

**Department of State
Division of Publications**

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For Department of State Use Only

Sequence Number: 10-06-14
Rule ID(s): 5813
File Date: 10/13/14
Effective Date: 11/1/15

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:	1 st Floor, Andrew Johnson Tower 710 James Robertson Parkway 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 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 D

Chapter Number	Chapter Title
Rule Number	Rule Title

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

Rule 0520-01-03-.06(1)(a) Graduation, Requirement D is amended by adding subsection (a)(3) so that, as amended, the new subsection shall read:

3. An occupational diploma may be awarded at the end of their fourth year of high school to students with disabilities who:
 - (i) Have not met the requirements for a high school diploma;
 - (ii) Have satisfactorily completed an individualized education program;
 - (iii) Have satisfactory records of attendance and conduct; and
 - (iv) Have completed the occupational diploma Skills, Knowledge, and Experience Mastery Assessment (SKEMA) created by the Department of Education and have completed two (2) years of paid or non-paid work experience.

The determination that an occupational diploma is the goal for a student with a disability will be made at the conclusion of the student's tenth (10th) grade year or two (2) academic years prior to the expected graduation date. Students who obtain the occupational diploma may continue to work towards the high school diploma through the end of the school year in which they turn twenty-two (22) years old.

Authority: T.C.A. §§ 49-1-302 and 49-6-6001(g)

* 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				

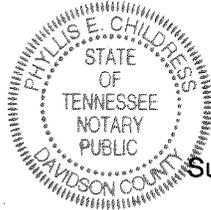
I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Tennessee State Board of Education on 07/25/2014, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition 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 sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State.

Date: 9-4-14

Signature: Gary Nixon

Name of Officer: Dr. Gary L. Nixon

Title of Officer: Executive Director



MY COMMISSION EXPIRES:
January 9, 2016

Subscribed and sworn to before me on: 9/12/14

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
9-23-14
Date

Department of State Use Only

Filed with the Department of State on:

10/13/14

Effective on:

1/11/15

Tre Hargett

Tre Hargett
Secretary of State

2014 OCT 13 PM 12:48

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 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;

Tenn. Code Ann. §49-6-6001(g) requires the State Board of Education to adopt, in addition to a full diploma, a certificate of attendance, or a special education diploma, an occupational diploma for students with disabilities. The Board is required to set appropriate standards and benchmarks of attendance, academic achievement, and job readiness skills for the occupational diploma. A student will not be required to comply with the testing requirements set forth by the Board pursuant to Tenn. Code Ann. §49-6-6001(a) for receipt of a full diploma in order to receive an occupational diploma.

- (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 and 49-6-6001(g)

- (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;

Public School students with disabilities, teachers, school administrators and guidance counselors

The following State Board of Education staff, Department of Education staff, representatives of advocacy groups, and school districts met and developed the proposed rule amendment:

- 1) Pat Beane, Shelby Co. Schools
- 2) Erik Carter, Vanderbilt Kennedy Center
- 3) Cynthia Cheshier, Oak Ridge City Schools
- 4) Karen Baynham Curry, Metro Nashville Public Schools
- 5) Cindy DaCosta, Tullahoma City Schools
- 6) Mitzi Delker, Hamilton County Department of Education
- 7) Scott Eddins, TN State Board of Education
- 8) Joey Ellis, Step TN
- 9) Gayle Feltner, TN Department of Education, Special Populations
- 10) Alison Gauld, TN Department of Education, Special Populations
- 11) Crystal Godwin, UT Center for Literacy, Education & Employment
- 12) Carry Hobbs Guiden, The Arc Tennessee
- 13) Joey Hassell, TN Department of Education, Special Populations
- 14) Tammy Hatfield, Tullahoma City Schools
- 15) Kyle Hauth, Orange Grove Center
- 16) Tie Hodack, TN Department of Education, Special Populations
- 17) Melvin Jackson, UT Center for Literacy, Education & Employment - Boling Center for Developmental Disabilities
- 18) Pablo Juarez, Vanderbilt Kennedy Center
- 19) Suzanne Keefe, TN Department of Education, Special Populations
- 20) George Kington, Cumberland County Schools
- 21) Teresa Kirk, TN Department of Human Services
- 22) Treva Maitland, The Tennessee ARC
- 23) Danielle Mezera, TN Department of Education, Career and Technical Education
- 24) Gary Nixon, TN State Board of Education
- 25) Souette Lee Quinn, Clarksville-Montgomery County Schools
- 26) Loria Hubbard Richardson, The Arc Tennessee
- 27) Sebrena St. Johns, Washington County Schools
- 28) David Sevier, TN State Board of Education
- 29) Steve Sparks, TN Department of Education, Special Populations
- 30) Nathan Travis, TN Department of Education, Special Populations

- 31) Angela Webster, Disability Law & Advocacy Center of Tennessee
- 32) Wanda Willis, TN Council on Developmental Disabilities
- 33) Bill Wilson, TN Department of Education, Special Populations

(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;

Dr. David Sevier
David.Sevier@tn.gov

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

Dr. David Sevier
David.Sevier@tn.gov

(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

Dr. David Sevier
1st Floor, Andrew Johnson Tower
710 James Robertson Parkway
Nashville, TN 37243
615-532-3528
David.Sevier@tn.gov

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

N/A

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

(1) Graduation Requirements - Effective with the ninth (9th) grade class of 2009-2010 and thereafter.

(a) High School Diploma and Special Education Diploma.

1. The high school diploma will be awarded to students who (1) earn the specified twenty-two (22) units of credit, and (2) have satisfactory records of attendance and conduct.
2. A special education diploma may be awarded at the end of their fourth year of high school to students with disabilities who have (1) not met the requirements for a high school diploma, (2) have satisfactorily completed an individualized education program, and (3) have satisfactory records of attendance and conduct. Students who obtain the special education diploma may continue to work towards the high school diploma through the end of the school year in which they turn twenty-two (22) years old.
3. An occupational diploma may be awarded at the end of their fourth year of high school to students with disabilities who:
 - (i) Have not met the requirements for a high school diploma;
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 - (iii) Have satisfactory records of attendance and conduct; and
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