

**Department of State
Division of Publications**

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For Department of State Use Only

Sequence Number: 12-15-11
Rule ID(s): 5084
File Date: 12/16/2011
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
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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
0520-02-01	EVALUATIONS
Rule Number	Rule Title
0520-02-01-.01	General Requirements for Evaluations
0520-02-01-.02	Local Evaluations

Chapter Number	Chapter Title
Rule Number	Rule Title

**Chapter 0520-01-01
Evaluation
Amendments**

Rule 0520-02-01-.01 General Requirements for Evaluations is amended by deleting the present language in Section (1) in its entirety and replacing it with the following:

- (1) The Department of Education shall develop and recommend a model plan for teacher evaluation to the State Board of Education for approval. The model plan will be developed in accordance with these rules and the Educator Evaluation Policy adopted by the State Board of Education.

Rule 0520-02-01-.02 Local Evaluations is amended by deleting the Section (2) in its entirety and replacing it with the following:

- (2) The Commissioner of Education shall verify that each LEA's evaluation system complies with the State Board approved guidelines and criteria no later than September 1 of each year. Changes made in a locally developed evaluation system shall be submitted to the Commissioner of Education by July 1 prior to the proposed implementation year.
 - a. By June 15 annually, LEAs' evaluation plans and recommendations of all apprentice teachers who are in their final apprentice year shall be submitted for state review and approval.
 - b. Evaluation deadlines for first and second year apprentice teachers and professionally licensed teachers may be determined by the local school system, but must occur no later than June 15.

Authority: T.C.A. §§ 49-1-201, 49-1-301, and 49-5-5205.

* 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				

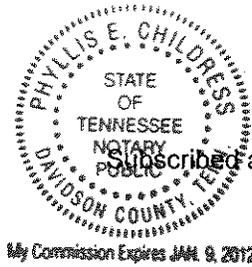
I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the State Board of Education on 08/05/2011, and is in compliance with the provisions of TCA 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed 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: 11-21-11

Signature: Gary Nixon

Name of Officer: Dr. Gary Nixon

Title of Officer: Executive Director



Subscribed and sworn to before me on: 11/21/11

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.

Robert E. Cooper, Jr.
 Robert E. Cooper, Jr.
 Attorney General and Reporter
12-12-11
 Date

Department of State Use Only

Filed with the Department of State on: 12/16/2011

Effective on: 05/30/2012

Tre Hargett
Tre Hargett
Secretary of State

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SECRETARY OF STATE
PUNJICATIONS

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)

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;

The First to the Top Legislation passed in the Extraordinary Session of 2010 calls for teachers and principals to be evaluated annually. The legislation established a Teacher Evaluation Advisory Council (TEAC) and charged it with the responsibility to develop and recommend to the criteria and guidelines for teacher and principal evaluations for the Board to consider. The legislation also charged the TEAC to recommend to the Board a grievance procedure for LEAs to implement regarding the accuracy of the data and the fidelity to the process used to evaluate teachers and principals.

The State Board approved the implementing rules at its January 2011 meeting. The State Board approved the Educator Evaluation Policy at its April 2011 meeting. The approved rule states that the Department of Education will adopt a model for teacher evaluation. It was the Board's intent that the Department of Education would develop and recommend the model plan to the State Board for approval. This item contains an amendment to the rule that implements the Board's original intent.

- (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;

The First to the Top Act (2010 PC 2, codified in Tenn. Code Ann. § 49-1-301(d)) calls for teachers and principals to be evaluated annually.

- (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; teachers licensed by the State Board 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. Gary Nixon
State Board of Education

Dr. Sara Heyburn
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. Gary Nixon
State Board of Education

Dr. Sara Heyburn
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

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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 0520-02-01
EVALUATIONS**

0520-02-01-.01 GENERAL REQUIREMENTS FOR EVALUATIONS.

- (1) The Department of Education shall develop and recommend a model plan for teacher evaluation to the State Board of Education for approval. The model plan will be developed in accordance with these rules and the Educator Evaluation Policy adopted by the State Board of Education.
- ~~(1) The Department of Education shall adopt a model plan for teacher evaluation developed in accordance with these rules and the guidelines and criteria adopted by the State Board of Education.~~
- (2) Local boards of education shall use either the model plan for teacher evaluation or evaluation models that have been adopted by the local board of education and approved by the State Board of Education.

