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Sequence Number: 06-02-15
Rule ID(s): 5959
File Date: 06-03-15
Effective Date: 09/01/15

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to Tenn. Code Ann. §§ 4-5-202, 4-5-207, and 4-5-229 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 ninety (90) days of 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.

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	State Board of Education
Division:	
Contact Person:	Angela C. Sanders
Address:	1 st Floor, Andrew Johnson Tower 710 James Robertson Parkway Nashville, TN
Zip:	37243
Phone:	615-253-5707
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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
0520-05-01	Supplement to Contract-Policies of Tennessee State Textbook Commission
Rule Number	Rule Title
0520-05-01-.07	Amount of Performance Bond Required

Chapter Number	Chapter Title
Rule Number	Rule Title

Substance of Proposed Rules

**CHAPTER 0520-05-01
SUPPLEMENT TO CONTRACT-POLICIES OF TENNESSEE STATE TEXTBOOK COMMISSION**

Repeal/Amendment

The Table of Contents is amended by repealing Rule 0520-05-01-.07 so that, as amended, the Table of Contents shall read as follows:

TABLE OF CONTENTS

0520-05-01-.01	Definition	0520-05-01-.06	Submitting of Books
0520-05-01-.02	Staggered Adoption	0520-05-01-.07	
0520-05-01-.03	Minimum Standards and Specification	through	Repealed
0520-05-01-.04	Submitting of Sample Textbooks	0520-05-01-.36	
0520-05-01-.05	Condition of Sample Textbooks		

Authority: T.C.A. §§ 49-1-302 and 49-6-2203(j).

Rule 0520-05-01-.07 Amount of Performance Bond Required is repealed in its entirety.

* 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)
Chancey	X				
Edwards	X				
Hartgrove	X				
Johnson	X				
Pearre	X				
Roberts	X				
Rolston	X				
Sloyan	X				
Tucker	X				
Student Member	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 07/25/2014, 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 ninety (90) days of the filing of the proposed rule with the Secretary of State.

Date: 5/12/15

Signature: [Handwritten Signature]

Name of Officer: Dr. Sara Heyburn

Title of Officer: Executive Director



MY COMMISSION EXPIRES: January 9, 2016

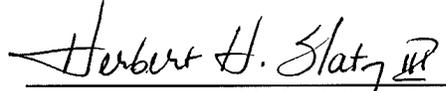
Subscribed and sworn to before me on: 5/12/15

Notary Public Signature: [Handwritten Signature: Phyllis E. Childress]

My commission expires on: _____

State Board of Education Rules
Chapter 0520-05-01 -- Supplement to Contract-Policies of Tennessee State Textbook Commission
Rule 0520-05-01-.07 -- Amount of Performance Bond Required

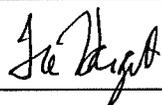
All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.



Herbert H. Slatery III
Attorney General and Reporter
May 27, 2015

Date

Department of State Use Only

Filed with the Department of State on: 06-03-15
Effective on: 09-01-15


Tre Hargett
Secretary of State

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PUBLICATIONS

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 rule 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 Tennessee General Assembly passed Public Chapter 981 (2014), now Tennessee Code Annotated § 49-6-2203(j), setting the bond requirements for textbook publishers much lower than those within the State Board Rule. Because this Rule is now in conflict with statute and because the bond requirement is now listed in statute and subject to the authority of the state textbook commission, there is no need for this Rule and it should be repealed.

- (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;

N/A

- (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 publishers and manufacturers, Local Education Agencies. State Board staff urged adoption to comply with statute and no written or verbal comments were received at the time of rulemaking.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

N/A

- (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;

N/A

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

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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;

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- (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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SS-7038 (November 2014)

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

N/A

**RULES
OF
TENNESSEE DEPARTMENT OF EDUCATION
STATE TEXTBOOK COMMISSION**

**CHAPTER 0520-05-01
SUPPLEMENT TO CONTRACT-POLICIES OF TENNESSEE STATE TEXTBOOK COMMISSION**

TABLE OF CONTENTS

0520-05-01-.01	Definition	0520-05-01-.06	Submitting of Books
0520-05-01-.02	Staggered Adoption	0520-05-01-.07	Amount of Performance Bond Required
0520-05-01-.03	Minimum Standards and Specification	0520-05-01-.08	Repealed
0520-05-01-.04	Submitting of Sample Textbooks	through	
0520-05-01-.05	Condition of Sample Textbooks	0520-05-01-.36	

~~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	\$50,000
11-20	\$100,000
21-30	\$150,000
31-40	\$200,000
41-50	\$250,000
51 and over	\$250,000
	plus \$10,000 per each additional book until \$1,000,000 is reached.