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Sequence Number: 01-16-24  
 Rule ID(s): 10006  
 File Date: 1/24/2024  
 Effective Date: 4/23/2024

# Rulemaking Hearing Rule(s) Filing Form

*Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).*

*Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).*

**Agency/Board/Commission:** State Board of Education  
**Division:** N/A  
**Contact Person:** Angie Sanders  
**Address:** 500 James Robertson Parkway, 8<sup>th</sup> Floor  
**Zip:** 37243  
**Phone:** 615-253-5707  
**Email:** Angela.C.Sanders@tn.gov

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

- Amendment  Content based on previous emergency rule filed on \_\_\_\_\_  
 New  Content is identical to the emergency rule  
 Repeal

**Rule(s)** (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that ALL new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0520-01-02	District and School Operations
Rule Number	Rule Title
0520-01-02-.09	Alternative Education

## AMENDMENT

**AMEND** the rules of the State Board of Education Chapter 0520-01-02 District and School Operations, Section .09 Alternative Education, so that, as amended, the revised Rule Section .09 shall read:

### RULES OF THE TENNESSEE DEPARTMENT OF EDUCATION THE STATE BOARD OF EDUCATION

#### CHAPTER 0520-01-02 DISTRICT AND SCHOOL OPERATIONS

##### **0520-01-02-.09 ALTERNATIVE EDUCATION.**

- (1) Alternative education is a non-traditional, short-term academic program or school designed to meet the student's educational, behavioral, and social needs. Alternative education includes alternative schools and alternative programs.
- (2) Alternative school means a short-term intervention program designed to provide educational services outside of the regular school program for students who have been suspended or expelled. Alternative schools are located in a separate facility from the regular school program.
- (3) Alternative program means a short-term intervention program designed to provide educational services outside of the regular school program for students who have been suspended or expelled. Alternative programs may be located within the regular school or be a self-contained program within a school. Alternative programs include, but are not limited to, night schools or in-school suspension.
- (4) Pursuant to T.C.A. § 49-6-3402(i) alternative schools and alternative programs may provide virtual instruction to students assigned to the alternative school or alternative program through a virtual school or virtual program in accordance with State Board Virtual Education Rule 0520-01-03-.05. Tracking of student attendance for students assigned to an alternative school or alternative program who are receiving virtual instruction shall comply with the attendance procedures set forth in State Board Virtual Education Rule 0520-01-03-.05.
- (5) Pursuant to T.C.A. § 49-6-3402, local boards of education may establish alternative schools or alternative programs for students in grades one (1) through six (6) who have been suspended or expelled from the regular school program.
- (6) Attendance in an alternative school or alternative program shall be voluntary for students in grades one through six (1-6) who have been suspended or expelled from the regular school program, unless the local board of education adopts a policy mandating attendance in either instance.
- (7) A local board of education shall establish at least one (1) alternative school or alternative program for students in grades seven (7) through twelve (12) who have been suspended or expelled. Attendance in an alternative school or alternative program is mandatory for students in grades seven (7) through twelve (12) who have been suspended for more than ten (10) days or expelled from the regular school program if space and staff are available. Space and staff availability shall be determined by the LEA at the time the disciplinary decision is rendered.
  - (a) Attendance in an alternative school or alternative program is not mandatory for students in grades seven (7) through twelve (12) who have been expelled from the regular school program for committing a zero-tolerance offense. However, this does not prohibit a director of schools, or a director's designee, from assigning a student who has been

expelled from the regular school program for committing a zero-tolerance offense to an alternative school or alternative program.

