION PROVIDED:**

20-002


DEPUTY LAW DIRECTOR
DATE: 4/29/2020

WHEREAS, the Knox County Board of Education is elected by the people of Knox County to govern the Knox County Schools; and TCA § 49-2-203 authorizes local boards of education to govern their respective districts, including adopting, revising, and suspending local board policies;

WHEREAS, on April 2, 2020, Governor Bill Lee signed Public Chapter 652 which removed the requirement for TCAP testing and allowed the State Board of Education to promulgate necessary rules to address issues created by COVID-19 in the 2019-2020 school year;

WHEREAS, on April 9, 2020, the State Board of Education revised several rules and policies in response to COVID-19 effective ONLY for the 2019-2020 school year;

WHEREAS, changes made by the State Board of Education conflict with certain current Knox County Board of Education policies;

NOW, THEREFORE BE IT RESOLVED, that the Knox County Board of Education hereby suspends the following policies or provisions of its policies for the remainder of the 2019-2020 school year, including but not limited to those identified below, to the extent that they conflict with Public Chapter 652 or State Board of Education policies or rules and regulations for the 2019-2020 school year:

1) Policy I-341 – Grading System

Students taking courses for high school credit shall receive no grade lower than the grade they earned in the course as of March 20, 2020. Additionally, Students taking early post-secondary courses (AP, IB, Cambridge and dual credit) are not required to participate in the associated exam in order to receive GPA weighting for Spring 2020.

- 2) **Policy I-370 – Graduation Requirements**
 - a) **For the class of 2020, graduation requirements are modified as follows:**
 - b) **Only 20 credits are required to graduate per TN State Board of Education Rule 0520-01-03-.11. The SBE Rule sets out the specific subjects which must be completed;**
 - c) **The requirements for the following are waived:**
 - i) **ACT/SAT**
 - ii) **Civics exam**
 - iii) **EOC exams**
 - d) **Students scheduled to receive an occupational diploma in the 2019-2020 or 2020-2021 school year shall only be required to demonstrate one year of work experience.**

- 3) **Policy I-372 – Commencement Ceremonies**

Graduation ceremonies are being planned for the graduating class of 2020, but dates and specific procedures are and will be subject to federal and state guidelines regarding safety in dealing with COVID-19.

- 4) **Policy I-381 – Integration of TCAP and EOC Scores in student grades**

Students shall not be required to take TCAP exams for the spring 2020 semester, exams include, but are not limited to, TNReady assessments, English learner assessments, alternate TCAP assessments, and end-of-course examinations. TN State Board of Education Rule 0520-01-03-.11.

- 5) **Policy I-390 Value-Added Assessment Teacher Effect Data, and Policy G-350 Evaluation of School-Based Certified Personnel**
 - a) **Level of overall effectiveness scores shall not be generated for educators in the 2019-2020 school year.**
 - b) **Pre-kindergarten and kindergarten teachers shall not be evaluated using the growth portfolio model for the 2019-2020 school year.**
 - c) **Any observations required by State Board of Education Policy 5.201 that were not completed during the 2019-2020 school year as a result of COVID-19 are not required.**
 - d) **No student data from this year shall be allowed to negatively impact a teacher.**

- 6) **Policy C-123 – Director of Schools Duties**
 - a) **The Director of Schools may request an extension from the State Board of Education to report information that would impact educator licensure (e.g. alleged employee misconduct, discipline of employees for actions that violate the teacher code of ethics, etc.).**

- 7) **Policy J-120 – Attendance**
 - a) **Students may not be penalized for non-attendance of online courses/resources.**
 - b) **Non-attendance of online courses/resources shall not count as unexcused absences**

and shall not be recorded. Further, students shall not be counted truant for failure to attend online courses/resources/videos and similar online tools.

8) Policy G-510 – Evaluation of Classified Personnel

Any evaluations of classified employees required by this Policy (G-510) that were not completed during the 2019-2020 school year as a result of COVID-19, are not required for the 2019-2020 school year.

9) Policy J-450 – Student Representative to the KCBOE

Due to the COVID-19 closure, for 2020 only, the student representative to the School Board shall be elected by June 30 and will assume office on July 1.

BE IT FURTHER RESOLVED that the Director of Schools shall consult with the Board as feasible and appropriate and shall timely report to the Board regarding implementation of this Board's Policies in alignment with Public Chapter 652 and updated State Board Policies and Rules and Regulations.

BE IT FURTHER RESOLVED that the Director of Schools will consult with the Board if he determines that additional policies or provisions of policies not contained in this resolution are found to conflict with current State Board rules or policies.

BE IT FURTHER RESOLVED that the Director of Schools may apply for any waiver or extension that ensures consistency with this Resolution, Board Policies, and Public Chapter 652 or the State Board of Education policies or rules and regulations implemented to effectuate Public Chapter 652.

BE IT FURTHER RESOLVED that the Director of Schools shall inform the Board of any waiver or extension request made pursuant to this Resolution.

NOW THEREFORE BE IT RESOLVED that execution of this Resolution is conclusive evidence of the Knox County Board of Education's approval of this action and of the authority granted herein.

