

G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: State

DIVISION: Division of Publications

SUBJECT: Notice of Rulemaking; Filing of Rules; Withdrawal of Rules, Stays of Effective Dates, and Withdrawal of Stay of Effective Date

STATUTORY AUTHORITY: Tennessee Code Annotated, Title 4, Chapter 5

EFFECTIVE DATES: March 18, 2020 through September 14, 2020

FISCAL IMPACT: None

STAFF RULE ABSTRACT: These emergency rules govern the filing of rulemaking notices with the Secretary of State pursuant to the Uniform Administrative Procedures Act. The changes made herein are designed to allow State agencies to file these documents with the Secretary of State in an electronic manner due to the recent crisis involving the COVID-19 virus and the ensuing State of Emergency declared in Tennessee. Any other changes are not substantive.

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://publications.itsosfiles.com/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

These rules 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;

These rules govern the filing of rulemaking notices with the Secretary of State pursuant to the Uniform Administrative Procedures Act. The changes made herein are designed to allow State agencies to file these documents with the Secretary of State in an electronic manner due to the recent crisis involving the COVID-19 virus and the ensuing State of Emergency declared in Tennessee. Any other changes are not substantive.

- (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;

Uniform Administrative Procedures Act, Tennessee Code Title 4, Chapter 5.

- (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;

This rule will impact all state agencies with rulemaking authority pursuant to the Uniform Administrative Procedures Act.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate 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;

None.

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

Mary Beth Thomas, General Counsel

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

Mary Beth Thomas, General Counsel

- (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

Mary Beth Thomas, General Counsel
Office of the Secretary of State
State Capitol, 1st Floor
Nashville, TN 37243
Telephone (615) 741-2819
Mary.Beth.Thomas@tn.gov

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

N/A

Department of State
Division of Publications
 312 Rosa L. Parks Ave., 8th Floor, Snodgrass/TN Tower
 Nashville, TN 37243
 Phone: 615-741-2650
 Email: publications.information@tn.gov

For Department of State Use Only

Sequence Number: 03-12-20
 Rule ID(s): 9317-9319
 File Date: 3/18/2020
 Last Effective Day: 9/14/2020

Emergency Rule Filing Form

Emergency rules are effective from date of filing, unless otherwise stated in the rule, for a period of up to 180 days.

Agency/Board/Commission:	Department of State
Division:	Division of Publications
Contact Person:	Mary Beth Thomas, General Counsel
Address:	State Capitol, 1 st Floor, Nashville, Tennessee
Zip:	37243
Phone:	(615) 741-2819
Email:	Mary Beth Thomas

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Statement of Necessity:

The following emergency amendments are necessary to ensure that the Department of State is able to continue receiving and processing rulemaking filings during the State of Emergency caused by the COVID-19 Virus. These changes are designed to allow the rulemaking process to occur remotely by electronic means by allowing filings to be submitted electronically and removing the requirement that such filings be certified.

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 make sure that ALL new rule and repealed rule numbers are listed in the chart below. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
1360-01-01	Notice of Rulemaking
Rule Number	Rule Title
1360-01-01-.03	Forms and Completion of Forms

Chapter Number	Chapter Title
1360-01-02	Filing of Rules
Rule Number	Rule Title
1360-01-02-.04	Forms and the Completion of Forms
1360-01-02-.05	Additional Requirements

Chapter Number	Chapter Title
1360-01-03	Withdrawal of Rules, Stays of Effective Dates, and Withdrawal of Stay of Effective Date
Rule Number	Rule Title
1360-01-03-.02	Forms and the Completion of Forms

**RULES
OF
THE TENNESSEE DEPARTMENT OF STATE**

**CHAPTER 1360-01-01
NOTICE OF RULEMAKING**

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1360-01-01-.01	Notice to Secretary of State of Tennessee	1360-01-01-.04	Repealed
1360-01-01-.02	Paper Size and Margins	1360-01-01-.05	Repealed
1360-01-01-.03	Forms and Completion of Forms		

1360-01-01-.01 NOTICE TO SECRETARY OF STATE OF TENNESSEE.

- (1) Whenever an agency is required by law to hold a public hearing as part of its rulemaking process and is required to transmit a notice of such rulemaking hearing to the Secretary of State for publication in the Tennessee Administrative Register, that notice shall be filed using form SS-7037 prescribed by this chapter and made available on the Secretary of State's web site. The general information required for all notices shall be added by the agency on the prescribed form.

Authority: T.C.A. § 4-5-203. **Administrative History:** (For history prior to June 22, 1984 see pages 1-1.001.) Repeal and new rule filed May 23, 1984; effective June 22, 1984. Repeal and new rule filed July 29, 2008; effective November 28, 2008.

1360-01-01-.02 PAPER SIZE AND MARGINS.

- (1) All notices of rulemaking hearings filed with the Secretary of State must be on white, medium bond paper, size eight and one-half by eleven inches. The margins of this form will be preselected by the Secretary of State. After the form is completed it can be printed and copies made for submission to the Secretary of State.

Authority: T.C.A. § 4-5-203. **Administrative History:** (For history prior to June 22, 1984 see pages 1-1.001.) Repeal and new rule filed May 23, 1984; effective June 22, 1984. Repeal and new rule filed July 29, 2008; effective November 28, 2008.

1360-01-01-.03 FORMS AND COMPLETION OF FORMS.

- (1) A Notice of Rulemaking Hearing filed with the Secretary of State will require the following:
 - (a) Three (3) original forms (SS-7037) documents with original signatures in hard copy or a single PDF copy of the signed original form (SS-7037). Signatures may be affixed electronically.
 1. The following guidelines apply to the document:
 - (i) The documents must be clean and legible copies.
 - (ii) Use of capitals and lower case in all text. No "all caps."
 - (iii) No bold, underline or italic fonts.
 - (iv) No auto numbering on paragraphs in text of rule.
 - (v) Do not use the MS Word function "track changes."

(Rule 1360-01-01-.03, continued)

- (vi) No unneeded punctuation. Example: No comma between rule number and rule title or apostrophe after agency name in main heading.
 - (vii) Use T.C.A. for Tennessee Code Annotated.
 - (viii) No hard return at the end of lines within a paragraph. Use only at end of paragraph.
 - (ix) Use the enter key to put space between paragraphs. Do not use paragraph formatting before or after the paragraph to create space. This function does not work with style pallets.
 - (x) Use hyphens on keyboard with no spaces between hyphen and rule numbers. Variations can cause search options to overlook target.
 - (xi) No single digits on rule and chapter numbers. Place "0" with single numbers. Example: 1200-5-5 = 1200-05-05.
 - (xii) Font style shall be Arial and point size 10.
- (b) A digital version ~~(diskette or CD)~~ of the original form (SS-7037) filing shall accompany be submitted contemporaneously with the filing.
1. The file must be transmitted to the ~~Secretary of State~~ Division of Publications in MS Word format via email to publications.information@tn.gov.
 2. The ~~disk or CD shall be labeled to~~ email must include the following information within the body of the email:
 - (i) File name(s).
 - (ii) Software program and version.
 - (iii) Chapter and rule number.
 - (iv) Name, address, telephone number and e-mail of the ~~technical contact who person who is responsible for the contents of the filing created the medium file.~~
 - ~~(v) Include only what is required on disk/CD. Label disk/CD with chapter number.~~
 - (vii) Files not required by the Secretary of State should not be included within the email on the disk/CD accompanying the rule.
 - (vi) Electronic submission of forms shall not be encrypted. Any transmission of encrypted material to the Secretary of State pursuant to the Uniform Administrative Procedures Act will be rejected and returned to the agency as noncompliant.
- (2) Page numbering – Page one of all filings will be on the prescribed form. All additional pages will be numbered sequentially at the bottom, middle of the page.

(Rule 1360-01-01-.03, continued)

- (3) The substance of the proposed rules(s) shall be added to the form at the designated place. The text must be formatted according to the rules of the Secretary of State (see Rule 1360-01-02).
- (4) The Secretary reserves the right to reject any filing not in compliance with these rules or other rules pertaining to rulemaking.
- (5) A completed sample of form SS-7037 can be found at the Secretary of State's web site: www.state.tn.us/sos.

Authority: T.C.A. § 4-5-203. **Administrative History:** (For history prior to June 22, 1984 see pages 1-1.001.) Repeal and new rule filed May 23, 1984; effective June 22, 1984. Amendment filed April 16, 1990; effective July 29, 1990. Amendment filed June 12, 1995; effective October 27, 1995. Amendment filed August 17, 1998; effective December 29, 1998. Repeal and new rule filed July 29, 2008; effective November 28, 2008.

1360-01-01-.04 REPEALED.

Authority: T.C.A. § 4-5-203. **Administrative History:** Original rule filed June 12, 1995; effective October 27, 1995. Repeal filed July 29, 2008; effective November 28, 2008.

1360-01-01-.05 REPEALED.

Authority: T.C.A. § 4-5-203. **Administrative History:** (For history prior to June 22, 1984 see pages 1-1.001.) Repeal and new rule filed May 23, 1984; effective June 22, 1984. Amendment renumbering rule (formerly 1360-01-01-.04) filed June 12, 1995; effective October 27, 1995. Repeal filed July 29, 2008; effective November 28, 2008.

**RULES
OF
THE TENNESSEE DEPARTMENT OF STATE**

**CHAPTER 1360-01-02
FILING OF RULES**

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1360-01-02-.04	Forms and Completion of Forms		

1360-01-02-.01 PURPOSE.

It is the intent of the Secretary of State to simplify the rulemaking process for state agencies with rulemaking authority by incorporating a series of forms that shall be completed by the agency and submitted to the Secretary. These forms are furnished at the Secretary of State web site: www.state.tn.us/sos. The agency is then to go to the Publications Division within the site and follow the instructions. These forms are to be completed by computer and printed for submission to the Secretary of State.

Authority: T.C.A. §§ 4-5-202 and 4-5-206. **Administrative History:** (For history prior to June 22, 1984 see pages 1-1. 001.). Repeal and new rule filed May 23, 1984; effective June 22, 1984. Repeal and new rule filed July 29, 2008; effective November 28, 2008.

1360-01-02-.02 DEFINITIONS OF RULES. The following are definitions of types of rules that can be filed with the Secretary of State pursuant to the Uniform Administrative Procedures Act.

- (1) The term "rules" shall mean rulemaking hearing rules, proposed rules, and emergency rules. Each term mentioned is applicable to its own form.
- (2) Form SS-7039 is applicable to "rulemaking hearing rules." These are rules filed by an agency after a rulemaking hearing is conducted pursuant to T.C.A. § 4-5-202.
- (3) Form SS-7038 is applicable to "proposed rules." These are rules filed by an agency without a rulemaking hearing pursuant to T.C.A. § 4-5-205.
- (4) Form SS-7040 is applicable to "emergency rules." These are filed by an agency pursuant to T.C.A. § 4-5-208(a), where:
 - (a) An immediate danger to the public health, safety or welfare exists, and the nature of this danger is such that the use of any other form of rulemaking authorized by this chapter would not adequately protect the public; or
 - (b) The rule only delays the effective date of another rule that is not effective; or
 - (c) It is required by the constitution or court order; or
 - (d) It is required by an agency of the federal government and adoption of the rule through ordinary rulemaking procedure described in this chapter might jeopardize a federal program or funds; or

(Rule 1360-01-02-.02, continued)

- (e) The agency is required by an enactment of the general assembly to implement rules within a prescribed period of time that precludes utilization of rulemaking procedures described elsewhere in this chapter for the promulgation of permanent rules.

(5) Reserved

Authority: T.C.A. §§ 4-5-202, 4-5-206, 4-5-208, 4-5-209 and Public Chapter 566 of the 106th General Assembly. **Administrative History:** (For history prior to June 22, 1984 see pages 1-1. 001.). Repeal and new rule filed May 23, 1984; effective June 22, 1984. Repeal and new rule filed July 29, 2008; effective November 28, 2008. Amendments filed August 24, 2009; effective January 29, 2010.

1360-01-02-.03 PAPER SIZE, MARGINS AND NUMBERING OF RULES.

- (1) All notices of rulemaking hearings filed with the Secretary of State must be on white, medium bond paper, size eight and one-half by eleven inches. The margins of this form will be preselected by the Secretary of State. After the form is completed it can be printed and copies made for submission to the Secretary of State.
- (2) Control Number. A four-digit number has been assigned to each state agency authorized by law to make rules or determine contested cases. This control number will be used on all rules filed for publication with the Secretary of State pursuant to the Administrative Procedures Act, Tennessee Code Annotated Title 4, Chapter 5.
- (3) Numbering Rules
 - (a) Where the agency is small and its functions are limited to one particular area, the second number designating the major division of primary subject matter may be dispensed with.

Example: 1200-06-01-.01

1200	06	01	.01
Control number	Division	Chapter	Rule

- (4) Rule Structure. All separate parts of a rule shall be designated by a letter or number. Rules shall be organized, numbered and referenced according to the following outline form:
 - (1) Paragraph
 - (a) subparagraph
 - 1. part
 - (i) subpart
 - (l) item
 - I. subitem
 - A. section
 - (A) subsection

Authority: T.C.A. §§4-5-206, 4-5-220 and 4-5-221. **Administrative History:** (For history prior to June 22 1984 see pages 1-1.001. Repeal and new rule filed May 23, 1984; effective June 22, 1 984. Amendment filed June 12, 1995; effective October 27, 1995. Repeal and new rule filed July 29, 2008; effective November 28, 2008.

(Rule 1360-01-02-.03, continued)

1360-01-02-.04 FORMS AND THE COMPLETION OF FORMS. The forms supplied by the Secretary of State through the web site (www.state.tn.us/sos) shall be completed by the rule filer and the following guidelines are to be followed:

- (1) A Proposed Rulemaking Form, Rulemaking Hearing Form and a Temporary Rule Filing Form shall require the following:

- (a) Three (3) entire-original forms documents completed with original signatures in hard copy or a single PDF copy of the signed original form document. Signatures may be affixed electronically.

1. The following guidelines apply to the document:

- (i) The documents must be clean and legible.
- (ii) Use of capitals and lower case in all text. No "all caps."
- (iii) No bold, underline or italic fonts.
- (iv) Do not use auto-numbering on paragraphs in the text of rule.
- (v) Do not use the MS Word function "track changes."
- (vi) Do not use unneeded punctuation. Example: No comma between the rule number and rule title or apostrophe after agency name in main heading.
- (vii) Use T.C.A. for Tennessee Code Annotated.
- (viii) No hard return at the end of lines within a paragraph. Use at the end of a paragraph.
- (ix) Use the enter key to put space between paragraphs. Do not use paragraph formatting before or after the paragraph to create space. This function does not work well with style pallets.
- (x) Use hyphens on keyboard with no space between hyphen and rule numbers. Variations can cause search options to overlook target.
- (xi) No single digits on rule and chapter numbers. Place "0" with single numbers. Example: 1200-5-5 = 1200-05-05.
- (xii) Responses to comments are not part of the Government Operations Committee statement. Compose responses on separate sheet of paper. If there were no comments to respond to, draft a memo stating that fact.
- (xiii) Font style for all submissions shall be Arial and point size 10.

- (b) ~~Diskette or CD submission of the material is required. Other requests for transmission of data can be accommodated; however, the filing agency must contact the division before submission.~~ A digital version of the original form shall be submitted contemporaneously with the filing.

1. The file must be transmitted to the Division of Publications in MS Word software format via email to publications.information@tn.gov. Contact the ~~division~~ Division of Publications if unsure about software requirements.

(Rule 1360-01-02-.04, continued)

2. ~~The disk or CD should be labeled and email must~~ include the following information within the body of the email:
 - (i) File Name(s).
 - (ii) Software program and version.
 - (iii) Chapter(s) and rule number(s).
 - (iiiiv) Name, address, telephone number and e-mail address of the person who made the disk file and is responsible for the contents of the filing.
 - (iv) ~~Include only what is required on disk/CD. Label disk/CD with chapter number. Files not required by the Secretary of State should not be included within the email. on the disk/CD accompanying the rule.~~
 - (vi) ~~Any E~~electronic submission of forms shall not be encrypted. Any transmission of encrypted material to the Secretary of State pursuant to the Uniform Administrative Procedures Act will be rejected and returned to the agency as ~~non-compliant~~noncompliant.
- (2) Page numbering – Page one of all filings will be on the prescribed form. All additional pages will be numbered sequentially at the bottom, middle of the page.
- (3) Each rule filed with the Secretary of State shall clearly show at the bottom of that rule the statutory authority (rulemaking as well as substantive) for each rule. Where a particular group of rules has the same statutory authority, then that authority need only be cited once at the end of that group of rules.
- (4) ~~All rules filed with the Secretary of State shall be certified.~~
- (5) ~~New rules and amendments may be filed together with the same set of signatures so long as they are grouped and separated by the headings "New Rules" and/or "Amendments." When filing multiple amendments involving more than one rule and/or chapters within one document, the amendments must be in numeric order.~~

Authority: T.C.A. §§ 4-5-202, 4-5-202(c), 4-5-203(e), 4-5-206, 4-5-206(d), 4-5-208 and 4-5-209.
Administrative History: (For history prior to June 22, 1984 see pages 1 - 1. 001.). Repeal and new rule filed May 23, 1984; effective June 22, 1984. Amendment filed June 12, 1995; effective October 27, 1995. Amendment filed August 17, 1998; effective December 29, 1998. Repeal and new rule filed July 29, 2008; effective November 28, 2008. Amendment filed August 24, 2009; effective January 29, 2010. Amendment filed October 20, 2011; effective March 30, 2012.

1360-01-02-.05 ADDITIONAL REQUIREMENTS.

- (1) Responses to comments
 - (a) When filing rulemaking hearing rules, a document containing responses to comments submitted at the rulemaking hearing must accompany the rule filing as prescribed in T.C.A. § 4-5-222. One copy of the responses is required to be filed with the filing. This requirement states only agency responses to comments are required. Letters of inquiry from parties questioning the rule will not be accepted. These comments can be summarized.

(Rule 1360-01-02-.05, continued)

- (b) When no comments are received at the hearing then there will be no responses by the agency. In this case the agency should draft a memorandum stating such and send to the Secretary of State with the filing. Minutes of the meetings will not be accepted.
- (2) Joint Government Operations Committee Legislative Oversight
 - (a) The Secretary of State will forward the rule filings and the information submitted pursuant to T.C.A. § 4-5-225(i)(1) through (9) to the Government Operations Committee. This enables the required information to be received by the committee at the same time as the rule filings, thus facilitating the committee's review of the rule filings.
 - (3) Regulatory Flexibility Act
 - (a) Pursuant to the Regulatory Flexibility Act all agencies shall submit a statement that will accompany the rule filing with relation to the impact on small businesses.
 - (b) Requirements of this section can be found in Public Chapter 464 of the Acts of 2007.
 - (c) If applicable, the statement shall be added to the rule filing document after the signature of the Secretary for publication in the Tennessee Administrative Register by the Secretary of State.
 - (4) "Redline" Copy of Rule Filing
 - (a) Pursuant to Public Chapter 741 of the 105th General Assembly, all agencies shall submit a "redline" version of the filing in addition to the three (3) copies required by the Secretary of State. This copy will be forwarded to the General Assembly by the Secretary of State for review by the appropriate committees. When submitting the electronic copy via email, submit two files—one in the final format and one in redline format. Do not submit one file in redline format.
 - (b) "Redline" form is a copy of the filing that shall "denote all amendments to an existing rule by placing a line through all language to be deleted and by including all language to be added in brackets or underlined or by another clearly recognizable method that indicates the changes made to the rule."
 - (c) Public Chapter 741 took effect July 1, 2008.

Authority: T.C.A. §§ 4-5-202, 4-5-206, 4-5-222, and Public Chapters 464 and 741 of the 105th General Assembly. **Administrative History:** Original rule filed June 12, 1995; effective October 27, 1995. Amendment filed August 17, 1998; effective December 29, 1998. Repeal and new rule filed July 29, 2008; effective November 28, 2008. Amendment filed May 9, 2012; effective October 29, 2012.

1360-01-02-.06 FORMS FOR RULEMAKING. The following forms are required for rulemaking. These forms can be found at the Secretary of State's web site: www.state.tn.us/sos.

- (1) Proposed rule form is SS-7038.
- (2) Rulemaking hearing rule form is SS-7039.
- (3) Temporary rule form (Emergency Rules) is SS-7040.

Authority: T.C.A. § 4-5-206 and Public Chapter 566 of the 106th General Assembly. **Administrative History:** (For history prior to June 22, 1984 see pages 1- 1. 001.). Repeal and new rule filed May 23, 1984; effective June 22, 1984. Amendment renumbering rule (formerly 1360-01-02-.05) filed June 12, 1995;

(Rule 1360-01-02-.05, continued)

effective October 27, 1995. Repeal and new rule filed July 29, 2008; effective November 28, 2008. Amendment filed August 24, 2009; effective January 29, 2010.

1360-01-02-.07 RESERVATION OF RIGHT OF REJECTION BY THE SECRETARY OF STATE

The Secretary of State reserves the right to reject agency submittals for noncompliance with these rules.

Authority: T.C.A. §§ 4-5-202 and 4-5-206. **Administrative History:** Original rule filed July 29, 2008; effective November 28, 2008.