- (b) A director of schools, or a director's designee, is not required to assign a student in grades seven (7) through twelve (12) who has been suspended for more than ten (10) days or expelled from the regular school program for an offense of violence or threatened violence, or an offense that threatened the safety of persons attending or assigned to the student's school, to an alternative school or alternative program if conditions set forth in T.C.A. § 49-6-3402(c)(1)(C) are met.
- (8) Students in pre-Kindergarten or Kindergarten shall not be assigned to an alternative school or alternative program.
  - (9) Each local board of education shall adopt a policy regarding alternative education that is aligned to this Rule and that defines and provides appropriate educational opportunities for all students assigned to an alternative school or alternative program. The policy shall recognize the impact of exclusionary discipline practices on students, and placement in an alternative education program should be reserved for infractions that significantly disrupt the educational process. LEAs shall utilize the Model Standards for Alternative Education Programs developed by the Department of Education as a guideline in development of their policies and procedures.
  - (10) Requirements for alternative education:
    - (a) The scope, sequence, and pacing of instruction shall proceed as nearly as practicable in accordance with the instructional program in the student's regular school. Instruction shall be based on the academic standards adopted by the State Board.
    - (b) All course work and credits earned shall be transferred and recorded in the student's home school, which shall grant credit earned and progress thereon as if earned in the home school.
    - (c) Students shall participate in all required state assessments at sites determined by school officials and in accordance with established guidelines regarding student grade levels and eligibility. State assessment results shall be reported in the LEA where the student was enrolled prior to his or her placement in the alternative school.
    - (d) Each alternative school or alternative program shall comply with class size requirements established in T.C.A. § 49-1-104 and instructional and planning time requirements established by the State Board. Nothing shall prohibit an LEA from establishing a lower class size ratio in an alternative school or alternative program.
    - (e) The minimum length of the school day for alternative schools and alternative programs shall be six and one-half (6½) hours, provided that alternative schools and alternative programs may operate beyond traditional school hours to provide students with a range of educational opportunities.
    - (f) LEAs shall monitor and regularly evaluate the academic progress of each student enrolled in an alternative school or alternative program.
    - (g) Students are subject to all rules pertaining to the alternative school or alternative program.
      - 1. The director of schools, or the director's designee, may remove a student from the alternative school or alternative program if the director, or the director's designee, determines that:
        - (i) The student has violated the rules of the alternative school or alternative program; or

- (ii) The student is not benefiting from the student's assignment to the alternative school or alternative program, and all interventions available to help the student to succeed in the alternative school or alternative program have been exhausted unsuccessfully.
  - 2. A student's removal from the alternative school or alternative program shall not constitute grounds for extending the length of original suspension or expulsion.
  - 3. The director of schools, or the director's designee, shall make the final decision on removal.
- (h) If a student has an active Individualized Education Program (IEP), a 504 plan, or is suspected of having a disability, all state and federal laws and rules relating to students with disabilities and special education shall be followed. The IEP team shall make all decisions regarding change of placement and delivery of services for students with disabilities. No student with a disability shall be arbitrarily placed in an alternative school or alternative program.
  - (i) Prior to the assignment of a student to an alternative school or alternative program, the LEA shall provide written notice, which includes the reason for the student's placement, to the student's parent or guardian. Reasons for placement in an alternative school or alternative program must be documented. End of year reports must be made to the regular school for each student.
  - (j) Each teacher providing instruction to students in an alternative school or alternative program shall be licensed to teach in Tennessee and shall meet the qualifications to teach in compliance with the rules and regulations of the State Board.
  - (k) Alternative schools shall have an appropriately licensed administrator assigned to supervise the school.
  - (l) Support services such as counseling and psychological services must be accessible.
  - (m) Each LEA shall develop and implement formal transition plans for the integration of students from a traditional school to an alternative school or from an alternative school back to a traditional school. Transition plans shall be targeted to improve communication between a traditional school and an alternative school staff and should address any barriers that would prohibit students from successfully transitioning. Transition plans shall include aligning of curricula, intake procedures for students returning to traditional school, professional development opportunities for traditional and alternative school staff, educational and behavioral supports, follow-up for students returning to traditional school, and the development of graduation and postsecondary goals.
  - (n) All alternative school classrooms shall have working two-way communication systems that make it possible for teachers or other employees to notify a principal, supervisor, or other administrator that there is an emergency.
  - (o) It is the responsibility of the director of schools to ensure that all alternative school teachers and other employees have been trained to use the two-way communication system and are notified of emergency procedures prior to the beginning of classes for any school year and when changes are made in the emergency procedures and/or personnel. Such emergency procedures shall be linked to the school and school district emergency preparedness plan.
  - (p) LEAs shall submit an annual alternative education survey to the Department that provides the following information:
    - 1. Alternative schools or alternative programs currently in operation in the LEA;

