



**Chapter 0520-01-02  
Administrative Rules and Regulations  
Amendments**

Rule 0520-01-02-.01 Definition of a Tennessee Public School is amended by deleting the present language in its entirety and replacing it with the following:

A public school is the basic administrative unit of a state, county, city or special district school system, consisting of one or more grade groups, one or more teachers to give instruction, and one principal, which school shall be subject to the statutes of the State of Tennessee, and to rules, regulations, and minimum standards of the Tennessee State Board of Education.

**Authority:** T.C.A. §49-3-306.

\* 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				
Woods	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 08/05/2011, 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 sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State.

Date: 11-7-11

Signature: Gary Nixon

Name of Officer: Dr. Gary Nixon

Title of Officer: Executive Director



Subscribed and sworn to before me on: 11/7/11

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.

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

11-23-11  
 Date

Department of State Use Only

Filed with the Department of State on: 12/05/2011

Effective on: 05/30/2012

Tre Hargett  
Tre Hargett  
Secretary of State

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SECRETARY OF STATE  
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.

(If applicable, insert Regulatory Flexibility Addendum here)

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)

There will be 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 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;

It is recommended that Rule 0520-01-02- .01 Definition of a Tennessee Public School be amended by deletion of "one plant." This recommendation stems from the recognition that such a requirement inhibits the creation of virtual schools. Districts should have the freedom to establish virtual schools and should not be inhibited by the physical plant requirement.

- (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. § 49-16-102: Promulgation of rules and regulations regarding virtual education programs by the State Board of Education

- (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;

State Department of Education, Local Education Agencies (LEAs) overseen by the Department of Education

- (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;

Dr. David Sevier  
State Board of Education

Mr. James Witty  
State Department of Education

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

Dr. David Sevier  
State Board of Education

Mr. James Witty  
State Department 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

Dr. David Sevier  
State Board of Education  
9<sup>th</sup> Floor, 710 James Robertson Pkwy  
Nashville TENNESSEE 37243  
615-253-5689  
[David.Sevier@tn.gov](mailto:David.Sevier@tn.gov)

Mr. James Witty  
State Department of Education  
710 James Robertson Pkwy  
Nashville TENNESSEE 37243  
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(I) Any additional information relevant to the rule proposed for continuation that the committee requests.

None.

RULES  
OF  
THE TENNESSEE DEPARTMENT OF EDUCATION  
THE STATE BOARD OF EDUCATION

CHAPTER 0520-01-02  
ADMINISTRATIVE RULES AND REGULATIONS

*Checkline*

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**Authority:** T.C.A. §49-3-306. **Administrative History:** Original rule certified June 10, 1974. Amendment filed August 20, 1984; effective November 13, 1984. Amendment filed September 26, 1985; effective December 14, 1985. Amendment filed September 20, 1987; effective December 22, 1987. Amendment filed October 18, 1988; effective January 29, 1989. New rule filed February 16, 1989; effective April 2, 1989. Amendment filed July 11, 1990; effective October 29, 1990. Repeal and new rule filed March 16, 1992; effective June 29, 1992.