**RULES
OF
THE TENNESSEE DEPARTMENT OF STATE OF TENNESSEE**

**CHAPTER 1360-01-03
WITHDRAWAL OF RULES, STAYS OF EFFECTIVE DATES, AND WITHDRAWAL OF STAY OF
EFFECTIVE DATE**

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1360-01-03-.01	Definitions	1360-01-03-.03	Reservation of Right of Rejection by the Secretary of State
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1360-01-03-.01 DEFINITIONS.

- (1) Withdrawal of Rules – An agency may, after filing, withdraw a rule prior to the effective date of the rule. The rule withdrawal shall take effect upon delivery of written notification of such withdrawal to the Department of State.
- (2) Stay of Effective Date of Rules – Prior to the effective date of a rule the agency proposing the rule may stay the running of the ninety (90) day period for a duration not to exceed seventy (75) days. Such stay shall become effective at such time as the agency files written notice with the Secretary of State and shall specify the effective length of the stay.
- (3) Withdrawal of Stay of Effective Date – Prior to its expiration, the stay may be withdrawn by the agency. Withdrawal or expiration of the stay shall reactivate the running of the balance of the ninety (90) day period that remained upon the date the stay was filed.

Authority: T.C.A. §§ 4-5-206, 4-5-214, 4-5-215 and Public Chapter 566 of the 106th General Assembly.
Administrative History: (For history prior to June 22, 1984, see pages 1-1.001.) Repeal and new rule filed May 23, 1984; effective June 22, 1984. Repeal and new rule filed July 29, 2008; effective November 28, 2008. Amendments filed August 24, 2009; effective January 29, 2010.

1360-01-03-.02 FORMS AND THE COMPLETION OF FORMS. The forms supplied by the Secretary of State through the web site (www.state.tn.us/sos) shall be completed by the rule filer and the following guidelines are to be followed.

- (1) A Notice of Withdrawal of Rules, Notice of Stay of Effective Dates, or Notice of Withdrawal of Stay of Effective Date (Form number 7041) shall require the following:
 - (a) Three (3) entire original forms documents completed with original signatures in hard copy or a single PDF copy of the signed original form document. Signatures may be affixed electronically.
 1. The following guidelines apply to the document:
 - (i) The documents must be clean and legible.
 - (ii) Use of capitals and lower case in all text. No “all caps.”
 - (iii) No bold, underline or italic fonts.
 - (iv) Do not use auto-numbering on paragraphs in the text of rule.
 - (v) Do not use the MS Word function “track changes.”

(Rule 1360-01-03-.02, continued)

- (vi) Do not use unneeded punctuation: Example: No comma between the rule number and rule title or apostrophe after agency name in main heading.
 - (vii) Use T.C.A. for Tennessee Code Annotated.
 - (viii) No hard return at the end of lines within a paragraph. Use at the end of a paragraph.
 - (ix) Use the enter key to put space between paragraphs. Do not use paragraph formatting to add space before or after the paragraph. This function does not work well with style pallets.
 - (x) Use hyphens on keyboard with no space between hyphen and rule numbers. Variations can cause search options to overlook target.
 - (xi) No single digits on rule and chapter numbers. Place "0" with single numbers. Example: 1200-5-5 = 1200-05-05.
 - (xii) Font style for all submissions shall be Arial and point size 10.
- (b) ~~Diskette or CD submission of the material is required. Other requests for transmission of data can be accommodated; however, the filing agency must contact the division before submission. A digital version of the original form shall be submitted contemporaneously with the filing.~~
- 1. ~~The file must be transmitted to the Division of Publications in MS Word software format via email to publications.information@tn.gov. Contact the division Division of Publications if unsure about software requirements.~~
 - 2. ~~The disk or CD should be labeled and email must include the following information within the body of the email:~~
 - (i) File name(s).
 - (ii) Ssoftware program and version.
 - (iii) Cchapter(s) and rule number(s).
 - (iviii) Nname, address, e-mail address and telephone number of the person who made the disk file and is responsible for the contents of the filing.
 - (iv) ~~Include only what is required on disk/CD. Files not required by the Secretary of State should not be included on the disk/CD accompanying the rule within the email.~~
 - (vi) Electronic submission of forms shall not be encrypted. Any transmission of encrypted material to the Secretary of State pursuant to the Uniform Administrative Procedures Act will be rejected and returned to the agency as noncompliant.
- (2) Page numbering – Page one of all filings will be on the prescribed form. All additional pages will be numbered sequentially at the bottom, middle of the page.

(Rule 1360-01-03-.02, continued)

- (3) Each filing with the Secretary of State shall clearly show at the bottom of that rule the statutory authority (rulemaking as well as substantive) for each rule. The only exception is when a particular group of rules has the same statutory authority, then that authority need only be cited once at the end of that group of rules.

~~(4) All rules filed with the Secretary of State shall be notarized.~~

Authority: T.C.A. §§ 4-5-202, 4-5-206, 4-5-214 and 4-5-215. **Administrative History:** (For history prior to June 12, 1984, see pages 1-1.001.) Repeal and new rule filed May 23, 1984 effective June 22, 1984. Repeal and new rule filed July 29, 2008; effective November 28, 2008. Amendment filed May 9, 2012; effective October 29, 2012.

1360-01-03-.03 RESERVATION OF RIGHT OF REJECTION BY THE SECRETARY OF STATE

The Secretary of State reserves the right to reject agency submittals for noncompliance with these rules.

Authority: T.C.A. §§ 4-5-202 and 4-5-206. **Administrative History:** (For history prior to June 22, 1984, see pages 1-1.001.) Repeal and new rule filed May 23, 1984; effective June 22, 1984. Amendment filed April 16, 1990; effective July 29, 1990. New rule filed June 12, 1995; effective October 27, 1995. Repeal and new rule filed July 29, 2008; effective November 28, 2008.

1360-01-03-.04 REPEALED.

Authority: T.C.A. §§ 4-5-202 and 4-5-206. **Administrative History:** (For history prior to June 22, 1984, see pages 1-1.001.) Repeal and new rule filed May 23, 1984; effective June 22, 1984. Repeal filed July 29, 2008; effective November 28, 2008.

* 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)

I certify that this is an accurate and complete copy of an emergency rule(s), lawfully promulgated and adopted and is in compliance with Tennessee Code Ann. 4-5-222.



Date: 3/17/2020
Signature: Tre Hargett
Name of Officer: Tre Hargett
Title of Officer: Secretary of State

Subscribed and sworn to before me on: MARCH 17, 2020
Notary Public Signature: Betty L. Stanton
My commission expires on: MARCH 8, 2023

All emergency 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.

Herbert H. Slatery III
Herbert H. Slatery III
Attorney General and Reporter
3/18/2020
Date

Department of State Use Only

Filed with the Department of State on: 3/18/2020
Effective for: 180 *days
Effective through: 9/14/2020

* Emergency rule(s) may be effective for up to 180 days from the date of filing.

Tre Hargett
Tre Hargett
Secretary of State

G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Health

DIVISION: Communicable and Environmental Disease Services

SUBJECT: Disease Control Health Threat Procedures

STATUTORY AUTHORITY: Tennessee Code Annotated, Sections 4-3-1803, 68-1-103, 68-1-104, 68-1-201, and 68-5-104 and Exec. Order No. 14 (2020)

EFFECTIVE DATES: March 17, 2020 through September 13, 2020

FISCAL IMPACT: None

STAFF RULE ABSTRACT: These rules are being amended to change all existing references within the rule from "the General Sessions Court" to "a trial court of record." Additionally, the rules are being amended to add a provision to the current rules allowing witnesses to appear telephonically before a trial court of record because illness and/or isolation may prevent individuals from appearing in person. Lastly, the rules are being amended to add provisions to the current rules clarifying that the Commissioner or local health officer may seek orders of quarantine and/or isolation against an individual or a group of individuals in order to prevent the spread of COVID-19.

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://publications.tnsosfiles.com/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

These rules are projected to have no impact on local governments.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

- (1) **The extent to which the rule or rules may overlap, duplicate, or conflict with other federal, state, and local governmental rules.** These amendments do not overlap, duplicate, or conflict with other rules.
- (2) **Clarity, conciseness, and lack of ambiguity in the rule or rules.** The amendments are clear, concise, and are not ambiguous.
- (3) **The establishment of flexible compliance and/or reporting requirements for small businesses.** These amendments do not contain compliance or reporting requirements.
- (4) **The establishment of friendly schedules or deadlines for compliance and/or reporting requirements for small businesses.** These amendments do not contain compliance or reporting requirements.
- (5) **The consolidation or simplification of compliance or reporting requirements for small businesses.** These amendments do not contain compliance or reporting requirements.
- (6) **The establishment of performance standards for small businesses as opposed to design or operational standards required in the proposed rule.** These rules do not contain performance standards.
- (7) **The unnecessary creation of entry barriers or other effects that stifle entrepreneurial activity, curb innovation, or increase costs.** These rules do not create any such barriers as these rules are required to further the objectives of 2020 Executive Order No. 14, which was signed by the Governor on March 12, 2020.

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;

These rules are being amended to change all existing references within the rule from "the General Sessions Court" to "a trial court of record." Additionally, the rules are being amended to add a provision to the current rules allowing witnesses to appear telephonically before a trial court of record because illness and/or isolation may prevent individuals from appearing in person. Lastly, the rules are being amended to add provisions to the current rules clarifying that the Commissioner or local health officer may seek orders of quarantine and/or isolation against an individual or a group of individuals in order to prevent the spread of COVID-19.

- (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. §§ 4-3-1803, 68-1-103, 68-1-104, 68-1-201, 68-5-104, and Exec. Order No. 14. (2020).

- (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;

These amendments are required to accomplish the objectives of 2020 Executive Order No. 14 "An Order Suspending Provisions of Certain Statutes and Rules in Order to Facilitate the Treatment and Containment of COVID-19," which was signed by the Governor on March 12, 2020.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate 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;

These rule amendments will not affect state and local government revenues or expenditures insofar as the rules are only changing existing references within the rule from "the General Sessions Court" to "a trial court of record."

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

Jane Young, General Counsel, Department of Health.

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

Jane Young, General Counsel, Department of Health.

- (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

Office of General Counsel, Department of Health, 710 James Robertson Parkway, 5th Floor, Nashville, TN, (615) 532-7663, Jane.Young@tn.gov.

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

None.

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 Nashville, TN 37243
 Phone: 615-741-2650
 Email: publications.information@tn.gov

For Department of State Use Only

Sequence Number: 63-10-20
 Rule ID(s): 9316
 File Date: 3/17/2020
 Last Effective Day: 9/13/2020

Emergency Rule Filing Form

Emergency rules are effective from date of filing, unless otherwise stated in the rule, for a period of up to 180 days.

Agency/Board/Commission: Department of Health
Division: Communicable and Environmental Disease Services
Contact Person: Jane Young, General Counsel
Address: 710 James Robertson Parkway, Andrew Johnson Tower, 5th Floor, Nashville, TN
Zip: 37243
Phone: (615) 532-7663
Email: Jane.Young@tn.gov

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Statement of Necessity:

On March 12, 2020, Governor Bill Lee issued Executive Order No. 14 "An Order Suspending Provisions of Certain Statutes and Rules in Order to Facilitate the Treatment and Containment of COVID-19" regarding the pandemic outbreak of the Coronavirus Disease 2019 (COVID-19). Exec. Order No. 14. (2020). On March 13, 2020, the Tennessee Supreme Court issued an order, No. ADM2020-00428, suspending all in-person proceedings in all state and local courts with certain exceptions through March 31, 2020. One such exception is for "Proceedings directly related to the COVID-19 public health emergency."

Under the circumstances of the current emergency, it is possible that the Commissioner of Health will be required to seek orders of quarantine and/or isolation in order to contain the spread of COVID-19. The current rules of the Department of Health require petitions for such orders to be filed and heard in the "General Sessions Court." The emergency rules provide for such petitions to be made to a "trial court of record," so that the chief justice may designate judges to hear petitions for quarantine/isolation during the current outbreak. Therefore, these emergency rules are necessary to allow the Court to exercise its emergency powers and to further the objectives of Executive Order No. 14. A provision is also being added to the current rules allowing witnesses to appear telephonically before a trial court of record because illness and/or isolation may prevent individuals from appearing in person. Finally, provisions are being added to the current rules clarifying that the Commissioner or local health officer may seek orders of quarantine and/or isolation against an individual or a group of individuals in order to prevent the spread of COVID-19.

These rules fall squarely within the provisions of Tenn. Code Ann. § 4-5-208(a)(1) because the COVID-19 pandemic is an immediate danger to the public health, safety or welfare, and the nature of the danger is such that the use of any other form of rulemaking would not adequately protect the public.

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 make sure that ALL new rule and repealed rule numbers are listed in the chart below. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
1200-14-04	Disease Control Health Threat Procedures
Rule Number	Rule Title

1200-14-04-.02	Definitions
1200-14-04-.04	Health Directive
1200-14-04-.05	Temporary Hold in Emergency Situations
1200-14-04-.06	Petition to the Court for a Public Health Measure
1200-14-04-.07	Commitment to the Custody of the Commissioner

**RULES
OF
TENNESSEE DEPARTMENT OF HEALTH
HEALTH SERVICES ADMINISTRATION
COMMUNICABLE AND ENVIRONMENTAL DISEASE SERVICES**

**CHAPTER 1200-14-04
DISEASE CONTROL HEALTH THREAT PROCEDURES**

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1200-14-04-.01 INTRODUCTION.

This chapter outlines procedures to be followed by the Commissioner, health officers, and their designees, in carrying out disease control enforcement activities involving persons or premises that pose a health threat to others.

Authority: T.C.A. §§ 4-3-1803(1), (3), (4), and (10), 4-5-202, 68-1-103, 68-1-104, 68-1-201, and 68-5-104. **Administrative History:** Original rule filed January 11, 1994; effective March 27, 1994. Repeal and new rule filed March 30, 2004; effective July 29, 2004.

1200-14-04-.02 DEFINITIONS.

- (1) Approved health care facility: a hospital or other health care facility approved by the Commissioner as having appropriate and necessary facilities, staff, and services for the diagnosis and treatment of people with a communicable disease.
- (2) ~~Carrier: a person who harbors, or who the Commissioner, a health officer, or a designee reasonably believes to harbor, a specific pathogenic organism and who is potentially capable of spreading the organism to others, whether or not there are presently discernible signs and symptoms of the disease.~~
- (2) Carrier: a person or group of people who harbors, or who the Commissioner, a health officer, or a designee reasonably believes to harbor, a specific pathogenic organism and who is potentially capable of spreading the organism to others, whether or not there are presently discernible signs and symptoms of the disease.
- (3) Chief Medical Officer: the State Health Officer who is appointed by the Commissioner of Health (as provided by T.C.A. § 68-1-102(c) to advise the Commissioner on all matters of state health policy or a physician who is the State Health Officer's designee.
- (4) Clear and convincing evidence: evidence which is positive and explicit, and which directly establishes the point to which it is adduced. It means greater than a preponderance of the evidence standard but less than a beyond a reasonable doubt standard.
- (5) Commissioner: the Commissioner of Health, or his designee, as provided at T.C.A. § 68-1-102(b) and (c).
- (6) Communicable Disease: a disease or condition resulting from infection by a pathogenic organism (infectious agent) that may cause serious illness, disability, or death and which may be transmitted from one person to another.

(Rule 1200-14-04-.02, continued)

- (7) Competent medical experts: physicians who are trained and experienced in the diagnosis, treatment and control of infectious/communicable disease and rely on known clinical or epidemiological evidence. Generally, the standard for determining the existence of a significant risk to others is the reasonable medical judgment of the public health authorities.
- (8) Department: the Tennessee Department of Health.
- (9) Emergency: a person or premises is a health threat to others and there is a clear and imminent danger to the public health unless the person is immediately separated from other persons or access to the premises is prevented or restricted, because no less restrictive alternatives exist which would reasonably protect the public health.
- (10) Health directive: a written statement (or, in compelling circumstances, an oral statement followed by a written statement), based on clinical or epidemiological evidence of the kind relied upon by competent medical experts, that is issued by the Commissioner or health officer, requiring a person to cooperate with health authorities' efforts to prevent or control transmission of a disease that poses a health threat to others.
- (11) Health Officer: the Chief Medical Officer for the State of Tennessee; a licensed physician who is authorized by the Department to function as a county, district, or regional health officer in Tennessee, a licensed physician who serves as the health director or health officer of any metropolitan public health department in Tennessee; a licensed physician in the central office of the Department's Health Services Administration.
- (12) Health threat to others: the direct threat of endangerment to others due to the presence of a cause or source of a disease on premises, or due to the inability, unwillingness, or failure of a carrier to act in such a manner as to not place others, without their consent, at significant risk of exposure to, based on the reasonable medical judgment and clinical or epidemiological understanding of public health authorities, a disease that may cause serious illness, disability, or death. A determination of whether or not premises or a person poses a health threat to others may include, but is not necessarily limited to, assessing the cause, source, and/or nature of a disease, the likelihood of infection, the modes of transmission, the risk of transmission, and the severity of harm that might result due to transmission of a disease. With respect to carriers, such a determination is not based solely on a person's past behavior but also involves an assessment of a person's current situation, including the effects of educational efforts and statements of intent. A person having a disease, such as active tuberculosis, even though rendered temporarily not capable of transmission because of receiving therapy, who discontinues treatment prior to reaching a curative result, may continue to be a health threat to others.
- (13) Isolation: the separation for the period of communicability of infected persons, or persons reasonably suspected to be infected, from other persons, in such places and under such conditions as will prevent the direct or indirect conveyance of the infectious agent from infected persons to other persons who are susceptible or who may spread the agent to others.
- (14) Least restrictive alternative: use of means sufficient to protect the public health but tailored to infringe upon any legally protected liberty interests, privacy interests, property interests, and/or association interests of a person or premises determined to be a health threat to others in the least restrictive manner.
- (15) Person: an individual or a group of individuals.

(Rule 1200-14-04-.02, continued)

- ~~(15) Petitioner: the Commissioner or health officer who commences an action in General Sessions Court pursuant to these Rules.~~
- ~~(16) Petitioner: the Commissioner or health officer who commences an action in a trial court of record pursuant to these Rules.~~
- ~~(16) Public health measure: a measure or measures, consistent with the purpose of these Rules, imposed by a General Sessions Court against a carrier or owner or operator of premises in order to prevent the spread of a disease that poses a health threat to others.~~
- ~~(17) Public health measure: a measure or measures, consistent with the purpose of these Rules, imposed by a trial court of record against a carrier or owner or operator of premises in order to prevent the spread of a disease that poses a health threat to others.~~
- (18)(17) Quarantine: limitation of freedom of movement or isolation of a person, or preventing or restricting access to premises upon which the person, cause or source of a disease may be found, for a period of time as may be necessary to confirm or establish a diagnosis, to determine the cause or source of a disease, and/or to prevent the spread of a disease. These limitations may be accomplished by placing a person in a health care facility or a supervised living situation, by restricting a person to the person's home, or by establishing some other situation appropriate under the particular circumstances.
- ~~(18) Respondent: a person against whom an action in General Sessions Court is commenced pursuant to these Rules.~~
- ~~(19) Respondent: a person or persons against whom an action in a trial court of record is commenced pursuant to these Rules.~~
- (20)(19) Transmission: the transfer of an infectious agent from one person to another, including, but not limited to, airborne transmission, bloodborne transmission, foodborne transmission, sexual transmission, skin contact transmission, or waterborne transmission.

Authority: T.C.A. §§ 4-3-1803(1), (3), (4), and (10), 4-5-202, 68-1-103, 68-1-104, 68-1-201, and 68-5-104. **Administrative History:** Original rule filed January 11, 1994; effective March 27, 1994. Repeal and new rule filed March 30, 2004; effective July 29, 2004.

1200-14-04-.03 REPORTING A HEALTH THREAT TO OTHERS.

- (1) Any person licensed by the State of Tennessee to practice a healing art who has reasonable cause to believe that a person is or may be a health threat to others [as defined in 1200-14-04-.02(12) of these Rules] because the person is unable, is unwilling, or is failing to act in such a manner as to not place others at significant risk of exposure to infection that causes serious illness, disability, or death shall report that information to the Commissioner or a health officer.
- (2) In the event a carrier of a disease that poses a health threat to others uses interstate or international flight to avoid treatment and/or isolation and/or quarantine in Tennessee, such individual shall be deemed to have waived confidentiality as to his health status, and Tennessee health authorities can contact health authorities in the jurisdiction to which the individual fled regarding the health threat presented by the carrier.

Authority: T.C.A. §§ 4-3-1803(1), (3), (4), and (10), 4-5-202, 68-1-103, 68-1-104, 68-1-201, and 68-5-104. **Administrative History:** Original rule filed January 11, 1994; effective March 27, 1994. Amendment filed December 16, 1999; effective February 29, 2000. Repeal and new rule filed March 30, 2004; effective July 29, 2004.

(Rule 1200-14-04-.04, continued)

1200-14-04-.04 HEALTH DIRECTIVE.