2. Number and grade level of students served;
3. Primary reason for student assignment;
4. Number of faculty and staff; and
5. Information required by T.C.A. § 49-6-3405.

(11) Funding:

- (a) Students attending an alternative school or alternative program shall continue to earn funding through the state's K-12 education funding formula for the LEA in which the student is enrolled.

(12) Facilities:

- (a) A local board of education may not contract or otherwise affiliate with an alternative school program which requires an order of a court as a precondition of placement in such alternative school.
- (b) A local board of education may contract with independent contractors to provide alternative school facilities and other appropriate services consistent with T.C.A. § 49-2-203.
- (c) A local board of education may establish its own facility.
- (d) Two (2) or more boards may join together and establish an alternative school attended by students from any such LEA.
- (e) Through a mutually accepted agreement with another local board of education, a board may send its suspended or expelled students to an alternative school already existing in another LEA or may enter into an agreement with an LEA that established a virtual school to provide virtual instruction to students who have been suspended or expelled.

**Authority:** T.C.A. §§ 49-6-3401, 49-6-3402, and 49-6-3405. **Administrative History:** Original rule certified June 10, 1974. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed January 9, 1979; effective February 23, 1979. Amendment filed April 14, 1980; effective May 28, 1980. Amendment filed June 28, 1984; effective September 11, 1984. Amendment filed January 2, 1986; effective April 15, 1986. Amendment filed May 28, 1986; effective June 27, 1986. Amendment filed April 24, 1987; effective June 8, 1987. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed June 24, 1992; effective September 28, 1992. Amendment filed April 18, 1997; effective August 28, 1997. Amendment filed April 27, 1998; effective August 28, 1998. Amendments filed August 20, 2020; effective November 18, 2020.

\* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Jordan Mollenhour	X				
Bob Eby	X				
Ryan Holt	X				
Warren Wells	X				
Lillian Hartgrove	X				
Nate Morrow	X				
Darrell Cobbins	X				
Larry Jensen	X				
Krissi McInturff	X				
Laurel Cox				X	
Victoria Harpool, designee for Steven Gentile, Interim Executive Director, Tennessee Higher Education Commission <b>Non-Voting Ex-Officio</b>					

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the State Board of Education on 11/03/2023, and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 08/11/2023

Rulemaking Hearing(s) Conducted on: (add more dates). 10/02/2023

Date: 1/19/2024

Signature: 


Name of Officer: Angie Sanders

Title of Officer: General Counsel

Agency/Board/Commission: State Board of Education

Rule Chapter Number(s): 0520-01-02

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

  
 Jonathan Skrmetti  
 Attorney General and Reporter  
Jan. 23, 2024  
 Date

**Department of State Use Only**

Filed with the Department of State on: 1/24/2024

Effective on: 4/23/2024

  
\_\_\_\_\_  
Tre Hargett  
Secretary of State

**RECEIVED**

Jan 24 2024, 2:22 pm

Secretary of State  
Division of Publications

### **Public Hearing Comments**

The Tennessee State Board of Education held a public rulemaking hearing on Rules 0520-01-02-.09 on October 2, 2023, at 500 James Robertson Parkway, Nashville, TN and via Webex. No public comments were submitted at the hearing regarding this rule.



**Regulatory Flexibility Addendum**

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

This rule does not affect small businesses.

**Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228, "On any rule and regulation proposed to be promulgated, the proposing agency shall state in a simple declarative sentence, without additional comments on the merits or the policy of the rule or regulation, whether the rule or regulation may have a projected financial impact on local governments. The statement shall describe the financial impact in terms of increase in expenditures or decrease in revenues."

This rule has no fiscal impact on local governments.

**Additional Information Required by Joint Government Operations Committee**

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

The Alternative Education Rule 0520-01-02-.09 sets forth requirements for the operation of alternative schools and alternative programs for students who are suspended or expelled from the regular school program.

This item includes revisions to this rule to address recent legislation, including:

- Adding that a Director of Schools is not required to assign a student who has been suspended or expelled for an offense of violence or threatened violence or an offense that threatened the safety of persons attending the student's school, to an alternative school or program if certain conditions set forth in law are met, in accordance with Chapter 279 of the Public Acts of 2023.
- Adding the ability for an LEA without a virtual school to contract with another LEA that has established a virtual school to serve students who are suspended or expelled, in accordance with Chapter 111 of the Public Acts of 2023 and clarifying that students assigned to alternative schools or programs may be served virtually, in accordance with State Board Virtual Education Rule 0520-01-03-.05.

Language from the State Board's Alternative Education Policy regarding operation of alternative education programs and assignment of students to such programs was moved into this rule so that the Alternative Education Policy could be repealed. Additional edits were made to ensure rule language is aligned with state law and to ensure consistent use of terms.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

T.C.A. § 49-6-3402 outlines various requirements for the operation of alternative schools and alternative programs, including requirements for assignment of students to these programs. The State Board is authorized by T.C.A. §§ 49-6-3402 and 49-6-3405 to promulgate rules and policies regarding alternative schools and alternative programs.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

This rule has a direct effect on the State Board and Department of Education and both urge adoption. These rules also have a direct effect on local education agencies (LEAs). The State Board did not hear from LEAs urging adoption or rejection of the rule.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

None.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

None.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Angie Sanders (State Board of Education)  
[Angela.C.Sanders@tn.gov](mailto:Angela.C.Sanders@tn.gov)

Nathan James (State Board of Education)  
[Nathan.James@tn.gov](mailto:Nathan.James@tn.gov)

Robin Yeh (Department of Education)  
[Robin.Yeh@tn.gov](mailto:Robin.Yeh@tn.gov)

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Angie Sanders (State Board of Education)  
[Angela.C.Sanders@tn.gov](mailto:Angela.C.Sanders@tn.gov)

Nathan James (State Board of Education)  
[Nathan.James@tn.gov](mailto:Nathan.James@tn.gov)

Robin Yeh (Department of Education)  
[Robin.Yeh@tn.gov](mailto:Robin.Yeh@tn.gov)

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Angie Sanders  
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500 James Robertson Parkway, 8th Floor  
Nashville, TN 37243  
(615) 253-5707  
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- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

None.

RULES  
OF  
THE TENNESSEE DEPARTMENT OF EDUCATION  
THE STATE BOARD OF EDUCATION

CHAPTER 0520-01-02  
DISTRICT AND SCHOOL OPERATIONS

0520-01-02-.09 ALTERNATIVE EDUCATION.

