

ARCHIVE: COVID-19 Superintendent Call

April 8, 2020

The following are questions asked by directors of schools during this call and the point-in-time answers provided by the department. For additional guidance and up-to-the-minute supports, please check the TDOE website for more information:

<https://www.tn.gov/education/health-and-safety/update-on-coronavirus.html>.

Communications

- Announcement: PBS lessons launched this week. Find the videos and access lesson plans and student work packets [here](#).
- Announcement: The State Board of Education is meeting tomorrow, April 9. You can access the agenda [here](#), and find the dial-in and live stream information [here](#).
- Announcement: Surveys related to the CARES Act are open now through April 13. You can access the district survey [here](#) and the public survey [here](#).

Assessment and Accountability

- Question: Is the Tennessee Board of Regents (TBR) planning to change their acceptance policies for AP scores based on the COVID-19 changes to the AP test?
 - **RESPONSE:** The Department does not anticipate any changes to the current articulation policies; however, this will be confirmed by Academic Affairs at TBR. Please encourage students to take advantage of the daily live recorded AP classes on YouTube to help them prepare for the exam. As a reminder, the AP test is optional for high school credit for students; they would need to take that exam for postsecondary credit.

Finance

- Question: Did the budget recently passed by the state legislature fund Education Savings Accounts?
 - **RESPONSE:** Yes, the budget passed by the legislature included funding for programs originally passed in 2018, which included school improvement grant funding for districts who have students participating in the Education Savings Account Program, as well as for other districts with priority schools.
- Question: When will districts receive the first BEP estimate for budgeting?
 - **RESPONSE:** The Department anticipates releasing the first set of BEP estimates by the end of April. These estimates will then continue to be updated over the next several months as in prior years.

Legal Needs or Requirements

- Question: Please provide more information on the options open to districts when it comes to either beginning school before August 1 or otherwise increasing instructional days next school year.

- **RESPONSE:** Beginning school before August 1 is a local decision and many local boards of education vote to do so each year. Please see T.C.A. § 49-6-3004 subsections f and g provided below for your convenience:

(f) Beginning with the 2010-2011 school year and every year thereafter, LEAs shall commence the school year no earlier than August 1 unless the LEA's board of education votes by a majority of its membership to establish a year-round or alternative calendar for all or any of the schools within its jurisdiction in accordance with department of education attendance policies.

(g) The length of term selected by a local board, and the length of the school day corresponding to that term, shall not affect either the amount or timing of payments made to the LEA under the basic education program (BEP) or otherwise, if the LEA operates for the full chosen term. Equally, the length of term and the length of day shall not affect the compensation of any teacher employed for the length of that term.

Staffing

- Question: Is there any guidance available for the non-renewal notice that must occur within last 5 days of instruction?
 - **RESPONSE:** Under current law (provided below), teachers who have not acquired tenure are on a one-year contract. The law requires school districts to notify teachers within five (5) business days following the last instructional day for the school year if a teacher's contract will not be renewed for the succeeding school year. In light of school closures due to COVID-19, the TDOE is working to draft a waiver that each director of schools could submit to the Commissioner, for approval by the State Board of Education, that would provide a clear date by which school districts must notify teachers of non-renewal for the 2019-2020 school year. Guidelines will be provided by the TDOE to all directors once the exact process is determined.
 - T.C.A. § 49-5-409. Teachers — Continuing contract law — Termination of contracts.
 - *(a) Teachers in service and under control of the public elementary and high schools of this state shall continue in such service until they have received written notice from their board of education or director of schools, as appropriate, of their dismissal or failure of reelection.*
 - *(b) The notice must be received within five (5) business days following the last instructional day for the school year to be applicable to the next succeeding school year; provided, that the director of schools may transfer any teacher from one (1) position to another at the director's option. Nothing contained in this section shall affect any rights that may have accrued, or may*

hereafter accrue, on behalf of any teachers or principals in any local school system under any law providing a tenure of office for the teachers and principals.

- *(c) Nothing in this section shall prohibit a board from abolishing a position after June 15, for sufficient, just and nondiscriminatory reasons; provided, that the person holding the position is notified immediately in writing stating the reasons for abolishing the position and the person is entitled to the next position that the person is qualified to hold and that opens within the school system during the remainder of the school year. The determination of whether a teacher is qualified for an open position shall be made by the director of schools, and the teacher's most recent evaluations may be a factor in such determination.*
- Question: Is it possible for the non-renewal notice date to May 15 rather than June 15?
 - **RESPONSE:** Thank you for your feedback. The department will keep that suggestion in mind when working with the State Board of Education on a schedule for the Board to approve waivers. The Board will approve waivers at the regularly scheduled meeting on May 29 or call a special meeting prior to May 29, if necessary.