- ~~(1) If the Commissioner or health officer reasonably believes, based upon clinical or epidemiological evidence of the kind relied upon by competent medical experts, that a health threat to others exists, then he/she shall have the authority to issue a health directive pursuant to the conditions set forth in these Rules, in order to protect the public health. A health directive shall be a written statement or, in compelling circumstances, an oral statement followed within three (3) days by a written statement. A health directive shall be individual and specific and shall not be issued to a class of persons. The purpose of a health directive is to direct a carrier or owner or operator of premises to cooperate with health authorities' efforts to prevent or control transmission of a disease that poses a health threat to others.~~
- (1) If the Commissioner or health officer reasonably believes, based upon clinical or epidemiological evidence of the kind relied upon by competent medical experts, that a health threat to others exists, then he/she shall have the authority to issue a health directive pursuant to the conditions set forth in these Rules, in order to protect the public health. A health directive shall be a written statement or, in compelling circumstances, an oral statement followed within three (3) days by a written statement. A health directive shall be specific and shall be issued to a person or a class of persons. The purpose of a health directive is to direct a carrier or owner or operator of premises to cooperate with health authorities' efforts to prevent or control transmission of a disease that poses a health threat to others.
- (2) A health directive may include, but is not necessarily limited to, participation in education and counseling, medical tests and examinations to verify carrier status, participation in treatment programs, isolation and/or or quarantine, or preventing or restricting access to premises upon which a person, cause or source of a disease may be found, for a period of time as may be necessary to confirm or establish a diagnosis, to determine the cause or source of a disease, and/or to prevent the spread of a disease. In no case may a person be isolated, held or detained, pursuant to these Rules, in a correctional facility.
- (3) If a carrier or owner or operator of premises refuses to undergo tests or examinations ordered in a health directive, the Commissioner or health officer may be limited in his or her ability to obtain sufficient evidence to evaluate a potential health threat to others and he/she, lacking the necessary tests or examinations, may be compelled to conclude for the sake of the public health that a health threat to others is present. Then the carrier must undergo testing sufficient to prove the health threat to others does not exist.
- ~~(4) Inability, unwillingness, or failure of a carrier or owner or operator of premises to comply with a health directive shall be grounds for proceeding with a petition in the General Sessions Court for a temporary hold in emergency situations and/or a public health measure.~~
- (4) Inability, unwillingness, or failure of a carrier or owner or operator of premises to comply with a health directive shall be grounds for proceeding with a petition in a trial court of record for a temporary hold in emergency situations and/or a public health measure.
- (5) Medical information contained in a health directive or in any other statement from the Commissioner or health officer or designee to a carrier pursuant to these Rules is confidential, except to the extent necessary for the administration and enforcement of public health laws and rules, and is not subject to public disclosure without appropriate authorization in accordance with state and/or federal law.

(Rule 1200-14-04-.04, continued)

- (6) Prior to issuing a health directive, the Commissioner or health officer should review the written medical and other records pertinent to the matter, along with any measures that have been taken, and make findings using clinical or epidemiological evidence of the kind relied upon by competent medical experts. These findings should be included in the health directive itself.
- (7) When a health directive is issued to a carrier or owner or operator of premises, such person may request a review of the decision. Any request for review must be submitted to the Office of the Chief Medical Officer. Within five (5) business days of the receipt of the request, the Chief Medical Officer or his designee shall review the underlying facts with the health officer issuing the directive and shall notify the person in writing of the review decision. A person against whom a health directive has been issued may also request that the conditions of the directive be obtained in the form of a public health measure. The health directive should be considered as remaining in force during the review process. Health directives should contain sufficient information to enable a person to avail himself of discussion and review, and a copy of these Rules should be attached to the health directive.
- (8) A health directive shall employ the least restrictive alternative, based on the reasonable medical judgment of competent medical experts relying on clinical or epidemiological evidence, that will adequately protect the public health and prevent the spread of a disease that poses a health threat to others.
- (9) Nothing in this Rule shall preclude a person to whom a health directive is issued from consulting with and being assisted by legal counsel.

Authority: T.C.A. §§ 4-3-1803(1), (3), (4), and (10), 4-5-202, 68-1-103, 68-1-104, 68-1-201, and 68-5-104. **Administrative History:** Original rule filed January 11, 1994; effective March 27, 1994. Repeal and new rule filed March 30, 2004; effective July 29, 2004.

1200-14-04-.05 TEMPORARY HOLD IN EMERGENCY SITUATIONS.

- ~~(1) In the case of an emergency, the Commissioner or health officer may petition the General Sessions Court of the county where the person lives or is to be found, or where the premises is located, to either: (1) order a peace officer to make a civil arrest and take the person to an appropriate health care facility for examination, isolation and/or appropriate treatment; or (2) prevent or restrict access to premises. The Commissioner or health officer shall set forth in an affidavit the specific facts upon which the order is sought, indicating why reasonable cause exists (upon the basis of sound clinical or epidemiological evidence of the type relied upon by competent medical experts) to believe that there is a substantial likelihood that the carrier or premises poses an imminent health threat to others, and the types of relief sought. If the carrier is already institutionalized, the court may be petitioned to order the facility to continue to hold the carrier.~~
- (1) In the case of an emergency, the Commissioner or health officer may petition a trial court of record of the county where the person lives or is to be found, or where the premises is located, to either: (1) order a peace officer to make a civil arrest and take the person to an appropriate health care facility for examination, isolation and/or appropriate treatment; or (2) prevent or restrict access to premises. The Commissioner or health officer shall set forth in an affidavit the specific facts upon which the order is sought, indicating why reasonable cause exists (upon the basis of sound clinical or epidemiological evidence of the type relied upon by competent medical experts) to believe that there is a substantial likelihood that the carrier or premises poses an imminent health threat to others, and the types of relief sought. If the carrier is already institutionalized, the court may be petitioned to order the facility to continue to hold the carrier.

(Rule 1200-14-04-.05, continued)

- ~~(2) — A person shall not be held, or premises quarantined, under temporary emergency hold for more than five working (5) days (excluding Saturdays, Sundays and legal State holidays) without a hearing being held before the General Sessions Court, unless the person so held, or owner or operator of premises quarantined, consents to delay the hearing. At this hearing the Commissioner or health officer may petition for a public health measure pursuant to 1200-14-04-.06 and/or may request that the temporary emergency hold be continued, due to an imminent health threat to others, for a period not to exceed an additional ten (10) working days. Within these time limits, the hearing on the temporary emergency hold will be held in accordance with the procedures set forth in 1200-14-04-.06(3).~~
- (2) A person shall not be held, or premises quarantined, under temporary emergency hold for more than five working (5) days (excluding Saturdays, Sundays and legal State holidays) without a hearing being held before the trial court of record, unless the person so held, or owner or operator of premises quarantined, consents to delay the hearing. At this hearing the Commissioner or health officer may petition for a public health measure pursuant to § 1200-14-04-.06 and/or may request that the temporary emergency hold be continued, due to an imminent health threat to others, for a period not to exceed an additional ten (10) working days. Within these time limits, the hearing on the temporary emergency hold will be held in accordance with the procedures set forth in § 1200-14-04-.06(3).
- (3) Unless the person so held, or owner or operator of premises quarantined, consents, in no event shall a person be held, or a premises quarantined, under a temporary emergency hold for more than fifteen (15) working days without a petition for a public health measure being heard pursuant to 1200-14-04-.06.

Authority: T.C.A. §§ 4-3-1803(1), (3), (4), and (10), 4-5-202, 68-1-103, 68-1-104, 68-1-201, and 68-5-104. **Administrative History:** Original rule filed January 11, 1994; effective March 27, 1994. Repeal and new rule filed March 30, 2004; effective July 29, 2004.

1200-14-04-.06 PETITION TO THE COURT FOR A PUBLIC HEALTH MEASURE.

- ~~(1) — To protect the public against a disease that poses a health threat to others, the Commissioner or health officer shall have the authority to file a petition for relief in the form of a public health measure with the General Sessions Court in the county where the carrier lives or is to be found, or where the premises is located, setting forth in an affidavit the specific facts upon which the order is sought and what type of relief is sought. The Department shall have the burden of proving that reasonable cause exists, based on sound clinical or epidemiological evidence, to believe that there is a substantial likelihood that the carrier or premises poses a health threat to others by clear and convincing evidence.~~
- (1) To protect the public against a disease that poses a health threat to others, the Commissioner or health officer shall have the authority to file a petition for relief in the form of a public health measure with a trial court of record in the county where the carrier lives or is to be found, or where the premises is located, setting forth in an affidavit the specific facts upon which the order is sought and what type of relief is sought. The Department shall have the burden of proving that reasonable cause exists, based on sound clinical or epidemiological evidence, to believe that there is a substantial likelihood that the carrier or premises poses a health threat to others by clear and convincing evidence.
- (2) The petition shall set forth the grounds and underlying facts that demonstrate the carrier or premises poses a health threat to others, the proposed public health measure is the least restrictive alternative, and the type of relief sought. Public health measures may include, but are not limited to, the following:
- (a) participation in a designated education program or a designated counseling program;

(Rule 1200-14-04-.06, continued)

- (b) notification of the carrier of appearance of the carrier before designated health officials for verification of carrier status or infectiousness, testing, treatment, or other purposes consistent with monitoring or communicable disease control;
 - (c) medical tests and examinations necessary to verify carrier status or infectiousness or for diagnosis, treatment, or confirmation of compliance with therapy;
 - (d) medically-accepted treatment necessary to make the carrier noninfectious or completion of the full course of a medically-accepted treatment program of sufficient duration to render the carrier noninfectious and to be curative;
 - (e) ceasing and desisting the actions or conduct that constitutes a health threat to others;
 - (f) living part time or full time in a setting supervised by the Commissioner for a designated period of time and under designated conditions;
 - (g) commitment to the custody of the Commissioner for placement in an appropriate institutional facility or other supervised living situation for a designated period and under designated conditions until the carrier is made noninfectious or until released based on a determination by the Chief Medical Officer, or the Chief Medical Officer's physician designee, that the carrier is appropriate for release to continue treatment as a voluntary patient in an approved health care facility or other appropriate supervised setting, whichever occurs first, unless good cause is shown for continued commitment;
 - (h) commitment to the custody of the Commissioner for placement in an appropriate institutional facility or other supervised living situation for a designated period and under designated conditions until the carrier completes the full course of a medically-accepted curative treatment program or until released based on a determination by the Chief Medical Officer or his/her physician designee that the carrier is appropriate for release to continue the treatment program in a less restrictive setting, whichever comes first;
 - (i) preventing or restricting access to premises for such time as is necessary to prevent the spread of a disease that poses a health threat to others; and/or
 - (j) requiring tests or examinations on premises to determine the source or cause of a disease that may pose a health threat to others.
- (3) The hearing on the petition for a public health measure shall not be set prior to five (5) days, excluding Saturdays, Sundays and legal State holidays, from the date the petition is served without the consent of the affected person. The notice of hearing shall contain the following information:
- (a) the time, date, and place of the hearing;
 - (b) the person's right to appear at the hearing and to subpoena, present and cross-examine witnesses;
 - (c) ~~the person's right to have a personally-selected physician perform an examination and the right to review the results of any examination or test being used to support the petition; and~~

(Rule 1200-14-04-.06, continued)

- (c) the person's right to have a personally-selected physician perform an examination and the right to review the results of any examination or test being used to support the petition;
- (d) the person may appear telephonically or through other electronic means, dependent on health condition and ability to travel; and
- (e)(d) the person's right to counsel, including the right, if indigent, to counsel appointed by the court.
- (4) ~~A person may appeal an adverse General Sessions Court decision or file a petition for a writ of habeas corpus in a court of competent jurisdiction or the Department may appeal the General Sessions Court decision; however, the person's status as determined by the General Sessions Court shall remain unchanged and any remedy or relief ordered by the court shall remain in force while the appeal or writ of habeas corpus is pending.~~
- (4) A person may appeal an adverse trial court of record decision or file a petition for a writ of habeas corpus in a court of competent jurisdiction or the Department may appeal the court of record decision; however, the person's status as determined by the trial court of record shall remain unchanged and any remedy or relief ordered by the court shall remain in force while the appeal or writ of habeas corpus is pending.

Authority: T.C.A. §§ 4-3-1803(1), (3), (4), and (10), 4-5-202, 68-1-103, 68-1-104, 68-1-201, and 68-5-104. **Administrative History:** Original rule filed January 11, 1994; effective March 27, 1994. Repeal and new rule filed March 30, 2004; effective July 29, 2004.

1200-14-04-.07 COMMITMENT TO THE CUSTODY OF THE COMMISSIONER.

- (1) ~~Review prior to a petition for commitment. Before petitioning the General Sessions Court to commit a person to the custody of the Commissioner pursuant to Section 1200-14-04-.06(2)(g)-(h), the health officer seeking the petition shall notify the Chief Medical Officer or his/her physician designee from the Health Services Administration and shall present the underlying facts upon which the commitment is sought. This notification shall occur prior to petitioning the court, except in compelling extreme and unusual circumstances, in which event the notification shall occur as soon as possible thereafter. The Chief Medical Officer or designated physician from the Health Services Administration shall review the underlying facts, obtain consultations as necessary, and shall promptly (i.e., within twenty-four (24) hours) make a determination regarding the need to submit a petition for commitment.~~
- (1) Review prior to a petition for commitment. Before petitioning a trial court of record to commit a person to the custody of the Commissioner pursuant to Section 1200-14-04-.06(2)(g-h), the health officer seeking the petition shall notify the Chief Medical Officer or his/her physician designee from the Health Services Administration and shall present the underlying facts upon which the commitment is sought. This notification shall occur prior to petitioning the court, except in compelling extreme and unusual circumstances, in which event the notification shall occur as soon as possible thereafter. The Chief Medical Officer or designated physician from the Health Services Administration shall review the underlying facts, obtain consultations as necessary, and shall promptly (i.e., within twenty-four (24) hours) make a determination regarding the need to submit a petition for commitment.
- (2) ~~Review after an order of commitment. When the General Sessions Court orders a person to be committed to the custody of the Commissioner for placement in an approved health care facility or other supervised living situation, the Chief Medical Officer or his/her physician~~

(Rule 1200-14-04-.07, continued)

~~designee shall review the treatment plan and written progress reports with the appropriate health officer and shall make a determination regarding the need for continued commitment or supervised living. At least every ninety-two (92) days (or more frequently if ordered by the court), the Chief Medical Officer or his/her physician designee shall send a written notification to the person or to the person's legal guardian or representative and to the appropriate health officer regarding the determination as to whether continued commitment or supervised living is needed.~~

(2) Review after an order of commitment. When a trial court of record orders a person to be committed to the custody of the Commissioner for placement in an approved health care facility or other supervised living situation, the Chief Medical Officer or his/her physician designee shall review the treatment plan and written progress reports with the appropriate health officer and shall make a determination regarding the need for continued commitment or supervised living. At least every ninety-two (92) days (or more frequently if ordered by the court), the Chief Medical Officer or his/her physician designee shall send a written notification to the person or to the person's legal guardian or representative and to the appropriate health officer regarding the determination as to whether continued commitment or supervised living is needed.

~~(3) Duration of Commitment. A person shall not be committed to the custody of the Commissioner for placement in an institutional facility or other supervised living situation for a period longer than six (6) months unless a petition for continued commitment is filed with the General Sessions Court having jurisdiction of the matter, in which case the commitment shall continue until a hearing on the petition has been held and the court has issued an order. The Commissioner or health officer may petition the court for an order of continued commitment for as many times as necessary for the protection of the public health, and the court may order continued commitment if reasonable cause exists, based on sound clinical or epidemiological evidence, to believe that there is a substantial likelihood that the carrier poses a health threat to others, by clear and convincing evidence, if released.~~

(3) Duration of Commitment. A person shall not be committed to the custody of the Commissioner for placement in an institutional facility or other supervised living situation for a period longer than six (6) months unless a petition for continued commitment is filed with a trial court of record having jurisdiction of the matter, in which case the commitment shall continue until a hearing on the petition has been held and the court has issued an order. The Commissioner or health officer may petition the court for an order of continued commitment for as many times as necessary for the protection of the public health, and the court may order continued commitment if reasonable cause exists, based on sound clinical or epidemiological evidence, to believe that there is a substantial likelihood that the carrier poses a health threat to others, by clear and convincing evidence, if released.

Authority: T.C.A. §§ 4-3-1803(1), (3), (4), and (10), 4-5-202, 68-1-103, 68-1-104, 68-1-201, and 68-5-104. **Administrative History:** Original rule filed January 11, 1994; effective March 27, 1994. Repeal and new rule filed March 30, 2004; effective July 29, 2004.

1200-14-04-.08 PATIENT BILL OF RIGHTS.

The following are the rights of any patient pursuant to this chapter:

- (1) Neither mail nor other communication to or from a patient in any approved treatment facility may be intercepted, read, or censored. The approved treatment facility may adopt reasonable policies regarding the use of the telephone in the facility.

(Rule 1200-14-04-.08, continued)

- (2) Patients in any approved facility shall be granted opportunities for visitation and communication with their families and friends consistent with an effective treatment program. Patients shall be permitted to consult with counsel at any time.
- (3) Any patient confined pursuant to the provisions of these Rules may be given treatment only with the patient's consent, or if the patient is adjudicated incompetent, then the consent of the guardian must be obtained. Patients must understand that refusal to cooperate with treatment will compel continued actions on the part of the health officer to protect the public's health.
- (4) Isolation of the patient from other patients in the confinement of an approved treatment facility setting shall be used only when medically necessary to prevent serious harm to others because the patient is infectious and there is an imminent danger that the patient will engage in high-risk behaviors. Isolation shall not be used when the condition no longer exists or there is no longer an imminent danger that the patient will engage in the behavior justifying isolation. Any use of isolation, together with the reasons therefor and the duration of its use, shall be made a part of the medical record of the patient.
- (5) No patient placed in confinement pursuant to these Rules shall, solely by reason of such placement, be denied the right to dispose of property, execute instruments, make purchases, enter into contractual relationships, and vote, to the extent that such activities can be undertaken without jeopardizing the public health and unless such patient has been adjudicated incompetent by a court of competent jurisdiction and has not been restored to legal capacity.
- (6) A patient shall be provided the maximum freedom possible. Limitations on a patient's freedom are permitted only when reasonably necessary to protect the health of others in the facility or the public health. The patient shall be allowed, within these constraints, to exercise, recreate, and go outdoors for a reasonable period of time on a daily basis.
- (7) No mechanical restraint shall be applied in the care, training, or treatment of any person unless required by the person's medical or treatment needs. Only physicians may prescribe such restraint. Such restraint shall be removed whenever the condition justifying its use no longer exists. Any use of a mechanical restraint, together with the reasons therefor, and the duration of its use, shall be made a part of the medical or rehabilitation record of the person. Patients shall not be abused nor neglected nor administered corporal punishment. Mechanical restraints shall not be used in lieu of, or in place of, appropriate medical management for conditions such as drug or alcohol intoxication, habituation or addiction.
- (8) Confidentiality.
 - (a) All applications, certificates, records, reports, and all legal documents, petitions, and records made or information received pursuant to treatment in a facility directly or indirectly identifying a patient or former patient shall be kept confidential and shall not be disclosed by any person except insofar as any of the following consent:
 1. The individual identified who is fourteen (14) years of age or over;
 2. The legal guardian on behalf of the adult individual identified;
 3. The parent, guardian, or custodian of a minor;
 4. The executor, administrator or personal representative on behalf of a deceased patient or resident or former patient or resident; or

(Rule 1200-14-04-.08, continued)

5. As a court may direct upon its determination that disclosure is necessary for the conduct of proceedings before it and that failure to make such disclosure would be contrary to public interest or to the detriment of either party to the proceedings, consistent with the provisions of T.C.A. §§ 10-7-504(a) or 68-10-113.
 - (b) Nothing in this paragraph shall prohibit disclosure of medical record information of a patient or resident to the Commissioner or to health officers.
 - (c) Nothing in this paragraph shall prohibit disclosure, upon proper inquiry and with the patient's consent, of information as to the current medical condition of a patient or resident to any members of the family of a patient or resident or to his relatives or friends.
- (9) Health directives and public health measures should be written in non-technical, patient-appropriate language and should include the reasons for the health directive or public health measure (including a statement of actions the Department has taken prior to the directive or court order), tests and/or treatments expected, anticipated duration of the directive/public health measure, and rights of review or appeal as set out in these Rules.

Authority: T.C.A. §§ 4-3-1803(1), (3), (4), and (10), 4-5-202, 68-1-103, 68-1-104, 68-1-201, and 68-5-104. **Administrative History:** Original rule filed January 11, 1994; effective March 27, 1994. Repeal and new rule filed March 30, 2004; effective July 29, 2004.

* 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)
N/A					

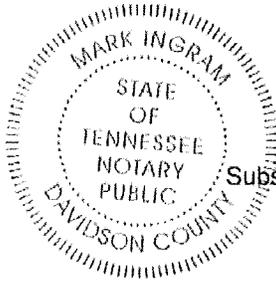
I certify that this is an accurate and complete copy of an emergency rule(s), lawfully promulgated and adopted.

Date: 3/16/2020

Signature: Jane Young

Name of Officer: Jane Young
General Counsel

Title of Officer: Department of Health



Subscribed and sworn to before me on: 3/16/2020

Notary Public Signature: Mark Ingram

My commission expires on: 3/7/2023

Agency/Board/Commission: Department of Health

Rule Chapter Number(s): 1200-14-04 Disease Control Health Threat Procedures

All emergency 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.

