

Department of State
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For Department of State Use Only

Sequence Number: 12-04-11
 Rule ID(s): 5078
 File Date: 12/05/2011
 Effective Date: 05/30/2012

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 Walker
Address:	9th 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 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-.03	Administration of Schools, Requirement B

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-.03 Administration of Schools, Requirement B, Item (1) Part (b) of paragraph (7) is amended by deleting the present language in its entirety. The new rule will read as the following:

(7) Summer Schools.

- (a) Summer schools shall be under the control and management of the local board of education having jurisdiction.
- (b) The following shall be required for grades 9 through 12:
 - 1. State curriculum frameworks shall be used for all courses.
 - 2. Summer school teachers shall be licensed and hold endorsements in the subject areas in which they are teaching.

Authority: *T.C.A. §§ 49-1-302, 49-1-302(a)(2) and (13), 49-2-110, 49-2-114, 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				
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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2011 DEC -5 PM 4:17
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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.

(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 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;

Item (1) Part (b) of paragraph (7) of Rule 0520-01-03-.03 Summer Schools is amended by deletion of this part in its entirety which states that "A minimum of 133 contact hours shall be required in order to earn one unit of credit." This recommendation stems from the recognition that seat time is not an adequate measure of student competency.

- (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. § 49-6-409: The law requires The department of education to develop alternative methods by which adult students attending adult high schools may meet requirements that condition the receipt of credit for a course on a minimum number of contact hours.

- (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
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9th Floor, 710 James Robertson Pkwy
Nashville TENNESSEE 37243
615-253-5689
David.Sevier@tn.gov

Mr. James Witty
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710 James Robertson Pkwy
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(I) Any additional information relevant to the rule proposed for continuation that the committee requests.

None.

**RULES
OF
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-01-03
MINIMUM REQUIREMENTS FOR THE APPROVAL
OF PUBLIC SCHOOLS**

Rule 0520-01-03-.03 Administration of Schools, Requirement B, Item (1) Part (b) of paragraph (7) is amended by deleting the present language in its entirety. The new rule will read as the following:

(7) Summer Schools.

- (a) Summer schools shall be under the control and management of the local board of education having jurisdiction.
- (b) The following shall be required for grades 9 through 12:
 - 1. ~~A minimum of 133 contact hours shall be required in order to earn one unit of credit.~~
 - 2. State curriculum frameworks shall be used for all courses.
 - 3. Summer school teachers shall be licensed and hold endorsements in the subject areas in which they are teaching.