

**Department of State
Division of Publications**

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For Department of State Use Only

Sequence Number: 06-15-13
Rule ID(s): 5493
File Date: 6/18/13
Effective Date: 11/28/13

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: | 9 th Floor, 710 James Robertson Parkway, Andrew Johnson Tower, Nashville, TN |
| Zip: | 37243 |
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| 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 |
|----------------|---|
| 0520-01-03 | Minimum Requirements for the Approval of Public Schools |
| Rule Number | Rule Title |
| 0520-01-03-.06 | Graduation, Requirement E |
| | |
| | |

| Chapter Number | Chapter Title |
|----------------|---------------|
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| Rule Number | Rule Title |
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CHAPTER 0520-01-03
Minimum Requirements for the Approval of Public Schools
Amendment

Rule 0520-01-03-.06 Graduation, Requirement E. (2) (c) Graduation with Honors and Distinction, is amended by deleting the text of subparagraph (c) in its entirety and inserting the following language so that, as amended, the paragraph in its entirety shall read:

(c) Graduation with Honors, State Honors, and State Distinction

1. School systems may design student recognition programs that allow students to graduate with honors if they have met the graduation requirements and have obtained an overall grade point average of at least a 3.0 or higher on a 4.0 scale. School systems may set a higher GPA at their discretion. School systems may specify additional requirements, such as requiring students to demonstrate performance of distinction in one (1) or more areas.
2. Students who score at or above all the subject area readiness benchmarks on the ACT or equivalent score on the SAT will graduate with state honors.

Each local school board shall develop a policy prescribing how students graduating with "state honors" will be noted and recognized.

3. Students will be recognized as graduating with "state distinction" by attaining a B or better average and completing one of the following:

- (i) earn a nationally recognized industry certification
- (ii) participate in at least one (1) of the Governor's Schools
- (iii) participate in one (1) of the state's ALL State musical organizations
- (iv) be selected as a National Merit Finalist or Semi-Finalist
- (v) attain a score of thirty one (31) or higher composite score on the ACT
- (vi) attain a score of three (3) or higher on at least two advanced placement exams
- (vii) successfully complete the International Baccalaureate Diploma Programme
- (viii) earn twelve (12) or more semester hours of transcribed postsecondary credit

Each local school board shall develop a policy prescribing how students graduating with "state distinction" will be noted and recognized.

Authority: T.C.A. §§ 49-1-302, 49-1-302(a)(2) and (13), 49-6-101, 49-6-201, 49-6-3001(c) and (c)(1), 49-6-3003, 49-6-3005(a) and (a)(4), 49-6-3104, 49-6-3105, 49-6-6201, and Sections 30, 78 through 80, and 88 of Chapter 535 of the Public Acts of 1992.

* 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 | | | | |
| Justice | X | | | | |
| Pearre | X | | | | |
| Roberts | X | | | | |
| Rogers | X | | | | |
| Rolston | X | | | | |
| Sloyan | X | | | | |
| Wright | X | | | | |
| Student Member | | | | X | |

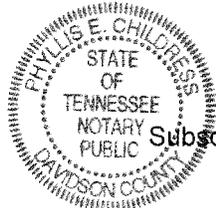
I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the TN State Board of Education on 2/1/13, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed 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: 5-24-13

Signature: Gary Nixon

Name of Officer: Dr. Gary L. Nixon

Title of Officer: Executive Director



Subscribed and sworn to before me on: 5/24/13

Notary Public Signature: Phyllis E. Childers

MY COMMISSION EXPIRES:
January 9, 2016

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.

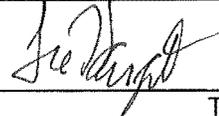
Robert E. Cooper, Jr.
Attorney General and Reporter

6-10-13
Date

Department of State Use Only

Filed with the Department of State on: 6/18/13

Effective on: 11/28/13



Tre Hargett
Secretary of State

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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;

When the High School Policy was adopted in 2008, new language was included that redefined graduation with honors and added distinction. Students who meet all ACT benchmarks would graduate with honors and students who attain a 3.0 GPA and accomplish one of a variety of achievements would graduate with distinction.

Several school systems have inquired about developing their locally devised recognition program. This proposed policy change reinstates the previous language which would permit a LEA to develop its own student recognition program and clarifies that students who meet all ACT benchmarks would graduate with state honors and students who attain a 3.0 GPA and accomplish one of a variety of achievements would graduate with state distinction.

- (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, 49-1-302(a)(2) and (13), 49-6-101, 49-6-201, 49-6-3001(c) and (c)(1), 49-6-3003, 49-6-3005(a) and (a)(4), 49-6-3104, 49-6-3105, 49-6-6201, and Sections 30, 78 through 80, and 88 of Chapter 535 of the Public Acts of 1992.

- (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, Public High School 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;

None.

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

None.

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

Dannelle F. Walker, Esq.
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

Dannelle F. Walker, Esq.

State Board of Education
9th Floor, 710 James Robertson Pkwy
Nashville, Tennessee 37243
615-253-5707
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(I) Any additional information relevant to the rule proposed for continuation that the committee requests.

None.

CHAPTER 0520-01-03
Minimum Requirements for the Approval of Public Schools
Amendment

0520-01-03-.06 GRADUATION, REQUIREMENT E.

(c) Graduation with Honors, State Honors, and State Distinction

1. School systems may design student recognition programs that allow students to graduate with honors if they have met the graduation requirements and have obtained an overall grade point average of at least a 3.0 or higher on a 4.0 scale. School systems may set a higher GPA at their discretion. School systems may specify additional requirements, such as requiring students to demonstrate performance of distinction in one (1) or more areas.

2. Students who score at or above all the subject area readiness benchmarks on the ACT or equivalent score on the SAT will graduate with state honors.

Each local school board shall develop a policy prescribing how students graduating with "state honors" will be noted and recognized.

3. Students will be recognized as graduating with "state distinction" by attaining a B or better average and completing one of the following:

- (i) earn a nationally recognized industry certification
- (ii) participate in at least one (1) of the Governor's Schools
- (iii) participate in one (1) of the state's ALL State musical organizations
- (iv) be selected as a National Merit Finalist or Semi-Finalist
- (v) attain a score of thirty one (31) or higher composite score on the ACT
- (vi) attain a score of three (3) or higher on at least two advanced placement exams
- (vii) successfully complete the International Baccalaureate Diploma Programme
- (viii) earn twelve (12) or more semester hours of transcribed postsecondary credit

Each local school board shall develop a policy prescribing how students graduating with "state distinction" will be noted and recognized.

~~Graduation with Honors and Distinction:~~

~~Students who score at or above all of the subject area readiness benchmarks on the ACT or equivalent score on the SAT will graduate with honors.~~

~~Students will be recognized as graduating with "distinction" by attaining a B average and completing at least one of the following:~~

~~earn a nationally recognized industry certification~~

~~participate in at least one (1) of the Governor's Schools~~

~~participate in one (1) of the state's All State musical organizations~~

~~be selected as a National Merit Finalist or Semi-Finalist~~

~~attain a score of thirty-one (31) or higher composite score on the ACT~~

~~attain a score of three (3) or higher on at least two (2) advanced placement exams~~

~~successfully complete the International Baccalaureate Diploma Programme~~

~~earn twelve (12) or more semester hours of transcribed postsecondary credit~~

Each local school board shall develop a policy prescribing how students graduating with "distinction" will be noted and recognized.