Herbert H. Slatery III
 Herbert H. Slatery III
 Attorney General and Reporter
3/16/2020
 Date

Department of State Use Only

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 2020 MAR 17 PM 2:56
 SECRETARY OF STATE
 PUBLICATIONS

Filed with the Department of State on: 3/17/2020

Effective for: 180 *days

Effective through: 9/13/2020

* Emergency rule(s) may be effective for up to 180 days from the date of filing.

Tre Hargett
 Tre Hargett
 Secretary of State

G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Agriculture

DIVISION: Consumer and Industry Services

SUBJECT: Kerosene and Motor Fuel Quality Inspection Regulations

STATUTORY AUTHORITY: 40 CFR Part 80.27(d)

EFFECTIVE DATES: June 3, 2020 through June 30, 2021

FISCAL IMPACT: None

STAFF RULE ABSTRACT: This rulemaking hearing rule authorizes the sale of 15% ethanol gasoline (E15) during the summer months. Current law allows its sale during the remainder of the year.

Public Hearing Comments

The department of agriculture held a public hearing on January 14, 2020. David Waddell served as the hearing officer for the rulemaking hearing regarding Chapter 0080-05-12 Kerosene and Motor Fuels Quality Inspection Regulations. Oral comments were made, and written comments were submitted at the hearing. A summary of each comment is provided below along with the department's response.

Comment:

Mick Henderson of Commonwealth Agri-Energy, LLC, in both written and oral comments, thanked the department for allowing the sale of gasoline with 15% ethanol (E15) year-round. He also stated that the department's choice not to expressly state E15 allowances in the rule makes the rule vague.

Response:

The department appreciates the support of Commonwealth Agri-Energy for the rule. The department promulgated this rule under T.C.A. § 47-18-1304(b)(2), which states "The department shall adopt as a substitute standard any provision of federal law which imposes requirements in conflict with an ASTM standard." It is anticipated that federal authorities will again authorize sale of E15 fuels during summer months in 2020. By crafting the rule in the manner promulgated, the department is both complying with the specific mandate of T.C.A. §47-18-1304(b)(2) to promulgate rules adopting federal standards that are inconsistent with ASTM and also allowing for flexibility in what future considerations may be made in this area. For example, if the department were to promulgate a rule allowing sale of up to 15% ethanol blends and in subsequent years federal authorities amend the percentage allowed or revoke the federal authorization, the department would have to entertain additional rulemaking and administrative cost to re-draw the rule for compliance. By crafting the rule to always be compliant with these federal standards, the department is safeguarding future federal changes in the rule in a more cost effective manner for use of public tax dollars.

Comment:

Kelly Davis and Cassie Mullen of Renewable Fuels Association submitted written and oral comments respectively. Their comments were similar. Renewable Fuels Association supports the rule to allow year-round E15 sale. They also stated the rule by itself was vague and could lead the department to interpret the rule to enforce all the provisions of federal law rather than just the allowance of the 1.0 psi waiver for E15 summer fuels.

Response:

The department appreciates Renewable Fuels Association's support for the rule. The department is not immediately aware of situations where this rule would apply outside of federal E15 allowances. To the extent the rule does promulgate enforcement of other federal standards not in compliance with ASTM, the department is required to administer those differences by statute under T.C.A. § 47-18-1304(b)(2) and the Association is advised to share its concern with appropriate members of the state legislature.

Comment:

Mike Williams of the Tennessee Petroleum Institute submitted written comments in opposition to the rule. The opposition is based on the possibility of damage caused by high ethanol content gasoline to storage facilities, dispensers, and automobiles. Small engines are especially susceptible to damage. Substantial data was submitted in support of these concerns.

Response:

The department appreciates the comments of the Petroleum Institute. However, the department is bound by T.C.A. § 47-18-1304(b)(2) to promulgate federal standards that are inconsistent with ASTM standards.

Comment:

Emily LeRoy with the Tennessee Fuel & Convenience Store Association (TFCSA) submitted written comments. The main concern raised was labeling of E15 at the pump and other locations so that consumers will know what product they are buying. It should be clear it is E15 and not something like "Unleaded 88". Current rules on pricing and signage should remain the same. Vagueness of the rule was also mentioned.

Response:

The department thanks TFCSA for its comments. The department agrees that every effort should be made to inform the consumer as to what kind of product is purchased at the pump. This rule is not intended to change current product naming, pricing, and signage requirements. It is not expected that product names such as "Unleaded 88" will be compliant with requirements under Tenn. Comp. R. & Regs. 0080-05-12-.03. Regarding vagueness concerns, the department refers to its response to Commonwealth Agri-Energy above.

Comment:

Randy Riley, a farmer from Robertson County, and 21 other individual supporters provided written and/or oral comment in support of the rule as an increase for the demand for corn grown in the area of Commonwealth Agri-Energy.

Response:

Thanks to all who took the time to send a letter in support of the rule. The department agrees that increased demand for corn would be a favorable outcome from adoption of these rules.

Comment:

Josh Bailey of Eco-Energy spoke in support of the comments made by Commonwealth Agri-Energy and the Renewable Fuel Association.

Response: The comments of Mr. Bailey are appreciated. In response, the department refers to responses provided to those comments above.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

- (1) Type or types of small business subject to the proposed rule that would bear the cost of, and/or directly benefit from the proposed rule:

Any person or business that sells or buys gasoline could be affected by this rule.

- (2) Identification and estimate of the number of small businesses subject to the proposed rule:

All businesses involved in the sale of gasoline are subject to the rule.

- (3) Projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record:

The proposed rule change is not expected to increase administrative costs of affected firms.

- (4) Statement of the probable effect on impacted small businesses and consumers:

This allows the sale of gasoline containing 15% ethanol (E15) year-round. E15 is usually a cheaper option when purchasing gasoline if the vehicle is manufactured to use it.

- (5) Description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and/or objectives of the proposed rule that may exist, and to what extent, such alternative means might be less burdensome to small business:

No less burdensome methods for authorizing the sale of E15 is possible.

- (6) Comparison of the proposed rule with any federal or state counterparts:

These rules are consistent with EPA standards for the sale of E15.

- (7) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.

Exception of small businesses from this rule would prevent them from taking advantage of selling or buying a more economical grade of gasoline.

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://publications.itsosfiles.com/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

There is no impact on local government.

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;

This rule authorizes the sale of 15% ethanol gasoline (E15) during the summer months. Current law allows its sale during the remainder of the year.

- (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;

In a recent amendment to 40 CFR Part 80.27(d) EPA allowed the sale of E15 year-round making it possible for Tennessee to follow suit.

- (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;

Ethanol processors and corn producers urge the adoption of this rule. The Tennessee Petroleum Council opposes the rule.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

There is no opinion or ruling relevant to this rule.

- (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;

There is no fiscal impact caused by this rule.

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

David Waddell, Director of Law and Policy, Tennessee Department of Agriculture

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

David Waddell, Director of Law and Policy, Tennessee Department of Agriculture

- (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

420 Hogan Road, Nashville, TN 37220; (615) 837-5331; david.waddell@tn.gov

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

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 Nashville, TN 37243
 Phone: 615-741-2650
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For Department of State Use Only

Sequence Number: 03-04-20
 Rule ID(s): 9313
 File Date: 3/5/2020
 Effective Date: 6/3/2020

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	Department of Agriculture
Division:	Consumer and Industry Services
Contact Person:	David Waddell
Address:	P.O. Box 40627, Nashville, Tennessee
Zip:	37204
Phone:	(615) 837-5331
Email:	david.waddell@tn.gov

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that ALL new rule and repealed rule numbers are listed in the chart below. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0080-05-12	Kerosene and Motor Fuel Quality Inspection Regulations
Rule Number	Rule Title
0080-05-12-.02	Standard Specifications

Redline version 0080-05-12-.02(1)(b)

0080-05-12-.02(1)

(b) Gasoline-Ethanol Blends – When gasoline is blended with ethanol, the ethanol shall meet the latest version of ASTM D4806, "Standard Specification for Denatured Fuel Ethanol for Blending with Gasoline for Use as Automotive Spark-Ignition Fuel" and the final blend shall meet the latest version of ASTM D4814 "Standard Specification for Automotive Spark-Ignition Engine Fuel" with the following permissible exceptions. The maximum vapor pressure shall not exceed the ASTM D4814 limits by more than:

1. 1.0 psi for blends containing 9 to 10 volume percent ethanol from June 1 through September 15, in accordance with 40 CFR Part 80.27(d);
2. 1.0 psi for blends containing one or more volume percent ethanol for volatility Classes A, B, C and D from September 16 through May 31;
3. 0.5 psi for blends containing one or more volume percent ethanol for volatility Class E from September 16 through May 31.
- ~~4. The vapor pressure exemptions in subsections 0080-5-12-.02 (1)(b)1-3 will remain in effect until May 1, 2016 or until ASTM incorporates changes to or confirms the current limits to the vapor pressure maximums for ethanol blends, whichever occurs first.~~
4. Notwithstanding vapor pressure exemptions authorized under this rule, the department adopts as a substitute standard any provision of federal law that is in conflict with an ASTM standard.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Department of Agriculture on 01/14/2020 and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 11/22/2020

Rulemaking Hearing(s) Conducted on: (add more dates). 01/14/2020



Date: 2/5/2020

Signature: [Handwritten Signature]

Name of Officer: Charlie Hatcher D.V.M.

Title of Officer: Commissioner

Subscribed and sworn to before me on: 2/5/2020

Notary Public Signature: [Handwritten Signature]

My commission expires on: 10/11/2021

Agency/Board/Commission: Department of Agriculture

Rule Chapter Number(s): 0080-05-12

All rulemaking hearing 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.

[Handwritten Signature]
Herbert H. Slatery III
Attorney General and Reporter

3/5/2020
Date

Department of State Use Only

Filed with the Department of State on: 3/5/2020

Effective on: 6/3/2020

[Handwritten Signature]
Tre Hargett
Secretary of State

G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Commission on Aging and Disability

SUBJECT: Financial Management Standards and Procedures; State-Funded Home and Community Based Services for Elderly and Disabled Adults

STATUTORY AUTHORITY: Tennessee Code Annotated, Sections 71-2-104(a) and 71-2-105(b)(1)

EFFECTIVE DATES: June 9, 2020 through June 30, 2021

FISCAL IMPACT: None

STAFF RULE ABSTRACT:

Rule 0030-01-10-.01 outlines the distribution of Title III of the Older Americans Act as required by 42 U.S.C §3001 et. seq. The intent of this rule change is to prevent drastic losses to rural areas due to potential population shifts within the state.

Rule 0030-02-01-.01 updates the Rule to the appropriate T.C.A section

Rule 0030-02-01-.02 updates the Rule to the current Secretary of State Rule format

Rule 0030-02-01-.03 outlines the distribution of state-funded long-term care home and community-based services programs authorized by Tenn. Code. Ann. §71-5-1416. The intent of this rule is to mirror changes to Rule 0030-01-10-.01 to prevent drastic losses to rural areas due to potential population shifts within the state.

Rule 0030-02-01-.04 updates the language to meet current Secretary of State Rule format and updates the language to the current administrative set up the cost allocation comparison to the TennCare approved demonstration structure.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

This rule is not projected to affect small business and is intended to protect rural areas who have a larger potential for small businesses from drastic changes in their funding.

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://publications.tnsosfiles.com/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

This rule is not projected to have an impact on local governments and is intended to protect local governments from having large shifts in funding.

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;

Rule 0030-01-10-.01 outlines the distribution of Title III of the Older Americans Act as required by 42 U.S.C §3001 et. seq. The intent of this rule change is to prevent drastic losses to rural areas due to potential population shifts within the state.

Rule 0030-02-01-.01 updates the Rule to the appropriate T.C.A section

Rule 0030-02-01-.02 updates the Rule to the current Secretary of State Rule format

Rule 0030-02-01-.03 outlines the distribution of state-funded long-term care home and community-based services programs authorized by Tenn. Code. Ann. §71-5-1416. The intent of this rule is to mirror changes to Rule 0030-01-10-.01 to prevent drastic losses to rural areas due to potential population shifts within the state.

Rule 0030-02-01-.04 updates the language to meet current Secretary of State Rule format and updates the language to the current administrative set up the cost allocation comparison to the TennCare approved demonstration structure.

- (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;

Tenn. Code Ann. §§ 71-2-104(a) and 71-2-105(b)(1) requires TCAD to promulgate rules to administer programs for long term care for older adults in the state relating to the Older American's Act and Options program.

- (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;

The Area Agencies on Aging and Disability will be most affected by these rules. Each Area Agency on Aging and Disability was consulted and approved adoption of the rules as well as their representatives in each area on the Commission.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

There are no opinions of the attorney general and reporter or any judicial ruling that directly relates to these proposed rules.

- (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;

TCAD estimates that there will be neither an increase nor a decrease in State government revenues and expenditures as a result of this rule.

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

Charles Ferguson, General Counsel

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

Charles Ferguson, General Counsel

(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

Charles Ferguson, General Counsel
Tennessee Commission on Aging and Disability
Andrew Jackson Bldg. fl 19
Nashville, TN 37243
Charles.B.Ferguson@tn.gov

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

There have been no requests for additional information received to-date

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For Department of State Use Only

Sequence Number: 03-07-20
Rule ID(s): 9314-9315
File Date: 3/11/2020
Effective Date: 6/9/2020

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to Tenn. Code Ann. §§ 4-5-202, 4-5-207, and 4-5-229 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 ninety (90) days of 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 ten (10) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of ten (10) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission: Tennessee Commission on Aging and Disability
Division: N/A
Contact Person: Charles Ferguson
Address: 502 Deaderick St. Andrew Jackson Bldg. 9th Floor Nashville
Zip: 37243
Phone: 615.253.3339
Email: Charles.b.ferguson@tn.gov

Revision Type (check all that apply):

Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that ALL new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0030-01-10	Financial Management Standards and Procedures
Rule Number	Rule Title
0030-01-10-.01	Intrastate Funding Formula

Chapter Number	Chapter Title
0030-02-01	State-Funded Home and Community Based Services for Elderly and Disabled Adults
Rule Number	Rule Title
0030-02-01-.01	Purpose
0030-02-01-.02	Cost sharing and Participant Contribution Requirements

0030-02-01-.03	Intrastate Allocation Formula
0030-02-01-.04	Maximum Unit Cost for Services

Chapter 0030-01-10 Financial Management Standards and Procedures table of contents is amended by correcting numbering and shall read as follows:

CHAPTER 0030-01-10
FINANCIAL MANAGEMENT STANDARDS AND PROCEDURES

TABLE OF CONTENTS

0030-01-10-01 Intrastate Funding Formula

Rule 0030-01-10-01 Intrastate Funding Formula is amended by substituting language so that as amended it shall read:

0030-01-10-01 INTRASTATE FUNDING FORMULA.

- (1) Effective as of July 1, 2020 for SFY21 federal funds received under Title III of the Older Americans Act, 42 U.S.C. § 3001 et seq. shall be allocated to each of the nine (9) area agencies on aging and disability using the following formula:
- (a) Ten percent (10%) of the available Title III funds for area agencies is designated for administration of area agencies on aging and disability. From this amount each area agency is allocated an identical base sub-grant of \$100,000 plus a pro rata share of the remaining funds. The pro rata share will be distributed in accordance with the weighted percentage determined in subsection (b) below.
 - (b) Ninety percent (90%) of the Title III funds for area agencies is allocated for services. This amount shall be distributed as follows:
 - 1. Thirty-five percent (35%) of the services allocation shall be distributed among the area agencies in proportion to each planning and service area's share of the total number of persons (aged sixty (60) and over) in the state.
 - 2. Thirty percent (30%) of the services allocation shall be distributed among the area agencies in proportion to each planning and service area's (PSA) share of the total number of persons aged sixty-five (65) and over with income below one-hundred percent (100%) of the poverty level established by the Office of Management and Budget.
 - 3. Ten percent (10%) of the services allocation shall be distributed among the area agencies in proportion to each PSA's share of the total number of minority persons aged sixty-five (65) and over with income below one-hundred (100%) of the poverty level established by the Office of Management and Budget.
 - 4. Fifteen percent (15%) of the services allocation shall be distributed among the area agencies in proportion to each PSA's share of the total population of older adults aged sixty-five (65) and over living in rural areas (as defined by the Census Bureau).
 - 5. Ten percent (10%) of the services allocation shall be distributed among the area agencies in proportion to each PSA's share of the total number of elderly persons who are age eighty (80) and above.
 - (c) The source of data for all formula factors listed in sub-paragraph (1)(b)(1-3) and (5) above shall be determined on a yearly basis and the updated data will be used to compute the annual allocation to each area agency on aging and disability produced by the U.S. Census Bureau.

RULES
OF
TENNESSEE COMMISSION ON AGING AND DISABILITY

CHAPTER 0030-01-10
FINANCIAL MANAGEMENT STANDARDS AND PROCEDURES

TABLE OF CONTENTS

0030-01-10-01 Intrastate Funding Formula

0030-01-10-01 INTRASTATE FUNDING FORMULA.

- (1) ~~Effective as of July 1, 2020 for SFY21~~ Federal funds received under Title III of the Older Americans Act, 42 U.S.C. § 3001 et seq. shall be allocated to each of the nine (9) area agencies on aging and disability using the following formula:
- (a) Ten percent (10%) of the available Title III funds for area agencies is designated for administration of area agencies on aging and disability. From this amount each area agency is allocated an identical base sub-grant of \$100,000 plus a pro rata share of the remaining funds. ~~The pro rata share shall be equal to the percentage which reflects a given area agency's portion of total state funds allocated to all area agencies by the state agency for nutrition services and senior centers in the state fiscal year immediately preceding the distribution of funds. The pro rata share will be distributed in accordance with the weighted percentage determined in subsection (b) below.~~
- (b) Ninety percent (90%) of the Title III funds for area agencies is allocated for services. This amount shall be distributed as follows:
1. Thirty-five percent (35%) of the services allocation shall be distributed among the area agencies in proportion to each planning and service area's share of the total number of elderly persons (aged sixty (60) and over) in the state.
 2. Thirty percent (30%) of the services allocation shall be distributed among the area agencies in proportion to each planning and service area's (PSA) share of the total number of elderly persons aged sixty-five (65) and over with income below one-hundred percent (100%) of the poverty level established by the Office of Management and Budget.
 3. Ten percent (10%) of the services allocation shall be distributed among the area agencies in proportion to each planning and service area PSA's share of the total number of minority elderly persons aged sixty-five (65) and over with income at or below one-hundred (100%) of the poverty level established by the Office of Management and Budget.
 4. Fifteen percent (15%) of the services allocation shall be distributed among the area agencies in proportion to each planning and service area PSA's share of the total number ~~population of older adults aged sixty five (65) and over~~ elderly living in rural areas (as defined by the Census Bureau).
 5. Ten percent (10%) of the services allocation shall be distributed among the area agencies in proportion to each planning and service area PSA's share of the total number of elderly persons who are age eighty (80) and above.
- (c) ~~The Commission shall review and update the Title III formula as often as a new State Plan is submitted to the Administration on Aging.~~
- (dc) The source of data for all formula factors listed in sub-paragraph (1)(b)(1-3) and (5) above shall be determined on a yearly basis and the updated data will be used to

compute the annual allocation to each area agency on aging and disability produced by the U.S. Census Bureau. The source of data for the formula factor listed in subparagraph (1)(b)(4) above shall be determined by the latest decennial census produced by the U.S. Census Bureau. the most recent decennial federal census of population. FINANCIAL MANAGEMENT STANDARDS AND PROCEDURES CHAPTER 0030-1-10

(Rule 0030-1-10-01, continued)

- (de) The Commission shall submit its formula for distribution of Title III funds to the Commissioner of the Administration on Aging/Assistant Secretary for Aging prior to implementation, as specified by the Older Americans Act.
- (e) No PSA shall receive a percentage allocation of administrative funds, as described in section 1(a) above, or direct service funds, as described in section 1(b) above, that is less than ninety five percent (95%) of the previous year's allocation of administrative funds or direct service funds respectively. Should additional funds be necessary to maintain the ninety five percent (95%) funding level for any PSA, they shall be taken proportionately from federal funds allocated to other PSAs.
- (2) The state appropriation for multipurpose senior citizen centers shall be allocated to each area agency on aging and disability in the following manner:
- (a) Thirty eight percent (38%) of the total funds available to senior citizen centers will be distributed among the area agencies using an identical sub-grant for each county in the state multiplied by the number of counties in each planning and service area.
- (b) Of the remaining funds, fifty percent (50%) will be allocated based on each district's proportion of the state's elderly population and fifty percent (50%) will be allocated based on the district's proportion of the state's elderly with incomes at or below one hundred percent (100) percent of the poverty level.
- (3) The state appropriations for home delivered meals and homemaker services are allocated to each area agency on the formula outlined in paragraph (2)(b) fifty percent based on the number of elderly in the district and fifty percent based on the number of elderly with incomes at or below 100 percent of the poverty level. There is no base subgrant for these services.
- (34) The Commission will review and update its the above described formulas for distribution of Sstate and Federal funds as often as necessary, and review and update the formula as appropriate when a state plan is submitted to the Administration for Community Living on Aging using the same source of data as for the federal formula (1)(d) above.

