

**Department of State**  
**Division of Publications**  
 312 Rosa L. Parks Avenue, 8th Floor Snodgrass/TN Tower  
 Nashville, TN 37243  
 Phone: 615-741-2650  
 Fax: 615-741-5133  
 Email: [register.information@tn.gov](mailto:register.information@tn.gov)

**For Department of State Use Only**

Sequence Number: 02-09-13  
 Rule ID(s): 5373  
 File Date: 2/6/13  
 Effective Date: 7/29/13

**Proposed Rule(s) Filing Form**

*Proposed rules are submitted pursuant to T.C.A. §§ 4-5-202, 4-5-207 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.*

<b>Agency/Board/Commission:</b>	State Board of Education
<b>Division:</b>	
<b>Contact Person:</b>	Dannelle F. Walker
<b>Address:</b>	9 <sup>th</sup> Floor, 710 James Robertson Parkway, Andrew Johnson Tower, Nashville, TN
<b>Zip:</b>	37243
<b>Phone:</b>	615-253-5707
<b>Email:</b>	Dannelle.Walker@tn.gov

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

- Amendment  
 New  
 Repeal

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

Chapter Number	Chapter Title
0520-01-03	Minimum Requirements for the Approval of Public Schools
Rule Number	Rule Title
0520-01-03-.03	Administration of Schools, Requirement B

Chapter Number	Chapter Title
Rule Number	Rule Title

Chapter 0520-01-03  
Minimum Requirements for the Approval of Public Schools

Rule 0520-01-03-.03(10)(a) "Admission and Enrollment of Students" is amended by deleting the present language in its entirety and replacing it with the following :

During the 2013- 2014 school year, a child entering kindergarten shall be no less than five (5) years of age on or before August 31. For all years thereafter, a child entering kindergarten shall be no less than five (5) years of age on or before August 15. However, a child does not have to enroll in school at five (5) years of age, but enrollment must occur no later than the beginning of the academic year following the child's sixth birthday.

Authority: T.C.A. §§ 49-1-302, 49-1-302(a)(2) and (13), 49-2-110, 49-2-114, 49-6-101, 49-6-201, 49-6-3001(c) and (c)(1), 49-6-3003, 49-6-3005(a) and (a)(4), 49-6-3104, 49-6-3105, 49-6-6201, and Sections 30, 78 through 80, and 88 of Chapter 535 of the Public Acts of 1992.

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

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Ayers	X				
Edwards	X				
Justice				X	
Pearre	X				
Roberts	X				
Rogers	X				
Rolston	X				
Sloyan	X				
Wright	X				
Student Member				X	

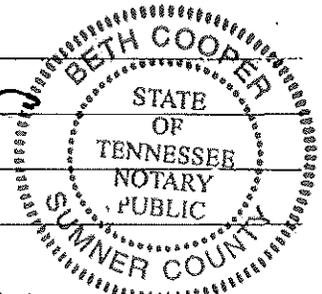
I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the TN State Board of Education on 7/27/12, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State.

Date: October 1, 2012

Signature: *Gary L. Nixon*

Name of Officer: Dr. Gary L. Nixon

Title of Officer: Executive Director



Subscribed and sworn to before me

on: October 1, 2012

Notary Public Signature: *Beth Cooper*

My commission expires on: January 24, 2016

All proposed 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.

*RE Cooper*  
 Robert E. Cooper, Jr.  
 Attorney General and Reporter  
1-28-13  
 Date

Department of State Use Only

Filed with the Department of State on: 2/16/13

Effective on: 7/29/13



Tre Hargett  
Secretary of State

RECEIVED  
2012 FEB -6 AM 11:23  
SECRETARY OF STATE  
BIRMINGHAM

**Regulatory Flexibility Addendum**

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

Not Applicable.

### **Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

This will have no 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;

Pursuant to Public Chapter 991 of 2012, the date for determining when a child residing in Tennessee is eligible to enroll in kindergarten has changed. This change is required to ensure that the rule is compliant with the change in legislation.

- (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;

Public Chapter 991 of 2012

- (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;

State Department of Education, Local Education Agencies (LEAs) overseen by the Department of Education, Parents and children entering into kindergarten

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

None.

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

Ms. Dannelle F. Walker  
TN State Board of Education

- (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

Ms. Dannelle F. Walker  
State Department of Education  
9<sup>th</sup> Floor, 710 James Robertson Pkwy  
Nashville, Tennessee 37243  
615-253-5707  
Dannelle.Walker@tn.gov

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

None.

Rules  
Of  
The State Board of Education

Chapter 0520-01-03  
Minimum Requirements for the Approval of Public Schools

(10) Admission and Enrollment of Students.

~~(a) During the 2013- 2014 school year, a child entering kindergarten shall be no less than five years of age on or before August 31. For all years thereafter, a child entering kindergarten shall be no less than five years of age on or before August 15. However, a child does not have to enroll in school at five years of age, but enrollment must occur no later than the beginning of the academic year following the child's sixth birthday. A child entering kindergarten shall be no less than five years of age on or before September 30. However, a child does not have to enroll in school at five years of age, but enrollment must occur no later than the child's sixth birthday.~~

(b)(a) Any transfer student applying for admission who was legally enrolled in an approved kindergarten in another state and who will be five years of age no later than December 31 of the current school year, shall be enrolled.

(e)(b) A child must attend school until his/her 18th birthday unless:

1. He or she has received a diploma or other certificate of completion of high school;
2. He or she is enrolled in a course of instruction leading to a GED; or
3. He or she is enrolled in a home school and has reached their 17th birthday.