

**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: 03-42-10
Rule ID(s): 4692
File Date: 03/25/2010
Effective Date: 08/29/2010

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
0520-07-02	Non-Public Schools
Rule Number	Rule Title
0520-07-02-.04	Category III: Regional Accreditation
0520-07-02-.05	Category IV: Exempted Schools

Chapter Number	Chapter Title
Rule Number	Rule Title

Rule 0520-07-02-.04 Category III: Regional Accreditation is amended by deleting the present language in its entirety and replacing it with the following:

Schools in this category are accredited by one (1) of the regional accrediting associations (e.g., the Southern Association of Colleges and Schools (SACS)) according to the procedures and criteria established by the association.

Authority: T.C.A. §§ 49-1-201, 49-1-302 and 49-50-801.

Rule 0520-07-02-.05 Category IV: Exempted Schools, paragraph (1) is amended by deleting the present language in its entirety and replacing it with the following:

Schools in this category are exempt from regulation regarding faculty, textbooks, and curriculum. T.C.A. § 49-50-801 defines a church related school as "a school operated by denominational, parochial or other bona fide church organizations, which are required to meet the standards of accreditation or membership of the Tennessee Association of Christian Schools, the Association of Christian Schools International, the Tennessee Association of Independent Schools, the Southern Association of Colleges and Schools, the Tennessee Association of Non-Public Academic Schools, the Tennessee Association of Church Related Schools or a school affiliated with Accelerated Christian Education, Inc."

Authority: T.C.A. §§ 49-1-201, 49-1-302 and 49-50-801.

* 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 1/28/10, 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: 2-22-10

Signature: Gary Nixon

Name of Officer: Gary L. Nixon

Title of Officer: Executive Director

Subscribed and sworn to before me on: 2/23/10

Notary Public Signature: Thyllis E. Childers

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
 Robert E. Cooper, Jr.
 Attorney General and Reporter
3-10-10
 Date

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Filed with the Department of State on: 3/25/10

Effective on: 8/29/10

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)

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;

2009 Public Chapter 329 requires state agencies to consider any student who has received a high school diploma from a Category IV (church-related) school “as having all the rights and privileges of a high school diploma awarded by a public school system.”

Current language in Board rule 0520-07-02-.05(1) may cause confusion in light of that statutory change. Thus, the proposed revision removes this potentially confusing sentence: “Exempt schools are not state approved unless they voluntarily request to be associated with a non-public school accrediting agency, seek full state approval, or approval from the Southern Association of Colleges and Schools (SACS).”

The revision also updates the listing of accrediting organizations to match the listing in T.C.A. § 49-50-801.

Also, because two of the regional accrediting agencies—the Southern and North Central Associations—merged into a parent organization, AdvancEd, the rule has been revised to simply state that Category III schools are those accredited by one of the regional accrediting agencies, instead of “one of five” such agencies.

- (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. §§ 49-1-201, 49-1-302 and 49-50-801.

- (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;

Non-public schools, local education agencies.

- (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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State Board of Education
9th Floor, 710 James Robertson Pkwy
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(615) 741-2966

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

Rich Haglund

(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 0520-07-02-.04 Category III: Regional Accreditation is amended by deleting the present language in its entirety and replacing it with the following:

Schools in this category are accredited by one (1) of the ~~five (5)~~ regional accrediting associations (e.g., the Southern Association of Colleges and Schools (SACS)) according to the procedures and criteria established by the association.

Authority: T.C.A. §§ 49-1-201, 49-1-302 and 49-50-801.

Rule 0520-07-02-.05 Category IV: Exempted Schools, paragraph (1) is amended by deleting the present language in its entirety and replacing it with the following:

Schools in this category are exempt from regulation regarding faculty, textbooks, and curriculum. T.C.A. §49-50-801 defines a church related school as "a school operated by denominational, parochial or other bona fide church organizations, which are required to meet the standards of accreditation or membership of the Tennessee Association of Christian Schools, the Association of Christian Schools International, the Tennessee Association of Independent Schools, the Southern Association of Colleges and Schools, the Tennessee Association of Non-Public Academic Schools, the Tennessee Association of Church Related Schools, or a school affiliated with Accelerated Christian Education, Inc." ~~Exempt schools are not state approved unless they voluntarily request to be associated with a non-public school accrediting agency, seek full state approval, or approval from the Southern Association of Colleges and Schools (SACS).~~

Authority: T.C.A. §§ 49-1-201, 49-1-302 and 49-50-801.