Authority: T.C.A. §§71-2-104(a) and 71-2-105. **Administrative History:** Original rule filed July 6, 1982; effective August 6, 1982. Amendment filed June 26, 1990; effective August 10, 1990. Amendment filed October 21, 1991; effective January 29, 1992. Amendments filed February 28, 2006; effective June 28, 2006. Amendment filed July 26, 2006; effective October 9, 2006.

**RULES
OF
TENNESSEE COMMISSION ON AGING AND DISABILITY**

**CHAPTER 0030-02-01
STATE-FUNDED HOME AND COMMUNITY BASED SERVICES FOR ELDERLY
AND DISABLED ADULTS**

TABLE OF CONTENTS

0030-02-01-.01 Purpose	0030-02-01-.03 Intrastate Allocation Formula
0030-02-01-.02 Cost Sharing and Participant Requirements	0030-02-01-.04 Maximum Unit Cost for Services

0030-02-01-.01 PURPOSE.

The purpose of this rule is to implement the state-funded long-term care home and community based services program authorized by T.C.A. Section 71-5-1408 ~~1416~~ which is intended to serve individuals who are at least sixty (60) years of age or adults who have a disability due to a physical impairment, who do not qualify for long-term care services under the state medical assistance program, who are found to be at risk of losing their independence and for which there is no other resource available. Adult protective service clients have priority for these services.

Authority: T.C.A. §§4-5-201, ~~et seq.~~ 71-2-105(b)(1), 71-5-1408~~1416~~, and 71-5-1707(i)~~2007 throughout~~. **Administrative History:** Original rule filed May 4, 2001; effective July 18, 2001.

0030-02-01-.02 COST SHARING AND PARTICIPANT CONTRIBUTION REQUIREMENTS.

- (1) Each Area Agency on Aging and Disability shall adhere to these cost sharing requirements for recipients of services funded in whole or in part through the Home and Community Based Services for Elderly and Disabled Adults Program funded through the Commission on Aging and Disability who can pay all or a portion of the cost of the services rendered.
- (2) Each Area Agency on Aging and Disability shall utilize a sliding fee scale to determine the amount a consumer of service must pay toward the cost of services the recipient receives, except that no cost sharing shall be required for home-delivered meals which are eligible for USDA reimbursement or for services funded in part with monies from a federal funding source that prohibits mandatory cost sharing.
- (3) Except as otherwise provided, the cost sharing policies developed by the Tennessee Commission on Aging and Disability shall utilize the following sliding fee scale:
 - (a) Consumers with income less than two-hundred percent (200%) of the Federal Benefit Rate shall not be required to contribute toward the cost of services they receive.
 - (b) Consumers with income at or above two-hundred percent (200%) of the Federal Benefit Rate shall be required to contribute a percentage of the cost of the services they receive (see Cost Share guidelines), but the cost share requirement shall not exceed forty-five percent (45%) of their income.
 - (c) Recipients with incomes greater than six-hundred (600%) of the Federal Benefit Rate may receive information and assistance, including referrals to service providers, but shall be required to contribute one-hundred (100%) of the cost of any additional services they receive.

- (4) These cost sharing policies shall ensure that each Area Agency on Aging and Disability will:
 - (a) Provide applicants of service with a written description of the cost sharing guidelines prior to the commencement of any services;
 - (b) Determine the cost share amount based solely on the self-declaration of income with no consideration of assets;
 - (c) Collect consumer's cost share obligations utilizing an invoice format at least quarterly;
 - (d) Issue a receipt of payment to any consumer of service making a payment pursuant to these policies;
 - (e) Safeguard all funds collected through the cost sharing process including a record of accounts receivable for each consumer;
 - (f) Use methods for receiving cost share payments and contributions that protect the privacy of each consumer with respect to the amount contributed;
 - (g) Make a good faith effort to collect cost sharing obligations from consumers of service where feasible and cost effective. If the Area Agency on Aging and Disability finds that collecting a given amount is not cost effective, the Area Agency on Aging and Disability may waive this amount;
 - (h) Be able to adjust the cost share responsibility for a consumer who is unable to comply with the cost share policy. This adjustment will be implemented on a case-by-case basis.
 - (i) Ensure that consumers of service who are not required to pay a part of the cost share amount be given an opportunity to make a voluntary contribution toward the cost of service being provided.
- (5) All income collected in accordance with these rules shall be utilized by Area Agencies on Aging to provide additional home and community based services.

Authority: T.C.A. §§4-5-201, et seq., 71-2-105(b)(1), 71-5-140419(a)(5), 71-5-14081416, and 71-5-1707(i)2007; and 42 U.S.C.A. § 3030 c-2. **Administrative History:** Original rule filed May 4, 2001; effective July 18, 2001. Amendment filed May 23, 2005; effective August 6, 2005.

0030-02-01-.03 INTRASTATE ALLOCATION FORMULA.

- (1) Each Area Agency on Aging and Disability shall receive a base award of \$50,000. The remainder of the funds will be equitably distributed between urban and rural areas. The formula for fund distribution will be according to each region's share of the state's population age 18 and over with self-care limitations, using the best available data, provided that no planning and service area would receive less funding than received in Fiscal Year 2001, subject to the availability of appropriated funds and according to the limitations set forth in Rule 0030-01-10-01(1)(e).
- (2) The formula will be reviewed at least every three (3) years and updated when new information of the target population becomes available and updated as often as necessary, and reviewed and updated when a state plan is submitted to the Administration for Community Living.

Authority: T.C.A. §§~~4-5-201 et seq., 71-2-105(b)(1), and 71-5-1408~~1416. **Administrative History:** Original rule filed May 4, 2001; effective July 18, 2001. Amendment filed June 28, 2002; effective September 11, 2002.

0030-02-01-.04 MAXIMUM UNIT COST FOR SERVICES.

- (1) In each planning and service area (PSA), the contract average cost of a unit of service for home and community based long-term care services authorized by T.C.A. § 71-5-1408~~1416~~ can not exceed one hundred-twenty percent (120 %) of the cost of that unit amount as approved by the Bureau ~~Division~~ of TennCare under a ~~the~~ Section ~~1915(e)1115~~ statewide ~~Demonstration w~~Waiver of the Medicaid State Plan for an identical service as described by the Waiver.

Authority: T.C.A. §§~~4-5-201 et seq., 71-2-105(b)(1), and 71-5-1408~~1416. **Administrative History:** Original rule filed June 28, 2002; effective September 11, 2002.

* 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)
Leslee Bibb				X	
Jerry Lukach	X				
Mike Callahan				X	
Del Holley	X				
Dora Ivey	X				
Kim Brannon	X				
Ed Cole				X	
Cele Curtis	X				
Kraig Smith				X	
Janice Wade-Whitehead	X				
Lisa Piercey (Proxy: Sally Pitt)	X				
Courtney Rogers (Proxy: Paul Overholser)			X		
Gabe Roberts (Proxy: Melba Floyd)				X	
Brad Turner (Proxy: David Taylor)	X				
Marie Williams (Proxy: Dennis Temple)	X				
Wanda Willis (Proxy: Lynette Porter)				X	
Tracy Moore	X				
Carol Westlake	X				
Danielle Barnes (Proxy: Renee Bouchillon)	X				
Joseph Williams	X				

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Commission on 11/12/2019, 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 ninety (90) days of the filing of the proposed rule with the Secretary of State.



Date: February 10, 2020

Signature: _____

Name of Officer: Jim Shulman

Title of Officer: Executive Director

Subscribed and sworn to before me on: 2/10/20

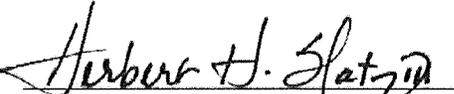
Notary Public Signature: Ondria Stevenson

My commission expires on: 5/2/22

Agency/Board/Commission: Tennessee Commission on Aging and Disability

Rule Chapter Number(s): 0030-02-01; 0030-01-10

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.


Herbert H. Slatery III
Attorney General and Reporter
2/12/2020
Date

Department of State Use Only

Filed with the Department of State on: 3/11/2020

Effective on: 6/9/2020


Tre Hargett
Secretary of State

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PUBLICATIONS

G.O.C. STAFF RULE ABSTRACT

BOARD: Tennessee Higher Education Commission

DIVISION: Higher Education

SUBJECT: Public Higher Education Fee Discounts for Children of Licensed Public School Teachers and State Employees

STATUTORY AUTHORITY: Tennessee Code Annotated, Sections 8-50-115 and 49-7-118

EFFECTIVE DATES: June 24, 2020 through June 30, 2021

FISCAL IMPACT: None

STAFF RULE ABSTRACT: Public Chapter 402 included a substantive change to the eligibility requirements for public education fee discounts for children of licensed public school teachers. While the Tennessee Higher Education Commission (THEC) previously maintained one set of Rules for the administration of the fee discount program for children of licensed public school teachers and children of state employees, THEC took the opportunity to separate the discounts into two (2) separate rules in recognition that these are two (2) separate statutory discounts with different eligibility requirements. As such, 1540-01-05 is being repealed in its entirety.

New Rule Chapter 1540-01-12 Public Higher Education Fee Discounts for Children of Licensed Public School Teachers allows every child in Tennessee under twenty-four (24) years of age whose parent is employed as a licensed teacher in any public school in Tennessee to receive a twenty-five percent (25%) discount on tuition to any state-operated institution of higher education. Children of retired teachers with thirty (30) years of service are also eligible. Pursuant to Public Chapter 402, the new rule includes one substantive change to the eligibility requirements which extends the discount to the child of a licensed teacher who died while working full-time in a public school.

New Rule Chapter 1540-01-13 Public Higher Education Fee Discounts for Children of State Employees allows every child in Tennessee under twenty-four (24) years of age whose parent is employed as a full-time state employee to receive a twenty-five percent (25%) discount on tuition to any state operated institution of higher education. Children of retired state employees with twenty-five (25) years of service are also eligible.

(This rule was not submitted in redline form.)

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

This rule is not projected to affect small business.

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://publications.tnsosfiles.com/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

This rule is not projected to have an 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;

Public Chapter 402 included a substantive change to the eligibility requirements for public education fee discounts for children of licensed public school teachers. While the Tennessee Higher Education Commission (THEC) previously maintained one set of Rules for the administration of the fee discount program for children of licensed public school teachers and children of state employees, THEC took the opportunity to separate the discounts into two (2) separate rules in recognition that these are two (2) separate statutory discounts with different eligibility requirements. As such, 1540-01-05 is being repealed in its entirety.

New Rule Chapter 1540-01-12 Public Higher Education Fee Discounts for Children of Licensed Public School Teachers allows every child in Tennessee under twenty-four (24) years of age whose parent is employed as a licensed teacher in any public school in Tennessee to receive a twenty-five percent (25%) discount on tuition to any state-operated institution of higher education. Children of retired teachers with thirty (30) years of service are also eligible. Pursuant to Public Chapter 402, the new rule includes one substantive change to the eligibility requirements which extends the discount to the child of a licensed teacher who died while working full-time in a public school.

New Rule Chapter 1540-01-13 Public Higher Education Fee Discounts for Children of State Employees allows every child in Tennessee under twenty-four (24) years of age whose parent is employed as a full-time state employee to receive a twenty-five percent (25%) discount on tuition to any state operated institution of higher education. Children of retired state employees with twenty-five (25) years of service are also eligible.

- (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. § 8-50-115 and § 49-7-119 authorize the Tennessee Higher Education Commission (THEC) to promulgate rules for the Public Higher Education Fee Discounts for Children of Licensed Public School Teachers and State Employees.

- (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;

THEC worked with the Tennessee Board of Regents, the University of Tennessee system, and the six locally governed institutions directly affected by these rules.

These organizations and individuals support adoption of these rules.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

These rules are consistent with Tenn. Op. Atty. Gen. No. 17-09 (Tenn.A.G.), 2017 WL 652886, which clarified that licensed public charter school teachers qualify for the tuition discount outlined in T.C.A. § 49-7-119(a) and Tenn. Op. Atty. Gen. No. 90-91 (Tenn.A.G.), 1990 WL 513073, which clarified that the tuition discount for children of public school teachers may be limited to enrollment in undergraduate courses.

- (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;

THEC estimates that there will be neither an increase nor a decrease in state government revenues and expenditures as a result of this rule.

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

Brett Gipson, Deputy General Counsel and Shauna Jennings, Associate General Counsel

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

Brett Gipson, Deputy General Counsel and Shauna Jennings, Associate General Counsel

- (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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Lou Hanemann, Legislative Affairs
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615.253.8872
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- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

There have been no requests for additional information received to-date.

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 Nashville, TN 37243
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 Email: publications.information@tn.gov

For Department of State Use Only

Sequence Number: 03-18-20
 Rule ID(s): 9320-9322
 File Date: 3/26/2020
 Effective Date: 6/24/2020

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission: Tennessee Higher Education Commission
Division: Higher Education
Contact Person: Shauna Jennings
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Phone: 615.253.7462
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Revision Type (check all that apply):

- Amendment
- New
- Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that ALL new rule and repealed rule numbers are listed in the chart below. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
1540-01-05	Public Higher Education Fee Discounts for Children of Licensed Public School Teachers and State Employees
Rule Number	Rule Title
1540-01-05-.01	Definitions
1540-01-05-.02	Eligibility
1540-01-05-.03	Limitations
1540-01-05-.04	Appeal Procedures
1540-01-05-.05	Repealed

Chapter Number	Chapter Title
1540-01-12	1540-01-12
Rule Number	Rule Title
1540-01-12-.01	Definitions
1540-01-12-.02	Eligibility
1540-01-12-.03	Limitations
1540-01-12-.04	Appeal Procedures

Chapter Number	Chapter Title
1540-01-13	Public Higher Education Fee Discounts For Children of State Employees
Rule Number	Rule Title
1540-01-13-.01	Definitions
1540-01-13-.02	Eligibility
1540-01-13-.03	Limitations
1540-01-13-.04	Appeal Procedures

RULES
OF
TENNESSEE HIGHER EDUCATION COMMISSION

CHAPTER 1540-01-12
PUBLIC HIGHER EDUCATION FEE DISCOUNTS FOR CHILDREN
OF LICENSED PUBLIC SCHOOL TEACHERS

NEW

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1540-01-12-.03	Limitations
1540-01-12-.04	Appeal Procedures

1540-01-12-.01 DEFINITIONS.

- (1) Certified teacher: A classroom teacher or other educator who is:
 - (a) Licensed by the Tennessee State Board of Education pursuant to its policy;
 - (b) Certified by a branch of the U.S. Armed Forces to teach Junior Reserve Officer Training Corps; or
 - (c) Employed as a full-time technology coordinator by any local education agency in Tennessee.
- (2) Deceased teacher: A person who at the time of their death was a teacher, as defined in this chapter.
- (3) Eligible student: A child of a teacher, retired teacher, or deceased teacher, as defined in this chapter, under the age of twenty-four (24) who is:
 - (a) The natural child or legally adopted child of the teacher;
 - (b) The stepchild of the teacher living with the teacher in a parent/child relationship, or did so prior to the teacher's death; or
 - (c) Otherwise eligible and living in a parent/child relationship with the teacher, or did so prior to the teacher's death, such as a child of deceased parents raised by a grandparent who is, or was, a teacher.
- (4) Local education agency or LEA: Any county school system, city school system, special school district, or any other local public school system or school district in Tennessee created or authorized by the general assembly.
- (5) Retired teacher: A teacher, as defined in this chapter, who retired after a minimum of thirty (30) years of full-time creditable service as a teacher in Tennessee public schools, or who received disability retirement after a minimum of twenty-five (25) years of full-time creditable service as a teacher in Tennessee public schools.
- (6) State institution of higher education or Institution: Any institution operated by the Board of Trustees of the University of Tennessee, the Tennessee Board of Regents, or one of the six (6) state university boards in Tennessee which offers courses of instruction beyond the high school level.
- (7) Teacher: A certified teacher, as defined in this chapter, who is employed by any LEA or public charter school for service in public elementary or secondary schools in Tennessee on a full-time basis, meaning the teacher's position requires them to be on the job on school days throughout the school year at least the number of hours during which schools in the LEA are in session.

- (8) Tuition: A fee charged to students enrolled in courses for credit which is calculated based on the number of credit hours for which the student enrolls. Tuition does not include the cost of books or other course materials, dormitory or housing charges, meal plans, application fees, student activity fees, debt service fees, off-campus facilities fees, parking fees, traffic fines, or fees assessed by an institution that directly support the department offering the course such as applied music fees, lab fees, or other course fees.

Authority: T.C.A. § 49-7-119.

1540-01-12-.02 ELIGIBILITY.

- (1) For a student to be eligible for a fee discount under this chapter, the student must meet all of the following criteria:
 - (a) Be under twenty-four (24) years of age;
 - (b) Be the child of a teacher, retired teacher, or deceased teacher as defined in this chapter;
 - (c) Be eligible according to the provisions of this chapter; and
 - (d) Be eligible for enrollment at the institution for which a student fee discount is sought according to the academic rules and regulations of the institution.
- (2) An eligible student may enroll in any number of courses up to and including full-time study.
- (3) Eligibility for a discount will be based on the employment status of the teacher and the age of the child on the first day of classes for the term as determined by the institution. A change in employment status or the child's age after the first day of classes will affect eligibility for the discount only for subsequent terms.
- (4) At the time of enrollment, the eligible student must complete a Public Higher Education Fee Discount form, published by the Commission, certifying eligibility to receive a tuition discount. Forms are available at the institutions or at the Commission's website <www.tn.gov/thec>. Completed forms must be submitted directly to the enrolling institution for processing and approval. The Commission does not accept, process, or approve Public Higher Education Fee Discount forms. Institutions may develop appropriate procedures to facilitate the efficient processing of forms submitted by students.
- (5) Public Higher Education Fee Discount forms must be signed by the eligible student and:
 - (a) For currently employed teachers, the form must be signed by the teacher and a designated official of the employing LEA or public charter school verifying that the teacher is eligible under this chapter;
 - (b) For retired teachers, the form must be signed by the retired teacher and a designated official of the State Treasury Department, Division of Retirement to verify that the teacher retired with the required number of years of full-time creditable service; or
 - (c) For deceased teachers, the form must be signed by a designated official of the LEA or public charter school at which the teacher was last employed.

Authority: T.C.A. § 49-7-119.

1540-01-12-.03 LIMITATIONS.

- (1) Fee discounts are only available for undergraduate courses, as defined by the institutions.
- (2) Fee discounts will not be retroactively applied to prior terms. Fee discounts are available only by submitting the required form and should be approved prior to the beginning of the term for which a discount is being sought.

- (3) No eligible student shall receive a discount greater than twenty-five percent (25%) for any one (1) term using the fee discount described by this chapter. The fee discount described in this chapter may not be used in conjunction with the public higher education fee discount for children of state employees authorized by T.C.A. § 8-50-115.
- (4) The Commission shall develop a methodology for allocating appropriations to reimburse institutions for actual fee discounts provided pursuant to the program described by this chapter.

Authority: T.C.A. § 49-7-119.

1540-01-12-.04 APPEAL PROCEDURES.

- (1) Appeals regarding the determination of eligibility of a child applying for the discount under this chapter will be available through the respective institution in a manner consistent with institutional procedures in place for admissions decisions.

Authority: T.C.A. § 49-7-119.

RULES
OF
TENNESSEE HIGHER EDUCATION COMMISSION

CHAPTER 1540-01-13
PUBLIC HIGHER EDUCATION FEE DISCOUNTS FOR CHILDREN
OF STATE EMPLOYEES

NEW

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 1540-01-13-.03 Limitations
 1540-01-13-.04 Appeal Procedures

1540-01-13-.01 DEFINITIONS.

- (1) Deceased state employee: A person who at the time of their death was a state employee, as defined in this chapter.
- (2) Eligible student: A child of a state employee, retired state employee, or deceased state employee, as defined in this chapter, under the age of twenty-four (24) who is:
 - (a) The natural child or legally adopted child of the employee;
 - (b) The stepchild of the employee living with the employee in a parent/child relationship, or did so prior to the employee's death; or
 - (c) Otherwise eligible and living in a parent/child relationship with the employee, or did so prior to the employee's death, such as a child of deceased parents raised by a grandparent who is, or was, a state employee.
- (3) Full-time employee: An employee who is:
 - (a) Classified as "full-time" and scheduled to work one thousand nine hundred and fifty (1,950) hours or more per fiscal year; or
 - (b) Regardless of classification, scheduled to work one thousand six hundred (1600) hours per fiscal year and receives employment benefits provided to all full-time employees.

- (4) Retired state employee: A state employee, as defined in this chapter, who retired after a minimum of twenty-five (25) years of full-time creditable service to the state.
- (5) State Employee: A full-time employee, as defined in this chapter, of the various departments, agencies, boards, and commissions of Tennessee state government, including those in the executive, judicial, and legislative branches, but excluding non-state government entities that contract to perform a responsibility that would otherwise be the duty of state government, local boards of education, quasi-governmental entities, local public bodies, arms or instrumentalities of the counties and municipalities, or political subdivisions of the state.
- (6) State institution of higher education or Institution: Any institution operated by the Board of Trustees of the University of Tennessee, the Tennessee Board of Regents, or one of the six (6) state university boards in Tennessee which offers courses of instruction beyond the high school level.
- (7) Tuition: A fee charged to students enrolled in courses for credit which is calculated based on the number of credit hours for which the student enrolls. Tuition does not include the cost of books or other course materials, dormitory or housing charges, meal plans, application fees, student activity fees, debt service fees, off-campus facilities fees, parking fees, traffic fines, or fees assessed by an institution that directly support the department offering the course such as applied music fees, lab fees, or other course fees.

