

**IN THE 6<sup>TH</sup> JUDICIAL DISTRICT  
KNOX COUNTY, TENNESSEE  
Amended COVID-19 Comprehensive Plan of Action**

Pursuant to Order No. ADM2020-00428 entered by the Tennessee Supreme Court on April 24, 2020, the presiding judge of the 6<sup>th</sup> Judicial District, hereby announces the implementation of the below procedure.

The Knox County Board of Education is the elected body charged with making educational policy in Knox County. The Board of Education has determined that in-person education during the current Covid-19 pandemic and has made in-person instruction the default educational program for Knox County Schools during the pandemic. Within the 6<sup>th</sup> Judicial District, the Courts with domestic relations jurisdiction are experiencing a growing number of cases in which parents cannot agree on whether to enroll their children for virtual or in-person educational programs. Courts hearing domestic relations matters are not the appropriate forum to challenge educational policy duly enacted by the entity charged with that duty.

IT IS THEREFORE ORDERED that the following rules shall apply in the Chancery and Fourth Circuit Courts in cases where parents with joint educational decision-making authority are unable to agree on the educational program in which to enroll their children:

1. If the parents cannot agree prior to any deadline set by the Board of Education for making such decision passes, the Court shall consider the disagreement to be a failure to elect, and the children shall be enrolled in the program that the Board of Education deems to be the default program in the event the Parents fail to make an election, unless otherwise ordered by the Court as the result of a hearing decided prior to the deadline.

2. After the deadline for election has passed, the Court shall only intervene in the child's enrollment if it can be shown either:

a. that there are valid and extraordinary medical reasons why the child cannot safely be enrolled in the in-person educational program, supported by competent medical evidence, or

b. that the child has been:

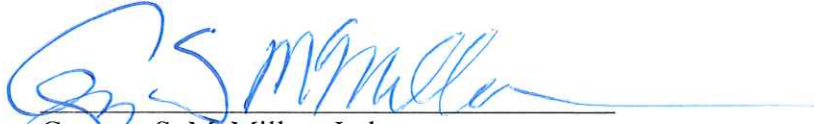
i. unilaterally enrolled by one parent without consent of the other; AND

ii. the parent has made the unilateral election in an attempt to substantially inconvenience the other parent or defeat or subvert the existing Permanent Parenting Plan; AND

iii. the non-consenting parent can show that he or she has in fact been substantially inconvenienced or that the election has in fact defeated or subverted the existing Permanent Parenting Plan.

This process shall remain in force until such time as the Board of Education has determined that there is no longer a need for the Virtual Learning Program, or until withdrawn or modified by the Order of the implementing Courts.

This 31<sup>st</sup> day of August 2020



Gregory S. McMillan, Judge  
Knox County Fourth Circuit Court and  
Presiding Judge for the 6<sup>th</sup> Judicial District