

**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: 03-05-14
Rule ID(s): 5669
File Date: 3/13/14
Effective Date: 8/29/14

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:	1 st Floor, Andrew Johnson Tower 710 James Robertson Parkway 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
0520-05-01	Supplement to Contract – Policies of Tennessee State Textbook Commission
Rule Number	Rule Title
0520-05-01-.01	Definition
0520-05-01-.07	Amount of Performance Bond Required

Chapter 0520-05-01
Supplement to Contract – Policies of Tennessee State Textbook Commission
Amendment

Rule 0520-05-01-.01 Definition is amended to clarify the meaning of the word textbook and substitute the following language so that, as amended, the rule shall read:

0520-05-01-.01 Definition

Textbook means any medium or manual of instruction that contains a systematic presentation of the principles of a subject and that constitutes a major instructional vehicle for that subject.

Authority: T.C.A. § 49-3-310(2).

Rule 0520-05-01-.07 Amount of Performance Bond Required is amended by deleting the bond amounts in their entirety and substituting instead the following amounts so that, as amended, the new rule shall read:

0520-05-01-.07 Amount of Performance Bond Required

The following scale shall designate the amount of performance bond required of each publishing company. "Book" means any item bid for sale with its own separate price.

No. of Books Officially Listed	Amount of Bond
1-10	\$25,000.00
11-20	\$50,000.00
21-30	\$75,000.00
31-40	\$100,000.00
41-50	\$125,000.00
51 and over	\$125,000.00, plus \$5,000.00 per each additional book until \$1,000,000.00 is reached.

Authority: T.C.A. § 49-6-2203(j).

* 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				
Chancey	X				
Pearre	X				
Roberts	X				
Rogers	X				
Rolston	X				
Sloyan	X				
Wright	X				
Student Member	X				

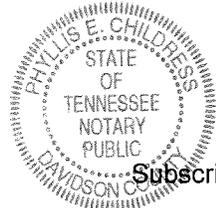
I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Tennessee State Board of Education on 10/25/2013, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition 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: 1-28-14

Signature: Gary Nixon

Name of Officer: Gary L. Nixon

Title of Officer: Executive Director



MY COMMISSION EXPIRES:
January 9, 2016

Subscribed and sworn to before me on: 1/30/14

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.

RE Cooper, Jr.
Robert E. Cooper, Jr.
Attorney General and Reporter
3-6-14
Date

Department of State Use Only

Filed with the Department of State on: 3/13/14

Effective on: 8/29/14



Tre Hargett
Secretary of State

RECEIVED
2014 MAR 13 AM 9:36
CLERK OF
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.

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;

The rule change adjusts the bond amounts required of publishing companies to allow greater access to the textbook bidding process for small publishers.

- (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.

- (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;

Textbook publishing companies; surety companies

- (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;

Ms. Dannelle F. Walker
Tennessee State Board of Education

- (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
Tennessee 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
Tennessee State Board of Education
1st Floor, Andrew Johnson Tower
Nashville, Tennessee 37243
615-253-5707
Dannelle.Walker@tn.gov

Ms. Peachie Jones
Tennessee Department of Education

9th Floor, Andrew Johnson Tower
Nashville, Tennessee 37243
615-253-1550
Peachie.Jones@tn.gov

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

None.

Chapter 0520-05-01

Supplement to Contract – Policies of Tennessee State Textbook Commission
Textbook Commission
Amendment

Rule 0520-05-01-.01 Definition

Textbook means shall be defined as any medium or manual of instruction which that contains a systematic presentation of the principles of a subject and which that constitutes a major instructional vehicle for that subject

Rule 0520-05-01-.07 Amount of Performance Bond Required

- (1) The following scale shall designate the amount of performance bond required of each publishing company. "Book" means any item bid for sale with its own separate price.

No. of Books Officially Listed	Amount of Bond
1-10	\$25,000.00 50,000
11-20	\$50,000.00 100,000
21-30	\$75,000.00 150,000
31-40	\$100,000.00 200,000
41-50	\$125,000.00 250,000
51 and over	\$125,000.00 250,000 plus \$5,000.00 40,000 per each additional book until \$1,000,000.00 is reached.