Authority: T.C.A. § 8-50-115.

1540-01-13-.02 ELIGIBILITY.

- (1) For a student to be eligible for a fee discount under this chapter, the student must meet all of the following criteria:
 - (a) Be under twenty-four (24) years of age;
 - (b) Be the child of a state employee, retired state employee, or deceased state employee as defined in this chapter;
 - (c) Be eligible according to the provisions of this chapter; and
 - (d) Be eligible for enrollment at the institution for which a student fee discount is sought according to the academic rules and regulations of the institution.
- (2) An eligible student may enroll in any number of courses up to and including full-time study.
- (3) Eligibility for a discount will be based on the employment status of the state employee and the age of the child on the first day of classes for the term as determined by the institution. A change in employment status or the child's age after the first day of classes will affect eligibility for the discount only for subsequent terms.
- (4) At the time of enrollment, the eligible student must complete a Public Higher Education Fee Discount form, published by the Commission, certifying eligibility to receive a tuition discount. Forms are available at the institutions or at the Commission's website <www.tn.gov/thec>. Completed forms must be submitted directly to the enrolling institution for processing and approval. The Commission does not accept, process, or approve Public Higher Education Fee Discount forms. Institutions may develop appropriate procedures to facilitate the efficient processing of forms submitted by students.
- (5) Public Higher Education Fee Discount forms must be signed by the eligible student and:
 - (a) For current state employees, the form must be signed by the employee and a designated official of the employing state agency verifying that the employee is eligible under this chapter;

- (b) For retired state employees, the form must be signed by the retired state employee and a designated official of the State Treasury Department, Division of Retirement to verify that the employee retired with the required number of years of full-time creditable service; or
- (c) For deceased state employees, the form must be signed by a designated official of the state agency at which the state employee was last employed.

Authority: T.C.A. § 8-50-115.

1540-01-13-.03 LIMITATIONS.

- (1) Fee discounts are only available for undergraduate courses, as defined by the institutions.
- (2) Fee discounts will not be retroactively applied to prior terms. Fee discounts are available only by submitting the required form and should be approved prior to the beginning of the term for which a discount is being sought.
- (3) No eligible student shall receive a discount greater than twenty-five percent (25%) for any one (1) term using the fee discount described by this chapter. The fee discount described in this chapter may not be used in conjunction with the public higher education fee discount for children of public school teachers authorized by T.C.A. § 49-7-119.
- (4) The Commission shall develop a methodology for allocating appropriations to reimburse institutions for actual fee discounts provided pursuant to the program described by this chapter.

Authority: T.C.A. § 8-50-115.

1540-01-13-.04 APPEAL PROCEDURES.

- (1) Appeals regarding the determination of eligibility of a child applying for the discount under this chapter will be available through the respective institution in a manner consistent with institutional procedures in place for admissions decisions.

Authority: T.C.A. § 8-50-115.

REPEALED
Chapter 1540-01-05
Public Higher Education Fee Discounts for Children of Licensed Public School Teachers and State Employees
Repeal

Chapter 1540-01-05 is amended by deleting the text of the chapter in its entirety, so that, as amended, Chapter 1540-01-05 shall read:

1540-01-05 REPEALED.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Commission Member	Aye	No	Abstain	Absent	Signature (if required)
Evan Cope, Chair, Murfreesboro - Middle Tennessee	X				
Dr. Nancy Dishner, Johnson City - East Tennessee	X				
Jimmy Johnston, Gallatin - Middle Tennessee	X				
Pam Koban, Nashville - Middle Tennessee	X				
Jay Moser, Jefferson City - East Tennessee	X				
Vernon Stafford, Jr., Memphis - West Tennessee	X				
Frank L. Watson, Jr., Memphis - West Tennessee	X				
A C Wharton, Jr., Secretary, Memphis - West Tennessee	X				
Dakasha Winton, Chattanooga – East Tennessee				X	
Tre Hargett, Secretary of State				X	
Justin P. Wilson, State Comptroller	X				
David H. Lillard, Jr., State Treasurer	X				
Celeste Riley, Voting Ex- Officio, Student Member- University of Memphis	X				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Commission on 01/31/2020, and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 11/18/2019

Rulemaking Hearing(s) Conducted on: (add more dates). 01/08/2020

Date: 2-10-20

Signature: [Handwritten Signature]

Name of Officer: KRAUSE, MICHAEL T.

Title of Officer: EXEC DIRECTOR



Subscribed and sworn to before me on: 2-10-20

Notary Public Signature: [Handwritten Signature]

My commission expires on: 08-04-2020

Agency/Board/Commission: Tennessee Higher Education Commission

Rule Chapter Number(s): Chapter 1540-01-05

All rulemaking hearing 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.

[Handwritten Signature]
Herbert H. Slate, III
Attorney General and Reporter
3/23/2020
Date

Department of State Use Only

RECEIVED

Filed with the Department of State on: 3/26/2020

2020 MAR 26 AM 11:29

Effective on: 6/24/2020

SECRETARY OF STATE
PUBLICATIONS

[Handwritten Signature]
Tre Hargett
Secretary of State

Public Hearing Comments

One copy of a document that satisfies T.C.A. § 4-5-222 must accompany the filing.

There were no public comments to the above-described rule.

Attached hereto are the responses to public comments.

G.O.C. STAFF RULE ABSTRACT

AGENCY: Commerce and Insurance

DIVISION: Fire Prevention

SUBJECT: Certified Codes Inspectors Standards and Qualifications

STATUTORY AUTHORITY: Tennessee Code Annotated, Section 68-120-118

EFFECTIVE DATES: June 24, 2020 through June 30, 2021

FISCAL IMPACT: Minimal

STAFF RULE ABSTRACT: Public Chapter 224 (2019) amended T.C.A. § 68-120-118 to require persons employed after January 1, 2020, as an electrical inspector with a municipality, county or state government to obtain certification through the State Fire Marshal's Office. The statute gives the Department of Commerce and Insurance rulemaking authority to establish standards and qualifications for certification. The statute requires the rules to require proof that the candidate understands all applicable electrical codes. The rules specify that electrical code inspectors can obtain certification through the International Code Council (ICC) or the International Association of Electrical Inspectors (IAEI) and establish the application and renewal process, including the continuing education requirements.

Public Hearing Comments

One copy of a document that satisfies T.C.A. § 4-5-222 must accompany the filing.

Mr. Charles Young, from the City of Chattanooga, spoke in favor of the rule and supports making the certification process uniform across the different types of inspectors. Additionally, Mr. Young asked the State Fire Marshal to support legislation to allow the electrical inspectors a 12-month grace period to become certified.

The Department thanks Mr. Young for his support, but the Department does not support a statutory change to allow electrical inspectors a grace period to conduct electrical inspections before becoming a certified electrical inspector.

Mr. Brian Holland, from the Codes and Standards Program at the National Electrical Manufacturers Association, appeared to fully support the rule.

The Department thanks Mr. Holland for his support.

Mr. Ron Bethea, Chief Electrical Inspector with Memphis and Shelby County Construction Code Enforcement, appeared to support the rule. Additionally, Mr. Bethea requested that electrical inspectors be allowed the grace period to begin working before becoming certified and asked that they not be required to be certified before becoming employed. Mr. Bethea also submitted a written comment expressing the same.

The Department thanks Mr. Bethea for his support and agrees that the statute does not require an inspector to be certified before becoming employed, just that the inspector be certified before conducting inspections. The Department changed the proposal to reflect that distinction.

Mr. Chris Bridgewater, Senior Electrical Inspector with the City of Franklin, appeared to support the proposal. Mr. Bridgewater asked if the electrical inspectors would be allowed to be certified in only residential or commercial.

The Department thanks Mr. Bridgewater for his support. The Department clarified that the electrical inspectors will only have one certification, as is the case with the fire inspectors.

Mr. Steve Mills, representing the Board of the Tennessee Building Officials Association, spoke in support of the rule and thanked the Department for the inclusive stakeholder process in formulating the rules.

The Department thanks Mr. Mills for his support.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

Responses to T.C.A. § 4-5-402 requiring an analysis of impact on small business follow:

1. The amended rule will not overlap, duplicate or conflict with other federal, state or local governmental rules.
2. The rule has been drafted to be clear, concise and unambiguous and to resolve existing confusion and ambiguity.
3. The rule is not anticipated to alter the standard practices of reporting and recordkeeping currently utilized by small business.
4. The rule does not establish unfriendly schedules or unreasonable deadlines for compliance and reporting requirements for small businesses.
5. The rule does not increase or complicate compliance or reporting requirements for small businesses.
6. The rule establishes performance standards required for certified electrical inspectors, but the rule does not restrict operational or design standards for small businesses.
7. The rule will not create any unnecessary entry barriers or other effects that stifle entrepreneurial activity, curb innovation, or increase costs.

Responses to T.C.A. § 4-5-403 requiring an economic impact statement follow:

1. The rule, required as a result of legislation creating a new electrical certification program, will impact inspectors employed by local or state government. The state also contracts with deputy electrical inspectors (DEI) who would be impacted by this rule, and there are approximately 79 DEIs across the state.
2. The reporting and recordkeeping requirements will remain the same, but the administrative costs for compliance with the proposed rule will decrease significantly.
3. The DEIs who contract with the state or with a local government will be required to obtain the same level of training and continuing education, but their certification process and renewal process will be through the state at a significantly reduced initial certification and renewal fee, instead of through a private, third-party certification company.
4. This rule is required as a result of legislation creating the new licensing program for electrical inspectors. Further, the rule is less burdensome and less costly than the existing certification system.
5. There is no federal or other state counterpart.
6. The rule lowers the fees required for electrical inspectors to become certified and moves the certification program to the state instead of a private, third-party certification company. This rule improves the existing certification system, and there would be no possible exemption from the certification requirement to conduct electrical inspections.

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://publications.itsosfiles.com/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

The rule may impact local governments that employ or contract with electrical inspectors for electrical code enforcement.

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;

Public Chapter 224 (2019) amended T.C.A. § 68-120-118 to require persons employed after January 1, 2020, as an electrical inspector with a municipality, county or state government to obtain certification through the State Fire Marshal's Office. The statute gives the Department of Commerce and Insurance rulemaking authority to establish standards and qualifications for certification. The statute requires the rules to require proof that the candidate understands all applicable electrical codes. The rules specify that electrical code inspectors can obtain certification through the International Code Council (ICC) or the International Association of Electrical Inspectors (IAEI) and establish the application and renewal process, including the continuing education requirements.

- (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;

Public Chapter 224 (2019) amending T.C.A. § 68-120-118

- (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;

Deputy Electrical Inspectors and electrical inspectors employed by local governments. The inspectors support adoption of the rule because it will make their certification process easier and less expensive.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate 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;

Minimal.

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

Michael Morelli, Director of Electrical, Residential, and Marina Inspections Section and the Permits & Licensing Section, Department of Commerce and Insurance, Division of Fire Prevention
Mary Beth Gribble, Director of Fire Prevention Programs and Policy, Department of Commerce and Insurance

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

Gary Farley, Assistant Commissioner for Fire Prevention, Department of Commerce and Insurance
Mary Beth Gribble, Director of Fire Prevention Programs and Policy, Department of Commerce and Insurance
Leigh Ferguson, Chief Counsel for Fire Prevention, Department of Commerce and Insurance

- (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

500 James Robertson Parkway
Nashville, TN 37243

Gary Farley; gary.farley@tn.gov; 615-532-6391
Mary Beth Gribble; Marybeth.gribble@tn.gov; 615-532-3272
Leigh Ferguson; leigh.j.ferguson@tn.gov; 615-360-4435

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

N/A

Department of State
 Division of Publications
 312 Rosa L. Parks Ave., 8th Floor, Snodgrass/TN Tower
 Nashville, TN 37243
 Phone: 615-741-2650
 Email: publications_information@tn.gov

For Department of State Use Only

Sequence Number: 03-19-20
 Rule ID(s): 9323
 File Date: 3/26/2020
 Effective Date: 6/24/2020

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission: Department of Commerce and Insurance
 Division: Division of Fire Prevention
 Contact Person: Leigh Ferguson
 Address: 500 James Robertson Parkway
 Zip: 37243
 Phone: 615-360-4435
 Email: Leigh.j.ferguson@tn.gov

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that ALL new rule and repealed rule numbers are listed in the chart below. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0780-02-16	Certified Codes Inspectors Standards and Qualifications
Rule Number	Rule Title
0780-02-16-.01	General Requirements
0780-02-16-.02	Definitions
0780-02-16-.03	Certification
0780-02-16-.04	Acceptable Standards, Organizations, and Courses
0780-02-16-.05	Standards and Qualifications
0780-02-16-.06	Renewal of Certification
0780-02-16-.07	Denial, Suspension, or Revocation of Certification

Place substance of rules and other info here. Please be sure to include a detailed explanation of the changes being made to the listed rule(s). Statutory authority must be given for each rule change. For information on formatting rules go to <https://sos.tn.gov/products/division-publications/rulemaking-guidelines>.

Public Chapter 224 (2019) amended T.C.A. § 68-120-118 to require persons employed after January 1, 2020, as an electrical codes inspector with a municipality, county or state government to obtain certification through the State Fire Marshal's Office. The Department of Commerce and Insurance filed emergency rules, which became effective on December 30, 2019 and will expire on June 27, 2020. A rulemaking hearing was conducted on October 18, 2019, and the content of the emergency rules is materially identical to the content in this filing.

These rules incorporate the electrical code inspectors into the existing codes inspectors' rules. These rules also clarify that electrical codes inspectors will be required to obtain twenty-four (24) hours of continuing education credit, not thirty-six (36), as is their current requirement. These rules do not modify the fee schedule.

**RULES
OF
DEPARTMENT OF COMMERCE AND INSURANCE
DIVISION OF FIRE PREVENTION**

CHAPTER 0780-02-16

CERTIFIED CODES INSPECTORS STANDARDS AND QUALIFICATIONS

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0780-02-16-.03	Certification		Revocation of Certification
0780-02-16-.04	Acceptable Standards, Organizations, and Courses		
0780-02-16-.05	Standards and Qualifications		

0780-02-16-.01 GENERAL REQUIREMENTS.

- (1) The purpose of inspector certification is to establish uniform minimum requirements designed to increase the level of competency and reliability of code enforcement personnel, to the level that will enhance each local government's ability to protect the lives and property of its citizens from improper construction, fire, and related hazards.
- (2) All applications or documents for certification shall be submitted to the State Fire Marshal's Office. All applications for initial certification and recertification shall be completed, in full, on forms approved by the State Fire Marshal's Office.
- (3) The applicant for certification shall provide satisfactory proof to the State Fire Marshal, or designee, that the applicant understands applicable building, fire, plumbing, mechanical, electrical, or fuel gas codes, through the regulations established in Tenn. Comp. R. & Regs. 0780-02-16. Application matters not specifically addressed herein will be at the discretion of the State Fire Marshal, or designee.
- (4) When a certified codes inspector performs inspections pursuant to Tenn. Comp. R. & Regs. 0780-02-16, the codes inspector shall carry a certification identification card issued by the State Fire Marshal's Office. Specialties in which the inspector is authorized to perform codes inspections may be listed on the certification identification card.
- (5) Any new applicant for certification as a building, fire, plumbing, or mechanical codes inspector has up to twelve (12) months from the date of employment to satisfy the requirements for certification

and submit the required application to the State Fire Marshal's Office. All requirements for certification shall be satisfied within the first twelve (12) months of employment or excused for just cause by the State Fire Marshal, or designee. A new applicant shall be eligible to utilize the twelve (12) month period only once, unless otherwise authorized by the State Fire Marshal, or designee. An applicant to become an electrical code inspector must be certified before conducting any codes inspections.

- (6) Municipalities and counties shall notify the State Fire Marshal's Office within sixty (60) days after any new codes inspector who is required to obtain certification is hired. The notice shall be on a form provided by the State Fire Marshal's Office for this purpose and shall contain the name of the newly hired codes inspector and the date of employment.
- (7) Persons who conduct fire prevention inspections or pre-fire planning inspections are not required to be certified unless part of their job duties also includes fire, building, plumbing, mechanical, electrical, or fuel gas code inspections.

Authority: T.C.A. §§ 68-102-113, 68-120-106, 68-120-113, and 68-120-118.

0780-02-16-.02 DEFINITIONS.

- (1) "Building Code Inspection" means an inspection for the purpose of enforcing and determining compliance with the adopted building code and as a result of which citations for failure to comply may be issued or other remedies or measures for enforcement of the building code may be invoked.
- (2) "Building Code Inspector" means an individual who as part of his/her job duties performs building code inspections or resolves conflicts relative to application of the adopted building code. The inspector's status shall be determined by job duties rather than job title.
- (3) "Certification" means the designation and authorization conferred by the State Fire Marshal, or designee, on a municipal, county, and state employed inspector, who has made application and provided the satisfactory requisite understanding of applicable building, fire, plumbing, mechanical, or fuel gas codes, to conduct or perform inspections and enforces adopted codes.
- (4) "Chapter" means Tenn. Code Ann. §§ 68-120-101, et seq.
- (5) "Continuing Education" means training courses related to the knowledge and enforcement of relevant code(s) and which are approved by the State Fire Marshal, or designee, for a designated specialty or specialties. The State Fire Marshal, or designee, shall specify the amount of credit hours awarded for approved training courses.
- (6) "Department" means the Tennessee Department of Commerce and Insurance.
- (7) "Electrical Code Inspection" means an inspection for the purpose of enforcing and determining compliance with the adopted electrical code and as a result of which citations for failure to comply may be issued or other remedies or measures for enforcement of the electrical code may be invoked.
- (8) "Electrical Code Inspector" means an individual who as a part of his/her job duties performs electrical code inspections or resolves conflicts relative to application of the adopted electrical code. The inspector's status shall be determined by job duties rather than job title.
- (9) "Fire Code Inspection" means an inspection for the purpose of enforcing and determining compliance with the adopted fire code and as a result of which citations for failure to comply may be issued or other remedies or measures for enforcement of the fire code may be invoked.
- (10) "Fire Code Inspector" means an individual who as part of his/her job duties performs fire code inspections or resolves conflicts relative to application of the adopted fire code. The inspector's status shall be determined by job duties rather than job title.
- (11) "Fire Prevention Inspection" means an inspection conducted by fire department personnel other

than a fire code inspector. This inspection is advisory in nature (i.e. maintenance and housekeeping) by the fire department personnel and may result in a fire code inspection.

- (12) "Mechanical Code Inspection" means an inspection for the purpose of enforcing and determining compliance with the adopted mechanical or fuel gas code and as a result of which citations for failure to comply may be issued or other remedies or measures for enforcement of the mechanical or fuel gas code may be invoked.
- (13) "Mechanical Code Inspector" means an individual who as part of his/her job duties performs mechanical or fuel gas code inspections or resolves conflicts relative to application of the adopted mechanical or fuel gas code. The inspector's status shall be determined by job duties rather than job title.
- (14) "Plumbing Code Inspection" means an inspection for the purpose of enforcing and determining compliance with the adopted plumbing code and as a result of which citations for failure to comply may be issued or other remedies or measures for enforcement of the plumbing code may be invoked.
- (15) "Plumbing Code Inspector" means an individual who as part of his/her job duties performs plumbing code inspections or resolves conflicts relative to application of the adopted plumbing code. The inspector's status shall be determined by job duties rather than job title.
- (16) "Pre-Fire Planning Inspection" means a walk-through inspection for the purpose of determining building layout and other building conditions to aid firefighters if a fire occurs.
- (17) "Specialty" or "specialties" means the designated field(s) of code(s) in which an inspector is certified and authorized to inspect, and which includes the following: Fire, Electrical, Building Commercial, Building Residential, Mechanical Commercial, Mechanical Residential, Plumbing Commercial and Plumbing Residential.
- (18) "State Fire Marshal" means the Commissioner of the Department of Commerce and Insurance.
- (19) "State Fire Marshal's Office" means the Division of Fire Prevention at the Department of Commerce and Insurance.

Authority: T.C.A. §§ 68-102-113, 68-120-106, 68-120-113, and 68-120-118.

0780-02-16-.03 CERTIFICATION.

- (1) Any applicant seeking to obtain initial certification as a certified codes inspector may contact the State Fire Marshal's Office in Nashville or go to the department's website to acquire a copy of the required application form. An applicant shall submit a completed application form and eligibility verification form along with the required fee of forty-five dollars (\$45.00) to the State Fire Marshal's Office prior to obtaining certification.
- (2) An applicant shall submit proof of successfully completing a recognized and accepted training course provided by professional codes organizations identified in Tenn. Comp. R. & Regs. 0780-02-16-.04, and/or an examination approved and recognized by the State Fire Marshal, or designee, which tested knowledge and skills in the specialty or specialties in which the applicant seeks certification.
- (3) The State Fire Marshal's Office shall issue an initial certificate and identification card upon assurance that an applicant has satisfied all certification requirements in the specialty or specialties in which the applicant seeks certification. The certificate and identification card will be mailed to the applicant at the business address provided on the application and shall be valid for a period of three (3) years from the date of issuance.
- (4) Upon obtaining an additional specialty or specialties, a certified codes inspector may apply to have the specialty or specialties added to his/her certificate and identification card for no additional fee. The certification with one or more newly added specialties will expire on the date of the

original certification.

