

**Department of State****Division of Publications**

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**For Department of State Use Only**

Sequence Number: 07-12-09  
 Rule ID(s): 4255  
 File Date: 07/17/2009  
 Effective Date: 12/29/2009

# Proposed Rule(s) Filing Form

*Proposed rules are submitted pursuant to T.C.A. §4-5-205 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 thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed rules are published. 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.*

<b>Agency/Board/Commission:</b>	State Board of Education
<b>Division:</b>	
<b>Contact Person:</b>	Rich Haglund
<b>Address:</b>	9 <sup>th</sup> Floor, 710 James Robertson Pkwy, Nashville, TN
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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. 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
Rule Number	Rule Title

Chapter Number	Chapter Title
Rule Number	Rule Title

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

Amendments

Rule 0520-01-03-.06 Graduation, Requirement B, paragraph (2), subparagraph (d), part 1 is amended by deleting the present language in its entirety and replacing it with the following, and by renumbering the remaining parts accordingly:

1. End-of-course examinations will be given in English I, English II, English III, Algebra I, Geometry, Algebra II, U.S. History, Biology I, Chemistry and Physics. Further, the results of these examinations will be factored into the student's grade at a percentage determined by the State Board of Education in accordance with T.C.A. §49-1-302.
2. Students would not be required to pass any one (1) examination, but instead would need to achieve a passing score for the course average in accordance with the State Board of Education's uniform grading policy. The weight of the end-of-course examination on the student's course average is as follows for entering ninth (9th) graders:
  - (i) fall of 2009 and 2010 – twenty percent (20%);
  - (ii) fall of 2011 and 2012 – twenty-five percent (25%); and
  - (iii) fall of 2013 and thereafter - twenty-five percent (25%).
3. In compliance with federally agreed upon indicators, end-of-course examinations aligned with students' programs of study will be given in Career and Technical Education program areas beginning with the Spring of 2010.
  - (i) End-of-course examinations aligned with the capstone courses of students' programs of study will be given in the Career and Technical Education program areas of Health Science Education and Marketing Education beginning with the Spring of 2010 in compliance with federally agreed upon indicators. The Health Science tests will be in the courses Health Science Anatomy & Physiology Diagnostic Medicine, Health Informatics, Support Services, and Nursing Education. The Marketing tests will be given in Marketing II, Advertising & Public Relations, Sales Management, Market Research & Analysis, Retail Operations, and Services Marketing.
  - (ii) Students would not be required to pass any one (1) examination, but instead would need to achieve a passing score for the course average in accordance with the State Board of Education's uniform grading policy. The weight of the Career and Technical Education end-of-course examinations on the student's course average is as follows:
    - (I) fall of 2009 and 2010 - twenty percent (20%);
    - (II) fall of 2011 and 2012 - twenty-five percent (25%); and
    - (III) fall of 2013 and thereafter - twenty-five percent (25%).

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)
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				
Brittini England				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 04/17/2009, 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 thirty (30) days after the publication date of the issue of the Tennessee Administrative Register in which these proposed rules are published.

Date: May 19, 2009

Signature: Gary Nixon

Name of Officer: Gary L. Nixon

Title of Officer: Executive Director



Subscribed and sworn to before me on: 5/20/09

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.

Robert E. Cooper, Jr.  
 Robert E. Cooper, Jr.  
 Attorney General and Reporter

6-29-09  
 \_\_\_\_\_  
 Date

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Filed with the Department of State on: 7/17/09

Effective on: 12/29/09

Tre Hargett  
Tre Hargett  
Secretary of State

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**Regulatory Flexibility Addendum**

Pursuant to Public Chapter 464 of the 105<sup>th</sup> General Assembly, prior to initiating the rule making process as described in § 4-5-202(a)(3) and § 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;

The Carl D. Perkins Career and Technical Education Act of 2006 (Perkins IV) is a federal law (P.L. 109-270) with the purpose of developing the academic and career and technical skills of secondary and postsecondary education students enrolled in career and technical education programs.

Section 113(b)(2)(A) calls for indicators for performance of "Student attainment of career and technical skill proficiencies, including student achievement on technical assessments that are aligned with industry-recognized standards, if available and appropriate."

To comply with the law, the Career and Technical Education Division of the Department of Education will administer end-of-course tests in designated courses that align with the programs of study of career and technical education students. The tests will be administered in courses which would represent the third credit of a concentrator in a respective program of study. The weight of the end-of-course exam on the student's course average will be twenty percent (20%) for the year 2009-2010 and twenty-five percent (25%) for the school year 2011-2012 and thereafter.

- (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;

Section 113(b)(2)(A) of the federal Carl D. Perkins Career and Technical Education Act of 2006 (Perkins IV; P.L. 109-270) calls for indicators for performance of "Student attainment of career and technical skill proficiencies, including student achievement on technical assessments that are aligned with industry-recognized standards, if available and appropriate."

- (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, teachers, parents and 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;

Minimal.

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

David Sevier  
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;

David Sevier

State Board of Education  
Lynne Cohen  
State Department of Education

- (H) Office address and telephone number 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.