Adopted and approved this 13 day of May, 2020.

Susan Horn 5/13/2020
Knox County Board of Education, Chair Date

Attest: Bob Thomas
Director of Schools

Approved by
Knox County Board of Education
5/13/2020 (initials)

COVID-19 Emergency Rules

The Background:

Pursuant to Governor Lee's Executive Orders No. 13 and 14 declaring a state of emergency in Tennessee as a result of tornado damage and the infectious disease COVID-19, and Public Chapter 652 of 2020, The State Board of Education must approve emergency rules to address special circumstances created by the statewide closure of schools in the spring semester of the 2019-20 school year.

These rules were developed by State Board staff in close consultation with the Tennessee Department of Education. Feedback was solicited from numerous stakeholder organizations including the Tennessee Organization of School Superintendents, Tennessee School Boards Association, and others.

If approved by the State Board, these rules will be sent to the Attorney General for approval and filed with the Secretary of State's office. These rules will go into effect immediately upon filing with the Secretary of State's office and will remain in effect for 180 days. Any provision of these rules that will need to remain in effect beyond the 180 days will be included in a permanent rule which will be approved as a separate item.

This item includes the following emergency rules:

- 0520-01-02-.17 STATE ATTENDANCE GUIDELINES
 - This is an amendment to the attendance section of the State Board's Administrative Rules and Regulations. This rule clarifies that districts may take attendance during distance learning but may not issue students unexcused absences or report students as truant for failure to participate in distance learning activities conducted by the district during the period of closure due to COVID-19.
- 0520-01-03-.11 REQUIREMENTS FOR 2019-20 SCHOOL YEAR AS A RESULT OF THE COVID-19 PUBLIC HEALTH EMERGENCY
 - This adds a new section to the State Board's Minimum Requirements for Approval of Public Schools rule addressing a number of issues as a result of school closures due to COVID-19. Topics addressed include the process for LEAs to seek approval of waivers from the Commissioner and State Board, amended graduation requirements for students scheduled to graduate in 2019-20 school year, grading considerations for students taking high school credit courses, suspension of TCAP testing in the spring semester of the 2019-20 school year, and revised accountability requirements.

- 0520-02-04-.11 REQUIREMENTS FOR 2019-20 SCHOOL YEAR AS A RESULT OF THE COVID-19 PUBLIC HEALTH EMERGENCY
 - This adds a new section to the State Board’s Educator Preparation rule addressing modified requirements for teacher candidates who were unable to complete their clinical placement due to COVID-19 associated closures.

- 0520-02-03-.09 DENIAL, FORMAL REPRIMAND, SUSPENSION AND REVOCATION
 - This amends the State Board’s licensure discipline rule to allow Directors of Schools to request an extension of the thirty (30) day reporting period if the Director is unable to submit a timely report due to school closures as a result of COVID-19.

- 0520-02-03-.15 REQUIREMENTS FOR 2019-20 SCHOOL YEAR AS A RESULT OF THE COVID-19 PUBLIC HEALTH EMERGENCY
 - This amends the State Board’s Educator Licensure rule to allow prospective educators who were unable to complete required licensure exams due to COVID-19 to receive a one-year practitioner license with the requirement that scores on licensure exams be submitted within the one-year validity period. This rule also allows educators whose practitioner license is set to expire in August 2020 to have the license validity period extended one year to allow the educator to complete requirements for renewal or advancement that were interrupted as a result of COVID-19.
 - There are also changes to 0520-02-03-.03 and -.10 to streamline pathways for out-of-state educators and school leaders to obtain licensure in Tennessee.

- 0520-02-01-.01 GENERAL REQUIREMENTS FOR EVALUATION
 - This amends the State Board’s Evaluations rule to clarify that Level of Overall Effectiveness (or “LOE”) scores will not be generated for the 2019-20 school year. Also clarifies that observations that were not able to be completed in the 2019-20 school year will not be required.

- 0520-01-09-.24 REQUIREMENTS FOR 2019-20 SCHOOL YEAR AS A RESULT OF THE COVID-19 PUBLIC HEALTH EMERGENCY
 - This amends the State Board’s special education rule to extend the time period by which a school must complete a student’s initial evaluation to ninety days after receipt of parental consent. This extension is authorized by 34 C.F.R. § 300.301(c).

- 0520-01-11-.07 MONITORING AND COMPLIANCE
 - This amends the State Board’s Individualized Education Accounts rule to waive the requirement that students participating in the program take a nationally norm-referenced test or the TCAP test if such test was scheduled to occur in the spring semester of the 2019-20 school year.

- 0520-07-02-.09 REQUIREMENTS FOR 2019-20 SCHOOL YEAR AS A RESULT OF THE COVID-19 PUBLIC HEALTH EMERGENCY
 - This amends the State Board’s Non-Public School Approval Process rule to clarify that approved Category I and II private schools are not required to take the TCAP or a nationally standardized achievement test if the test was scheduled to occur in the spring semester of the 2019-20 school year. Additionally, clarifies that the 180 instructional day requirement is also waived for Category

I and II private schools and that any approved private school that is required to meet the same graduation requirements as public schools is also subject to the amended graduation requirements for students scheduled to graduate in the 2019-20 school year.

