

**Department of State
Division of Publications**

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For Department of State Use Only

Sequence Number: 02-26-10
Rule ID(s): 4646
02/24/2010 02/24/2010
Effective Date: 07/29/2010

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:	Rich Haglund
Address:	9 th Floor, 710 James Robertson Pkwy, Nashville, TN
Zip:	37243
Phone:	615-253-5707
Email:	Rich.haglund@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
0520-01-02	Administrative Rule and Regulations
Rule Number	Rule Title
0520-01-02-.02	Salary Schedules

Chapter Number	Chapter Title
Rule Number	Rule Title

Rule 0520-01-02-.02 Salary Schedules paragraph (4) is amended by deleting the present language in its entirety and replacing it with the following:

- (4) Training. Salary ratings shall be adjusted for college or university course work completed after the start of the current school year as follows:
 - (a) For college or university course work completed after the start of the current school year but before September 1, the salary rating shall be adjusted as of September 1 of the current school year. The employee must notify the local education agency of the employee's intent to complete course work prior to Aug. 31, and the local education agency must file documentation of changes to the employee's salary rating with the State Department of Education on or before October 15 of the current school year.
 - (b) For college or university course work completed after August 31 but before January 1 of the current school year, the salary rating shall be adjusted as of January 1 of the current school year. The employee must notify the local education agency of the employee's intent to complete course work prior to Jan. 1, and the local education agency must file documentation of changes to the employee's salary rating with the State Department of Education on or before February 15 of the current school year.

Authority: T.C.A. §§ 49-1-302(a)(5), 49-3-306, 49-5-402, and 49-6-101.

* 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)
Jim Ayers				X	
Flavius Barker				X	
Vernita Justice	X				
Carolyn Pearre	X				
Richard Ray	X				
Jean Anne Rogers	X				
Fielding Rolston	X				
Theresa Sloyan	X				
Melvin Wright	X				
Katie McMillan				X	

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the State Board of Education on 11/06/2009, and is in compliance with the provisions of TCA 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: 1-4-2010

Signature: Gary Nixon

Name of Officer: Gary L. Nixon

Title of Officer: Executive Director



Subscribed and sworn to before me on: 1/5/10

Notary Public Signature: Phyllis E. Childress

My commission expires on: _____

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

2-14-10

Date

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Filed with the Department of State on: 2/24/10

Effective on: 7/29/10

Tre Hargett

Tre Hargett
Secretary of State

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.

(If applicable, insert Regulatory Flexibility Addendum here)



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Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to TCA 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;

For many years, State Board Rule 0520-01-02-.02(4) has allowed educators who complete academic training after the start of school but before September 1 to have their salary adjusted based on the additional training.

In 2005, the General Assembly amended T.C.A. § 49-5-402, to allow educators who have completed additional academic training after the beginning of a school year, but prior to January 1 of that school year, to be eligible for a higher salary rating effective as of January 1 of the school year.

The current statute and rule have the potential to confuse school personnel. The proposed rule incorporates this provision from Tennessee Code into the State Board of Education rules regarding salary rating for training. The revision clarifies that educators may have their salary rating adjusted based on additional academic training at the beginning of the first semester or at the beginning of the second semester, depending on when the additional academic training was completed.

- (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. §§ 49-1-302(a)(5), 49-3-306, 49-5-402, and 49-6-101.

- (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;

Local education agencies, teachers, State Department of Education.

- (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;

Minimal.

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

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(615) 741-2966

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(615) 532-4885

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

Rich Haglund
Vance Rugaard

(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

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

Rule 0520-01-02-.02 Salary Schedules Paragraph (4) is amended by deleting the present language in its entirety and replacing it with the following:

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 - (b) For college or university course work completed after August 31 but before January 1 of the current school year, the salary rating shall be adjusted as of January 1 of the current school year. The employee must notify the local education agency of the employee's intent to complete course work prior to Jan. 1, and the local education agency must file documentation of changes to the employee's salary rating with the State Department of Education on or before February 15 of the current school year.

Deleted: College or university course work must be completed on or before August 31 of the current school year to be counted toward the academic training factor in salary calculation. Documentation of changes must be filed with the State Department of Education on or before December 1 of the current school year.

Authority: T.C.A. §§49-1-302(a)(5), 49-3-306, 49-5-402, and 49-6-101.

Deleted: For those teachers employed after the opening of the regular school term, credits earned after August 31 shall be granted, provided such teachers are rated on the basis of academic training earned at the time of employment.¶