- (1) Alternative education is a non-traditional, short-term academic program or school designed to meet the student's educational, behavioral, and social needs. Alternative education includes alternative schools and alternative programs.
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- (3) Alternative program means a short-term intervention program designed to provide educational services outside of the regular school program for students who have been suspended or expelled. Alternative programs may be located within the regular school or be a self-contained program within a school. Alternative programs include, but are not limited to, night schools or in-school suspension.
- (4) Pursuant to T.C.A. § 49-6-3402(i) alternative schools and alternative programs may provide virtual instruction to students assigned to the alternative school or alternative program through a virtual school or virtual program in accordance with State Board Virtual Education Rule 0520-01-03-.05. Tracking of student attendance for students assigned to an alternative school or alternative program who are receiving virtual instruction shall comply with the attendance procedures set forth in State Board Virtual Education Rule 0520-01-03-.05.
- (5) Pursuant to T.C.A. § 49-6-3402, local boards of education may establish alternative schools or alternative programs for students in grades one (1) through six (6) who have been suspended or expelled from the regular school program.
- (65) Attendance in an alternative school or alternative program shall be voluntary for students in grades one through six (1-6) who have been suspended or expelled from the regular school program, unless the local board of education adopts a policy mandating attendance in either instance.
- (76) A local board of education shall establish at least one (1) alternative school or alternative program for students in grades seven (7) through twelve (12) who have been suspended or expelled. Attendance in an alternative school or alternative program is mandatory for students in grades seven (7) through twelve (7-12) who have been suspended for more than ten (10) days or expelled from the regular school program if space and staff are available. Space and staff availability shall be determined by the LEA at the time the disciplinary decision is rendered.
- (a) Attendance in an alternative school or alternative program is not mandatory for students in grades seven (7) through twelve (7-12) who have been expelled from the regular school program for committing a zero-tolerance offense. However, this does not prohibit a director of schools, or a director's designee, from assigning a

student who has been expelled from the regular school program for committing a zero-tolerance offense to an alternative school or alternative program.

(b) A director of schools, or a director's designee, is not required to assign a student in grades seven (7) through twelve (12) who has been suspended for more than ten (10) days or expelled from the regular school program for an offense of violence or threatened violence, or an offense that threatened the safety of persons attending or assigned to the student's school, to an alternative school or alternative program if conditions set forth in T.C.A. § 49-6-3402(c)(1)(C) are met.

(87) Students in pre-Kindergarten or Kindergarten shall not be assigned to an alternative school or alternative program.

(98) Each local board of education shall adopt a policy regarding alternative education that is aligned to this Rule and the State Board's Alternative Education Policy 2.302 that defines and provides appropriate educational opportunities for all students assigned to an alternative school or alternative program. The policy shall recognize the impact of exclusionary discipline practices on students, and placement in an alternative education program should be reserved for infractions that significantly disrupt the educational process. LEAs shall utilize the Model Standards for Alternative Education Programs developed by the Department of Education as a guideline in development of their policies and procedures.

(109) Requirements for alternative education:

- (a) The scope, sequence, and pacing of instruction shall proceed as nearly as practicable in accordance with the instructional program in the student's regular school. Instruction shall be based on the academic standards adopted by the State Board.
- (b) All course work and credits earned shall be transferred and recorded in the student's home school, which shall grant credit earned and progress thereon as if earned in the home school.
- (c) Students shall participate in all required state assessments at sites determined by school officials and in accordance with established guidelines regarding student grade levels and eligibility. State assessment results shall be reported in the LEA where the student was enrolled prior to his or her placement in the alternative school.
- (d) Each alternative school or alternative program shall comply with class size requirements established in T.C.A. § 49-1-104 and instructional and planning time requirements established by the State Board. Nothing shall prohibit an LEA from establishing a lower class size ratio in an alternative school or alternative program.
- (e) The minimum length of the school day for alternative schools and alternative programs shall be six and one-half (6½) hours, provided that alternative schools and alternative programs may operate beyond traditional school hours to provide students with a range of educational opportunities.
- (f) LEAs shall monitor and regularly evaluate the academic progress of each student enrolled in an alternative school or alternative program.
- (g) Students are subject to all rules pertaining to the alternative school or alternative program.