The Recommendation:

State Board staff recommends approval of this item on first and final reading.

TERRI COATNEY

From: Jennifer White <jwhite@tsba.net>
Sent: Tuesday, April 14, 2020 10:59 AM
To: TERRI COATNEY
Subject: 2020 TSBA Policy Department - Suspending Policies Due to COVID-19

CAUTION: External Email. This message originated from outside of the KCS e-mail system.

2020 TSBA Policy Department - Special Update

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Memorandum

TO: TSBA Members

FROM: Jennifer White, Director of Policy Services/Staff Attorney

SUBJECT: Suspending Policies Due to COVID-19

DATE: April 14, 2020

The State Board of Education met on April 9th and passed policies and regulations in response to COVID-19 school closures. The changes impact attendance reporting, grades, graduation requirements, and testing, among other areas ([click here for agenda](#)). Many of these changes create conflicts between current state law and local board policies for the 2019-2020 school year. To address these short-term conflicts, we recommend voting to temporarily suspend portions of local policies. Below is model language for a resolution to suspend policies for the remainder of the school year that conflict with the new emergency rules and policy changes made by the State Board of Education. Also included is a list of policies and a brief explanation of State Board changes.

Additionally, I wanted to let you know that TSBA's legal team will cover this and answer

questions during the webinar on Thursday ([click here](#)).

Thank you for your continued confidence in TSBA's Policy Department, and please let us know if you have any questions.

Model Resolution to Suspend Policies Due to COVID-19

Below is a model resolution the Board may use to suspend policies for the 2019-2020 school year that conflict with new State Board of Education emergency rule and policy changes. We recommend modifying this language to fit your Board's needs (i.e. if you are a K-6 district, have unique policies that need to be addressed, etc.). Further, the policy numbers used correspond to TSBA model policies. Your Board will want to review and revise these to correspond with the numbering system used by your district.

[Click here](#) for a Word version.

See attached

[Click here](#) for a PDF version.

List of Potential Policies Impacted

See below for a list of policies impacted by the new State Board of Education rules and policies for the 2019-2020 school year. This is based off of our model policy language as well as provisions we typically see Boards add. As policies differ district to district, we recommend including the catchall provision in the sample resolution above to ensure that all potential conflicts are covered. Again, please note that these numbers correspond to TSBA model policies and you may need to review any additional policies unique to your district.

- Policy 4.600 - Grading System
 - Changes to State Board Rule 0520-01-03-.11 prevent students from receiving a grade lower than they earned as of March 20, 2020.
 - Changes to State Board of Education Policy 3.301 remove the requirement that students taking post-secondary courses participate in the associated exam in order to received additional GPA weighting for spring 2020.

- This only impacts the Uniform Grading System. Locally approved grading systems may be calculated in line with board policy.
 - The Department of Education has stated they will release guidance on this by May 1st.
- Policy 4.605 - Graduation Requirements
 - Changes to State Board Rule 0520-01-03-.11 lower credit requirements for graduation from 22 to 20 for the class of 2020. This rule also removes the requirements for: (1) the ACT/SAT; (2) required civics exam; and (3) EOC exams.
 - Students scheduled to receive an occupational diploma in the 2019-2020 or 2020-2021 school year shall only be required to demonstrate one year of work experience.
- Policy 4.700 - Testing Programs
 - Changes to State Board Rule 0520-01-03-.11 prevent EOC exams scheduled for the spring from being included in a senior's final grade for a course.
 - Boards will also need to decide if they want to require students to take TCAP exams this year. EOC scores may only be included in grade calculations for non-senior students per the State Board rule.
- Policy 5.109 - Evaluation
 - Changes to State Board Rule 0520-02-01-.01 state that overall level of effectiveness scores will not be generated for the 2019-2020 school year.
 - Pre-kindergarten and kindergarten teachers shall not be evaluated using the growth portfolio model for the 2019-2020 school year.
 - No student data from this year will be allowed to negatively impact a teacher.
- Policy 5.802 - Qualifications and Duties of the Director of Schools
 - Changes to State Board Rule 0520-02-03-.09 allow Directors to request an extension to file reports on educator licensure action. Previously, Directors had only thirty days to report alleged educator misconduct and/or associated disciplinary action.
- Policy 6.200 - Attendance

- Changes to State Board Rule 0520-01-02-.17 allow attendance to be taken for online courses, however, students may not be penalized for non-attendance. This means absences may not be counted as unexcused and students may not be reported as truant for not attending these courses.

DISCLAIMER: TSBA provides legal information as a general service to TSBA policy subscribers. TSBA provides this listing for informational purposes only. TSBA makes no representation that this listing contains every federally required annual notice. This memo should not be used as a substitute for legal advice. School systems are encouraged to seek legal advice from a school attorney in order to determine all required annual notices by federal and laws or regulations.

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