

Department of State
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For Department of State Use Only

Sequence Number: 02-27-10
 Rule ID(s): 2647
 File Date: 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
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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(5)	Enrollment in College Level Courses

Chapter Number	Chapter Title
Rule Number	Rule Title

Rule 0520-01-03-.06 Enrollment In College Level Courses subparagraph (5)(b) is amended by deleting the present language of subparagraph (b) in its entirety and replacing it with the following:

(b) Option #2.

A qualified student enrolled in high school may enroll in college level courses which are conducted at an institution of higher education or courses provided online by the post-secondary institution. The student may receive high school credit for participating in such courses in accordance with the policy of the local board of education. State funds to the local school system shall not be diminished because of the student's participation.

Authority: T.C.A. § 49-1-302.

* 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	

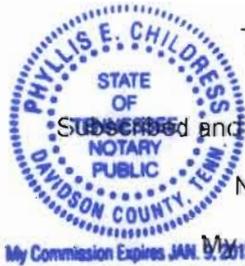
I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the State Board of Education on 11/06/2009, and is in compliance with the provisions of TCA 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed 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 L. 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.
 Attorney General and Reporter

2-14-10
 Date



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

Effective on: 2/29/10

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;

One of the options for students to earn both high school and post-secondary credit is for those students to enroll in college level courses conducted at the post-secondary institutions. However, this option is currently limited to 11th and 12th grade students. The language in the rule also does not contemplate students enrolling in courses through online programs, such as the Tennessee Online Regents Degree program.

In 2007, the State legislature obliged the State's elementary, secondary and post-secondary education governing bodies to establish a consortium to oversee innovative education programs jointly established by secondary and post-secondary institutions (2007 Public Chapter 459).

The current rule limits local education agencies collaborating with post-secondary institutions that may want to develop programs that have high school students in 9th and 10th grade participate in such programs (e.g., "middle college high schools"). In this way, the rule conflicts with the statute.

In order to eliminate this conflict, the rule is revised to state that students enrolled in high school may enroll in college level courses conducted by the post-secondary institution whether on campus or provided online by the post-secondary institution.

- (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)(A); 49-15-101 et. seq.

- (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, post-secondary institutions, secondary students.

- (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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David Sevier
State Board of Education
9th Floor, 710 James Robertson Pkwy
Nashville TN 37243
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- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Gary Nixon
David Sevier

- (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.

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(b) Option #2.

A qualified student enrolled in high school may enroll in college level courses which are conducted at an institution of higher education or courses provided online by the post-secondary institution. The student may receive high school credit for participating in such courses in accordance with the policy of the local board of education. State funds to the local school system shall not be diminished because of the student's participation.

Deleted: 1.

Deleted: the eleventh (11th) or twelfth (12th) grades

Authority: T.C.A. §49-1-302.