 - a. Prior to review by the State Board of Education, locally adopted evaluation models must:

 - i. Be reviewed by the Commissioner of the Department of Education for compliance with the guidelines and criteria adopted by the State Board of Education, and;
 - ii. Following conditional approval by the commissioner, have been implemented for a one (1) year pilot in a Tennessee LEA.
 - b. Following the pilot year, evaluation models shall be reviewed by the Commissioner and submitted to the State Board of Education for final approval.
 - c. Evaluation models approved by the State Board of Education may, with local board approval, be used in any LEA.
- (3) Annual evaluation shall be made of all educators in the state.
- (4) Local boards of education shall develop a local-level evaluation grievance procedure that complies with the State Board of Education's Teacher Evaluation Policy. This procedure shall provide a means for evaluated teachers and principals to challenge only the accuracy of the data used in the evaluation and the adherence to the evaluation policies adopted by the State Board of Education.

Authority: T.C.A. §§ 49-1-201, 49-1-301, and 49-5-5205. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed July 17, 1981; effective October 28, 1981. Amendment filed March 7, 1983; effective June 15, 1983. Amendment filed September 30, 1986; effective November 14, 1986. Amendment filed October 18, 1989; effective January 29, 1989. Amendment filed November 18, 1988; effective February 28, 1989. Amendment filed October 31, 1989; effective January 29, 1990. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed April 27, 1998; effective August 28, 1998. Amendment filed May 28, 1999; effective September 28, 1999. Repeal and new rule filed February 18, 2011; effective July 29, 2011.

0520-02-01-.02 PROCEDURES FOR APPROVAL AND MONITORING OF LOCAL EVALUATIONS.

- (1) Prior to the beginning of the 2011-2012 school year, each LEA shall submit the evaluation system that has been approved by the local board of education to the Commissioner of Education.
- (2) The Commissioner of Education shall verify that each LEA's evaluation system complies with the State Board approved guidelines and criteria no later than September 1 of each year. Changes made in a locally developed evaluation system shall be submitted to the Commissioner of Education by July 1 prior to the proposed implementation year.
 - a. By June 15 annually, LEAs' evaluation plans and recommendations of all apprentice teachers who are in their final apprentice year shall be submitted for state review and approval.
 - b. Evaluation deadlines for first and second year apprentice teachers and professionally licensed teachers may be determined by the local school system, but must occur no later than June 15.

~~The Commissioner of Education shall verify that each LEA's evaluation system complies with the State Board approved guidelines and criteria no later than September 1 of each year.~~

- (3) Changes made in a locally developed evaluation system shall be submitted to the Commissioner of Education by July 1 prior to the proposed implementation year.
 - a. By May 15 annually, LEAs' evaluation plans and recommendations of all apprentice teachers who are in their final apprentice year shall be submitted for state review and approval.
 - b. Evaluation deadlines for first and second year apprentice teachers and professionally licensed teachers may be determined by the local school system, but must occur no later than May 15.
- (4) The Department of Education shall collect data from each LEA on approved teacher evaluation models and shall make an annual report to the State Board of Education. Such data shall include but not be limited to the following: the evaluation model being implemented, the relationship between the principal's rating and student achievement, the percentage of licensed staff trained as evaluators, the percentage of licensed staff grieving the evaluation, and the distribution of teachers by effectiveness group.
- (5) Training of Evaluators. Anyone conducting an evaluation and/or observation must complete a training process approved by the Department of Education. The approved training process must be conducted by a trainer certified by the Department of Education. Local boards of education that choose an alternative evaluation plan shall present their training plans to the Department of Education by August 15 of each year.

Authority: T.C.A. §§ 49-1-201, 49-1-301 and 49-5-5205. **Administrative History:** Original rule certified June 10, 1974. Amendment filed June 10, 1974; effective July 10, 1974. Repeal and new rule filed July 17, 1981; effective October 28, 1981. Amendment filed September 30, 1986; effective November 14, 1986. Amendment filed September 20, 1987; effective December 22, 1987. Amendment filed January 31, 1991; effective May 1, 1991. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed April 27, 1998; effective August 28, 1998. Amendment filed May 28, 1999; effective September 28, 1999. Amendment filed April 28, 2000; effective August 28, 2000. Amendment filed October 31, 2002; effective February 28, 2003. Amendment filed September 6, 2007; effective January 28, 2008. Repeal and new rule filed February 18, 2011; effective July 29, 2011.