Authority: T.C.A. §§ 68-102-113, 68-120-106, 68-120-113, and 68-120-118.

0780-02-16-.04 ACCEPTABLE STANDARDS, ORGANIZATIONS, AND COURSES.

- (1) The State Fire Marshal, or designee, shall determine the acceptable requirements for certification and each specialty in which an inspector performs inspections.
- (2) The State Fire Marshal, or designee, shall recognize and accept certification from the following professional codes organizations as providing the appropriate level of standards and qualifications necessary for certification:
 - (a) International Code Council (ICC);
 - (b) National Fire Protection Association (N.F.P.A.);
 - (c) International Association of Electrical Inspectors (IAEI);
 - (d) Other appropriate professional code organizations recognized by the State Fire Marshal, or designee; or,
 - (e) Successful completion of an equivalent examination administered at the discretion of the State Fire Marshal, or designee.

Authority: T.C.A. §§ 68-102-113, 68-120-106, 68-120-113, and 68-120-118.

0780-02-16-.05 STANDARDS AND QUALIFICATIONS.

In order to enable applicants for certification the opportunity to acquire the knowledge and skills required to attain certification, the State Fire Marshal, or designee, shall establish or contract for training courses which meet the minimum standards and qualifications necessary for certification under this chapter. These training courses shall be made available to governmental employees and other individuals with building, fire safety, plumbing, electrical, mechanical, or fuel gas code inspection enforcement responsibilities.

Authority: T.C.A. §§ 68-102-113, 68-120-106, 68-120-113, and ~~68-120-113(f), and 68-120-118. 68-120-118(f).~~

0780-02-16-.06 RENEWAL OF CERTIFICATION.

- (1) Certification is valid for three (3) years. To renew a certification, inspectors shall submit a completed renewal application along with a fee of thirty-five dollars (\$35.00) to the State Fire Marshal's Office. The State Fire Marshal's Office shall send each certified codes inspector a renewal application for certification at least sixty (60) days prior to the date of expiration of the original certificate. The renewal application for certification will be mailed by the State Fire Marshal's Office to the last known business address, unless the inspector has requested otherwise.
- (2) Certified codes inspectors shall have up to sixty (60) days following the expiration of their certification to fulfill all requirements for renewal of certification. All applications for renewal of certification filed during this late period shall be accompanied by a late penalty fee of ten dollars (\$10.00) in addition to the certification fee of thirty-five dollars (\$35.00). Certifications are invalid during this late period and inspections shall not be performed by the inspector until an application for renewal of certification is approved.
- (3) If the sixty (60) day late period has expired prior to an inspector fulfilling all requirements for renewal of certification, then the inspector shall apply for a new certification in accordance with T.C.A. §§ 68-120-113 and 68-120-118, and Tenn. Comp. R. & Regs. 0780-02-16.
- (4) Certified fire, building, plumbing, and mechanical codes inspectors may renew certification as follows:

- (a) Attendance and successful completion of State Fire Marshal, or designee, approved training courses which provide instruction related to an inspector's specialty or to the appropriate code(s) for the purpose of attaining credit for renewal of certification. Training courses should be approved in advance to receive credit; however, the State Fire Marshal, or designee, in his/her discretion, may approve a course and award specified hours of credit after it is given. Organizations are encouraged to submit courses to the State Fire Marshal's Office for approval at least fourteen (14) days prior to the scheduled date of the course. There is a minimum requirement of thirty-six (36) hours of continuing education during the three (3) year certification period in order to renew certification. Proof of completion of thirty-six (36) hours of continuing education within thirty-six (36) months prior to renewal of certification shall be submitted to the State Fire Marshal's Office. The State Fire Marshal's Office will not be responsible for training expenses incurred by inspectors.
 - (b) Successful completion of an examination administered at the discretion of the State Fire Marshal, or designee.
 - (c) Successful completion during the previous three (3) years of the next higher level of certification offered by a recognized and approved professional building codes organization listed in Tenn. Comp. R. & Regs. 0780-02-16-.04.
- (5) Certified electrical code inspectors may renew certification as follows:
- (a) Attendance and successful completion of State Fire Marshal, or designee, approved training courses which provide instruction related to electrical installations for the purpose of attaining credit for renewal of certification. Training courses should be approved in advance to receive credit; however, the State Fire Marshal, or designee, in his/her discretion, may approve a course and award specified hours of credit after it is given. Organizations are encouraged to submit courses to the State Fire Marshal's Office for approval at least fourteen (14) days prior to the scheduled date of the course. There is a minimum requirement of twenty-four (24) hours of continuing education during the three (3) year certification period in order to renew certification. Proof of completion of twenty-four (24) hours of continuing education within thirty-six (36) months prior to renewal of certification shall be submitted to the State Fire Marshal's Office. The State Fire Marshal's Office will not be responsible for training expenses incurred by inspectors.
 - (b) Successful completion of an examination administered at the discretion of the State Fire Marshal, or designee.
 - (c) Successful completion during the previous three (3) years of the next higher level of certification offered by a recognized and approved professional electrical codes organization listed in Tenn. Comp. R. & Regs. 0780-02-16-.04.

Authority: T.C.A. §§ 68-102-113, 68-120-106, 68-120-113, and 68-120-118.

0780-02-16-.07 DENIAL, SUSPENSION, OR REVOCATION OF CERTIFICATION.

- (1) The State Fire Marshal, or designee, may refuse to issue, renew, or deny any application for certification or recertification if the specified requirements have not been fulfilled.
- (2) The State Fire Marshal, or designee, may revoke, modify, suspend, or condition the certification of an inspector, if the State Fire Marshal, or designee, finds that the inspector has violated this chapter or any rule or regulation lawfully promulgated under this chapter. Examples of these include, including, but are not limited to:
 - (a) The requirements for certification had not been met prior to certification;
 - (b) Any continuing responsibilities associated with certification are not being fulfilled;
 - (b) The inspector is not properly enforcing the provisions of this chapter;

- (c) Any fraud, collusion, misrepresentation, or substantial mistake was involved in the procurement of certification; or
 - (d) The inspector conducted an inspection on work performed or installations made by the inspector or by a member of the inspector's immediate family, or the inspector conducted an inspection on work performed or installations made by an entity or organization owned by the inspector or owned by any member of the inspector's immediate family.
- (3) The provisions of the Uniform Administrative Procedures Act, compiled in T.C.A. Title 4, Chapter 5, shall govern all matters concerning the hearing and judicial review of any contested case arising under this chapter and any applicable rules and regulations.

Authority: T.C.A. §§ 68-102-113, 68-120-106, and 68-120-113, and 68-120-118.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

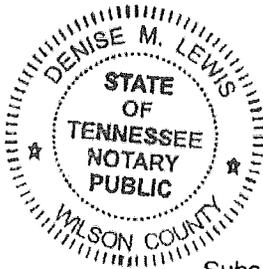
Board Member	Aye	No	Abstain	Absent	Signature (if required)

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Commissioner on March 4, 2020, and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: August 27, 2019

Rulemaking Hearing(s) Conducted on: (add more dates). October 18, 2019



Date: 3/4/2020

Signature: Hodgen M

Name of Officer: Hodgen Mainda

Title of Officer: Commissioner

Subscribed and sworn to before me on: March 4, 2020

Notary Public Signature: Denise M Lewis

My commission expires on: 12/10/2023

Agency/Board/Commission: Department of Commerce & Insurance | Division of Fire Prevention

Rule Chapter Number(s): 0780-02-16

All rulemaking hearing 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.

Herbert H. Slatery III
Herbert H. Slatery III
Attorney General and Reporter

3/25/2020
Date

Department of State Use Only

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SECRETARY OF STATE
PUBLICATIONS

Filed with the Department of State on: 3/26/2020

Effective on: 6/24/2020

Tre Hargett
Tre Hargett
Secretary of State

G.O.C. STAFF RULE ABSTRACT

AGENCY: Education

SUBJECT: Charter Schools

STATUTORY AUTHORITY: Tennessee Code Annotated, Sections 49-13-111(q) and 49-13-126

EFFECTIVE DATES: June 24, 2020 through June 30, 2021

FISCAL IMPACT: None

STAFF RULE ABSTRACT: Public Chapter 219 of the 111th General Assembly amended the language involving the annual training requirement for charter school governing board members. The new statutory language under T.C.A. § 49-13-111(q) states that any training course used by charter school governing boards to meet the annual training requirements must be certified by the Tennessee Charter School Center (TCSC) and approved by the State Board of Education. This rulemaking hearing rule outlines a process for the approval of a training course by the State Board of Education, and provides specific training course requirements for governing board members.

Public Hearing Comments

One copy of a document that satisfies T.C.A. § 4-5-222 must accompany the filing.

RESPONSE TO COMMENTS AT RULEMAKING HEARING

The Tennessee State Board of Education held a public rulemaking hearing on Rule 0520-14-01-.07 on December 5, 2019, in the Davy Crockett Tower, 500 James Robertson Parkway, Nashville, Tennessee 37243. One member of the public showed up, but no comments were offered.

Prior to and after the rulemaking hearing, State Board of Education staff solicited feedback from State Board members and the Tennessee Charter School Center. As a result of feedback from board members and the charter school center, the following substantive changes were made to the rule prior to final reading:

- Set the training requirement for individuals new to a charter school governing board at six (6) hours within the first twelve (12) months of appointment,
- Set the training requirement for individuals continuing their service on a charter school governing board after year one (1) at four (4) hours annually

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

This rule does not affect small businesses.

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://publications.tnsosfiles.com/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

This rule does not have a financial 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;

Public Chapter 219 of the 111th General Assembly amended the language involving the annual training requirement for charter school governing board members. The new statutory language under T.C.A. § 49-13-111(q) states that any training course used by charter school governing boards to meet the annual training requirements must be certified by the Tennessee Charter School Center (TCSC) and approved by the State Board of Education. This rule outlines a process for the approval of a training course by the State Board of Education, and provides specific training course requirements for governing board members.

- (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;

Public Chapter 219 of the 111th General Assembly amended the language involving the annual training requirement for charter school governing board members. The new statutory language under T.C.A. § 49-13-111(q) states that any training course used by charter school governing boards to meet the annual training requirements must be certified by the Tennessee Charter School Center (TCSC) and approved by the State Board of Education.

T.C.A. § 49-13-126 gives the State Board of Education rulemaking authority for the administration of Title 49, Chapter 13 regarding charter schools.

- (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;

The Tennessee Department of Education and State Board of Education are directly affected by this rule and both urge adoption. The Tennessee Charter School Center is affected by this rule, as well as charter schools in Tennessee. Both were engaged significantly for feedback and urge adoption.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate 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;

No fiscal impact

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

Angie Sanders
Angela.C.Sanders@tn.gov

Nathan James
Nathan.James@tn.gov

Tess Stovall
Tess.Stovall@tn.gov

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

Angie Sanders
Angela.C.Sanders@tn.gov

Nathan James
Nathan.James@tn.gov

Tess Stovall
Tess.Stovall@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

Angie Sanders
500 James Robertson Parkway, 5th Floor
Nashville, TN 27243
(615) 253-5707
Angela.C.Sanders@tn.gov

Nathan James
500 James Robertson Parkway, 5th Floor
Nashville, TN 27243
(615) 532-3528
Nathan.James@tn.gov

Tess Stovall
500 James Robertson Parkway, 5th Floor
Nashville, TN 27243
(615) 741-2966
Tess.Stovall@tn.gov

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

N/A

Department of State
Division of Publications
312 Rosa L. Parks Ave., 8th Floor, Snodgrass/TN Tower
Nashville, TN 37243
Phone: 615-741-2650
Email: publications.information@tn.gov

For Department of State Use Only

Sequence Number: 03-20-20
Rule ID(s): 9324
File Date: 3/26/2020
Effective Date: 6/24/2020

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission: State Board of Education
Division:
Contact Person: Angie Sanders
Address: 5th Floor, Davy Crockett Tower, 500 James Robertson Parkway, Nashville, TN
Zip: 37243
Phone: 615-253-5707
Email: Angela.C.Sanders@tn.gov

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0520-14-01	Charter Schools
Rule Number	Rule Title
0520-14-01-.07	Governing Body Training Approval

**RULES
OF
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-14-01
CHARTER SCHOOLS**

TABLE OF CONTENTS

0520-14-01-.01	Approval of a Charter School	0520-14-01-.04	Enrollment
0520-14-01-.02	New Start, Renewal, Revocation Appeals	0520-14-01-.05	Annual Authorizer Fee
0520-14-01-.03	Allocation of State and Local Funds	0520-14-01-.06	Amendments to the Charter Agreement and Appeals Process
		0520-14-01-.07	Governing Body Training Approval

0520-14-01-.07 GOVERNING BODY TRAINING APPROVAL.

(1) Approval of Training Courses.

- (a) Submission and Review of Training Programs for State Board Approval. Charter school governing body ("Governing Body") training courses shall be certified by the Tennessee Charter School Center ("TCSC") and approved by the State Board of Education ("State Board").
- (b) Training hours will be recognized only for training courses that are certified by the TCSC and approved by the State Board in accordance with this rule.
- (c) The TCSC shall review proposed Governing Body training courses. The TCSC shall require course providers to submit the following information for review:
 - 1. Name of the individual(s) or entity wishing to provide training;
 - 2. Experience of the individual(s) or entity in providing governing board training;
 - 3. Instructor qualifications;
 - 4. Title, proposed agenda, and length of training courses;
 - 5. Intended audience for the courses (New Board Members, Experienced Board Members, etc.);
 - 6. Description of content to be delivered and learning objectives;
 - 7. Description of instructional strategies, activities, and presentation materials;
 - 8. Method of delivery of training course content (webinar, in-person, etc.);
 - 9. Fees, if any, to be charged; and
 - 10. Methods used to evaluate the achievement of stated learning objectives and provider effectiveness.
- (d) Training courses that meet the requirements of this rule and are certified by the TCSC shall be submitted annually by the TCSC to the State Board for approval.

(Rule 0520-14-01-.07, continued)

1. The TCSC shall submit certified courses for approval to the State Board no later than March 15 of the year in which the course will be offered.
 2. Courses certified by the TCSC and approved by the State Board shall be included in State Board Policy 6.112.
 3. The TCSC shall notify the State Board if any changes to information outlined in paragraph (c) are made to approved courses. The State Board staff shall determine if the changes are material and if re-approval is required as a result of the changes and notify the TCSC.
- (e) When submitting certified courses for approval, the TCSC shall include a summary of the reasons for the approval recommendation to the State Board.

(2) Training Course Requirements.

- (a) Training requirements for new Governing Body members with less than one (1) year of continuous service as part of the current Governing Body and members of newly approved charter school Governing Bodies ("New Board Members").
1. Training Hour Requirements. New Board Members shall, at a minimum, complete six (6) hours of training within twelve (12) months of joining the Governing Body.
 - i. Governing Body members with a break in service of more than one (1) year within the same Governing Body or new members of a Governing Body shall be considered New Board Members for training purposes.
 2. Training Course Content. New Board Members shall, at a minimum, receive training on the following topics:
 - i. Overview of responsibilities of non-profit governance, including but not limited to financial oversight and evaluation of school leadership.
 - ii. State laws and rules governing charter school operations, including student discipline and student discipline due process requirements, and requirements to comply with federal laws including, but not limited to the Individuals with Disabilities Education Act ("IDEA"), the Federal Educational Rights and Privacy Act ("FERPA"), and Section 504 of the Rehabilitation Act of 1973.
 - iii. Tennessee Open Meetings and Open Records requirements.
 - iv. Conflict of interest and ethics.
 3. New Board Members may establish compliance through the completion of one (1) six (6) hour training course, or through the completion of multiple training courses combined to reach the six (6) hour minimum.
 4. New Board Members shall provide evidence of completion of the required training to the authorizer within twelve (12) months of joining the board.
- (b) Training Requirements for experienced Governing Body members with one (1) or more years of continuous Governing Body service as part of a specific school's Governing Body ("Experienced Board Members").

(Rule 0520-14-01-.07, continued)

1. Training Hour Requirements. Experienced Board Members shall, at a minimum, complete four (4) hours of training each year.
 2. Training Course Content. Experienced Board Members may select any course(s) certified by the TCSC and approved by the State Board.
 3. Experienced Board Members may establish compliance through the completion of one (1) four (4) hour training course, or through the completion of multiple training courses combined to reach the four (4) hour minimum.
 4. Experienced Board Members shall provide evidence of completion of the required training to the authorizer by November 15 each year.
- (c) Charter school authorizers shall monitor charter Governing Body compliance with these Rules.

Authority: T.C.A § 49-13-111; Acts 2019, Ch. 219. **Administrative History:**

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Nick Darnell	X				
Mike Edwards	X				
Bob Eby	X				
Gordon Ferguson	X				
Elissa Kim	X				
Lillian Hartgrove	X				
Nate Morrow	X				
Darrell Cobbins	X				
Larry Jensen	X				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the TN State Board of Education (board/commission/ other authority) on 02/07/2020 (mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 10/7/2019

Rulemaking Hearing(s) Conducted on: (add more dates) 12/5/2019

Date: 3/13/20

Signature: [Handwritten Signature]

Name of Officer: Angie Sanders

Title of Officer: General Counsel



Subscribed and sworn to before me on: 3-13-20

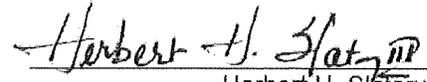
Notary Public Signature: [Handwritten Signature]

My commission expires on: 3-8-21

Agency/Board/Commission: TN State Board of Education

Rule Chapter Number(s): 0520-14-01-.07

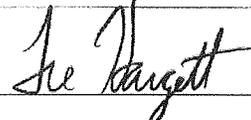
All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.


Herbert H. Slatery III
Attorney General and Reporter
3/25/2020
Date

Department of State Use Only

Filed with the Department of State on: 3/26/2020

Effective on: 6/24/2020


Tre Hargett
Secretary of State

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PUBLICATIONS

G.O.C. STAFF RULE ABSTRACT

AGENCY: Education

SUBJECT: Occupational Educator Scholarship Program

STATUTORY AUTHORITY: Tennessee Code Annotated, Section 49-11-102

EFFECTIVE DATES: June 24, 2020 through June 30, 2021

FISCAL IMPACT: Subject to funding from the Tennessee Department of Education

STAFF RULE ABSTRACT: Chapter 204 of the Public Acts of 2019 established an Occupational Educator Scholarship Program for prospective educators seeking a Tennessee occupational teaching license. These rulemaking hearing rules set forth the requirements for obtaining and maintain the scholarship, repayment terms, and the amount of the scholarship. The rulemaking hearing rules provide a scholarship for the cost of the educator preparation program for prospective educators who agree to teach for four (4) years in an occupational CTE course.

Public Hearing Comments

One copy of a document that satisfies T.C.A. § 4-5-222 must accompany the filing.

RESPONSE TO COMMENTS AT RULEMAKING HEARING

The Tennessee State Board of Education held a public rulemaking hearing on Rule 0520-02-05 on December 20, 2019, in the Davy Crockett Tower, 500 James Robertson Parkway, Nashville, Tennessee 37243. No comments were offered.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

This rule does not affect small businesses.

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://publications.tnsosfiles.com/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

This rule does not have a financial 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;

Chapter 204 of the Public Acts of 2019 established an Occupational Educator Scholarship Program for prospective educators seeking a Tennessee occupational teaching license. These rules set forth the requirements for obtaining and maintain the scholarship, repayment terms, and the amount of the scholarship. The rules provide a scholarship for the cost of the educator preparation program for prospective educators who agree to teach for four (4) years in an occupational CTE course.

- (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;

Chapter 204 of the Public Acts of 2019 established an Occupational Educator Scholarship Program
T.C.A. § 49-11-102 gives the State Board of Education rulemaking authority for the administration and management of the Occupational Educator Scholarship Program.

- (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;

The Tennessee Department of Education and State Board of Education are directly affected by this rule and both urge adoption. The State Board did not receive any feedback from Tennessee Educator Preparation Providers or Local Education Agencies urging adoption or rejection of this rule.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate 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;

Subject to funding from the Tennessee Department of Education.

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

Angie Sanders
Angela.C.Sanders@tn.gov

Nathan James
Nathan.James@tn.gov

Jay Klein
Jay.Klein@tn.gov

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

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(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.

N/A

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Sequence
Number: 03-21-20
Rule ID(s): 9325
File Date: 3/26/2020
Effective Date: 6/24/2020

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205)

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission: State Board of Education
Division:
Contact Person: Angie Sanders
Address: 5th Floor, Davy Crockett Tower, 500 James Robertson Parkway,
Nashville, TN
Zip: 37243
Phone: 615-253-5707
Email: Angela.C.Sanders@tn.gov

Revision Type (check all that apply):

Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that ALL new rule and repealed rule numbers are listed in the chart below. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0520-02-05	Occupational Educator Scholarship Program
Rule Number	Rule Title
0520-02-05-.01	Purpose
0520-02-05-.02	Definitions
0520-02-05-.03	Eligibility
0520-02-05-.04	Application and Selection
0520-02-05-.05	Terms of Scholarship

RULES
OF
STATE BOARD OF EDUCATION
CHAPTER 0520-02-05
OCCUPATIONAL EDUCATOR SCHOLARSHIP PROGRAM

TABLE OF CONTENTS

<u>0520-02-05-.01</u>	<u>Purpose</u>	<u>0520-02-05-.04</u>	<u>Application and Selection</u>
<u>0520-02-05-.02</u>	<u>Definitions</u>	<u>0520-02-05-.05</u>	<u>Terms of Scholarship</u>
<u>0520-02-05-.03</u>	<u>Eligibility</u>		

0520-02-05-.01 PURPOSE.