1. The director of schools, or the director's designee, may remove a student from the alternative school or alternative program if the director, or the director's designee, determines that:
    - (i) The student has violated the rules of the alternative school or alternative program; or
    - (ii) The student is not benefiting from the student's assignment to the alternative school or alternative program, and all interventions available to help the student to succeed in the alternative school or alternative program have been exhausted unsuccessfully.
  2. A student's removal from the alternative school or alternative program shall not constitute grounds for extending the length of original suspension or expulsion.
  3. The director of schools, or the director's designee, shall make the final decision on removal.
- (h) If a student has an active Individualized Education Program (IEP), a 504 plan, or is suspected of having a disability, all state and federal laws and rules relating to students with disabilities and special education shall be followed. The IEP team shall make all decisions regarding change of placement and delivery of services for students with disabilities. No student with a disability shall be arbitrarily placed in an alternative school or alternative program.
- (i) Prior to the assignment of a student to an alternative school or alternative program, the LEA shall provide written notice, which includes the reason for the student's placement, to the student's parent or guardian. Reasons for placement in an alternative school or alternative program must be documented. End of year reports must be made to the regular school for each student.
- (j) Each teacher providing instruction to students in an alternative education-school or alternative program shall be licensed to teach in Tennessee and shall meet the qualifications to teach in compliance with the rules and regulations of the State Board.
- (k) Alternative schools shall have an appropriately licensed administrator assigned to supervise the school.
- (l) Support services such as counseling and psychological services must be accessible.
- (m) Each LEA shall develop and implement formal transition plans for the integration of students from a traditional school to an alternative school or from an alternative school back to a traditional school. Transition plans shall be targeted to improve communication between a traditional school and an alternative school staff and should address any barriers that would prohibit students from successfully transitioning. Transition plans shall include aligning of curricula, in-take procedures for students returning to traditional school, professional development opportunities for traditional and alternative school staff, educational and behavioral supports, follow-up for students returning to traditional school, and the development of graduation and postsecondary goals.

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- (n) All alternative school classrooms shall have working two-way communication systems that make it possible for teachers or other employees to notify a principal, supervisor, or other administrator that there is an emergency.
- (o) It is the responsibility of the director of schools to ensure that all alternative school teachers and other employees have been trained to use the two-way communication system and are notified of emergency procedures prior to the beginning of classes for any school year and when changes are made in the emergency procedures and/or personnel. Such emergency procedures shall be linked to the school and school ~~system district~~ emergency preparedness plan.
- (p) LEAs shall submit an annual alternative education survey to the Department that provides the following information:
  - 1. Alternative schools or alternative programs currently in operation in the LEA;
  - 2. Number and grade level of students served;
  - 3. Primary reason for student assignment;
  - 4. Number of faculty and staff; and
  - 5. Information required by T.C.A. § 49-6-3405.

(110) Funding:

- (a) Students attending an alternative school or alternative program shall continue to earn funding through the state's K-12 education funding formula for the LEA in which the student is enrolled.

(124) Facilities:

- (a) A local board of education may not contract or otherwise affiliate with an alternative school program which requires an order of a court as a precondition of placement in such alternative school.
- (b) A local board of education may contract with independent contractors to provide alternative school facilities and other appropriate services consistent with T.C.A. § 49-2-203.
- (c) A local board of education may establish its own facility.
- (d) Two (2) or more boards may join together and establish an alternative school attended by students from any such LEA.
- (e) Through a mutually accepted agreement with another local board of education, a board may send its suspended or expelled students to an alternative school already existing in another LEA or may enter into an agreement with an LEA that established a virtual school to provide virtual instruction to students who have been suspended or expelled.

**Authority:** T.C.A. §§ 49-6-3401, 49-6-3402, and 49-6-3405. **Administrative History:** Original rule certified June 10, 1974. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed January 9, 1979; effective February 23, 1979. Amendment filed April 14, 1980; effective May 28, 1980. Amendment filed June 28, 1984; effective September 11, 1984. Amendment filed January 2, 1986; effective April 15,



1986. Amendment filed May 28, 1986; effective June 27, 1986. Amendment filed April 24, 1987; effective June 8, 1987. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed June 24, 1992; effective September 28, 1992. Amendment filed April 18, 1997; effective August 28, 1997. Amendment filed April 27, 1998; effective August 28, 1998. Amendments filed August 20, 2020; effective November 18, 2020.