

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

For Department of State Use Only

Sequence Number: 02-11-13
 Rule ID(s): 5376
 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.

Agency/Board/Commission:	State Board of Education
Division:	
Contact Person:	Dannelle F. Walker
Address:	9 th Floor, 710 James Robertson Parkway, Andrew Johnson Tower, Nashville, TN
Zip:	37243
Phone:	615-253-5707
Email:	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-.06	Graduation, Requirement E

Chapter Number	Chapter Title
Rule Number	Rule Title

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

Rule 0520-01-03-.06(2)(a)2 Graduation, Requirement E is amended by deleting the present language in its entirety and replacing it with the following:

A special education diploma may be awarded at the end of their fourth year of high school to students with disabilities who have (1) not met the requirements for a high school diploma, (2) have satisfactorily completed an individualized education program, and (3) have satisfactory records of attendance and conduct. Students who obtain the special education diploma may continue to work towards the high school diploma through the end of the school year in which they turn twenty-two (22) years old.

Authority: T.C.A. §§ 49-1-302, 49-1-302(a)(2) and (13), 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	

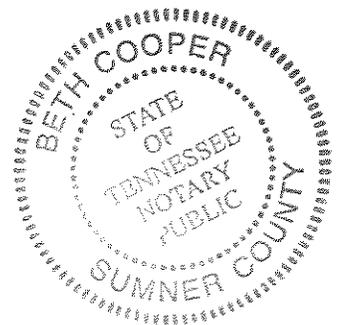
I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the TN State Board of Education on 7/27/12, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed 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 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 26, 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.

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

Department of State Use Only

Filed with the Department of State on: 2/6/13

Effective on: 7/29/13



Tre Hargett
Secretary of State

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RECORDS MANAGEMENT

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;

Public Chapter No. 772 of the 107th General Assembly directs that a special education diploma shall be awarded to students who have satisfactorily completed an individualized education program and have satisfactory records of attendance and conduct, but have not met the proficiency testing requirements under 49-6-6001.

Implementation of this law requires the State Board of Education to amend the Rule 0520-01-03-.06(2)(a)2 to change the name of the document awarded from an IEP Certificate to a Special Education Diploma.

- (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 No. 772 of the 107th General Assembly

- (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, Special Education students and parents, Disability advocates

- (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
9th 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

(2) Graduation Requirements - Effective with the ninth (9th) grade class of 2009-2010 and thereafter.

(a) High School Diploma and Special Education Diploma.

1. The high school diploma will be awarded to students who (1) earn the specified twenty-two (22) units of credit, and (2) have satisfactory records of attendance and conduct.
2. A special education diploma may be awarded at the end of their fourth year of high school to students with disabilities who have (1) not met the requirements for a high school diploma, (2) have satisfactorily completed an individualized education program, and (3) have satisfactory records of attendance and conduct. Students who obtain the special education diploma may continue to work towards the high school diploma through the end of the school year in which they turn twenty-two (22) years old.
2. ~~A transition certificate may be awarded at the end of the fourth (4th) year of high school to students with disabilities who have (1) taken classes toward a high school diploma (twenty-two (22) units of credit), (2) have satisfactorily completed an individualized education program (IEP), and (3) have satisfactory records of attendance and conduct. Students who obtain the transition certificate may continue to work towards the high school diploma through the end of the school year in which they turn twenty-two (22) years old.~~

~~An individualized education program (IEP) certificate will be awarded to students with disabilities who have (1) satisfactorily completed an IEP, (2) successfully completed a portfolio, and (3) have satisfactory records of attendance and conduct.~~