The purpose of these rules is to effectuate the Occupational Educator Scholarship Program ("the Program") as required by T.C.A. § 49-11-102. The program provides a scholarship for prospective educators seeking a Tennessee occupational teaching license.

Authority: T.C.A. § 49-1-302 and 49-11-102. **Administrative History:**

0520-02-05-.02 DEFINITIONS.

- (1) "Candidate" means an individual seeking a Tennessee occupational teaching license and enrolled in an eligible educator preparation program.
- (2) "Department" means the Tennessee Department of Education.
- (3) "Distressed rural county" means any county that qualifies as an "eligible county" under T.C.A. § 67-6-104(b)(3)(B).
- (4) "EPP" means an Tennessee educator preparation provider that is approved by the State Board of Education for the preparation of educators.
- (5) "Full-time teaching service" means a minimum of fifty percent (50%) of the recipient's weekly workload is devoted to teaching, exclusive of administrative, teaching assistance, after-school programs, counseling, or other assigned duties.
- (6) "Good standing" means a satisfactory standard of progress toward completion of an educator preparation program as defined by the EPP the recipient attends.
- (7) "Occupational teacher license" means an occupational teacher license, as defined by Rule 0520-02-03, that meets the qualifications to teach occupational career and technical education courses in a Tennessee public school.
- (8) "Rural community" means any community located outside of a major urban or suburban area, as defined by the Tennessee Department of Economic and Community Development.
- (9) "Tuition and mandatory fees" means those fees required for the enrollment or attendance of a student at an eligible institution that are charged to all students, and shall not include fees charged for books, supplies, or other fees, even if such fees are considered necessary for enrollment.

Authority: T.C.A. § 49-1-302 and 49-11-102. Administrative History:

0520-02-05-.03 ELIGIBILITY.

- (1) In order to be eligible for an occupational educator scholarship, the prospective educator must:
- (a) Be a Tennessee resident for one (1) year immediately preceding the date of application for a scholarship;
 - (b) Submit to the Department an application for an occupational educator scholarship;
 - (c) Be admitted to an EPP;
 - (d) Agree to teach occupational career and technical education courses in a Tennessee public school for a minimum of four (4) consecutive academic years, unless prevented by an extraordinary circumstance approved by the Department; and
 - (e) Sign a promissory note agreeing to repay the scholarship according to a repayment schedule if the prospective educator does not fulfill the four (4) consecutive academic years of teaching required under (d), unless it is impossible for the prospective educator to fulfill the requirements of (d) because of the prospective educator's death or permanent disability under the standards established by T.C.A. Title 8 Chapter 36, Part 5, for determining disability for members of, the Tennessee Consolidated Retirement System, or for other extraordinary circumstance approved by the Department.

Authority: T.C.A. § 49-1-302 and 49-11-102. Administrative History:

0520-02-05-.04 APPLICATION AND SELECTION.

- (1) To be eligible to receive an occupational educator scholarship, eligible individuals must submit an application to the Department that includes:
- (a) Verification of enrollment in an EPP;
 - (b) Verification of employment in a Tennessee public school or a letter of intent to hire from a Tennessee director of schools or public charter school leader; and
 - (c) A signed statement of intent to teach at least four (4) years in a Tennessee public school in an occupational career and technical education course.
- (2) Preference for the scholarship program shall be as follows:
- (a) First priority shall be given to applicants from rural communities or applicants who are seeking employment in a rural community with additional priority for employment in a distressed, rural county.
 - (b) Second priority shall be given to applicants seeking endorsement in occupational subject areas that are in-demand as determined by the Department.

- (c) All other eligible individuals.

Authority: T.C.A. § 49-1-302 and 49-11-102. Administrative History:

0520-02-05-.05 TERMS OF THE SCHOLARSHIP.

- (1) Each recipient shall remain in good standing with the education preparation provider during the time of enrollment in order to continue to receive funding.
- (2) Each recipient shall maintain an active and valid occupational teaching license for the required four (4) years of -employment.
- (3) A recipient shall not accept any other financial assistance that carries with it a conflicting service obligation after graduation or program completion.
- (4) The total amount of a scholarship shall not exceed the full cost of tuition and mandatory fees at the public Tennessee EPP with the highest cost or the actual tuition and mandatory fees of the EPP where the recipient is enrolled, whichever is less.
- (5) Funds shall be disbursed by the Department directly to the EPP on behalf of the recipient. No funds shall be disbursed directly to scholarship recipients.
- (6) The award may be transferred from one (1) EPP to another provided it the transfer is approved by the Department.
- (7) Repayment
 - (a) If the recipient is determined to have received the scholarship based on inaccurate application information, the full amount of the scholarship received shall become due immediately to the Department.
 - (b) The scholarship must be repaid should the recipient fail to complete the educator preparation program or fail to honor the terms and conditions of the scholarship agreement. Repayment for recipients shall begin on the first day of the month following notification to the recipient from the EPP of failure to complete the funded program or notification of failure to honor the terms and conditions of the scholarship agreement.
 - (c) For each consecutive academic year of teaching, the recipient shall receive a credit of twenty-five percent (25%) of the scholarship amount. This credit shall not begin until the recipient completes the EPP for which the scholarship was provided.
 - (d) Repayment may be made in whole or in monthly installments over a period of not more than four (4) years from the date of notification to the recipient of failure to complete the program or notification of failure to honor the terms and conditions of the scholarship.
 - (c) Pursuant to T.C.A. § 49-4-404, the Attorney General assumes the legal responsibility for enforcing the collection of any such indebtedness against the recipient.

- (d) If a borrower issues a check, draft, warrant, or electronic funds transfer which is subsequently returned to the Department of Education for reason of insufficient funds, a stop payment order by the issuer, or any other reason, it will be considered non-payment.

Authority: T.C.A. § 49-1-302 and 49-11-102. **Administrative History:**

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Nick Darnell	X				
Mike Edwards	X				
Bob Eby	X				
Gordon Ferguson	X				
Elissa Kim	X				
Lillian Hartgrove	X				
Nate Morrow	X				
Darrell Cobbins	X				
Larry Jensen	X				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the TN State Board of Education (board/commission/ other authority) on 02/07/2020 (mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 10/29/2019

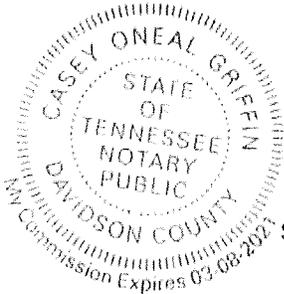
Rulemaking Hearing(s) Conducted on: (add more dates). 12/20/2019

Date: 3/13/20

Signature: [Handwritten Signature]

Name of Officer: Angie Sanders

Title of Officer: General Counsel



Subscribed and sworn to before me on: 3-13-20

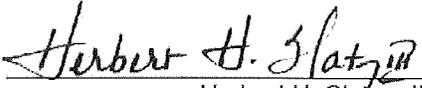
Notary Public Signature: [Handwritten Signature]

My commission expires on: 3-8-21

Agency/Board/Commission: TN State Board of Education

Rule Chapter Number(s): 0520-02-05

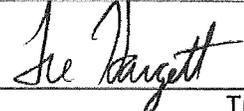
All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.


Herbert H. Slatery III
Attorney General and Reporter
3/25/2020
Date

Department of State Use Only

Filed with the Department of State on: 3/26/2020

Effective on: 6/24/2020


Tre Hargett
Secretary of State

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PUBLICATIONS

G.O.C. STAFF RULE ABSTRACT

AGENCY: Education

SUBJECT: Pupil Transportation

STATUTORY AUTHORITY: Tennessee Code Annotated, Sections 49-6-2109 and 49-6-2102

EFFECTIVE DATES: June 24, 2020 through June 30, 2021

FISCAL IMPACT: None

STAFF RULE ABSTRACT: The proposed rule outlines the requirements for the operation of and minimum standards for school buses. This revision removes the current restriction on location of commercial advertising on school buses and lettering and background color for advertising on school buses to align with T.C.A. § 49-6-2109, which allows for color lettering and background colors and for advertising to appear on the interior and exterior of school buses.

Additionally, the Minimum Standards for School Buses language has been updated to clarify restrictions on the use of van-type equipment.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

This rule does not affect small business.

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://publications.tnsosfiles.com/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

This rule does not have any financial 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 Pupil Transportation Rule outlines the requirements for the operation of and minimum standards for school buses. This revision removes the current restriction on location of commercial advertising on school buses and lettering and background color for advertising on school buses to align with T.C.A. § 49-6-2109, which allows for color lettering and background colors and for advertising to appear on the interior and exterior of school buses.

Additionally, the Minimum Standards for School Buses language has been updated to clarify restrictions on the use of van-type equipment.

- (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. § 49-6-2109 regulates advertising on school buses.

T.C.A. § 49-6-2102 gives the state board of education authority to promulgate rules governing school transportation.

- (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;

The Tennessee Department of Education is directly affected by this rule and urges adoption. Local Education Agencies and charter schools are also affected and the State Board of Education has not received feedback urging adoption or rejection of the rules.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate 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;

This rule has no financial impact.

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

Angie Sanders
Angela.C.Sanders@tn.gov

Nathan James
Nathan.James@tn.gov

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

N/A

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Sequence Number: 03-22-20
Rule ID(s): 9326
File Date: 3/26/2020
Effective Date: 6/24/2020

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to Tenn. Code Ann. §§ 4-5-202, 4-5-207, and 4-5-229 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 ninety (90) days of 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 ten (10) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of ten (10) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission: State Board of Education
Division:
Contact Person: Angie Sanders
Address: 5th Floor, Davy Crockett Tower, 500 James Robertson Parkway,
Nashville, TN
Zip: 37243
Phone: 615-253-5707
Email: Angela.C.Sanders@tn.gov

Revision Type (check all that apply):

Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that ALL new rule and repealed rule numbers are listed in the chart below. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0520-01-05	Pupil Transportation
Rule Number	Rule Title
0520-01-05-.01	Operation of School Buses
0520-01-05-.02	Minimum Standards for School Buses

RULES
OF
THE STATE BOARD OF EDUCATION

CHAPTER 0520-01-05
PUPIL TRANSPORTATION

0520-01-05-.01 OPERATION OF SCHOOL BUSES.

- (1) Records and Reports - The director of schools shall keep records of transportation costs and the number of pupils transported on a monthly basis, and make such reports as required by the Commissioner of Education.
- (2) ~~Liability Insurance (T.C.A. § 49-6-2111).~~
- (2) Pursuant to T.C.A. § 49-6-2111, no school bus shall be operated to transport pupils to and from school unless the school bus is insured for liability and property damage. Minimum liability and property damage coverage shall be not less than the amount specified in the table below:

Coverage Type	Coverage Amount
Limit for bodily injuries to, or death of, one (1) person	\$100,000
Limit of bodily injuries to, or death of, all persons injured or killed in one (1) accident (subject to a maximum of \$100,000 for bodily injuries to, or death of, one (1) person)	\$300,000
Limit for loss or damage in any accident to property of others (including occupants)	\$50,000

Kind of equipment passenger death of, one (seating capacity)	Limit for bodily injuries to, or person	Limit of bodily injuries to, or death of, all persons injured or killed in one accident (subject (including occupants)	Limit for loss or to, or death of, all accident to property of others to maximum of	Limit for loss or damage in any equipment
All Capacities	\$100,000	\$300,000	\$50,000	\$50,000

In the event that the local board of education (or the governmental entity with liability under the Governmental Tort Liability Act of 1973, as amended, T.C.A. §§ 29-20-101 et seq.) is unable to purchase insurance to cover its obligations hereunder except through an assigned risk pool, then the limits of liability in the three (3) preceding categories shall be \$20,000/\$40,000/\$10,000. If insurance is not purchased through an assigned risk pool or if the board of education or governmental entity elects to self-insure, then the greater limits above apply.

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(3) School bus accidents shall be reported to the Department of Education, in the following manner:

(a) Pupil injury and/or fatality accidents: By telephone within twenty-four (24) hours of the accident; by written report within ten (10) days on the Department- provided School Bus Accident Report Form.

(b) Property damage accidents: At the end of the school year on the Annual Pupil Transportation Report.

(4) The Commissioner of Safety shall annually inspect each school bus that has been in use for fifteen (15) years or less from the in-service date and that transports school children in order to determine whether it can be used safely to protect the lives of school children.

(5) Approved buses are identified as:

(a) Type C conventional buses with eighteen (18) years or less of service. After fifteen (15) years of service, year-to-year approval is required from the Commissioner of Safety.

(b) Type D transit buses with eighteen (18) or less years of service. After fifteen (15) years of service, year-to-year approval is required from the Commissioner of Safety.

(c) Type C and D buses with 200,000 miles or less of recorded travel and a maximum of eighteen (18) years in service.

(d) Type A buses with fifteen (15) years or less of service. If a Type A bus reaches the fifteenth (15th) year of service during a school year, the owner shall be allowed to operate the bus throughout the remainder of the school year. The owner shall immediately notify the department of safety when the bus reaches the fifteenth (15th) year, requiring discontinuance.

(e) Type B buses with fifteen (15) years or less of service.

(6) No bus purchased from an out-of-state entity that has been in use for more than fifteen (15) years from its in-service date may be in use unless it has been in service in this state for a minimum period of two (2) consecutive years.

(a) The two (2) year period of service shall start on the date of the first Department of Safety inspection.

(b) The two (2) year period of service shall equal twenty-four (24) months.

(7) Commercial advertising may be displayed on the exterior or interior of school buses as follows:

(a) Commercial advertising on the exterior of a school bus shall be permitted only on the rear quarter panels of the school bus; no more than two (2) advertisements per rear quarter panel shall be permitted.

1. The size of commercial advertising per quarter panel shall not exceed thirty-six (36") inches in height and ninety (90") inches in length, including any border or framing.

(f) ~~The commercial advertising shall consist of black lettering on a white background.~~

(b) Commercial advertising shall not include:

1. Tobacco or alcohol products,

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1.2. Political campaign advertising, or

2.3. Individual food items that cannot be sold to students through vending machines pursuant to T.C.A. § 49-6-2307.

(c) Commercial advertising shall not cover any structural or sheet metal damage or alteration.

(d) The local board of education shall adopt a policy to regulate commercial advertising on school buses. Such policy shall address the following minimum standards:

1. Cost of the commercial advertising.

2. Designation of the individual(s) with the authority to sell and approve commercial advertising.

3. Definition of appropriate commercial advertising.

4. Specification of how the advertising will be attached, if not painted on the school bus.

5. Issues relating to contracts with independent contractors.

(i) All contracts for commercial advertising must comply with local board of education policy.

(ii) Contracts with independent bus owners must indicate how the revenue from the commercial advertising will be allocated.

(8) The Department of Education shall report annually on school bus accidents to the State Board of Education and to the State Department of Safety, Pupil Transportation Division.

(9) A school bus shall not transport more students than the manufacturer's rated capacity. In order to allow for periods of adjustment, the Commissioner of Education may issue temporary permits of no more than thirty (30) school days in accordance with T.C.A. § 49-6-2110. When applying for a permit, the local board of education shall submit a plan stating how it will achieve compliance with the manufacturer's rated capacity. The Department of Education and the Department of Safety will work collaboratively to ensure that buses are brought into compliance.

Authority: T.C.A. §§ 49-1-302; 49-6-2101, et seq.; 49-6-2108; 49-6-2109; 49-6-2111; 55-7-106; and 55-8-151. **Administrative History:** Original rule certified June 10, 1974. Amendment filed July 15, 1976; effective August 15, 1976. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed October 15, 1979; effective January 8, 1980. Amendment filed November 3, 1981; effective March 16, 1982. Amendment filed June 4, 1982; effective July 19, 1982. Amendment filed January 10, 1984; effective April 15, 1984. Amendment filed June 27, 1984; effective July 27, 1984. Amendment filed May 28, 1986; effective June 27, 1986. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed April 27, 1998; effective August 28, 1998. Amendment filed November 18, 1999; effective March 30, 1999. Amendment filed December 19, 2002; effective April 30, 2003. Amendment filed May 19, 2005; effective September 28, 2005. Amendment filed May 26, 2015; effective August 24, 2015. Amendments filed March 14, 2018; effective June 12, 2018.

0520-01-05-.02 MINIMUM STANDARDS FOR SCHOOL BUSES.

(1) All school buses purchased by a county, local school system, or private contractor shall meet the Tennessee Minimum School Bus Standards approved by the State Board of Education and all applicable federal motor vehicle safety standards.

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June, 2018 (Revised)

- (a) ~~Use of a fifteen (15) passenger van, defined as a vehicle that seats ten to fourteen (10-14) passengers, not including the driver, to transport students, is prohibited.~~
- (b) ~~Van-type equipment, designed to transport no fewer than seven (7) nor more than nine (9) persons, not including the driver, may be used to transport students to and not more than ten (10) persons to and from interscholastic athletic or other interscholastic or school sponsored activities. Such van-type equipment may be owned and operated by the local education agency or public charter school or may be operated by or for the local education agency or public charter school under a rental or for hire arrangement entered into by the agency with respect to the specific activity in connection with which such transportation is to be furnished.~~
1. ~~Any van-type equipment designed to transport not fewer than seven (7) nor more than ten (10) persons that is owned or rented by the school system and used to transport students must be in apparent safe operating condition insured to comport to the minimum requirements of T.C.A. §§ 29-20-101 et seq., and driven by a properly licensed employee of the school system or public charter school.~~
 2. ~~Any van-type equipment designed to transport not fewer than seven (7) nor more than ten (10) persons operated for the local education agency under a for-hire arrangement (both van and driver are arranged) to transport students must be in apparent safe operating condition, insured to comport to the minimum requirements of T.C.A. §§ 29-20-101 et seq., and driven by a properly licensed driver.~~
 3. ~~Van-type equipment designed to transport eleven (11) or more persons that is either owned or rented by the school system or operated for the local education agency under a for-hire arrangement to transport students is prohibited.~~
- 4-2. ~~Notwithstanding any part of this rule to the contrary, any van-type equipment used by a local education agency or public charter school shall conform to all applicable Federal Motor Vehicle Safety Standards (FMVSS) if used for pupil transportation.~~
- (2) Vehicles constructed for transporting children with disabilities shall comply generally with the Tennessee Minimum School Bus Standards approved by the State Board of Education, but because of special equipment, appropriate modifications shall be made for children with disabilities.

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Authority: T.C.A. §§ 49-1-302; 49-6-2102; and 49-6-2115. **Administrative History:** Original rule certified June 10, 1974. Amendment filed July 15, 1976; effective August 16, 1976. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed January 9, 1979; effective February 23, 1979. Amendment filed April 14, 1980; effective May 28, 1980. Amendment filed November 13, 1981; effective March 16, 1982. Amendment filed September 28, 1982; effective December 15, 1982. Amendment filed April 15, 1983; effective May 16, 1983. Amendment filed May 28, 1986; effective June 27, 1986. Amendment filed January 15, 1987; effective April 29, 1987. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed May 28, 1999; effective September 28, 1999. Amendments filed March 14, 2018; effective June 12, 2018.

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Nick Darnell	X				
Mike Edwards	X				
Bob Eby	X				
Gordon Ferguson	X				
Elissa Kim	X				
Lillian Hartgrove	X				
Larry Jensen	X				
Darrell Cobbins	X				
Nate Morrow	X				

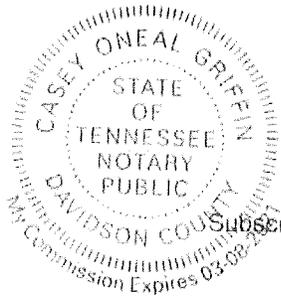
I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the TN State Board of Education on 02/07/2020 and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed 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 ninety (90) days of the filing of the proposed rule with the Secretary of State.

Date: 3/13/20

Signature: _____

Name of Officer: Angie Sanders

Title of Officer: General Counsel



Subscribed and sworn to before me on: _____

Notary Public Signature: _____

My commission expires on: _____

3-13-20

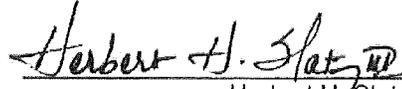
C. Griffin

3-8-21

Agency/Board/Commission: TN State Board of Education

Rule Chapter Number(s): 0520-01-05

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.

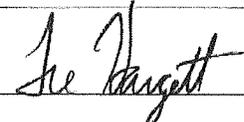


Herbert H. Slatery III
Attorney General and Reporter
3/25/2020 _____
Date

Department of State Use Only

Filed with the Department of State on: 3/26/2020

Effective on: 6/24/2020



Tre Hargett
Secretary of State

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