

**Department of State
Division of Publications**

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For Department of State Use Only

Sequence Number: 06-17-13
Rule ID(s): 5494
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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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
0520-12-01	Standards for Infant/Toddler, Preschool and School-Age Extended Care Programs
Rule Number	Rule Title
0520-12-01-.10	Health and Safety

Chapter Number	Chapter Title
Rule Number	Rule Title

CHAPTER 0520-12-01
Standards for Infant/Toddler, Preschool and School-Age Extended Care Programs
Amendment

Rule 0520-12-01-.10(10)(b) is amended by deleting the phrase "and be free of nits," so that, as amended, the paragraph shall read:

(10) Contagious Conditions:

- (b) Children diagnosed with scabies or lice shall have proof of treatment prior to re-admission.

Authority: T.C.A. §§49-1-302(l), 49-1-1101 through 49-1-1109, 49-5-415, 49-6-5001 and 5002, 37-1-113, 37-1-401 et seq., 37-1-601 et seq. and 20 U.S.C. § 6081

* 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	

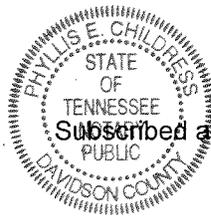
I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the TN State Board of Education on 2/1/13, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed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

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
Tre Hargett
Secretary of State

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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;

Effective July 2011, the Tennessee Department of Health (TDOH) updated its rules and regulations for handling infestations of pediculosis (head lice) and scabies. The current TDOH rules (Rule 1200-14-01-.24 - Exclusion from School for Special Diseases) requires any public, private, or church-related school, day care or head start authorities to follow the U.S. Centers for Disease Control and Prevention (CDC) guidelines for handling infestations of head lice and scabies. The updated TDOH rules remove the requirement that the child be free of nits prior to re-admission provided he/she provides proof of treatment. To be in compliance with U. S. Centers for Disease Control and Prevention guidelines the 0520-12-01-. 10(10)(b) should be revised.

- (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;

TDOH Rule 1200-14-01-.24 - Exclusion from School for Special Diseases, T.C.A. §§ 4-5-201 et seq., 49-1-302(l), 49-1-1101 through 49-1-1109, 49-5-415, 49-6-5001 and 5002, 37-1-113, 37-1-401 et seq., 37-1-601 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;

Children in Infant/Toddler, Preschool and School-Age Extended Care Programs.

- (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

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

None.

CHAPTER 0520-12-01
Standards for Infant/Toddler, Preschool and School-Age Extended Care Programs
Amendment

(10) Contagious Conditions:

- | (b) Children diagnosed with scabies or lice shall have proof of treatment and be free of nits prior to re-admission.